

# BRIGHTON PLANNING BOARD

June 21, 2023  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

## PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

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

KENNETH GORDON, ESQ.  
Town Attorney

ABSENT:

JULIE FORD

23 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,  
FORBES COURT REPORTING SERVICES, LLC  
24 21 Woodcrest Drive  
Batavia, NY 14020

1                   CHAIRPERSON PRICE: Good evening, everyone.  
2 I'd like to welcome you all to the June 21st meeting  
3 of the Town of Brighton Planning Board. In the  
4 unlikely event of an emergency tonight, you have doors  
5 behind you and a door to my right, your left.

6                   I'd like to ask the secretary to please call  
7 the roll.

8                   (Whereupon the roll was called.)

9                   MR. HAREMZA: Ford is absent.

10                  CHAIRPERSON PRICE: We are going to take a  
11 few minutes with our staff and board members to review  
12 tonight's agenda. This is not a public hearing, but  
13 you will probably hear the same things during your  
14 application.

15                  Jason, do we have everything -- is everybody  
16 a go tonight? Did anyone postpone?

17                  MR. HAREMZA: So we have the first item, 55  
18 Stonybrook Drive. The applicant has requested a  
19 postponement on that.

20                  57 Eldridge Avenue, the applicant is also  
21 requesting a postponement on that.

22                  And then finally, 125 Old Mill Road, that  
23 is -- and Mr. Gordon, correct me if I'm wrong -- but  
24 Historic Preservation Commission has requested a  
25 cultural resources survey on that property and

1 therefore has not made a decision whether to schedule  
2 a designation hearing.

3 CHAIRPERSON PRICE: Can I just ask who --  
4 quick, I saw that on the agenda. Who is hiring the  
5 consultant to do the cultural resources?

6 MR. GORDON: The Town is. The Historic  
7 Preservation Commission.

8 CHAIRPERSON PRICE: Okay. So it is  
9 independent.

10 MR. GORDON: Yes.

11 CHAIRPERSON PRICE: Thank you. Okay.

12 I'm sorry, Jason. What was the second one  
13 you said was postponed?

14 MR. HAREMZA: 57 Eldridge, 4P-NB1-23.

15 CHAIRPERSON PRICE: Okay. Thank you. So is  
16 there something that we're waiting for from Artim and  
17 Shalka for the first application?

18 MR. HAREMZA: The first item, 55 Stonybrook,  
19 the applicant has submitted a letter of map amendment  
20 to FEMA to see if they will be determined to not be in  
21 the floodplain. And so they are waiting on that.

22 And if that is granted to them, then I guess  
23 the application to the Town changes.

24 CHAIRPERSON PRICE: Isn't that actually an  
25 application to this Board?

1                   MR. HAREMZA: I believe it would be moved  
2 then.

3                   CHAIRPERSON PRICE: Okay.

4                   MR. HAREMZA: But it's kept on the agenda  
5 until we receive that.

6                   CHAIRPERSON PRICE: Okay. So then we have  
7 application 5P-03-23. This is Tasty Hut for Monroe  
8 Avenue.

9                   At the face of it, it's a little confusing.  
10 But they're withdrawing the drive-through component.

11                  MR. HAREMZA: Correct.

12                  CHAIRPERSON PRICE: Other than that, they'll  
13 kind of follow up to our last --

14                  MR. HAREMZA: Right. So the applicant  
15 responded to the -- it's the last month or two months  
16 ago -- the meeting and the discussion and had some  
17 follow-up meetings with staff and determined that the  
18 function of this is not actually a drive-through.

19                  And so the spaces in the rear are  
20 essentially curbside pickup stations. And so they  
21 have withdrawn that component of the application that  
22 is the drive-through application.

23                  So it is a typical, traditional sit-down  
24 restaurant with curbside pickup.

25                  MR. GORDON: To clarify, three of those

1 curbside pickup spaces are at the rear of the  
2 building. And so employees will still -- they will  
3 still be doing the addition to the rear of the  
4 building. And the employees would still be coming out  
5 the rear of the building to deliver pizzas to the cars  
6 parked at the rear of the building.

7 MR. HAREMZA: And just to correct the staff  
8 report that was sent yesterday, staff is recommending  
9 approval with conditions, not tabling. That is an  
10 error in the staff report.

11 But obviously, it's up to the Board to make  
12 whatever decision they so choose.

13 CHAIRPERSON PRICE: Okay. Questions? Guys  
14 are good? All right.

15 Faith Bible Church, this is the pavilion in  
16 back.

17 MR. HAREMZA: Very simple straightforward  
18 project. It's before the Board because the code  
19 requires accessory structures in nonresidential  
20 properties over 500 square feet go both to the  
21 Planning Board and Architectural Review Board. It's  
22 far from the road essentially.

23 CHAIRPERSON PRICE: Okay. Flaum Management  
24 TTEC as the lessee for a site plan modification to  
25 install a standby generator. Diesel is the fuel

1 rather than natural gas?

2 MR. HAREMZA: Yeah. That's the reason it's  
3 before the Board. I believe otherwise it would be  
4 code compliant. But the fuel source, the applicant  
5 has chosen diesel. So I think finding out the  
6 rationale behind that is a good question to discuss  
7 with the applicant.

8 CHAIRPERSON PRICE: Okay. Any questions  
9 about that, guys? All right.

10 Application of Carl Grasta for site plan  
11 modification, EPOD watercourse permit. I think it's  
12 not only watercourse but it is steep slope as well.

13 MR. HAREMZA: Correct. And that's primarily  
14 the reason that staff is recommending tabling this.

15 In reviewing the application, the town  
16 engineer determined through the criteria in the steep  
17 slope EPOD and based on the code that it is also a  
18 steep slope EPOD.

19 Because there's two EPODs, that elevates it  
20 to a Type I action under the Town's Type I list. And,  
21 you know, additional information is needed to review  
22 this.

23 There may also be variances needed for the  
24 size of the proposed cabana.

25 MR. GORDON: Yeah. We'll need a long form

1 EAF and we'll need to do a full environmental review  
2 at the staff level before we can make any  
3 recommendation to the Board.

4 CHAIRPERSON PRICE: Can you just speak  
5 briefly to how this application got segmented from the  
6 house?

7 MR. GORDON: Again, probably a good question  
8 to ask the developer of the project. We at staff  
9 level had the same concern that it could smack of  
10 segmentation.

11 And, you know, it's a project that came  
12 before this Board not too long ago without any pool.

13 CHAIRPERSON PRICE: And how this application  
14 gets made and the applicant didn't know they were  
15 going to do a pool.

16 MR. GORDON: I think that's a fair question  
17 to ask them.

18 CHAIRPERSON PRICE: Okay. But from a  
19 standpoint of impact to the EPODs, you need more  
20 information before you can --

21 MR. GORDON: Yeah. I believe that -- so  
22 this is a project that was reviewed by our outside  
23 consultant, engineer consultant, SWBR, Mike Guyon.  
24 And he noted that I believe this pool might actually  
25 be -- a portion of it within the steep slope is my

1                   recollection.

2                   So certainly within 50 feet of the top of  
3                   the slope. And I think a portion of it is actually in  
4                   it. So there's some concerns there and certainly more  
5                   information is needed.

6                   CHAIRPERSON PRICE: Okay. Any other  
7                   questions guys? You guys good?

8                   Okay application 1950-1966 Monroe Avenue  
9                   LLC. This is for final subdivision and final site  
10                  plan approval, conditional use permit approval and  
11                  demolition review for the Quickee's at Twelve  
12                  Corners.

13                  MR. HAREMZA: Just a quick note on that.  
14                  The proposal is for preliminary approval into the  
15                  final and do that all.

16                  The real two outstanding issues on this one  
17                  are, is the lighting of the canopy and the intensity  
18                  of that lighting level.

19                  And then the one comment from the County DOT  
20                  on northbound traffic leaving the site and exiting  
21                  onto Elmwood Avenue and turning left and potential  
22                  conflicts with the driveways and flow on Twelve  
23                  Corners across Elmwood Avenue.

24                  I understand the County -- the applicant may  
25                  have resolved that with the County. So I would

1 confirm that with them tonight.

2                   And then Mr. Gordon, did you want to add  
3 anything?

4                   Oh. So the staff wanted to give the Board  
5 all options. So there are two proposed options  
6 included, one recommending tabling; one recommending  
7 approval with conditions that address those two items.  
8 So that's for the Board to decide. Anything else?

9                   MR. GORDON: There was, as you recall, a  
10 discussion about the design feature that was going to  
11 go in the center of the hardscape. And you should  
12 have in your packets some renderings that update that.

13                  I will report to you as I've already  
14 reported to Bill Price in advance about convening a  
15 committee that -- you'll remember this is an incentive  
16 zoning project. And this, you know, hardscape area  
17 was a huge part of one of the amenities being offered.

18                  And in conversations with the Town  
19 Supervisor, he recommended that it might be best to  
20 have a community input process to design the feature  
21 located in this area because it is such an important  
22 corner in the Town. Not that that should hold up any  
23 kind of approval here in any way, but rather than  
24 going with that particular feature, making sure that  
25 it is something that is what the community wishes to

1 see at that corner in Town.

2 CHAIRPERSON PRICE: Okay. We'll discuss  
3 that.

4 Brings us to -- Westmarsh Properties is  
5 postponed. And we have the other application.

6 Quickle's is combined.

7 And then we talked about the Historic  
8 Preservation Commission cultural resources request  
9 already for Old Mill Road.

10 Okay. How many signs have we got tonight?

11 MR. HAREMZA: Three.

12 CHAIRPERSON PRICE: Three. Are there  
13 questions on the agenda? All right.

14 MR. HAREMZA: One housekeeping not regarding  
15 the Quickle's at Twelve Corners. The renderings in  
16 your packet are black and white. The ones online are  
17 in color. And we have some color copies over by  
18 Ms. Altman.

19 CHAIRPERSON PRICE: Okay. Thank you. All  
20 right. Let's turn to our regular agenda.

21 We had meeting minutes for April 19th.  
22 Would anyone like to make a motion to approve?

23 MR. OSOWSKI: That was last month.

24 CHAIRPERSON PRICE: April 19th.

25 MR. OSOWSKI: Yeah.

1 CHAIRPERSON PRICE: Okay.

2 MR. OSOWSKI: On May 14, we approved the  
3 April minutes.

4 CHAIRPERSON PRICE: All right. Okay. Then  
5 is there a motion to approve May?

6 MS. ALTMAN: Sure. I move to approve the  
7 May 17th meeting minutes.

8 CHAIRPERSON PRICE: Is there a second?

9 MR. FADER: I'll second.

10 CHAIRPERSON PRICE: Any further decision?  
11 Please call the roll.

12 (Ms. Altman, aye; Mr. Babcock-Stiner,  
13 abstain; Mr. Fader, aye; Mr. Grisewood, aye;  
14 Mr. Osowski, aye; Mr. Price, aye.)

15 (Upon the roll motion to approve minutes  
16 carries.)

17 CHAIRPERSON PRICE: Mr. Secretary, were the  
18 applications that are going to be heard tonight  
19 properly advertised?

20 MR. HAREMZA: They were advertised in the  
21 Daily Record of June 15th, 2023.

22 CHAIRPERSON PRICE: And the applications are  
23 also posted on the Town website?

24 MR. HAREMZA: They were posted yesterday  
25 evening.

1                   CHAIRPERSON PRICE: Thank you. The first  
2 application that you see on your agenda has been  
3 postponed at the applicant's request.

4                   The second application is 5P-03-23.

5 **Application 5P-03-23**

6                   **APPLICANT REQUESTED TO WITHDRAW**

7                   **DRIVE-THROUGH COMPONENT.** Application of James Smith,  
8 agent, and Tasty Hut LLC, owner, for Preliminary/Final  
9 Site Plan Approval and Conditional Use Permit Approval  
10 to construct a 252 +/- square foot building addition  
11 and operate a Pizza Hut Restaurant with drive-through  
12 service on property located at 1760 Monroe Avenue.  
13 All as described on application and plans on file.

14                   **TABLED AT THE MAY 17, 2023, MEETING - PUBLIC HEARING**

15                   **REMAINS OPEN**

16                   MR. BOYEA: Good evening again. For the  
17 record, I'm Chris Boyea with Bohler Engineering. And  
18 here with me tonight is Dave Smith with Tasty Brands.  
19 And just like last time, we fly in from far away.  
20 He's visiting us from North Carolina today. So he's  
21 happy to be here to answer any questions that the  
22 Board may have about the operations. Although, I  
23 think the team did a pretty good job last month with  
24 all those types of questions.

25                   Just a brief update as to where we've been

1 since our last meeting. This continues to be a  
2 reinvestment of a former Dunkin Donuts that's sitting  
3 vacant currently today. After the May 17th meeting,  
4 we talked about the curbside pickup and how -- this is  
5 actually going to be a sliding door, a TORMAX door.  
6 And they would actually physically come out of that  
7 door to serve the pizzas.

