
BRIGHTON

PLANNING

BOARD

October 18, 2023
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

JOHN OSOWSKI)	BOARD MEMBERS
PETER GRISEWOOD)	
JULIE FORD)	

KENNETH GORDON, ESQ.
Town Attorney

ABSENT:

KAREN ALTMAN
JASON BABCOCK-STINER
DAVID FADER

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

1 CHAIRPERSON PRICE: Good evening, everybody,
2 and welcome to the October 18th, 2023, meeting of the
3 Town of Brighton Planning Board. In the unlikely
4 event of any kind of emergency tonight, there are
5 exits behind you and to my right or your left.

6 As always, if you choose to submit any
7 comments on any application that is before us tonight,
8 you may do so to Jason Haremza, who is our executive
9 secretary. His email address is
10 jason.haremza@townofbrighton.org. Jason Haremza,
11 H-A-R-E-M-Z-A.

12 Mr. Secretary, would you please call the
13 roll.

14 MR. HAREMZA: Altman is absent.
15 Babcock-Stiner is absent. Fader is absent.

16 Ford.

17 MS. FORD: Here.

18 MR. HAREMZA: Grisewood.

19 MR. GRISEWOOD: Here.

20 MR. HAREMZA: Osowski.

21 MR. OSOWSKI: Here.

22 MR. HAREMZA: Price.

23 CHAIRPERSON PRICE: Here. Okay. Before we
24 commence the public hearings tonight, we typically
25 take time to talk with staff about the applications

1 that are before us and other matters. So we will do
2 that at this time.

3 Our first order of business tonight is
4 consideration of the procedural rules. We have been
5 given a three-page document on Planning Board rules
6 and procedures, rules for decorum at public meetings.

7 Has everybody had an opportunity --
8 actually, why don't I give Ken a moment to outline the
9 basics of this document.

10 MR. GORDON: Thank you, Bill. So the Town
11 Board several months ago adopted a rule of procedures
12 and decorum. And the idea is to provide a structure
13 and order for public input and public hearings and to
14 give, in this case, the Planning Board Chair the
15 ability to have a reliable source of documentation on
16 which the Chair can make rulings as to when something
17 is in order or out of order relative to matters of
18 public input.

19 Sometimes we have seen at the Town Board
20 level and I think even here at the Planning Board on
21 occasion members of the public provide input which has
22 been other than in a polite and proper manner. And it
23 causes a cooling of the ability of other members of
24 the public to provide input to this Board when that
25 happens.

1 So the idea here is to make sure we maintain
2 civility and we maintain a custom and tradition of
3 allowing public input, but do it in a way that
4 respects all points of point of view and allows this
5 Board to hear the information from the public.

6 Some of the highlights here simply, speakers
7 need to address their comments to the Board, not to
8 other members of the public so we don't get in
9 arguments between different members of the public or
10 between the public and board members.

11 Comments are made to be that, comments, for
12 this Board to listen to, not questions for this Board
13 to answer. That's not your role to answer the
14 public's question. Your role is to listen to what the
15 public has to say.

16 For there to be really no audible
17 demonstrations, if you will, during these, which
18 become disruptive of this ability of this Board to
19 hear testimony and to hear applicants as well.

20 The ability to limit the amount of time that
21 each person gets to speak in this case as in the case
22 of the Town Board. Comments by the public are limited
23 to a three-minute period of time. That can be
24 extended at the discretion of the chair. And people
25 can be given a second chance to speak if there is time

1 enough and the chair thinks it will be appropriate and
2 add to the overall public input.

3 Those are some of the highlights. And I've
4 taken the Town Board rules of decorum, which I drafted
5 for the Town Board, and modified them for the Planning
6 Board so that they are appropriate for the Planning
7 Board.

8 CHAIRPERSON PRICE: Thank you.

9 MR. GORDON: Happy to answer any questions.

10 CHAIRPERSON PRICE: Does anybody have any
11 questions?

12 Did the Town Board adopt these rules?

13 MR. GORDON: The Town adopted rules very
14 similar. The Town Board, unlike the Planning Board,
15 also has an open forum section, which you do not have.
16 So there were some other rules that really didn't
17 apply to the Planning Board. They were taken out of
18 this policy.

19 But, yes, the Town Board adopted its rules
20 of decorum and procedures I want to say probably -- it
21 might have been over a year ago.

22 CHAIRPERSON PRICE: So if we do choose to
23 adopt these, they become codified in the Code?

24 MR. GORDON: They don't. They are simple
25 rules and procedures that this Board will run by. The

1 executive secretary of the Planning Board will keep a
2 copy of them. The chair will have a copy. All
3 members will have a copy.

4 And it's really a reference tool. Because I
5 think you'll find, have found, that many of the rules
6 and many of the procedures are things you already do
7 as chairman. And this just gives you a level of
8 comfort to know there's a document that the Planning
9 Board adopted. This isn't just Bill Price's win that
10 we're having. This is rules that have been adopted by
11 the Planning Board.

12 CHAIRPERSON PRICE: Have you had a chance to
13 look at these and review them?

14 MR. OSOWSKI: Yes. I'm good. I like it.

15 CHAIRPERSON PRICE: I like the document.
16 All right. Should I make a motion?

17 MR. GORDON: Somebody make a motion to adopt
18 the Planning Board rules and procedure rules of
19 decorum of the public meeting dated October 18th,
20 2023.

21 CHAIRPERSON PRICE: Give it a try, Peter.

22 MR. GRISEWOOD: Sure. I move that we adopt
23 the Town of Brighton Planning Board rules and
24 procedures -- rules of decorum at public meetings for
25 the Planning Board effective October 18th, 2023.

1 MS. FORD: Second.

2 CHAIRPERSON PRICE: Jason. Would you call
3 the roll?

4 (Ms. Ford, aye; Mr. Grisewood, aye;
5 Mr. Osowski, aye; Mr. Price, aye.)
6 (Upon roll motion to adopt rules and
7 procedures carries.)

8 CHAIRPERSON PRICE: All right. Thank you.
9 I think we're going to postpone the August approval of
10 the August meeting minutes.

11 That leaves us with our agenda review and
12 staff on the applications before us tonight. Jason,
13 do you want to walk through those as they are ordered
14 on our most recent agenda?

15 MR. HAREMZA: Sure. The first item is a
16 working address of 0 East Henrietta Road. That is
17 a -- reviewing a draft advisory report that was in
18 your staff report package for an incentive zoning
19 proposal for a recreational golf entertainment venue.

20 You have that included in the initial agenda
21 or the site plan drawing. But, again, the focus of
22 your role tonight is whether or not you would like to
23 advance the advisory report from this Board to the
24 Town Board for their consideration of the incentive
25 zoning.

1 The details of the site plan review will
2 return to the Planning Board as part of their typical
3 purview.

4 CHAIRPERSON PRICE: Okay.

5 MR. GORDON: In addition, there is also an
6 addendum that was circulated that covers the issue of
7 rezoning.

8 So this project involves both the incentive
9 zoning piece of it and a rezoning to BF-2. And one of
10 the roles of the Planning Board is also to comment on
11 that rezoning portion of this application.

12 So the addendum includes the commentary, or
13 I should say suggested commentary, that staff has come
14 up with for that rezoning piece of this as well.

15 And lastly, I'll just mention, put this
16 probably into -- well, you can do it now I suppose
17 since this isn't really a public hearing -- going to
18 be a public hearing matter. The Town Board has
19 declared its intention to act as lead agency for this
20 project.

21 The 30-day clock to object has started. It
22 would be good to know whether the Planning Board has
23 any objection to the Town Board acting as lead agency
24 with respect to this incentive zoning and rezoning
25 project since they are the ones that need to make the

1 decision. Although, this Board will have a site plan
2 review in the future for this project if it gets
3 through the process.

4 CHAIRPERSON PRICE: Okay. All right. Any
5 questions? We'll hear the presentation, but our
6 action is the referral letter back to the Town Board.

7 MR. HAREMZA: Second item is 1 Knollwood
8 Drive. That has been postponed again at the
9 applicant's request. They have submitted additional
10 information. It came in just past the deadline. That
11 coupled with the fact that their engineer was unable
12 to attend tonight, we encouraged them to wait until
13 November so that their engineer could be present at
14 the Planning Board.

15 CHAIRPERSON PRICE: Okay.

16 MR. HAREMZA: Next item is 2852 West
17 Henrietta Road. That's the application for a
18 conditional use permit for a Papa John's take-out
19 restaurant. It's a pretty straightforward case.

20 The one little hiccup is they needed a
21 variance for a parking deficiency. That was denied by
22 the Zoning Board a couple weeks ago. It was denied
23 without prejudice.

24 So the Planning Board tonight has two
25 options; approval with a condition that they go back

1 to the Zoning Board and get their variance; or we
2 table the application and wait until the variance is
3 granted.

4 Staff's opinion is that, you know, if the
5 variance is granted, there's no real issue with the
6 parking. It's just the Code requirements do have a
7 hirer requirement for restaurant uses compared to the
8 retail that had been previously in this space.

9 CHAIRPERSON PRICE: Okay. We'll hear the
10 applicant tonight about that.

11 MR. HAREMZA: The next item is 3 parcels on
12 South Winton Avenue. That's the Encore at Lac De
13 Ville as I believe it's known, across the street from
14 Tops.

15 First, you'll notice that the next two
16 applications are both related to that property. The
17 first one is simply a site plan modification of the
18 phase 2 approval that relates to reconfiguring the
19 connected driveway to the property to the south. The
20 applicant has obtained an additional parcel, which
21 makes the connection a little more straightforward and
22 connected. So that's -- that's all being addressed
23 with this first application.

24 The next one is for the same development
25 that is for final site plan approval and conditional

1 use permit for a component of phase 3, which is an
2 ALDI grocery store at the rear of the site. I think
3 it's generally pretty straightforward.

4 The one question that I think the Planning
5 Board should ask of the applicant is the -- can the
6 greenspace adhere to the Code? They're proposing a
7 slightly reduced amount of greenspace, which that can
8 be waived by the Planning Board I believe. But
9 whether or not that is truly necessary or whether you
10 feel it's acceptable, that's something the Planning
11 Board should consider.

12 And staff is recommending tabling this just
13 because there was some additional information needed
14 on some of the parking analysis and truck turning
15 movements on the site.