8                   And the only way that that works is that  
9 it's a call-ahead order or order online so that if  
10 anybody was to up, they can't place an order there  
11 like a traditional drive-through, and hence, the  
12 request for drive-through aspect of the project.

13                   We did talk with the Board and the Board  
14 seemed to be a little more comfortable once we were  
15 able to limit it so that there's some teeth to make  
16 sure that this doesn't get out of hand to three  
17 spaces. So there's three queuing spaces. And the  
18 plan has been revised to show those accurately, that  
19 those are the only queuing or stacking spaces that we  
20 anticipate to operate our pickup service or curbside.

21                   We talked about how the order system works  
22 and that there is no drive-through menu board or a  
23 speaker that would be agitating anybody in the public  
24 or around -- in the vicinity. It's all done via  
25 online.

1           We talked about how the car doesn't really  
2 pull up close to the building. It isn't within arm's  
3 reach and that there's a hatched area between the  
4 building and the car that allows for safe staging of  
5 employees when they exit through the door.

6           The Board asked us to take a look, and we  
7 have, and we've provided a comparison of traffic,  
8 compared to a coffee shop with no drive-through. And  
9 we went as far as to make us a high volume sit down  
10 with takeout. And it was a substantial decrease from  
11 previous conditions.

12           One easy way it was decreased was we have no  
13 morning a.m. peak traffic because we're not open in  
14 the mornings. So that's a very big benefit to the  
15 community as far as traffic and volume that's there.

16           The Board asked that we give some love to  
17 the trash enclosure as it has seen better days. And  
18 so we have noted that on the plan and have agreed and  
19 said that that would be corrected and improved.

20           The Board also asked that it would be nice  
21 if we can figure out a way to draw more attention to  
22 the pedestrian crosswalk that we are proposing. And  
23 so what we've decided to do is stencil that so it  
24 stands out from -- with a brick pattern so it stands  
25 out from the surrounding blacktop.

1                   And then finally, the Board asked, well,  
2 with all these other changes we've made, maybe we can  
3 add a little bit -- even more pedestrian amenity. And  
4 so we've provided a bike rack that has been placed out  
5 by -- close to the street in proximity to this  
6 crosswalk that we just talked about.

7                   So we've put a lot of effort, energy into  
8 this project over many months. It's obviously already  
9 been reviewed and approved by architecture. And so  
10 we're here tonight to further the discussion and to  
11 see if there's any other comments or questions or  
12 concerns the Board may have in hopes that we can get  
13 to an approval, which then would allow us the building  
14 permits and to continue forward with the project.

15                   CHAIRPERSON PRICE: Thank you. Okay. So  
16 you've kind of settled on the backside there. I want  
17 to get a little bit nitpicky with you at this point.

18                   Let's start on the left side of the  
19 building. The sidewalk on the left side of the  
20 building is five feet for maybe two parking spaces.  
21 Then it drops down to two and a half feet. But  
22 cars -- the front of cars overhanging, it's not a  
23 functioning sidewalk on the backside.

24                   Is the intent of that side -- are you going  
25 to rebuild that sidewalk on the side?

1                   MR. BOYEA: No. But if you're worried about  
2 the overhang of cars, we could put in two bollards on  
3 those parking spots to prevent the cars from  
4 overhanging.

5                   CHAIRPERSON PRICE: You say wheel stops on  
6 here already. And there is -- there appears to be  
7 adequate distance to back up. The distance between  
8 the parking spaces at the other plaza to your north, I  
9 guess, maybe to your west, that drive lane is wider  
10 than 24 feet. I think you can add enough sidewalk  
11 there to -- rather than it being different distances.

12                  The parking stalls or all the same. The  
13 striping ends at the same point. But it doesn't -- so  
14 some of them are longer than others. But people are  
15 still pulling right up to the front of the building.

16                  So whether it's a bollard or -- I'd like to  
17 have enough and a consistent width.

18                  MR. BOYEA: So the way we'd like to handle  
19 that is removing the wheel stops and placing a bollard  
20 to make sure that they don't infringe on that narrower  
21 sidewalk.

22                  And the reason for that is twofold. One,  
23 it's a congested area that's here. And the wheel  
24 stops for plowing is less money. You know, it'd cost  
25 us more to put the bollards in, but it would address

1 your concern.

2           And then two, instead of going back further  
3 another two or three feet with a sidewalk, making the  
4 sidewalk wider, our concern there is that we're asking  
5 people to do a 90-degree turn from behind the building  
6 out into this area so that, yes, it's 24 feet or so.

7           But we would prefer to spend the money on  
8 two bollards than we would on, you know, three  
9 additional feet of sidewalk. I really feel like  
10 that's a key component of this overall package of site  
11 is having some additional room to navigate that turn.

12           No?

13           CHAIRPERSON PRICE: I don't agree with that.

14           Based on the property line, what are you  
15 milling and resurfacing from the standpoint of the  
16 asphalt pavement that's out here?

17           MR. BOYEA: So only the areas that are beat  
18 up with potholes and/or cracks.

19           The rest of it is going to be cleaned,  
20 sealcoated and then striped.

21           CHAIRPERSON PRICE: Okay. So there are a  
22 lot of potholes in the driveway between you and your  
23 neighbor to the west. And those are within your  
24 property line. So in the conditions that those  
25 potholes will be fixed.

1                   MR. BOYEA: Okay.

2                   CHAIRPERSON PRICE: I'd like to see the  
3 landscaping in the current islands along the sidewalk  
4 completely restored. You have a dead tree in one of  
5 them. You have a leaning tree in another one. And  
6 clearly, nobody's taken care of it in a while.

7                   MR. BOYEA: Okay.

8                   CHAIRPERSON PRICE: The front of the  
9 building has -- I'm sure this is going to be taken  
10 care of, but I also want to state it. You have weeds  
11 coming out of virtually every joint between the  
12 sidewalk and the building on the front side.

13                  MR. BOYEA: Okay.

14                  CHAIRPERSON PRICE: And I personally -- I'm  
15 going to listen to the board members -- I do not like  
16 the stamped brick concept. I'd rather have a piano  
17 key crosswalk striping. It can still be painted, but  
18 piano key and not stenciling.

19                  You say you're replacing "in kind." This  
20 thing is pushed down to the ground. I don't know what  
21 "in kind" means. I would say at a minimum the width  
22 of the chain link fence and dumpster enclosure that's  
23 in between you and Sheffield's is the style of fence  
24 that we would ask that this mimic.

25                  Now, one of the tenants on the other -- in

1 the other property stores a grease trap on your  
2 property. What is the relationship that allows that  
3 to happen?

4 MR. BOYEA: I'm not aware of the  
5 relationship that allows that to happen.

6 CHAIRPERSON PRICE: Okay. Well, I don't  
7 know that there's been complaints about that grease  
8 trap, but it's on your property. I don't know that  
9 there's a better location for it. But that back  
10 corner is your property and that back corner is kind  
11 of a mess as well.

12 And what is your -- what is Tasty Huts'  
13 responsibility for maintenance of the parking spaces  
14 that are technically the angle parking behind you, but  
15 not on your property?

16 MR. BOYEA: So our responsibility for the  
17 landlord, because this is a lease site, is to maintain  
18 our property and parking spaces that's there.  
19 However, there's only two or three spaces there and  
20 our plow guy, according to the landlord, I think they  
21 just do it all of it there. I don't think that they  
22 are that petty to say we're going to leave those two  
23 spaces.

24 CHAIRPERSON PRICE: Well, I would just --  
25 are we talking about the same ones? The one back by

1 the fence --

2 MR. BOYEA: That's correct.

3 CHAIRPERSON PRICE: -- on the backside.

4 MR. BOYEA: Yes.

5 CHAIRPERSON PRICE: Okay. There's a slot  
6 drain back there that is completely clogged. Is that  
7 part of your drainage system for this project?

8 Because I can't even imagine that's working.

9 MR. BOYEA: Yeah. I'm not aware of any  
10 ponding or complaints. And I don't know where that  
11 slot drain goes and where it discharges or whether  
12 it's just the infiltration --

13 CHAIRPERSON PRICE: There's nothing to  
14 indicate that it's tied into anything.

15 MR. BOYEA: That's correct.

16 CHAIRPERSON PRICE: I don't know if it's  
17 just something --

18 MR. BOYEA: So we clean the leaves up, just  
19 like when we're cleaning up the leaves and everything  
20 else. And certainly, we'll restore it.

21 CHAIRPERSON PRICE: It would be interesting  
22 to flush it out and find out if it's working.

23 MR. BOYEA: Yeah.

24 CHAIRPERSON PRICE: Okay. I guess I'm still  
25 not sure why you can't make a five-foot-wide sidewalk

1 down the whole side and just -- if you're pulling  
2 those cars tight to the corner so the ones exiting  
3 can --

4 MR. BOYEA: The answer is we can. I'm  
5 telling you we could do a five-foot walkway. We  
6 prefer not to.

7 Doing a five foot-walk would be the most  
8 cost-effective approach for us. It's cheaper than  
9 wheel stops. It's cheaper than bollards. It's -- the  
10 most cost-effective idea is to do a five-foot walk.  
11 And if that's what the Board really wants, so be it.

12 We would really prefer to spend more money  
13 and put two bollards and keep it open. Either way can  
14 be done.

15 CHAIRPERSON PRICE: I believe everybody's  
16 got to be moving slow. Nobody's driving quickly.  
17 Everybody's either backing up or driving slowly from a  
18 parking spot.

19 So it's not like somebody exiting with their  
20 pizza is going to, you know, whip around and whack  
21 into somebody. I don't know how others feel about  
22 that.

23 MR. OSOWSKI: I've seen those two-foot-wide  
24 sidewalks and it seems really goofy.

25 CHAIRPERSON PRICE: Pete, any thoughts on

1 that?

2 MR. GRISEWOOD: I don't have anything  
3 further to add.

4 CHAIRPERSON PRICE: Okay. Anything else?  
5 All right.

6 And just for my -- what are you doing --  
7 what is the architectural treatment on the back of the  
8 building? Is it just clean it and paint it? Or is  
9 there a new material that addition is going to be that  
10 you're putting on it?

11 MR. BOYEA: It's going to match the  
12 architectural colors.

13 So you can see there's brick on the building  
14 that's there; right? And then the tower, it's this  
15 brown color that's here. And so this brown color will  
16 be what's applied to the back so it ties in.

17 CHAIRPERSON PRICE: It's applied to --

18 MR. BOYEA: It will be that brown color.

19 CHAIRPERSON PRICE: Then the new addition --  
20 is the new addition brick?

21 MR. BOYEA: No. It will be the brown color  
22 that's there.

23 CHAIRPERSON PRICE: Just the color.

24 MR. BOYEA: To match that tower element  
25 that's there.

1                   CHAIRPERSON PRICE: What are you building  
2 the addition on? What's the wall?

3                   MR. BOYEA: I believe it's a wood-framed  
4 addition. And then it's going to have this siding,  
5 which is probably tough to see from there. I'll just  
6 bring this up. We can see the brown color, more of a  
7 siding.

8                   CHAIRPERSON PRICE: Okay. Thank you. Other  
9 questions?

10                  MR. OSOWSKI: I have a couple questions. On  
11 the west side of the area where we're talking about,  
12 the two-foot-wide sidewalk over the five feet, site  
13 plan C301 shows a couple of spots with a sign that  
14 says curbside pickup. So you would have five curbside  
15 pickup spots. I just want to make sure I got that  
16 correct.

17                  MR. BOYEA: Yeah. That's correct. That was  
18 done at the Board's request at the last meeting.  
19 There was some questions about -- we think -- or the  
20 Board thought or a few members of the Board thought  
21 that we should also designate a few spots in case  
22 someone was there early and needed to pull ahead  
23 because they showed up early ahead of their time slot  
24 instead of not being prepared for them.

25                  So we designated just those two spaces.

1                   MR. OSOWSKI: Okay. Thank you.

2                   MR. BOYEA: We tried to cover every comment  
3 that was provided.

4                   CHAIRPERSON PRICE: Questions or comments?

5                   MR. GORDON: Just picking on what  
6 Mr. Osowski said. So you have a proposed curbside  
7 pickup sign with a bollard on the space or spaces at  
8 the front of the property.

9                   What signage are you planning for the rear  
10 curbside pickup spaces?

11                  MR. BOYEA: There is painting on the ground  
12 for a directional that says Hut Lane I believe. But  
13 it's not a sign. It's just on the -- it's a pavement  
14 marking that would designate that.

15                  MR. GORDON: Would your client be willing to  
16 putting either post signs or building signs indicating  
17 that those three spaces behind are for curbside pickup  
18 exclusively?

19                  MR. BOYEA: Sure. Sure.

20                  MR. GORDON: One of the staff requests was  
21 to show all of the easements on the site. And I see  
22 that that has predominantly been done.