16 CHAIRPERSON PRICE: Okay. Questions?

17 MR. HAREMZA: Next item is 2253 South
18 Clinton Avenue. That's the southwest corner of South
19 Winton and Westfall. That is a multi-building medical
20 office park. That is preliminary/final site plan
21 approval and demolition review to demolish building
22 number 1 and essentially rebuild it on the same
23 fingerprint for a medical facility.

24 CHAIRPERSON PRICE: Okay.

25 MR. HAREMZA: Finally, 2750 Monroe County

1 Avenue. This is a conditional use permit application
2 for a cookie bakery in the Whole Foods Plaza. It's in
3 the -- described as the back building with Fidelity
4 Investments and Jersey Mike's, the multi-tenant
5 building in the back. Very straightforward
6 application.

7 The last item is 125 Old Mill Road. The
8 update on that is Historic Preservation Commission
9 reviewed the cultural resources survey at their last
10 meeting. They decided to advance consideration of
11 landmark designation for that property.

12 So the town historian has prepared a
13 landmark application and that will be reviewed at a
14 public hearing at the Historic Preservation Commission
15 meeting on November 16th.

16 CHAIRPERSON PRICE: Okay. And that remains
17 an active application to us until that public hearing?

18 MR. HAREMZA: That's something you the Board
19 can consider as whether to, you know, retain it on the
20 agenda or deny it without prejudice and have them
21 reapply.

22 If the structure is designated a landmark,
23 that will obviously change the nature of the project.

24 CHAIRPERSON PRICE: Okay. Before we
25 commence, I do want to point out we would like

1 everyone if you are a member of the public, a
2 resident, or somebody interested in one of these
3 applications, and you are not the applicant or agent
4 for the applicant, we ask you to sign up to speak at
5 any one of our -- at all of our public hearings
6 tonight.

7 There is a signup sheet. There's staff
8 outside in the main foyer to sign up. So no matter
9 what application we have that you're speaking about,
10 you'll need to please sign up to speak on behalf of
11 that application.

12 At this time, Mr. Secretary, can you confirm
13 that tonight's public hearings have been properly
14 advertised?

15 MR. HAREMZA: Tonight's public hearings were
16 advertised in the Daily Record of October 12th, 2023.

17 CHAIRPERSON PRICE: Okay. I don't know if
18 this is technically -- our first application is a
19 public hearing.

20 MR. GORDON: The incentive zoning review for
21 the Topgolf project is not a public hearing.

22 CHAIRPERSON PRICE: Okay. All right. So
23 first application up is for incentive zoning review, a
24 referral to the Town Board by this Board, application
25 10P-NB1-23, 0 East Henrietta Road. This is for our

1 advisory report for Topgolf.

2 **Application 10P-NB1-23**

3 Review an advisory report regarding Westfall
4 Development LLC's Incentive Zoning proposal to
5 construct a recreation and golf entertainment venue
6 consisting of a ±45,000 square foot building with
7 other amenities, associated outdoor elements, and
8 other site improvements on property located at 0 East
9 Henrietta Road (Tax parcels 149.06-1-3.12 and
10 149.06-1-3.11)

11 MR. GOLDMAN: Good evening, Mr. Chairman,
12 members of the Board. My name is Jerry Goldman. I'm
13 the attorney and agent for Westfall Brighton SRE LLC,
14 who is the owner of the 18.3 plus or minus acre
15 parcel, which sits on the City of Rochester/Town the
16 Brighton line on Westfall Road, on the south side of
17 Westfall Road.

18 With me tonight on this application and
19 available to answer any questions, Todd Waldo, who is
20 the developer and director from Topgolf international,
21 as well as -- Kevin is here as well from -- Kevin
22 Novak is here from ARCO/Murray, developing consultant
23 and general contractor for Topgolf for their project.
24 They've come from out of town to join us this evening.
25 Then Peter Vars is also here from BME Associates.

1 We also have present Kathy Gizzi, who is one
2 of the principals of Westfall Brighton SRE LLC, the
3 property owner. And all of us will be available to
4 answer questions once we've completed our
5 presentation.

6 I'm going to start with a little bit of
7 history relative to the property. This piece of
8 property was part of the Iola Campus, if you will, the
9 Iola Sanitarium, which was a large residential
10 facility for those who needed to be quarantined long
11 ago and far away. In my early years of practice it
12 was decommissioned and converted essentially to
13 offices for the County.

14 The portion in the City of Rochester has
15 been under consideration and redeveloped. The Town of
16 Brighton portion has remained vacant.

17 The prior owner of this property did acquire
18 all of the Iola Campus in pieces. And there was a
19 generic environmental impact statement that was done
20 around 2010 relative to the overall site.

21 But as it moved forward, and in particular
22 the development of the Costco in about 2013 or
23 thereabouts, the City conducted an independent SEQRA
24 review of all of the city-side of this project. And
25 that is essentially where things stand relative to the

1 environmental review.

2 They have gone through a number of
3 iterations of review and have done their piece. The
4 Town of Brighton is going to conduct its own
5 independent SEQRA, which is a Type I action under
6 SEQRA, which requires a coordinated review. And as
7 was pointed out, the Town Board has indicated their
8 intent to serve as lead agency.

9 So we would request that the board --
10 Planning Board consent to lead agency status this
11 evening for the Town Board to conduct that coordinated
12 review.

13 This parcel itself is a long narrow parcel,
14 as you can see. It is almost -- it's almost ideal and
15 suited for the intended use of the property. It does
16 not have access onto Westfall Road and there is no
17 access proposed to go out to Westfall Road by easement
18 or any other matter. The access for the property will
19 come out of the site and out to East Henrietta Road.

20 The proposal which is before you tonight is
21 for incentive zoning. And that incentive zoning is
22 for both generically referred to in our letter of
23 intent as a golf and entertainment recreational venue,
24 but now we are defining it as a Topgolf location. And
25 it will be the first one in Upstate New York. There

1 is one downstate in Suffolk County at the far end of
2 Long Island.

3 And Topgolf sought out a site in this market
4 because obviously we are known as a golfing community.
5 And to that extent, they looked for sites. And this
6 one was one which fit the profile very nicely in terms
7 of what they are looking for.

8 You may not be familiar with Topgolf because
9 we don't have any here. But Topgolf is a
10 comprehensive recreation and golf entertainment venue.
11 The building itself is a two-story building with about
12 a 23,000 square foot footprint on this 18-plus acre
13 site, a total of about 45,000 square feet.

14 There would be 80 plus or minus indoor
15 driving range bays, which go -- emanate from the
16 building and which have golf going in the northerly
17 direction of the site, which will be completely
18 screened on the outside. The concept is to have
19 people shoot at targets which are within the site.

20 It's not truly a driving range as we know a
21 driving range to be. But instead it is a golf game
22 facility.

23 In addition to that, we will have full
24 restaurant and bar, indoor and outdoor seating area,
25 dedicated event space within the venue and parking for

1 up to 375 cars in a parking field to be located to the
2 south of the building itself. Drainage facilities are
3 located even farther south than that. We do have a
4 lot of area to be able to work with for things like
5 drainage and other site improvements which are
6 necessary.

7 We expect that the venue will be a premier
8 location for charity and group entertainment events.
9 In addition to that, Topgolf is a major community
10 player in terms of welcoming high school golf teams,
11 especially during the daytime and when school is done.
12 They have a program called Play It Forward, which is
13 really an outstanding program. There's also
14 coordination with non-for-profit agencies generally
15 and with the military.

16 Our actual zoning issues that we have to
17 address is this property was historically zoned
18 single-family residential, residential-B. In the 1990
19 comprehensive plan, understanding that the Iola Campus
20 would be redeveloped for some commercial and with the
21 ultimate development of the business parks, Sawgrass
22 to our east, zoning didn't seem to make a whole lot of
23 sense.

24 So the comprehensive plan really defined
25 this to be an office commercial kind of use as a

1 placeholder, if you will. The subsequent
2 comprehensive plan and even our most recent Envision
3 Brighton 2028 plan do not address this particular
4 parcel directly in terms of its zoning.

5 In taking a look at our adjacent uses and
6 taking a look at the Code and what we intend to do,
7 the thought process was to rezone them so the
8 underlying zoning would be BF-2. There's BF-2 zoning
9 on the other side of the canal. We have the office
10 uses adjacent to us, certainly in the city. It is
11 more akin to a full retail use.

12 And we're using that as our stepping-off
13 point to consider the incentive zoning itself because
14 the primary use that we have is the use which is not
15 really addressed anywhere in our code. Our code does
16 address indoor recreation-type uses, but not one that
17 is a hybrid like this as well as all the rest of it.

18 So our intention would be to essentially
19 seek relief, which is area in nature as opposed to use
20 in nature in the underlying BF-2 zoning. And we have
21 a number of incentives that we would need as most
22 incentive zoning applications do under code.

23 We would be looking to have the conditional
24 use permit covered under incentive. Of course, we
25 would be back here for site plan review. We're also

1 looking for an incentive relative to the building
2 height with regard to the parking, with regard to
3 fences and walls in our front yard, as well as sign
4 relief.

5 In exchange for that, there's a generous
6 amenity package, which is defined in the letter of
7 intent to the Town Board, which entails construction
8 of offsite sidewalks, money set aside for recreational
9 purposes for the Town, as well as holding the Town
10 taxes to be fully covered despite the fact this
11 project would be eligible for COMIDA relief. So the
12 Town will receive that full benefit. When you total
13 up all of that, the value of the incentives is roughly
14 a million dollars or more.

15 So in essence what we're proposing is to go
16 ahead and to allow us to move forward with the
17 rezoning and incentive zoning process, understanding
18 that we will revisit the granular details of the site
19 plan when this comes back.

20 I know you have a lot of things on your
21 agenda tonight. I think that probably we should stop
22 at this point and address any questions that the Board
23 may have relative to the proposal.

24 CHAIRPERSON PRICE: Jerry, thanks. If
25 someone from Topgolf could give us a capsule review.

1 We'll get into it again in more detail at site plan.
2 But just a capsule review on the operation and what
3 are some of the peak times that people do come to
4 these and what is basically the overall program.

5 MR. WALDO: Good evening, Mr. Chairman,
6 board members. Todd Waldo, Topgolf. Appreciate the
7 questions. And certainly this is new for us to bring
8 a venue like this to Upstate New York. This will be
9 the first.