23                  However, Mr. Price was asking you about the  
24 six spots at the rear of the lot that are just off the  
25 property line. And I believe that those are part of

1 what is an existing business improvement district.  
2 And you have indicated that perhaps the plowing  
3 contractor would be maintaining that area or at least  
4 keeping it free of snow and ice.

5 I would just suggest -- and that's all I'm  
6 making, a suggestion here -- that you and your client  
7 review the business improvement district boundaries,  
8 the business improvement district terms, what's  
9 supposed to be covered and how those costs are  
10 supposed to be shared among the three property owners.

11 I understand you're just a tenant. But  
12 still, I think it's important -- and it's probably  
13 important for your client Pizza Hut to understand what  
14 they're being asked to maintain. Are they being asked  
15 to maintain the property owner's share of that  
16 business improvement district and pay whatever repair  
17 costs there are? Because there will be some I can  
18 tell you because the pavement back there and extending  
19 out to Glen Ellyn -- because the business improvement  
20 district goes all the way out to Glen Ellyn -- is in  
21 pretty rough shape.

22 MR. BOYEA: We'll take a look at it.

23 MR. GORDON: Appreciate it.

24 Go ahead, Jason.

25 MR. HAREMZA: Nothing further.

1                   CHAIRPERSON PRICE: Everybody set? Chris,  
2 thank you.

3                   MR. BOYEA: Thank you.

4                   CHAIRPERSON PRICE: This is a public  
5 hearing. Is there anyone in the audience that cares  
6 to address this application? Thank you.

7                   MR. MILLER: My name is Michael Miller. I'm  
8 part owner of the shopping plaza directly adjoining  
9 the applicant's property. Our plaza is the one  
10 containing the Brighton convenience market and Chen  
11 Gardens, among other businesses.

12                  We are here tonight to strongly object to  
13 the drive-in -- drive-by pick up because the pollution  
14 problems it would incur because of the backup onto  
15 Monroe Avenue that is sure to occur and because we're  
16 afraid that customers would use the back part of our  
17 property to cross over into Glen Ellyn Way and exit  
18 that way and thus avoiding two-traffic lights.

19                  We're very pleased that the applicant has  
20 withdrawn the drive-by portion of the application.  
21 And the only thing I can foresee as a major problem is  
22 parking.

23                  Now, as I understand it, there's going to be  
24 two pickup curbside parking spots. This would bring  
25 down the total of parking spots from 20 to 18. The

1 restaurant itself will contain -- will be built to  
2 contain 40 customers.

3 The parking situation, if you've been out  
4 there to observe it, is terrible right now. It's a  
5 horrific nightmare. And I can further see  
6 complications coming from this applicant's proposal.

7 The parking is going to be a major, major  
8 problem for both the Sheffield Grill property and the  
9 Chen Gardens property. We see this overflow going  
10 into our property and perhaps creating a great traffic  
11 hazard. I hope the Board will consider those matters  
12 before granting approval. Thank you.

13 CHAIRPERSON PRICE: Thank you. Is there  
14 anyone else that cares to address this application?  
15 Okay. Thank you.

16 MR. BOYEA: Would it be okay if I addressed  
17 those comments or no?

18 CHAIRPERSON PRICE: No.

19 MR. BOYEA: No. Okay. Thank you.

20 CHAIRPERSON PRICE: Okay. Next application  
21 is 6P-01-23.

22 **Application 6P-01-23**

23 Application of Faith Bible Church, owner,  
24 for Site Plan Modification to construct a 1200 +/-  
25 square foot open pavilion on property located at 1095

1       East Henrietta Road. All as described on application  
2       and plans on file.

3                    MR. DYJAK: Good evening. I'm Bob Dyjak.  
4        I'm the treasurer there. And I'm accompanied by the  
5        pastor of the church, Bob Brado, and our structural  
6        engineer, John Collins.

7                    And simply put, you know, Jason mentioned  
8        it's a pretty straightforward 30 by 40 pavilion that  
9        we're building about a thousand foot from East  
10      Henrietta Road. You can't see it from the road.

11                  So it's really pretty self-explanatory. I  
12      guess I would be open to whatever questions you might  
13      have about it.

14                  CHAIRPERSON PRICE: I don't really have any.  
15      Are you going to put -- what's going to be under it?  
16      Concrete --

17                  MR. DYJAK: It'll be a concrete -- yes.

18                  CHAIRPERSON PRICE: Walkways? It seems like  
19      it's a few feet off your parking. Like just a  
20      concrete walk to get to it?

21                  MR. DYJAK: Right. Yeah. Yeah.

22                  CHAIRPERSON PRICE: And then just finish  
23      the -- redo the lawn around it once you excavate it.

24                  MR. DYJAK: Yup. Absolutely.

25                  CHAIRPERSON PRICE: Any lighting or -- are

1 you going to run electric out there?

2 MR. DYJAK: No. There's no plan to do that.

3 MR. BRADO: We have no plan at this point.

4 I don't know what the future holds with that.

5 MR. OSOWSKI: One question. The steel poles  
6 for the pavilion, are they -- plan to be hot-dip  
7 galvanized or just painted metal?

8 MR. BRADO: It'll just be painted metal.

9 MR. DYJAK: They do have a wrap around them,  
10 a protective wrap. It wouldn't be just the exposed  
11 steel.

12 MR. OSOWSKI: From my experience, metal  
13 railings, metal posts that are outside and painted, in  
14 five years time they are a rusty mess. So just for  
15 your own benefit, you may want to --

16 MR. BRADO: Appreciate that. If you were to  
17 drive up on our property, you would see that we take  
18 very good care of it. Things like that are an eyesore  
19 to me. I have a little OCD. So that will be taken  
20 care of.

21 MR. OSOWSKI: Thank you very much.

22 CHAIRPERSON PRICE: Anything else? Peter?

23 MR. GRISEWOOD: No.

24 MR. HAREMZA: One question, Bill. Bob and I  
25 have been to several meetings together. And I'm

1 trying to remember the Architectural Review Board.  
2 I'm sure they asked about gutters and downspouts. Are  
3 you proposing any? Or are you just going to drain  
4 off --

5 MR. DRYAD: We decided we didn't need to do  
6 that at the moment. I mean, if it turned out it was a  
7 problem for us, we certainly could add them later.

8 MR. HAREMZA: Thank you.

9 CHAIRPERSON PRICE: I don't see any more  
10 questions here. So thank you.

11 I'll just mention this is a public hearing.  
12 Is there anyone here that cares to address this  
13 application?

14 MR. DYJAK: Thank you very much.

15 **Application 6P-02-23**

16 Application of Flaum Management, owner, and  
17 TTEC, lessee, for Site Plan Modification to install a  
18 standby diesel emergency generator on property located  
19 at 2144 Brighton Henrietta Town Line Road. All as  
20 described on application and plans on file.

21 MR. BRACKER: I guess I'm ready. I always  
22 get nervous at these events. Hoped it'd be different  
23 tonight.

24 Anyways, my name is Ken Bracker. I'm the  
25 architect for TTEC. They are moving into the -- what

1 I would describe as the end section of the 2144  
2 building.

3 TTEC, what they are is a -- just one second.  
4 They are a BPO, which I did not know what that meant.  
5 That's a business processing outsourcing company.  
6 They're an extremely -- they're a large company. And  
7 what a business process outsourcing company does is  
8 when you have part of your business that you don't  
9 want to do yourself, they will handle it for you.

10 At this location they are working with New  
11 York State on the E-ZPass scenario. At this  
12 location -- I'm going through a little checklist --  
13 the envision having at most 20 people at any given  
14 time. There will be no visitors. It's just workers  
15 there.

16 Their hours of operation would be 7 to 7  
17 Monday through Friday. On Saturday they would be open  
18 from 9 to 2.

19 It's an existing site and you probably -- if  
20 you've ever been by there. It has 92 parking spaces  
21 associated with it.

22 Deliveries would just be typical for what an  
23 office has delivered, you know, paper, stuff like that  
24 occasionally showing up there, but no equipment of any  
25 sort.

1                   The trash they're going to generate is trash  
2 that's typically generated by a business use. They  
3 use no unusual solids or liquids.

4                   In addition, they will not have any special  
5 events, promotions, anything of that sort.

6                   So I've run through the nine items that I'm  
7 supposed to address.

8                   As part of having this facility and as part  
9 of their contract with New York State, they have to  
10 have a business continuity operation in place. And as  
11 part of that is that they need a generator.

12                  And I'm going to give you something here. I  
13 don't think I gave you this as part of the initial  
14 application. I don't think I printed enough for  
15 everyone, but maybe we'll see here. I'll keep one for  
16 myself. You can decide what you want to do with the  
17 rest.

18                  CHAIRPERSON PRICE: I appreciate everything  
19 you mentioned and it's good to get the background on  
20 it.

21                  I think we're actually just down to why  
22 they've chosen a diesel --

23                  MR. BRACKER: The reason they chose the  
24 diesel is they have numerous locations around the  
25 country. They found the diesel generator. They know

1 it. It's worked well for them.

2 Also a natural gas power generator would  
3 cost about \$20,000 more than a diesel generator. So  
4 that is the reason why they're doing that.

5 I'll state here when you look at the --  
6 maybe this doesn't matter. Maybe it does. But I  
7 think the way that section of your code is written,  
8 it's as if you're in a residential area. And maybe --  
9 but this -- you can see from this picture, we are  
10 so -- this is probably one of the most commercial  
11 areas in all of Brighton. So it's not going to impact  
12 anyone.

13 CHAIRPERSON PRICE: You're backed up to  
14 Metro Park. There's no residence.

15 APPLICANT: Right. So this is business --  
16 beyond business in terms of Brighton.

17 So they want to go for that reason, cost  
18 savings. And it's a product that they have in  
19 numerous locations. I've been fortunate enough to be  
20 architect for them at several of their locations. And  
21 what they try to do, the exact same thing everywhere.  
22 And when you have lots of stuff and you have one  
23 oddball, it creates a difficulty.

24 Obviously, you know, we want to be approved  
25 tonight because this is important to them to get them

1 operational. But I don't think a diesel generator  
2 would hurt anything in terms of this community.

3 CHAIRPERSON PRICE: This is for John and  
4 Jason. Does diesel change anything with the decibel  
5 levels?

6 MR. OSOWSKI: No.

7 MR. HAREMZA: I don't believe so. I was  
8 just looking at that part of the code.

9 It does not change decibel level. The  
10 presumption is because of code, mandates that they be  
11 with propane, natural gas, it doesn't address diesel.  
12 But the decibel level is the decibel level.

13 CHAIRPERSON PRICE: Do you have any concerns  
14 about this?

15 MR. OSOWSKI: The one thing that is  
16 different about the diesel generators as opposed to  
17 natural gas is that you have to have a fuel tank.

18 MR. BRACKER: Yes. There is a fuel tank.

19 MR. OSOWSKI: This is a 189-gallon or  
20 300-gallon? Because both of them are highlighted.

21 MR. BRACKER: I don't know that. I know we  
22 submitted a picture or two of it to Rick DiStefano.  
23 It's got like a big black tank underneath it. And I  
24 think it's -- I am going -- it's either -- it's good  
25 enough for either 12 or 24 hours of operation, which

1 is what they need to be able to continue operating for  
2 that time.

3 MR. OSOWSKI: Yeah. It's probably the 189  
4 gallon one.

5 And was -- it was an unusual-looking  
6 generator because the ones I'm used to seeing have  
7 what's called a belly tank where you have a big  
8 horizontal tank below the generator. And that one has  
9 a big vertical tank. So the generator is about eight  
10 feet up in the air, which was kind of unusual for me  
11 to see.

12 MR. BRACKER: I'm not -- I'm an architect.  
13 I'm not an expert on generators.

14 MR. OSOWSKI: I know that makes service to  
15 the generator -- having to work off a ladder. Maybe  
16 that's what they have elsewhere around the country.

17 MR. BRACKER: It's partially obscured too.  
18 Because if you do see that building, it's got all  
19 those little loading dock popups.

20 MR. OSOWSKI: I assume they're okay, they  
21 don't need to use the loading docks.

22 APPLICANT: No. That loading dock is just  
23 going to be used for paper product storage.

24 CHAIRPERSON PRICE: Other questions?

25 MR. GORDON: Can you just repeat what you

1 just said about the loading dock?

2 MR. BRACKER: Me?

3 MR. GORDON: Yeah.

4 MR. BRACKER: It's just going to be used for  
5 paper products. It's just a storage area.

6 MR. GORDON: Outdoor?

7 MR. BRACKER: No. This -- the building  
8 itself has these little triangular protrusions to it  
9 that have overhead doors. And rather than use it as a  
10 place to have trucks back up to, they're just going to  
11 just, you know, throw paper products in there.

12 Similar to what --

13 MR. GORDON: Didn't make sense to me that  
14 you were going to store paper products outside on the  
15 loading dock. That's what I thought I heard.

16 MR. BRACKER: I misspoke there. If I  
17 misspoke, I'm sorry.

18 MR. GORDON: That's fine.

19 CHAIRPERSON PRICE: Okay.

20 MR. BRACKER: I'd like to feel comfortable  
21 tonight whatever you do tonight that we do get  
22 approved because they're sort of depending on me to  
23 have this happen. I appreciate whatever you can do to  
24 approve this tonight.