10 Just a little bit of briefing on Topgolf.
11 So it is an industry leader in golf entertainment.
12 Best in class for business operation. A venue like
13 this generally for operations hours and things of that
14 sort would be open Sunday to Thursday, 9 a.m. to
15 midnight, with some extended hours on Fridays and
16 Saturdays. From an operational standpoint, we
17 mentioned a full-service restaurant and bar. We're
18 going to employ 300-plus associates as part of this.

19 Venue operations are such that certainly
20 food and beverage service, alcohol service within the
21 building itself. You know, there's probably some
22 questions about nighttime hours and lighting and
23 things of that sort. We have some boards to share
24 with some photos that we have here.

25 So a two-story venue, 80 hitting bills that

1 has a full-service restaurant/bar inside it, outdoor
2 patio, rooftop terrace. Gives you a feel of some of
3 the amenities. Outdoor patio for guests' use.

4 Gives you a feel for some of the hitting bay
5 that we're speaking of. And they can generally
6 accommodate 6 to 8 people within each hitting bay. As
7 we mentioned across the two stories, there's 80
8 hitting bays total.

9 All the technology is included within the
10 venue, technology, all the golf equipment. Most of
11 our guests consider themselves non-golfers. They've
12 never played golf before. So we supply all of the
13 golf clubs, the equipment, balls, things of that sort.
14 And certainly as you see here all of the technology
15 that's included within that hitting bay itself.

16 Food and beverage service occurs at the
17 hitting bays as well. You don't have to be sitting in
18 the restaurant to consume that. It could be certainly
19 taken care of at each bay itself.

20 And then nighttime operations. We don't
21 have stadium lights. We don't have lights on top of
22 our building. Lights on top of our net poles. We do
23 have around the perimeter of the outfield will be the
24 playing surface of the driving range surrounded by
25 tall net poles that have barrier nets essentially for

1 ball containment. The golf balls stay infield for
2 play and for health and safety.

3 All the lights associated with the Topgolf
4 are essentially installed under the canopy of the
5 building facing the outfield. All those are LED
6 lights. As you see there they'll shine directly in
7 the direction towards the outfield for illumination.
8 Parking lot lights are pretty standard, shoe box
9 fixtures. The outfield lights are going to be more
10 open lights that are directional in nature.

11 So those lights are on for the operations of
12 the building and generally two hours after the venue
13 closes for maintenance. We got a lot of golf balls to
14 collect as part of our daily operations.

15 What you see here are the in-ground targets,
16 Jerry mentioned. This is not your ordinary driving
17 range. It certainly is not. A tech-infused driving
18 range with in-ground targets. A lot of electronics
19 are tied back to the hitting bay, game play
20 experiences.

21 So somebody can come here or -- just hitting
22 golf balls and try to get them into the targets and
23 then play simulated games with the technology that we
24 have within each hitting bay as well.

25 So it's a family-friendly interface as well.

1 You've got event space for social gatherings, for
2 corporate events.

3 But, yeah. We've sized this, we think,
4 appropriately for the greater Rochester area. This
5 will be one of our first 80-bay venues across the
6 entire portfolio. And obviously, we're very excited
7 about showcasing this here in Upstate New York.

8 Any specific questions about the operations
9 that maybe I didn't touch upon?

10 MR. OSOWSKI: I have a few. Just the green
11 area you show, is that real grass or is that
12 artificial turf?

13 MR. WALDO: That's artificial turf. It's
14 all impervious surface here.

15 There's not much -- you know, guests aren't
16 allowed on there. It's only for the maintenance
17 purposes. That's all artificial turf.

18 MR. OSOWSKI: It doesn't have to be
19 impervious just so you know. The artificial turf
20 football fields have drainage under them.

21 MR. WALDO: Yeah. Well, we have all
22 drainage here as well. All the drainage is built in.
23 It's just for long-term longevity and structural
24 capacity of the outfield itself.

25 MR. OSOWSKI: I assume this is year-round.

1 MR. WALDO: Yes, sir. This is all -- all
2 bays are climate-controlled. So we have cooling fans.
3 We have heaters within the bays.

4 We have quite a few venues located in
5 cold-weather markets. And they've been extremely
6 successful, whether it's Cleveland, Pittsburgh,
7 Minneapolis, Denver. We've got a venue that opened a
8 couple weeks ago in Rhode Island. Boston in a couple
9 of weeks as well.

10 We have found that they're extremely popular
11 in the winter weather, cold-weather climates during
12 the winter. Again, very comfortable to play golf
13 throughout the year.

14 MR. OSOWSKI: Do you have PGA pro on staff
15 to give lessons?

16 MR. WALDO: We have a director of
17 instruction. That's part of our program that was
18 mentioned earlier about the youth Play it Forward that
19 we have a lot of youth clinics. But certainly that's
20 not just limited to the youth. That's extended
21 across, you know, adults and everyone that wants to
22 take any type of golf instruction.

23 MR. OSOWSKI: Is the nearest one to us
24 possibly Cleveland?

25 MR. WALDO: Yeah. Cleveland and Pittsburgh.

1 Mentioned earlier that we do have another one in New
2 York that opened in December 2021 in Holtsville, New
3 York. That out in Long Island.

4 That one has been pretty successful since
5 it's opened. And this would, again, be our second in
6 the entire state and first of its kind in the State of
7 New York.

8 MR. OSOWSKI: Thank you.

9 CHAIRPERSON PRICE: Thank you. Hold on one
10 second.

11 MR. GORDON: So just as a reminder to the
12 Board, and then I want to direct this sort of to the
13 applicant, your role at this phase -- we're not at
14 site plan yet. The Town Board has not approved the
15 rezoning proposal. Your role is to comment on the
16 adequacy of how the incentives and amenities fit the
17 site and how those amenities and incentives relate to
18 adjacent structures looking at the planning design and
19 layout considerations.

20 So I'm wondering if you feel like you have
21 enough information on all of that because I didn't
22 hear much about the details of what exactly -- Jerry.
23 Mentioned height, that there's significant incentives
24 that are being asked with respect to signage. I just
25 want to make sure that the Board has had an

1 opportunity to have that input that it needs to feel
2 comfortable with the proposed letter that Jason has
3 drafted. And I don't know who on the development team
4 would be best to address those specific incentives,
5 whether it's you, Jerry, or someone from Topgolf or
6 maybe even --

7 MR. GOLDMAN: We'll both do it. We'll all
8 be involved in pieces of it as relates to our specific
9 expertise.

10 So to that extent, I didn't really drill
11 down into a lot of specific incentives because it was
12 contained in the letter of intent to the Town Board,
13 which is part of the package which each of you
14 received.

15 But to go on a paragraph-by-paragraph basis,
16 there are a number of pieces of this that would
17 require a conditional use permit under code, typically
18 handled by Planning Board if it were freestanding.
19 But for the most part, when we have incentive zoning,
20 especially for this type of use, if you will, now I'll
21 address it to the application for the Whole Foods
22 Plaza, we normally try to address those with the Town
23 Board as well in terms of the conditional use permit.

24 But the restaurant and bar application would
25 require a conditional use permit. Outdoor dining and

1 seating would require that as well. Allowing live,
2 broadcast music or other music within the venue also
3 requires a conditional use permit.

4 Capacity of our outdoor seating does exceed
5 50, which is the maximum allowed without a special
6 permit. We do exceed 750 square feet for the outside
7 patio.

8 And in addition, as I indicated earlier, the
9 actual entertainment aspect of it, the golf range and
10 the golf facility is something which typically has to
11 be indoors under code. And this does have an indoor
12 and outdoor element.

13 Building height relief that we're talking
14 about is 45 feet in lieu of what I believe is 40 feet
15 under code. Parking schedule is very tough to really
16 define. So we tried to define our parking need and
17 our parking desire and based upon the experiences of
18 Topgolf elsewhere. 325 spaces would be a minimum that
19 we would deal with. Our concept plan shows slightly
20 more than that. And we would like to have that kind
21 of flexibility because, again, we just don't know
22 exactly how things are going to play out in terms of
23 usage in our particular market.

24 One thing I should point out in addition to
25 all this, we do have control relative to the use

1 itself. It's not like a driving range that we're used
2 to where you go in and bring your clubs and you stand
3 in line behind somebody and stare them down until
4 their bucket is empty and then take their slot.

5 What we do here is that the bays are rented
6 on an hour basis -- an hourly basis so that way people
7 know when those bays are available and when they're
8 going to be there. So we don't necessarily have a
9 crowding of people waiting for that. They do have
10 assigned time slots.

11 With regard to signs, the sign package for
12 Topgolf is something which was depicted in the plans.
13 We have a pretty tall or pretty large on-the-building
14 sign, which is there to identify. The calculation of
15 the square footage makes it sound like there's a lot
16 more than what that looks like, which really is a
17 series of bold Topgolf lettering and what is
18 essentially a decorative logo.

19 We have signage along the walls on the
20 south, east and west side, not along the north-facing
21 Westfall. But we have signage which is along the
22 various sides of the building itself. On the east and
23 west elevations, we're talking about 65 square foot
24 signs.

25 So essentially those are the incentives that

1 we're talking about in conjunction with this. They're
2 all related to the functionality of the use itself and
3 its identification and the ability to really
4 integrate.

5 As Kent pointed out, one of the
6 considerations that you really have to consider is how
7 this meshes with its environment. And as we take a
8 look at it, we are adjacent to the U of R surgical
9 center, Retina Associates clinic. There are office
10 uses, which are along this side along the east side of
11 the property. When we get to the west side of the
12 property, we're talking about relatively more
13 intensive uses, the Costco, and what will be
14 ultimately the development of the remainder of the
15 site.

16 One thing that we didn't point out is that
17 we are contemplating pedestrian connectivity
18 throughout the site and throughout the adjacent site.
19 We expect that that pedestrian connectivity will
20 probably occur from the canal coming in at the city
21 end. We don't necessarily want to be disturbing the
22 trees, which are in the southern area of this site for
23 pedestrian connectivity. So to that extent, we will
24 provide the ability for pedestrians to actually
25 traverse this site.