25 CHAIRPERSON PRICE: I can't guarantee

1 anything.

2 MR. GORDON: Stick around for the  
3 discussion. They'll discuss it and make a decision  
4 tonight. You may or may not like it.

5 CHAIRPERSON PRICE: It won't take long. I  
6 shouldn't have said that. All right. Thanks, Ken.

7 Is there anyone that cares to address this  
8 application? Okay. Next application.

9 **Application 6P-03-23**

10 Application of Carl Grasta, owner, for Site  
11 Plan Modification and EPOD (watercourse) Permit  
12 approval to construct an in-ground swimming pool in  
13 conjunction with a new home (11P-01-22) on property  
14 located at 1 Knollwood Drive. All as described on  
15 application and plans on file.

16 CHAIRPERSON PRICE: Anyone here representing  
17 Mr. Grasta?

18 MR. GOLDMAN: I don't see -- I think he was  
19 here for your pre-meeting. And I think he may have  
20 thought that was the actual meeting. That was the  
21 impression I had.

22 CHAIRPERSON PRICE: All right. Well --

23 MR. HAREMZA: You should always stay to the  
24 end of the credits.

25 MR. GOLDMAN: Yeah. I know.

1                   MR. GORDON: There's a bunch of Marvel  
2 superheroes up here. Why wouldn't you stay?

3                   CHAIRPERSON PRICE: I think we will discuss  
4 it, but in the meantime, if anybody came out to  
5 address this application, this is for a pool addition  
6 to the home that did receive site plan approval. Is  
7 there anyone here? Okay.

8                   Let's move on to 6P-04-23.

9                   **Application 6P-04-23**

10                  Application of 1950-1966 Monroe Avenue, LLC,  
11 owner, for Final Subdivision Approval, Final Site Plan  
12 Approval, Final Conditional Use Permit Approval and  
13 Demolition Review and Approval to raze two commercial  
14 buildings, combine two lots into one, and construct a  
15 2,667 +/- square foot convenience store with gasoline  
16 sales under a 2,160 +/- square foot gas pump canopy,  
17 with extended hours of operation on property located  
18 at 1950 and 1966 Monroe Avenue. All as described on  
19 application and plans on file.

20                  **Application 4P-NB2-23**

21                  Application of 1950-1966 Monroe Avenue, LLC,  
22 owner, for Preliminary Subdivision Approval,  
23 Preliminary Site Plan Approval, Preliminary  
24 Conditional Use Permit Approval and Demolition Review  
25 and Approval to raze two commercial buildings, combine

1 two lots into one, and construct a 2,667 +/- square  
2 foot convenience store with gasoline sales under a  
3 2,160 +/- square foot gas pump canopy, with extended  
4 hours of operation on property located at 1950 and  
5 1966 Monroe Avenue. All as described on application  
6 and plans on file. **TABLED AT THE**

7 **APRIL 19, 2023 - PUBLIC HEARING REMAINS OPEN**

8 MR. GOLDMAN: Mr. Chairman, members of the  
9 Board, my name is Jerry Goldman. I am the attorney  
10 and agent for 1950-1966 Monroe Avenue LLC that's going  
11 to develop Quickle's on Twelve Corners.

12 The project needs no introduction to this  
13 Board. We've been here for close to two years in one  
14 form or another trying to refine this. And we think  
15 we have finally come to the refinement which is  
16 acceptable to all the boards of the Town as well as to  
17 the applicant.

18 With me tonight on the application is John  
19 Hotto as project engineer from LandTech. Lou  
20 Terragnoli took a look at the agenda and thought it  
21 was a little bit longer. He will be coming up  
22 momentarily. But I won't hold up the Board in the  
23 meantime.

24 We did receive the Planning Board report,  
25 which was very thorough as usual, very extensive, with

1 regard to the project. It appears that most of the  
2 questions have been answered. There were a number of  
3 questions that were highlighted from the engineering  
4 review. And I will walk through our responses to  
5 those.

6 Our objective this evening is to try to see  
7 if we can come out this evening with a conditional,  
8 preliminary and final approval and work out the  
9 engineering issues as they may stand with Mr. Guyon,  
10 with the Town to get them squared away.

11 The first comment is on page 2 of the SWBR  
12 report. And that deals with the need for us to take  
13 into account the fact that this will be a sprinklered  
14 building. We do acknowledge that it does require  
15 sprinklers. Mr. Hotto has contacted the water  
16 authority. There are eight-inch mains which run both  
17 on Monroe Avenue and Elmwood, which have sufficient  
18 pressure.

19 The issue that we will need to deal with  
20 ultimately is that when we get into the final design  
21 of the building, we will need to determine what size  
22 the laterals will be that come into the building to be  
23 able to provide sufficient water and water pressure to  
24 allow us to sprinkler the building.

25 Of course, also required as a part of any

1 sprinkler system or as part of anything of this sort  
2 is the backflow preventers. That will be located  
3 inside the building. So that is not going to be an  
4 additional structure which would be on the site.

5 To that extent, we will provide the  
6 calculations that Mr. Guyon is looking for. And we  
7 will be able to at that point determine exactly what  
8 is necessary from a final design point of view to  
9 accomplish the necessity to provide sprinklers and  
10 adequate water service to the site.

11 The second comment which was highlighted on  
12 page 3, and that deals with traffic impact and the  
13 roadways. There was some correspondence back and  
14 forth with Monroe County DOT. Brent Penwarden, who is  
15 retiring at the end of the month, was involved and  
16 John Raymond of his office was also involved.

17 In our experience the comment that they made  
18 is not unusual. It's not necessarily well-crafted,  
19 but not unusual in that when they have a circumstance  
20 that they are uncertain about, especially when it's  
21 near intersections, their normal response is to say  
22 that we're okay with going forward with the proposal  
23 for full access. However, if there is a problem, we  
24 will require an after-study and we want an agreement  
25 from the applicant that they will perform that

1 after-study and see whether there's any further  
2 mitigation, which would be required in order to  
3 address any perceived problems which may occur as part  
4 of operations.

5 To this point, you know, there's some  
6 discussion about whether to limit movements to  
7 right-in, right-out or whether to make some other  
8 changes. We think that that's premature based upon  
9 the County's response and review on this.

10 We will enter into that agreement. We will  
11 share that with the Town, obviously, and make sure  
12 that the Town is comfortable with the agreement that  
13 we sign on to with the County. I think at maximum  
14 what we would be talking about is limiting the  
15 left-turn outs from our site.

16 And I don't see a circumstance where we  
17 would be talking about limiting left turns in. Left  
18 turns in would create a difficult situation. It would  
19 force people who were traveling west on Elmwood to  
20 make a left on Monroe and make another left at this  
21 site on Monroe. And that would create more and  
22 different kinds of traffic issues.

23 So to that extent, this is a preventive  
24 comment. It's one that we have seen on numerous  
25 occasions. I have seen it when we developed a Sunoco

1 station on the corner of Culver and Ridge in the town  
2 of Irondequoit and that was a few years ago. And  
3 there turn out to be no need for an after-study in  
4 that particular case based upon the operations at that  
5 location.

6 The third comment, which was flagged from  
7 the engineering report, it's on page 4. And it deals  
8 with the location of the stabilized construction  
9 entrance requiring a drive over a six- to  
10 eight-foot-curb. We will avoid that and avoid the  
11 necessity for having that stabilized construction  
12 access and certainly not going over the curb.

13 The final -- not final. But the next  
14 comment is on page 5, which talked about a review of  
15 the storm sewer system plan on the site to be reviewed  
16 by the engineers. Given our current situation with  
17 storm sewer and storm sewers in the immediate area,  
18 this is, of course, a study which is important for the  
19 Town to have in their records, but one which we are  
20 confident that we will be able to address anything  
21 which is necessary on that. So we think that's  
22 appropriate for a condition of approval.

23 The next comment was the Elmwood Avenue  
24 driveway, grading it to reduce the slope of the  
25 entrance drive. Again, we can comply with that

1 without any problem.

2                   The next one, and maybe the last one if I'm  
3 not mistaken, is on page 6 of the SWBR report and it  
4 deals with the lighting plan. And on the lighting  
5 plan -- the plan which was before the Board was in the  
6 preliminary set. You may have remembered, it's page 6  
7 of the preliminary set.

8                   As part of final, we didn't have a revised  
9 plan, but we did make revisions relative to the  
10 lighting.

11                  And John, I think you have -- you have it on  
12 the board.

13                  MR. HOTTO: It is a little light. It has  
14 been modified.

15                  MR. GOLDMAN: It has been modified to the  
16 maximum amount of foot-candles that we have underneath  
17 is 10 now, instead of the one magnitude of 60. So we  
18 are more than glad -- our construction will be much  
19 better than that; okay?

20                  But at the end of the day, we intend to have  
21 a circumstance in lighting which will be more than  
22 acceptable to the Town and certainly we'll provide all  
23 of the documentation to support that and would  
24 expect -- of course, we would need the signoff the  
25 engineering department and the consulting engineer

1 before we get to the point of building permit.

2 I think that that was it. So for the most  
3 part, we think that we are in good shape to deal with  
4 the Board's review at this stage.

5 There's one point which was made to me and,  
6 you know, I think that we wanted to have as much input  
7 as possible from the Board. That's what we have to  
8 offer. We want to keep things moving. I think this  
9 meeting has been good as far as pacing is concerned so  
10 far. And I don't want to be the one to ruin that.

11 So with that, I'm sure there may be some  
12 questions and we're more than glad to respond to them.

13 CHAIRPERSON PRICE: All right. Thank you,  
14 Jerry.

15 John, that's a foot-candle plot?

16 MR. HOTTO: Yes. This is the updated  
17 foot-candles under the canopy. Like Mr. Goldman said,  
18 the original plan had like 60 foot-candles under  
19 there. We are down to seven to eight foot-candle  
20 range.

21 MR. GOLDMAN: And Mike was hoping we could  
22 get it down under 14. So we are well under the number  
23 which Mike identified in his --

24 CHAIRPERSON PRICE: To achieve that, what  
25 Kelvin is that?

1                   MR. GOLDMAN: It's 3,000.

2                   CHAIRPERSON PRICE: 3,000. Okay. That's  
3 the quantity of the fixtures.

4                   MR. GOLDMAN: Right. Right.

5                   CHAIRPERSON PRICE: And so this comment from  
6 Penwarden about a future study, that may or may not  
7 happen, you have no option to not enter into the  
8 agreement.

9                   MR. GOLDMAN: No. We have to do that.

10                  CHAIRPERSON PRICE: But that also doesn't  
11 stop us from approving the site plan.

12                  MR. GOLDMAN: That's correct.

13                  CHAIRPERSON PRICE: All right. I think  
14 we're down to a couple nitpicky things. I'd like to  
15 ask a question about the fence between you and next  
16 door, insurance. Why do we need a fence?

17                  MR. GOLDMAN: Our neighbor is here. And Lou  
18 can explain because Lou had engaged with the neighbor,  
19 who requested that there be a fence. And maybe we can  
20 speak to that. I don't know if they want to.

21                  MR. TERRAGNOLI: Lou Terragnoli with  
22 Quickle's, Avon, New York. We got a question of the  
23 fence and adding a fence at the request of our  
24 neighbor, who is concerned about foot traffic, and he  
25 said sometimes vehicle traffic, navigating between his

1 site and our site.

2 So with the Architectural Review Board, we  
3 suggested a four-foot-high wrought iron fence, which  
4 that board liked that idea. Our neighbor is in  
5 agreement with that. So that's how we got to that  
6 point of the fence.

7 CHAIRPERSON PRICE: So who's going to fix  
8 this fence when a car backs into and the snowplow hits  
9 it.

10 MR. TERRAGNOLI: That would be our  
11 responsibility, Quicklee's responsibility.

12 CHAIRPERSON PRICE: Even though you're not  
13 the one that requested it.

14 MR. TERRAGNOLI: Correct. It'll still be on  
15 our site.

16 MR. GOLDMAN: Since it's on our property.

17 MR. TERRAGNOLI: Yes. We'll take  
18 responsibility for that.

19 CHAIRPERSON PRICE: How do we all feel about  
20 that?

21 MR. BABCOCK-STIENER: I remember the  
22 discussion.

23 CHAIRPERSON PRICE: It's going to get beat  
24 up and it's going to look like crap within, you know,  
25 one winter.

1                   MR. HOTTO: I might add on the neighbor's  
2 property there's a pipe railing existing. So that  
3 will remain. So that will be a barrier as well.