1 That's kind of a quick summary, Ken.

2 MR. GORDON: Part of this project includes
3 the improvement or completion of what is now City Gate
4 west, if that's the --

5 MR. GOLDMAN: When you say City Gate west --

6 MR. GORDON: The entrance off of East
7 Henrietta Road.

8 MR. GOLDMAN: The entrance off East
9 Henrietta Road, what is going to happen is the first
10 initial signalized entrance over here across from the
11 Monroe Community Hospital, Stan Yale Drive. But what
12 has happened over the course of time is that just
13 north of REI, the REI building over here is the -- is
14 an intersection which is called South City Gate Drive.

15 MR. GORDON: South. Not west.

16 MR. GOLDMAN: South City Gate Drive is now
17 signalized.

18 We have a full traffic study, which was part
19 of our analysis. And this particular use was part of
20 the analysis as well. The intention is to improve
21 this road and provide a primary access into the
22 Topgolf site.

23 As we develop further, we're also talking
24 about a secondary access into that site once we have
25 further road development as part of the City Gate

1 development.

2 So traffic has been fully analyzed relative
3 to the use and that is part of our environmental
4 submission and part of our submission to the Town
5 Board for full consideration as part of the rezoning
6 and certainly will be part of the consideration of
7 this Board at site plan.

8 MR. GORDON: Right. Thanks for sharing that
9 because one of your amenities that you do call out in
10 your application is the amenity for site development
11 with ensuring there is no direct access to the site
12 from Westfall Road. And it's just important everyone
13 understands how you're going to accomplish that.
14 Thank you for explaining that.

15 One other question as to the impact on the
16 adjacent properties, which is something this Board
17 needs to consider, is there any actual Topgolf signage
18 that may be going on the City Gate's property?

19 MR. GOLDMAN: There will be signage on the
20 City Gate. I don't think that has been finalized at
21 this point, but I don't think that signage would have
22 any particular impact on the Town of Brighton itself.

23 MR. GORDON: Right. But the approval of
24 this project would have an impact on the adjacent
25 property in the sense that I'm guessing you wouldn't

1 put -- for example, if it was a big sign on the
2 smokestack, you wouldn't do that if this project
3 wasn't going forward.

4 MR. GOLDMAN: Well, I mean, the smokestack
5 will be a sign element. It was a sign element for
6 City Gate.

7 At this point I think it's more likely than
8 not that Topgolf will actually be a part of that
9 identification as well.

10 MR. GORDON: Just so it's out there.

11 MR. GOLDMAN: Yeah.

12 CHAIRPERSON PRICE: All right. So in
13 exchange for these incentives that you've outlined,
14 there are two amenities -- well, we'll call it three
15 amenities. 907 feet plus or minus of sidewalk to be
16 constructed from along Westfall from South Winton to
17 Buckland Park.

18 MR. GOLDMAN: That's correct. What that
19 does is that actually completes a sidewalk connection
20 which was contemplated by the Town. As you know right
21 now on Westfall Road, there's a sidewalk that stops a
22 little bit north of the 590 expressway, a quite s bit
23 north of the 590 expressway.

24 As part of another incentive zoning there's
25 been a commitment to construct sidewalk along the

1 remainder of Westfall Road. And the Brighton
2 Volunteer Ambulance has committed to construct
3 sidewalk on their property wrapping around to
4 Westfall.

5 And in addition to that other incentive
6 zoning, there was a commitment to doing 875 feet of
7 sidewalk and essentially halfway to the Buckland Park
8 entrance. What this does is that it completes that
9 complete loop and does provide sidewalk connectivity,
10 you know, essentially from the Jewish Home property on
11 the other side of the expressway all the way to
12 Buckland Park.

13 MR. GORDON: Just to clarify, I know there's
14 a lot of Ws going with this project, but you said
15 Westfall twice. What you really meant is South
16 Winton --

17 MR. GOLDMAN: South Winton.

18 MR. GORDON: The sidewalk along South Winton
19 from 590 to the Brighton Volunteer Ambulance property
20 that wraps the corner. And then that other incentive
21 zoning project will run 800-some-odd feet up Westfall
22 towards Buckland Park. So this additional sidewalk
23 will complete that section.

24 MR. GOLDMAN: And in addition to that, the
25 second amenity that you referenced is essentially for

1 yet undefined recreational or public uses, which will
2 be available for the Town. Obviously, it doesn't go
3 for the Town's general fund. It goes specifically for
4 needs and that is what the incentive zoning ordinance
5 does call for.

6 The third amenity --

7 MR. GORDON: You didn't mention the amount.
8 I think that amounts to \$275,000.

9 MR. WALDO: It's roughly \$275,000 and that's
10 in the letter.

11 CHAIRPERSON PRICE: Planning Board has no
12 say in the spending of those dollars?

13 MR. GORDON: I wouldn't say no say. I'm
14 sure that the Town is going to look for input from all
15 parts of the Town.

16 MR. GOLDMAN: I should make clear, this is a
17 commitment specifically on the part of the property
18 owner. This is not typically a Topgolf initiative to
19 go and participate in these incentive zoning payments.

20 So to that extent, it should be made clear
21 that the property owner has a stake obviously in this
22 development and has committed to those amenities.

23 The third one, of course, is the tax -- the
24 tax amenities for going -- essentially whatever COMIDA
25 benefit may be available for town taxes. So to that

1 extent the Town is made whole relative to that.