4                   CHAIRPERSON PRICE: That will be.

5                   MR. HOTTO: And we have a pipe rail on our  
6 side of the property as well.

7                   CHAIRPERSON PRICE: Okay. Then we'll wait  
8 until the next-door owner gets up.

9                   MR. FADER: So the fence is between two pipe  
10 rails.

11                  MR. HOTTO: Yes. It's on our property, but  
12 it's towards the neighbor's side.

13                  CHAIRPERSON PRICE: Okay. All right.

14                  MR. GOLDMAN: It's protected. The fence  
15 itself will be protected.

16                  MR. HOTTO: It does have protection,  
17 correct. It's not just totally exposed.

18                  CHAIRPERSON PRICE: Okay. And you do have  
19 landscaping in there as well?

20                  MR. HOTTO: Well, between our pipe rail and  
21 the new fence is the bioretention swale. So I've got  
22 a pipe rail in there to keep people from driving into  
23 the swale. So the swale is another barrier to the  
24 fence from our side.

25                  CHAIRPERSON PRICE: Okay. John, the only

1       thing on the site plan that I'm curious about and  
2       might ask you to help me justify why you're doing it  
3       is a small brick wall coming off of the -- I'm going  
4       to call it the north column.

5                    MR. GOLDMAN: That's more Lou Terragnoli.

6                    MR. TERRAGNOLI: That came about through the  
7       development of the different renderings. That was the  
8       rendering that we showed at the Architectural Review  
9       Board. Through the numerous conversation we've had,  
10      we added that to the renderings. I'm certain that  
11      request came somewhere along the line.

12                  As far as the company goes, we're  
13      indifferent to that -- let's call it a wall, whether  
14      it's there or not there. We certainly could move at  
15      the discretion of this Board if we need to revise that  
16      accordingly.

17                  CHAIRPERSON PRICE: Does everybody know --

18                  MR. GOLDMAN: Except if we do that, I guess  
19      we have a question as to whether --

20                  CHAIRPERSON PRICE: Yeah. I know. It's  
21      so -- then it shows up in the renderings. So if you  
22      look at the north column on the front side, there's a  
23      little wing wall that sticks out.

24                  MR. GORDON: It shows best in the packet.  
25      It's the fourth elevation drawing.

1                   I will comment that at one point in time  
2 during this project in its very early stages was  
3 before the Town Board, there was an entire brick wall  
4 enclosing the seating area. And I know the Town Board  
5 said, no, we want that open for the public to be able  
6 to access that. And so, much of that brick wall was  
7 removed. But this one little partial privacy wall,  
8 whatever you want to call it --

9                   MR. GOLDMAN: Yup.

10                  MR. GORDON: -- is still there on the plan.

11                  CHAIRPERSON PRICE: Would you be offended if  
12 I asked you to remove it?

13                  MR. TERRAGNOLI: We would not be offended,  
14 but I think --

15                  MR. GOLDMAN: Let me ask counsel and staff,  
16 will that take us back to the Architectural Review  
17 Board?

18                  MR. HAREMZA: No.

19                  MR. GOLDMAN: That was quick. I didn't  
20 finish the question.

21                  MR. HAREMZA: I would consider it part of  
22 landscaping.

23                  MR. GOLDMAN: Okay.

24                  MR. TERRAGNOLI: We have no problem removing  
25 it from that building.

1                   CHAIRPERSON PRICE: All right. Okay. We're  
2 drilling down. We're getting close. Okay.

3                   So the vertical element that's in your front  
4 planter, apparently -- which I like. I haven't heard  
5 from this Board yet, but the Supervisor believes that  
6 maybe this would be liked and maybe it won't be liked.  
7 And maybe this requires a little more development, but  
8 nothing that is going to stop your approval process,  
9 but something that may require some committee to take  
10 a look at.

11                  MR. TERRAGNOLI: We would not be opposed to  
12 that meeting. I would be the liaison for the company  
13 at any of those committee meetings or neighborhood  
14 meetings to foster ideas.

15                  CHAIRPERSON PRICE: Anybody on the Board  
16 married to the idea that we came up with last time  
17 that says that has to be it and, you know, we as a  
18 board are only going to use that and nothing else?

19                  MR. GORDON: And what I've written up and  
20 Jason is furiously typing.

21                  MR. HAREMZA: You have a computer too.

22                  MR. GOLDMAN: Lawyers are secretaries.

23                  MR. GORDON: So what I have done is I had  
24 revised condition number 2 -- 10. Sorry. I also  
25 revised condition number 2. I revised condition 10 to

1       essentially just provide that the developer will work  
2       with whatever Town designee representatives there are  
3       on this design feature and will come up with in  
4       cooperation with those Town representatives a final  
5       design. And that, of course, will be installed, that  
6       feature, prior to the issuance of a final C of O.

7                    MR. GOLDMAN: And the only thing we know is  
8       it wouldn't be a clock.

9                    MR. GORDON: I wouldn't say that.

10                  MR. BABCOCK-STIENER: Maybe the Town creates  
11       another clock.

12                  CHAIRPERSON PRICE: Anybody have any other  
13       outstanding issues?

14                  MR. OSOWSKI: I have one. Getting back to  
15       this traffic comment from Penwarden. I mean, you're  
16       making the curb cut and the driveway entrance better  
17       than what's there now. What's there now doesn't  
18       prevent anyone from going out to Elmwood Avenue and  
19       taking a left onto Elmwood to head west.

20                  MR. GOLDMAN: That's correct.

21                  The State and County DOT whenever they have  
22       an opportunity to take a development on a corner,  
23       especially if it's a gas station, they are always  
24       concerned in general about what the operation is going  
25       to be. And that's why they look to potentially, if an

1 issue arises, that an after-study be conducted.

2 MR. OSOWSKI: Okay. Thank you. Is anyone  
3 aware of any traffic accidents that occurred because  
4 of someone exiting to the west?

5 MR. GOLDMAN: Not -- I'm the only town  
6 resident among our group. I'm certainly not familiar  
7 with it because the traffic slows so much because of  
8 Twelve Corners that I think people are pretty cautious  
9 in that area.

10 MR. OSOWSKI: All right. Thank you.

11 CHAIRPERSON PRICE: Thank you.

12 MR. GORDON: Wait. So on this -- my only  
13 concern, and we had a conversation at the staff level  
14 about this is, if you enter into an agreement,  
15 mitigation agreement, whatever they're calling it,  
16 with the County, the Town doesn't really have the  
17 ability to monitor that or enforce that agreement.

18 And so I'm just curious -- maybe you don't  
19 know. Maybe you don't know how that's going to work  
20 and you don't know what that agreement is actually  
21 going to look like. Do you?

22 MR. TERRAGNOLI: I have details. So I was  
23 on the call with Mr. Penwarden and Mr. Raymond  
24 discussing this. So it was specific to the Elmwood  
25 Avenue curb cut and if an issue or a problem arises in

1 the future.

2 Now the issue or problem will be  
3 quantitatively defined in the agreement as to what  
4 it -- you know, if it exceeds a certain threshold. I  
5 do not have that language, but it will be  
6 quantitatively defined.

7 And then the next step will be another  
8 traffic study to determine specifically the origins of  
9 that potential issue. And then that study would then  
10 recommend a mitigation measure.

11 MR. GORDON: And so from where I sit and I  
12 think from where the commissioner is going to be  
13 looking at this, we're a little jittery about what  
14 that might look like.

15 And so I propose an addition to condition  
16 number 2 in the report, which would simply say take  
17 care of Monroe County, enter into whatever agreement  
18 they request, but that agreement and the form of that  
19 agreement should be subject to review by the  
20 commissioner as designee and the town attorney just so  
21 we're on board and we feel like it's something that  
22 will work for the Town.

23 MR. GOLDMAN: That's fine. I may have said  
24 it a little bit too fast, but I did offer that as part  
25 of the discussion that I had that -- I think that the

1 Town should review the agreement relative to it and be  
2 comfortable with the form -- with the form of the  
3 agreement. Of course, we all understand that the  
4 County's jurisdiction would overrule.

5 MR. GORDON: Of course.

6 MR. GOLDMAN: So that's what we have to deal  
7 with.

8 MR. HAREMZA: Just a couple quick things.  
9 For what it's worth, I concur with Mr. Goldman's  
10 experience with the County and these types of  
11 comments. So it all rings very true to me.

12 And just regarding the fence, I guess -- and  
13 maybe the neighbor or applicant could speak to this.  
14 There's double two-foot-high pipe bumper rails. And I  
15 guess I'm wondering if those are not sufficient to  
16 keep people from walking back and forth. It's an  
17 athletic person that's going to hurtle over two pipe  
18 bumper rails two feet off the ground. Maybe not.

19 MR. GORDON: Why don't we wait for the  
20 neighbor to come up until we conclude this segment.  
21 Then Mr. Price will call for other input.

22 MR. GOLDMAN: In order to save time, we have  
23 Mr. Travis right here ready to go.

24 CHAIRPERSON PRICE: We'll have him up. Any  
25 other -- I think you guys or good? You're all good?

1 Okay. Thank you.

2 MR. GOLDMAN: Thank you.

3 CHAIRPERSON PRICE: Anyone else cares to  
4 address this application?

5 MR. TRAVIS: Yes. I'm Dan Travis. I am the  
6 owner at 1978 Monroe Avenue, which is next door.

7 I did address the Board at the April meeting  
8 and did follow up with an email to Lou and to the  
9 Board. There were some concerns that I did express at  
10 that time.

11 Lou was great. He immediately pulled me  
12 aside after the meeting to address some of the things  
13 I mentioned to the Board. Was on board with regards  
14 to it.

15 My position basically with regards to the  
16 fence was that I've got experience with the properties  
17 that are already there. One is there's very limited  
18 parking at the new facility. Seven or eight spots I  
19 believe. Our lot is a very easy access point.

20 I feel without some sort of barrier, it's  
21 going to be much easier or just as easy for sure for  
22 people to park in our lot and just simply walk across  
23 there if there's not some sort of barrier that kind of  
24 designates that property a little bit more clearly.

25 The other part was with regards to snow

1 removal and making sure that it also didn't become  
2 easy to just push the snow over into our lot with  
3 regards to that.

4                   And then the other part which is a fairly  
5 frequent item. I'm not sure there's two barriers  
6 there. There's one pipe barrier that is I believe on  
7 my property. But it's a fairly regular occurrence,  
8 even with the current property layout of those two  
9 buildings, where people don't want to exit onto Monroe  
10 Avenue from the curb cuts that are up there because  
11 they are so close to the light.

12                  I don't know how they do this, but they will  
13 try to exit through our lot. And multiple times -- as  
14 a matter of fact, within about three are four days  
15 after the last meeting, we had a person try to exit  
16 through our lot and drive over that pipe barrier.

17                  And you can see that pipe barrier has been  
18 pushed down multiple times in one main section where  
19 they try to do it most commonly. But without that and  
20 especially with regards to the orientation of those  
21 pumps where people are facing straight into my lot, I  
22 think as soon as we get some snow, grass gets covered  
23 up, those sorts of things, there's a very high  
24 likelihood that people are just going to take the  
25 easiest path to exit if there's not something that

1 clearly marks what that is or prevents them from doing  
2 that.

3                   As far as, you know, maintenance of the  
4 fence, there's lots of fences and those sorts of  
5 things. I don't think that that's something that is  
6 prohibitive to maintain -- or certainly I don't think  
7 with the quality they've shown to me at many of their  
8 locations, they've got very nice facilities. I don't  
9 think that would be something that would be a concern  
10 for me as a neighbor for sure. I'm sure they'd take  
11 care of that appropriately.

12                   Any other questions of what I put in the  
13 email or comments on?

14                   MR. GORDON: So Jason just pulled up an  
15 image of the property and the single pipe barrier.  
16 And he's walking around to the Board. And that single  
17 pipe barrier as you'll note in this picture is  
18 actually compressed all the way to the ground.

19                   CHAIRPERSON PRICE: Yeah. So that's your  
20 pipe rail. And you haven't taken care of it. And  
21 you're expecting this applicant to put something in  
22 and take care of it?

23                   MR. TRAVIS: It's not compressed all the way  
24 to the ground, but it is --

25                   CHAIRPERSON PRICE: It isn't taken care of.

1                   MR. GORDON: It looks like it was to me.

2                   MR. TRAVIS: Well, we paint it. We keep it  
3 best we can.

4                   CHAIRPERSON PRICE: There's a big tree back  
5 there on your property that's dead. Are you going to  
6 cut that down?

7                   MR. TRAVIS: There's actually two and I've  
8 been working with Citizens Bank for -- since about  
9 last September.

10                  CHAIRPERSON PRICE: It's on your property.

11                  MR. TRAVIS: It actually goes onto both  
12 properties there. And they're the ones that  
13 approached me with regards to it.

14                  CHAIRPERSON PRICE: You get my point?

15                  MR. TRAVIS: Yeah.

16                  CHAIRPERSON PRICE: You're asking an  
17 applicant to do something, I don't see the benefit of.  
18 And I see you, as well as most tenants and owners up  
19 and down Monroe Avenue, not being good property  
20 managers.

21                  MR. TRAVIS: Well --

22                  CHAIRPERSON PRICE: You're included in that.

23                  MR. TRAVIS: Well, I will say that about 12,  
24 14 years ago I had an application before the Board to  
25 remove the majority of the asphalt that was in the

1 front of the property --

2 CHAIRPERSON PRICE: I was here for that.

3 MR. TRAVIS: -- do those sorts of things and  
4 so forth.

5 I think I maintain my property well and  
6 do -- the trees that are in the back are being  
7 addressed with regards to removal. And the pipe  
8 barrier, if the Town would like something done with  
9 regards to the pipe barrier, I'd be glad to do it.

10 CHAIRPERSON PRICE: Thank you for your time.

11 MR. GORDON: Wait, Mr. Travis. Do you think  
12 it would suit your needs if the developer installed a  
13 single 30-inch-high pipe rail along the barrier of the  
14 property? Something that is durable and more easily  
15 maintained but also provides an element that would  
16 prohibit at least cars, certainly, from driving over  
17 it.

18 MR. TRAVIS: I think something is better  
19 than nothing. I think the fence, when Lou and I  
20 discussed it, also addressed the fact of the ease of  
21 parking. And if it's just a short little metal  
22 barrier, like if they're just stepping over it and  
23 using that for parking when there's only seven or  
24 eight spots that are there, it probably prevents that  
25 a little more.

1                   MR. HAREMZA: 30 inches is about the height  
2 of it. It's pretty difficult to step over.

3                   And I think our concern is with the  
4 durability of it. You know, it was supposed to be  
5 wrought iron. Nobody actually sells wrought iron.  
6 It's aluminum, which is residential grade.

7                   And I've just seen so many instances where  
8 these fences after 12 months they just -- they don't  
9 hold up very well.

10                  So, you know, from -- I'm speaking for  
11 myself now. My perspective, it's nothing against the  
12 fence. It's about the durability in this particular  
13 location. I just find the pipe to be more robust in  
14 that regard.

15                  MR. TRAVIS: Yeah. Whatever the Board  
16 would, you know, prefer or feels would work to  
17 accommodate, you know, both, I'm agreeable.

18                  CHAIRPERSON PRICE: Okay. Thank you.  
19 Anyone else that cares to address this application?  
20 All right. Thank you.

21                  We'll move on. Application 4P-NB1-23 has  
22 been postponed.

23                  And 4P-NB2 can just be combined with  
24 preliminary and final application.

25                  The last application for tonight has also

1       been tabled. That's application 5P-NB1-23. And the  
2       applicant has been asked -- well, the Town is  
3       preparing a cultural resource survey for 125 Old Mill  
4       Road.

5           So that is the last public hearing for this  
6       evening. Let's take five minutes. We'll reconvene at  
7       8:35.

8       (Public hearings concluded.)

9       (Deliberations and decisions begins.)

10       **Application 5P-03-23**

11           REQUESTED TO WITHDRAW DRIVE-THROUGH  
12       COMPONENT. Application of James Smith, agent, and  
13       Tasty Hut LLC, owner, for Preliminary/Final Site Plan  
14       Approval and Conditional Use Permit Approval to  
15       construct a 252 +/- square foot building addition and  
16       operate a Pizza Hut Restaurant with drive-through  
17       service on property located at 1760 Monroe Avenue.  
18       All as described on application and plans on file.

19           CHAIRPERSON PRICE: Do we have a motion to  
20       close the public hearing?

21           MR. BABCOCK-STIENER: I move we close the  
22       public hearing.

23           CHAIRPERSON PRICE: Moved. Is there a  
24       second?

25           MS. ALTMAN: I'll second.

1                   CHAIRPERSON PRICE: Moved and seconded. Is  
2 there any discussion on closing the hearing?

3                   Jason, please call the roll.

4                   (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
5 Mr. Fader, aye; Mr. Grisewood, aye;  
6 Mr. Osowski, aye; Mr. Price, aye.)

7                   (AUpon roll motion to close the public  
8 hearing carries.)

9                   CHAIRPERSON PRICE: Okay. So this has  
10 preliminary and final site plan and conditional use  
11 and demo. Anyone care to make a motion?

12                   Can we combine the approvals? Or do we take  
13 those up separately?

14                   MR. GORDON: We have it as one combined  
15 action. It's one application.

16                   CHAIRPERSON PRICE: Okay. All right.

17                   MR. BABCOCK-STIENER: I move that the  
18 Planning Board approves Application 5P-03-23 for  
19 preliminary and final site plan approval and  
20 conditional use permit based on the testimony given,  
21 plans submitted and with the 19 conditions outlined in  
22 the Planning Board report.

23                   MR. FADER: I'll second that.

24                   CHAIRPERSON PRICE: Moved and seconded.

25                   Ken, were there any changes or modifications

1 to the conditions?

2 MR. HAREMZA: Yes. A 20th condition was  
3 proposed to be added and that is as follows: For all  
4 curbside pickup parking spaces on the site, each  
5 curbside pickup parking space shall be posted with a  
6 standing or building mounted sign to designate each  
7 space for use exclusively as curbside pickup.

8 CHAIRPERSON PRICE: Okay.

9 MR. BABCOCK-STIENER: That works for me.

10 MR. GORDON: Can I just have a minute  
11 please?

12 CHAIRPERSON PRICE: Yeah.

13 Are we able to capture the sidewalk issue in  
14 chain link fence -- are we able to -- I'm sorry. The  
15 dumpster enclosure.

16 MR. GORDON: What is your --

17 CHAIRPERSON PRICE: I'd like three things.

18 MR. GORDON: Talk me through them.

19 CHAIRPERSON PRICE: One is that the dumpster  
20 enclosure -- the current dumpster enclosure, their  
21 note says to replace it in kind. The only problem is  
22 that it's completely pushed down to the ground and  
23 covered with garbage.

24 I think I just want to make clear that the  
25 dumpster enclosure needs to match the one that is

1       between this tenant and Sheffield in the back. That's  
2       got vinyl slats and the chain link fence and the  
3       gates.

4                    MR. GORDON: Could we say -- I'm just  
5       playing with some language here. Could we say that  
6       the dumpster enclosure shall be replaced? To be  
7       replaced with vinyl slats in between the chain link  
8       and a functional gate of similar design. I'm trying  
9       here.

10                  CHAIRPERSON PRICE: Yeah. That's fine.

11                  MR. GORDON: Does that work?

12                  CHAIRPERSON PRICE: Just so we get to the  
13       end and it isn't a chain link with no slats in it.

14                  MR. GORDON: Slats.

15                  CHAIRPERSON PRICE: The vinyl slats.

16                  MR. GORDON: So now I really am going to  
17       dictate.

18                  So that would be an additional condition,  
19       number 21, which would read, the dumpster enclosure  
20       shall be replaced with a new chain link enclosure with  
21       vinyl slats in between the chain link and a functional  
22       gate of a similar design.

23                  CHAIRPERSON PRICE: I had others. The  
24       proposed stenciled -- brick stenciled sidewalk.

25                  MR. GORDON: Stamped.

1                   CHAIRPERSON PRICE: Stamped, stenciled  
2 crosswalk shall be changed to piano stripes, piano  
3 stripe crosswalk.

4                   MR. GORDON: I would take Bill's language  
5 that the proposed stamped or stenciled crosswalk --  
6 the propose stamped or stenciled crosswalk shall be  
7 replaced and in its place shall be a piano key striped  
8 sidewalk.

9                   That was condition number 22.

10                  CHAIRPERSON PRICE: The landscape islands  
11 closest to Monroe Avenue, curb cuts, landscaping to be  
12 replaced. There was a dead tree and brick pavers.  
13 It's never been maintained. Tree's dead.

14                  MR. GORDON: Is it in the right-of-way?

15                  CHAIRPERSON PRICE: It's outside the  
16 right-of-way. The island adjacent to the driveway.  
17 Yeah.

18                  MR. GORDON: So we would have a proposed  
19 condition number 23 that the landscape islands  
20 adjacent to the entrance driveways to the property  
21 will be replanted and repaired with new material.

22                  CHAIRPERSON PRICE: That's sufficiently  
23 vague.

24                  MR. GORDON: Well, I don't know what plants  
25 or materials you want.

1                   CHAIRPERSON PRICE: Original planting was a  
2 tree and some shrubs. It's all been wiped out. So  
3 one ornamental tree in each island.

4                   MR. GORDON: Can we just add to this with --  
5 how'd I end? Replanting with new material.

6                   Subject to review and approval of the  
7 Commissioner of Public Works or his designee.

8                   So we have a motion by whom? And seconded  
9 by Mr. Fader.

10                  So Mr. Babcock-Stiner and Mr. Fader, we have  
11 new conditions 21, 22 and 23. Are those acceptable to  
12 both of you?

13                  MR. FADER: Yes.

14                  MR. BABCOCK-STIENER: Yes.

15 **Conditions:**

16 1. Address the comments of the Town of Brighton's  
17 Department of Public Works.

18                  A. Applicant shall respond in writing to  
19 all comments of the Planning Board, Town Engineer,  
20 Sewer Department, Building and Planning Department,  
21 and Fire Marshal.

22 2. Address Monroe County comments.

23 3. All other reviewing agencies must issue their  
24 approval prior to the Department of Public Works  
25 issuing its final approval.

1       4. The entire building shall comply with the most  
2       current New York State Fire Prevention and Building  
3       Code. The proposed building shall be sprinklered in  
4       accordance with Town of Brighton sprinkler  
5       requirements.

6       5. The location of any HVAC or other mechanicals  
7       and/or generators shall be shown on the site plan  
8       along with details of their proposed screening.

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

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

18      8. The project and its construction entrance shall  
19      meet the New York State Standards and Specifications  
20      for Erosion and Sediment Control.

21      9. Erosion control measures shall be in place prior  
22      to site disturbance.

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

1 preservation throughout construction.

2 11. Maintenance of landscape plantings shall be  
3 guaranteed for three (3) years. Any contractor or  
4 individual involved in the planting, maintenance or  
5 removal of trees shall comply with the requirements of  
6 the town's Excavation and Clearing (Chapter 66), Trees  
7 (Chapter 175) and other pertinent regulations and  
8 shall be registered and shall carry insurance as  
9 required by Chapter 175 of the Comprehensive  
10 Development Regulations.

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

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

20 14. An Operational Permit shall be obtained from the  
21 Town of Brighton Fire Marshal (Chris Roth,  
22 585-784-5220).

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

1       16. A letter of credit shall be provided to cover  
2       certain aspects of the project, including, but not  
3       limited to demolition, landscaping, stormwater  
4       mitigation, infrastructure and erosion control. The  
5       applicant's engineer shall prepare an itemized  
6       estimate of the scope of the project as a basis for  
7       the letter of credit.

8       17. All requirements of Sections 203-84.B.3  
9       (restaurant regulations), 207-14.1 (waste container  
10      and grease/oil container standards), and 207-14.2  
11      (supplemental restaurant regulations), as well as any  
12      other pertinent sections of the code, shall be met.  
13      Included in these requirements is that "a minimum of  
14      one aesthetically acceptable trash receptacle shall be  
15      provided on site adjacent to each driveway exit. At  
16      least one additional aesthetically acceptable,  
17      on-site, outdoor trash receptacle shall be provided  
18      for every 10 required parking spaces." Also included  
19      is that, any use providing food capable of being  
20      immediately consumed which is served in disposable  
21      packaging shall have at least one aesthetically  
22      acceptable, on-site, outdoor covered trash receptacle  
23      for patron use located near the primary entrance..."  
24      These requirements, along with the other requirements  
25      of those sections, should be addressed.

1       18. Any signage, building or parking lighting not  
2       necessary for security purposes shall be placed on  
3       automatic timing devices which allow illumination to  
4       commence each day  $\frac{1}{2}$  hour before the business is open  
5       to the public and to terminate  $\frac{1}{2}$  hour after the close  
6       of business.

7       19. The height of the light pole bases shall be six  
8       inches above finished grade.

9       20. For all curbside pickup parking spaces on the  
10      site, each curbside pickup parking space shall be  
11      posted with a standing or building mounted sign to  
12      designate each space for use exclusively as curbside  
13      pickup.

14      21. The dumpster enclosure shall be replaced with a  
15      new chain link enclosure with vinyl slats in between  
16      the chain link and a functional gate of a similar  
17      design.

18      22. The propose stamped or stenciled crosswalk shall  
19      be replaced and in its place shall be a piano key  
20      striped sidewalk.

21      23. The landscape islands adjacent to the entrance  
22      driveways to the property will be replanted and  
23      repaired with new material subject to review and  
24      approval of the Commissioner of Public Works or his  
25      designee.

1                   CHAIRPERSON PRICE: Okay. All right any  
2 other discussion?

3                   Jason, please call the roll.

4                   (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
5                   Mr. Fader, aye; Mr. Grisewood, aye;  
6                   Mr. Osowski, aye; Mr. Price, aye.)

7                   (Upon roll motion to approve with conditions  
8                   carries.)

9                   **Application 6P-01-23**

10                  Application of Faith Bible Church, owner,  
11 for Site Plan Modification to construct a 1200 +/-  
12 square foot open pavilion on property located at 1095  
13 East Henrietta Road. All as described on application  
14 and plans on file.

15                  CHAIRPERSON PRICE: Do we have a motion to  
16 close the public hearing?

17                  MR. FADER: So moved.

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

19                  CHAIRPERSON PRICE: Moved and seconded.  
20 Jason, please call the roll.

21                  (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
22                  Mr. Fader, aye; Mr. Grisewood, aye;  
23                  Mr. Osowski, aye; Mr. Price, aye.)  
24                  (Upon roll motion to close the public  
25                  hearing carries.)

1                   CHAIRPERSON PRICE: Is there a motion to  
2 approve?

3                   MS. ALTMAN: I move the Planning Board  
4 approve item 6P-01-23 based on the testimony given and  
5 plans submitted and the one condition outlined in the  
6 Planning Board report.

7                   MR. FADER: I'll second that.

8                   CHAIRPERSON PRICE: Moved and seconded.  
9 Karen had an interesting question about this. How  
10 does SEQRA fit into this? We made a SEQRA  
11 determination on their prior application. Does this  
12 even fall into SEQRA?

13                  MR. HAREMZA: The prior application was the  
14 building application. Is that the one you're  
15 referring to?

16                  CHAIRPERSON PRICE: Yes.

17                  MR. HAREMZA: Well, I wasn't here for that,  
18 but I would assume it may have been large enough to  
19 trigger SEQRA.

20                  CHAIRPERSON PRICE: It was.

21                  MR. GORDON: So the SEQRA standard here  
22 would be an accessory structure of larger than 4,000  
23 square feet.

24                  CHAIRPERSON PRICE: 4,000. Okay.

25                  MR. GORDON: This is not. So it's a Type II

1 and therefore, not subject to SEQRA review.

2 **Conditions:**

3 1. Address the comments of the Town of Brighton's  
4 Department of Public Works.

5 A. Applicant shall respond in writing to  
6 all comments of the Planning Board, Town Engineer,  
7 Sewer Department, Building and Planning Department,  
8 and Fire Marshal.

9 CHAIRPERSON PRICE: Very good. All right.  
10 Moved and second. Please call the roll.

11 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
12 Mr. Fader, aye; Mr. Grisewood, aye;  
13 Mr. Osowski, aye; Mr. Price, aye.)

14 (Upon roll motion to approve with conditions  
15 carries.)

16 **Application 6P-02-23**

17 Application of Flaum Management, owner, and  
18 TTEC, lessee, for Site Plan Modification to install a  
19 standby diesel emergency generator on property located  
20 at 2144 Brighton Henrietta Town Line Road. All as  
21 described on application and plans on file.

22 MR. BABCOCK-STIENER: I move we close the  
23 public hearing.

24 MR. FADER: Second that.

25 MR. GORDON: Moved and seconded to close the

1 hearing.

2 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
3 Mr. Fader, aye; Mr. Grisewood, aye;  
4 Mr. Osowski, aye; Mr. Price, aye.)

5 (Upon roll motion to close the public  
6 hearing carries.)

7 CHAIRPERSON PRICE: Is there a motion to  
8 approve?

9 MR. BABCOCK-STIENER: I move that the  
10 Planning Board approves application 6P-02-23 for site  
11 plan modification based on the testimony given, plans  
12 submitted and with the four conditions outlined in the  
13 planning board report.

14 But I think we need to --

15 MR. FADER: It's five.

16 MR. BABCOCK-STINER: It's fine now? Well,  
17 it was five, but I think we need to get rid of  
18 number 3.

19 MR. GORDON: So the motion is to approve  
20 with conditions 1, 2, 4 and 5 set forth in the  
21 Planning Board staff report; is that correct?

22 MR. BABCOCK-STIENER: That is correct.

23 Thank you, Ken.

24 CHAIRPERSON PRICE: Moved. Does the second  
25 accept that modification?

1                   MR. FADER: Accepted.

2                   CHAIRPERSON PRICE: Please call the roll.

3                   MR. GORDON: No discussion on it or  
4 anything? That's fine.

5                   CHAIRPERSON PRICE: Discussion?

6                   Conditions:

7                   1. Meet all requirements of the Town of Brighton's  
8                   Department of Public Works.

9                   A.     Applicant shall respond to Planning  
10                   Board and Town Engineer comments in writing.

11                   2. All Monroe County comments, if any, shall be  
12                   addressed.

13                   3. The generator shall comply with the most current  
14                   New York State Uniform Fire Prevention and Building  
15                   Code.

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

18                   (Ms. Altman, aye; Mr. Babcock-Stiner, aye;

19                   Mr. Fader, aye; Mr. Grisewood, aye;

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

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

23                   Application 6P-03-23

24                   Application of Carl Grasta, owner, for Site  
25                   Plan Modification and EPOD (watercourse) Permit

1 approval to construct an in-ground swimming pool in  
2 conjunction with a new home (11P-01-22) on property  
3 located at 1 Knollwood Drive. All as described on  
4 application and plans on file.

5 MR. BABCOCK-STIENER: I move that  
6 Application 6P-03-23 be tabled and that the items  
7 outlined in the Planning Board be submitted prior to  
8 the next Planning Board meeting.

9 CHAIRPERSON PRICE: I'll second.

10 Moved and second any further discussion?  
11 Motion is to table.

12 **Reasons for Tabling:**

13 1. Address the comments of the Town of Brighton's  
14 Department of Public Works.

15 A. Applicant shall respond in writing to  
16 all comments of the Planning Board, Town Engineer,  
17 Sewer Department, Building and Planning Department,  
18 and Fire Marshal.

19 2. Monroe County comments, if any, shall be  
20 addressed.

21 3. Submittal of a Long Environmental Assessment Form  
22 (EAF).

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

1 (Upon roll motion to table carries.)

Application 6P-04-23

Application of 1950-1966 Monroe Avenue, LLC,  
owner, for Final Subdivision Approval, Final Site Plan  
Approval, Final Conditional Use Permit Approval and  
Demolition Review and Approval to raze two commercial  
buildings, combine two lots into one, and construct a  
2,667 +/- square foot convenience store with gasoline  
sales under a 2,160 +/- square foot gas pump canopy,  
with extended hours of operation on property located  
at 1950 and 1966 Monroe Avenue. All as described on  
application and plans on file.

## Application 4P-NB2-23

Application of 1950-1966 Monroe Avenue, LLC,  
owner, for Preliminary Subdivision Approval,  
Preliminary Site Plan Approval, Preliminary  
Conditional Use Permit Approval and Demolition Review  
and Approval to raze two commercial buildings, combine  
two lots into one, and construct a 2,667 +/- square  
foot convenience store with gasoline sales under a  
2,160 +/- square foot gas pump canopy, with extended  
hours of operation on property located at 1950 and  
1966 Monroe Avenue. All as described on application  
and plans on file.

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

1 public hearing.

2 MS. ALTMAN: I'll second.

3 CHAIRPERSON PRICE: Moved and second to  
4 close the hearing.

5 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;

6 Mr. Fader, aye; Mr. Grisewood, aye;

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

8 (Upon roll motion to close the public  
9 hearing carries.)

10 CHAIRPERSON PRICE: Who wants to give it a  
11 try?

12 MR. FADER: I can give it a try.

13 I move that the Planning Board finds that  
14 proposed action will not have a significant impact on  
15 the environment and adopts the negative declaration  
16 prepared by town staff; and that the Planning Board  
17 grants preliminary and final demolition approval for  
18 combined applications 4P-NB2-23 and 6P-04-23 based on  
19 the application submitted, testimony presented and the  
20 determinations, comments and recommendations of the  
21 Historic Preservation Commission, Architectural Review  
22 Board and Conservation Board; and that the Planning  
23 Board grants preliminary and final conditional use  
24 approval for combined applications 4P-NB2-23 and  
25 6P-04-23 and adopts the eight findings outlined in the

1 Planning Board report; and that the Planning Board  
2 grants preliminary and final subdivision approval and  
3 preliminary and final site plan approval for combined  
4 application 4P-NB2-23 and 6P-04-23 based on the  
5 testimony given, plans submitted and with the 15  
6 conditions outlined in the Planning Board report.

7 MR. BABCOCK-STINER: I'll second that  
8 masterpiece.

9 MR. GORDON: That was really good, David.

10 CHAIRPERSON PRICE: Moved and seconded. Any  
11 further discussion? Are there other conditions?

12 MR. GORDON: So we have two revised  
13 conditions of those 15. So not additional conditions,  
14 but revised conditions.

15 And so revised condition 2 simply adds the  
16 sentence at the end of condition 2, which reads as  
17 follows: Any agreement with the County shall be  
18 subject to the review and approval of the Commissioner  
19 of Public Works or his designee and the town attorney.

20 And we have a revised condition number 10,  
21 which is a replacement for the condition that is  
22 currently in the Planning Board report. And so the  
23 new language for revised condition 10 will be as  
24 follows: Work with Town-designated representatives to  
25 design final details of the vertical "decorative

1 feature" and center of the "raised concrete wall with  
2 brick veneer planter" referenced on the site plan and  
3 install said decorative feature prior to the issuance  
4 of the final certificate of occupancy.

5 So if Mr. Fader would accept those as  
6 amended.

7 MR. FADER: I accept those.

8 MR. GORDON: And Mr. Babcock-Stiner, would  
9 accept as the second?

10 MR. BABCOCK-STINER: I accept those.

11 CHAIRPERSON PRICE: Wait.

12 MR. GORDON: That's a new motion before the  
13 Board.

14 CHAIRPERSON PRICE: Ken, I'm sorry. You're  
15 tying it to the certificate of occupancy? If the --  
16 if by no fault of the owner, the process takes too  
17 long, what is -- what's the remedy for him if we  
18 get --

19 MR. GORDON: That would be an administrative  
20 determination for staff to handle.

21 So the standard is compliance. But, as we  
22 know, that compliance doesn't mean super precise. So  
23 as long as I think things are moving in the right  
24 direction. But I would hope -- I mean, we're not  
25 holding the building permit up. We're not holding

1 temporary C of O. We're holding a final C of O.

2 CHAIRPERSON PRICE: We just need to make  
3 whoever gets into this aware that this isn't a  
4 lifelong endeavor.

5 MR. GORDON: And we heard Mr. Terragnoli say  
6 he would act as liaison. And I'm sure he will be  
7 aware of how the construction project is proceeding as  
8 well.

9 CHAIRPERSON PRICE: Very good. Thank you.

10 Are we actually addressing the issue of the  
11 fence between what's currently proposed?

12 MR. GORDON: That's a good point. So we did  
13 not talk about revising it. As designed, there is  
14 this proposed aluminum wrought iron looking fence  
15 between the two lots.

16 If the Planning Board wishes to add a  
17 condition saying that the barrier between the two  
18 properties shall consist of something else, then we  
19 should do that.

20 CHAIRPERSON PRICE: What is everybody's  
21 opinion on this? My fear is that it's -- because it's  
22 aluminum, whether it's four, six feet high, it's going  
23 to get banged up and it's going to look like -- it  
24 will only take a winter for it to look bad.

25 I understand the points of people walking

1 through. I don't understand the point of people  
2 driving through to the adjacent neighbor's property.  
3 I do understand the points of people parking in his  
4 property and walking to the convenience store.  
5 Nothing is going to -- a fence isn't going to stop  
6 that. They will just park and walk around the end of  
7 the fence if that ends up being the case.

8 And they can go into the parking lot that's  
9 actually owned by the bank behind it, which I think is  
10 a far more likely scenario, and not onto his property.

11 To me, two pipe rails, you know, put them at  
12 24-30 inches high on both sides, is going to keep  
13 vehicles from getting through. It's going to stop  
14 most people.

15 You know, will there be a skateboarder  
16 there? Probably. Can we put something on it to keep  
17 that from happening?

18 What's everybody think?

19 MR. OSOWSKI: Would a highway guardrail be  
20 acceptable? Or is that too industrial?

21 CHAIRPERSON PRICE: I think it's too  
22 industrial. And it's not, you know -- I think  
23 collectively this area is getting too cluttered with  
24 stuff. And the fence was kind of a tipping point.

25 MR. BABCOCK-STIENER: I don't mind the fence

1 so much. It's the material, the longevity of it is  
2 the concern for me. I'm not as concerned about having  
3 the fence there.

4 I appreciate the fact that they worked  
5 together to come up with a solution. You don't see  
6 that very often.

7 But it's also not necessarily a hill to die  
8 on for me either.

9 MR. GORDON: Karen?

10 MS. ALTMAN: I didn't mind the fence there.  
11 I also, like Jason, thought it was a good thing that  
12 the neighbors were working together to resolve it.  
13 And so I'm seeing the positive in that more than I was  
14 seeing any negative to the fence.

15 MR. FADER: I don't care either way. The  
16 only advantage I saw to a fence was his concern about  
17 snow pushing --

18 CHAIRPERSON PRICE: From the gas station  
19 onto his property.

20 MR. FADER: Or vice versa.

21 CHAIRPERSON PRICE: All right.

22 What are your thoughts?

23 MR. OSOWSKI: I can understand the concern  
24 of the longevity of the aluminum wrought iron looking  
25 fence. And I can't think of a really good solution to

1 it.

2 CHAIRPERSON PRICE: Right.

3 MR. OSOWSKI: I mean, I like the idea of  
4 something nice looking there in addition to just  
5 having a pipe rail. Yeah. I am kind of stuck.

6 CHAIRPERSON PRICE: Pete, what are your -- I  
7 think you're coming out as the tiebreaker.

8 MR. GRISEWOOD: I am not opposed to the  
9 fence. The concern about the material, would it be  
10 appropriate to ask for a steel or iron, wrought iron?

11 CHAIRPERSON PRICE: The same look of the  
12 fence, just made of steel.

13 MR. GRISEWOOD: Right. Maybe we request  
14 it's steel.

15 CHAIRPERSON PRICE: Steel. Yeah. All  
16 right. Four foot high, that's what's on the plan.

17 MR. HAREMZA: I believe it's three feet.  
18 No. Sorry. Four feet.

19 CHAIRPERSON PRICE: Four feet high. All  
20 right. Let's just -- why we don't we change the  
21 material to steel.

22 MR. GOLDMAN: Does anyone have a sense of  
23 idea of the magnitude of the cost we're talking about?  
24 I don't necessarily want to have any good deed go  
25 unpunished here.

1                   CHAIRPERSON PRICE: Yeah. I think steel's  
2 actually cheaper.

3                   MR. GOLDMAN: It is. Okay.

4                   CHAIRPERSON PRICE: Than aluminum.

5                   MR. GOLDMAN: Appreciate the clarification.

6                   MR. FADER: Maybe this should be titanium.

7                   MR. GORDON: Carbon fiber fence. Is that  
8 where we're going?

9                   CHAIRPERSON PRICE: All right. That stays.  
10 We'll change the material to steel.

11                  MR. GORDON: So what we'd be doing is adding  
12 a new condition 16 that would read as follows: The  
13 four foot high wrought-iron-style fence along the  
14 eastern property line shall be constructed of steel  
15 rather than aluminum as proposed.

16                  And if that would be acceptable to Mr. Fader  
17 and Mr. Babcock-Stiner.

18                  MR. FADER: Yes.

19                  MR. BABCOCK-STIENER: Yes.

20                  CHAIRPERSON PRICE: So we're moved and  
21 seconded with modifications. Please call the roll.

22 **Findings:**

23 1. Air, Water, Waste, Erosion, Drainage, and Site  
24 Disturbance.

25                  The Project is taking place on a previously

1 disturbed site with most areas of disturbance taking  
2 place in previously disturbed areas. The site is  
3 relatively flat and the proposal does not  
4 significantly alter grade or drainage on the site.  
5 The proposed use is a gas station and convenience  
6 store, and in itself will not disturb the site beyond  
7 the work done during the site improvement. Soil  
8 erosion control measures will be implemented during  
9 and after construction based upon a detailed grading  
10 and erosion control plans.

11 The proposed development results in a 20+/-%  
12 reduction of site impervious surface. The storm water  
13 drainage system will be constructed in accordance with  
14 all applicable Town requirements and designed in a  
15 manner so as to mitigate storm water pollutant loads.

16 The final design will incorporate an  
17 Irondequoit Watershed Collaborative Stormwater  
18 Pollution Prevention Plan demonstrating site  
19 compliance.

20 The proposed use as a gas station with  
21 convenience store will not create a substantial  
22 increase in solid waste production.

23 The Project will not create any significant  
24 adverse impact in the existing air quality or water  
25 quality, nor in solid waste production, nor potential

1 for erosion, nor promote drainage problems.

2. Noise, Visual, and Neighborhood Character.

3 The Project will not impact the neighborhood  
4 character of the surrounding area nor will it create  
5 any adverse noise or visual impacts. The Project is  
6 rebuilding a gas station and adding a convenience  
7 store to a site that had been used as a gas station  
8 and auto repair facility for many years. The project  
9 will improve the overall look of the property by  
10 adding landscaping and eliminating the outdoor storage  
11 of automobiles and other related items to a repair  
12 facility. Noise generated will be from vehicle  
13 traffic and minimal truck deliveries and from  
14 temporary construction activities.

15 The Project will not be detrimental to the  
16 health, safety or general welfare of persons residing  
17 or working in the area of the proposed use and will  
18 not be detrimental or injurious to property and  
19 improvements in the area or to the general welfare of  
20 the Town.

21. Agriculture, Archeology, Historic, Natural, or  
22 Cultural Resources.

23 The Project will not adversely impact  
24 agricultural, archeological, historical, natural, or  
25 cultural resources. The EAF Mapper Summary Report

1 indicates that the project area is located near  
2 archaeologically sensitive areas. Proposed  
3 improvements are taking place on a previously  
4 disturbed site. There are no known archaeological  
5 resources within the project site.

6 4. Vegetation, Fish, Wildlife, Significant, Habitats,  
7 Threatened or Endangered Species, Wetlands, Flood  
8 Plains.

9 The Project will not have a significant  
10 adverse impact on plant or animal life. The property  
11 does not host any threatened or endangered species,  
12 and therefore the Project will have no impact on any  
13 threatened or endangered species. The Project is not  
14 located within a flood plain and there are no wetlands  
15 on the project site.

16 5. Community Plans, Use of Land, and Natural  
17 Resources.

18 The Project is located in a BF-1  
19 Neighborhood Commercial District and will be installed  
20 on already disturbed areas and will have no adverse  
21 impacts on the natural resources found on the site.  
22 The incentive zoning proposal will allow for a gas  
23 station with convenience store with the building moved  
24 closer to Monroe Avenue and Elmwood Avenue than as  
25 currently allowed by code. This proposed "building

1 forward" site design creates a "village-like' feel and  
2 is in keeping with recommendations of Envision  
3 Brighton 2028. The Project will also create a sense  
4 of space with a modern hardscape design as a welcoming  
5 spot with direct pedestrian accessibility, add  
6 greenspace and reduce curb cuts.

7 **6. Critical Environmental Area.**

8 The Project will not have an impact on any  
9 designated Critical Environmental Area as set forth in  
10 6 N.Y.C.R.R. Section 617.14(g) .

11 **7. Traffic.**

12 A traffic study dated May 2021 and updated  
13 in December 2021 was submitted for the proposed  
14 project by SRF and Associates. The report indicates  
15 that the projected traffic impacts resulting from the  
16 development can be accommodated by the existing road  
17 network and will not result in any significant adverse  
18 traffic impacts.

19 The Project site is currently served by  
20 three curb cuts on Monroe Avenue and two curb cuts on  
21 Elmwood Avenue. The proposed redevelopment results in  
22 a single access for each right-of-way as far from the  
23 intersection as practical. The reduction in conflict  
24 points and the maximum spacing from the intersection  
25 are in keeping with Town, County and State design

1       goals and will result in improved safety for both  
2       pedestrians and vehicles in the area.

3               The Project will not have a significant  
4       adverse impact on vehicular, bicycle, or pedestrian  
5       traffic. Thus, the Project will not result in any  
6       significant adverse traffic impacts.

7               Monroe County Department of Transportation  
8       is in favor of the proposed incentive zoning  
9       improvements.

10       8. Public Health and Safety.

11               The Project will not have a significant  
12       adverse impact on public health or safety. The  
13       Project is subject to all applicable Federal, State,  
14       and Local laws, regulations, and code requirements.

15       **Conditions:**

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

18               A.    Applicant shall respond to Planning  
19       Board and Town Engineer comments in writing.

20               B.    Applicant shall address comments and  
21       concerns of the Town of Brighton Sewer Department.

22       2. All Monroe County comments shall be addressed. In  
23       particular the comment of Monroe County DOT (Brent  
24       Penwarden) in an email dated 5-23-2023 regarding  
25       northbound left turns exiting the site onto Elmwood

1 Avenue westbound. Any agreement with the County shall  
2 be subject to the review and approval of the  
3 Commissioner of Public Works or his designee and the  
4 town attorney.

5 3. The location of any HVAC or other mechanicals  
6 and/or generators shall be shown on the site plan  
7 along with details of their proposed screening.

8 4. The parking lot shall be striped as per the  
9 requirements of the Brighton Comprehensive Development  
10 Regulations.

11 5. Show locations of proposed trash receptacles  
12 (Detail Sheet 2) on the site plan.

13 6. The dumpster shall be enclosed with building  
14 materials that are compatible with the existing  
15 building and located in the rear yard. The enclosure  
16 shall equal the height of the dumpster and shall not  
17 be higher than ten (10) feet. The proposed material  
18 shall be shown on plans and shall be approved by the  
19 Building & Planning Department. In addition, per Town  
20 of Brighton Code Section 207-14.1A(4) the Planning  
21 Board or the Building Inspector may modify the  
22 conditions of this Section 207-14.1A based on  
23 site-specific constraints or conditions, provided that  
24 potential aesthetic and litter impacts on surrounding  
25 properties are controlled.

- 1       7. A revised lighting plan shall be submitted that
- 2       follows IESNA guidelines.
- 3       8. The height of the light pole bases shall be six
- 4       inches above finished grade.
- 5       9. Submit final details on the cast stone '12 Corners
- 6       logo' indicated on the 'Round Planter Detail' on
- 7       Detail Sheet 3.
- 8       10. Work with Town-designated representatives to
- 9       design final details of the vertical "decorative
- 10       feature" and center of the "raised concrete wall with
- 11       brick veneer planter" referenced on the site plan and
- 12       install said decorative future prior to the issuance
- 13       of the final certificate of occupancy.
- 14       11. The entire building shall comply with the most
- 15       current New York State Fire Prevention and Building
- 16       Code. The proposed building shall be sprinklered in
- 17       accordance with Town of Brighton sprinkler
- 18       requirements.
- 19       12. All comments and concerns of the Town Fire
- 20       Marshal shall be addressed. Comments can be obtained
- 21       from the Town of Brighton Fire Marshal (Chris Roth,
- 22       585-784-5220). A turning radius analysis
- 23       demonstrating that emergency vehicles can adequately
- 24       access and navigate the site shall be submitted to the
- 25       Town Fire Marshal for review. An Operational Permit

1 shall also be obtained from the Town of Brighton Fire  
2 Marshal.

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

16 14. 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  $\frac{1}{2}$  hour before the business is open  
20 to the public and to terminate  $\frac{1}{2}$  hour after the close  
21 of business.

22 15. A letter of credit shall be provided to cover  
23 certain aspects of the project, including, but not  
24 limited to demolition, landscaping, stormwater  
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 16. The four foot high wrought-iron-style fence along  
5 the eastern property line shall be constructed of  
6 steel rather than aluminum as proposed.

7 (Ms. Altman, aye; Mr. Babcock-Stiner, aye;  
8 Mr. Fader, aye; Mr. Grisewood, aye;  
9 Mr. Osowski, aye; Mr. Price, aye.)

10 (Upon roll motion to approve with conditions  
11 carries.)

12 **Signs:**

13 **1687** WellNow Urgent Care Allergy for a Building  
14 face sign at 2760 Monroe Avenue  
15 CHAIRPERSON PRICE: I make a motion to  
16 approve as recommended by the Architectural Review  
17 Board.

18 MS. ALTMAN: Second.

19 CHAIRPERSON PRICE: Moved and seconded. All  
20 in favor?

21 ALL BOARD MEMBERS: Aye.

22 MR. GORDON: Let the record reflect consent  
23 to the motion was unanimous.

24 **1688** Chipotle for a building face sign on two  
25 sides at 2735 Monroe Avenue.

1                   CHAIRPERSON PRICE: Move to approve as  
2 recommended by the ARB.

3                   MS. ALTMAN: Second.

4                   CHAIRPERSON PRICE: Moved and seconded  
5 subject to that condition. All in favor?

6                   ALL BOARD MEMBERS: Aye.

7                   1689           Golisano Institute for Business and  
8                   Entrepreneurship for a building face and  
9                   freestanding sign at 150 Sawgrass Drive.

10                  CHAIRPERSON PRICE: Make a motion to approve  
11 as recommended by the ARB.

12                  MR. BABCOCK-STINER: I move we approve.

13                  MR. FADER: Second.

14                  CHAIRPERSON PRICE: Moved and seconded.

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

18                  (Proceedings concluded at 9:17 p.m.)

19                                   \*           \*           \*

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## REPORTER CERTIFICATE

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3 I, Holly E. Castleman, do hereby certify  
4 that I did report the foregoing proceeding, which was  
5 taken down by me in a verbatim manner by means of  
6 machine shorthand.

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

11

12 Dated this 21st day of June, 2023  
13 at Rochester, New York.

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*Holly E. Castleman*  
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HOLLY E. CASTLEMAN, NYSACR,  
Notary Public.