2 And those are the amenities in addition to
3 the operational amenities, if you will, cooperation
4 with the Town's recreation department, cooperation
5 with youth groups and schools and the like. So all of
6 that is part of the package of what we're talking
7 about.

8 CHAIRPERSON PRICE: You all set, Ken?

9 Who serves the site from a police
10 standpoint?

11 MR. GORDON: Who serves this site from a
12 police standpoint?

13 CHAIRPERSON PRICE: Yes.

14 MR. GORDON: It's in the Town of Brighton;
15 it would be the Town of Brighton Police Department.

16 CHAIRPERSON PRICE: Brighton needs to use
17 city streets to get to this? There's agreement? It's
18 all worked out?

19 MR. GORDON: Most Brighton residents are
20 allowed to drive in the city streets.

21 MR. GOLDMAN: Not that we have to deal with
22 this because it's not a residential use, but this
23 parcel is actually split between the Brighton School
24 District and Rush-Henrietta School District. So that
25 would have created its own little fun and games to the

1 fact that we're developed residential.

2 MR. GORDON: And I'm not a hundred percent
3 sure on the line here, but I'm pretty sure this is in
4 the Henrietta -- what was the West Brighton Fire
5 District is now the Henrietta Fire District.

6 CHAIRPERSON PRICE: Okay.

7 MR. GOLDMAN: I believe that's the case.

8 CHAIRPERSON PRICE: All right. Okay. This
9 is a public hearing.

10 MR. GORDON: It's not a public hearing. I
11 don't know if the Board wants to just simply take an
12 action and approve the letter that has been drafted so
13 that we can just move on to the public hearings and do
14 your usual process going forward.

15 CHAIRPERSON PRICE: Yeah. Anybody have a
16 problem with that?

17 MR. GORDON: I have one suggestion,
18 amendment that I've discussed with Jason that he has
19 agreed to enter into the letter subject to the Board's
20 approval and that would be an additional sentence
21 relating to the SEQRA discussion that says that the
22 Town Board has declared its intent to be lead agency
23 under SEQRA and the Planning Board consents to the
24 Town Board acting as lead agent.

25 CHAIRPERSON PRICE: Okay. So let's make a

1 motion to -- I'll make a motion to direct our
2 executive secretary to submit the letter that is
3 drafted in our package along with the addendum and the
4 amenities as mentioned by Attorney Gordon relative to
5 the SEQRA.

6 MS. FORD: Second.

7 CHAIRPERSON PRICE: Second. Any discussion?
8 Call the roll, please.

9 (Ms. Ford, aye; Mr. Grisewood, aye;
10 Mr. Osowski, aye; Mr. Price, aye.)

11 (Motion to approve the drafted letter
12 carries.)

13 MR. GOLDMAN: Thank you very much.

14 CHAIRPERSON PRICE: All right. We'll move
15 on to our second application, which was actually
16 tabled, 1 Knollwood Drive.

17 Third application, this is the Papa John's
18 Pizza.

19 **Application 10P-01-23**

20 Application of Larry Chen, owner, and Erik
21 Bjorneby, architect, for Conditional Use Permit
22 Approval to allow for a Papa John's Pizza takeout
23 restaurant on property located at 2852 West Henrietta
24 Road. All as described on application and plans on
25 file.

1 MR. LaDUE: I want to thank the Board for
2 hearing this application. My name is Jeff LaDue. I'm
3 the architect for FORM2 Architecture.

4 I'm here representing several others. EAB
5 Architecture is the architect of record. They're
6 based in Long Island. They basically produced the
7 documents that were submitted as part of the
8 application.

9 We've got -- representing Papa John's, I
10 have the regional manager, Jamie McVannan, who's
11 sitting in the back there, who can answer questions
12 regarding operations if I don't hit the hot button
13 issue that you're looking for answers to.

14 And also there was an affidavit filled out
15 if for some reason we have to touch on anything
16 relative to the building as a whole, which I don't
17 anticipate, but that was -- so that would be on behalf
18 of Greece Landing Properties.

19 The application before the Board tonight is
20 a request for a conditional use permit for, again,
21 Papa John's take-out restaurant. The space that
22 they're looking to occupy is located at 2852 West
23 Henrietta Road. The tenant space that's coming
24 available is currently occupied by Cricket Wireless.
25 So it's over -- going from the retail use to a

1 restaurant use.

2 It is -- it falls under the restaurant use
3 category within the Code, but it is strictly a
4 take-out restaurant. There's no on-site seating
5 either inside or out.

6 The space as -- the overall retail space is
7 a little over 1300 square feet. The building -- the
8 total building area is 14,350 square feet.

9 Of the 1300 square feet there is proposed
10 approximately 140 square foot of that is used for
11 basically pick up.

12 The hours of operation is seven days a week.
13 11 a.m. 'til midnight Sunday through Thursday, and 11
14 a.m. to 1 a.m. on Friday and Saturdays.

15 Typically you're looking at two employees
16 and two drivers. The busiest time is roughly between
17 5 and 8 o'clock, 5 p.m. to 8 p.m., at which time
18 they -- from Papa John's operational numbers, they
19 look at roughly 25 customers on-site during that
20 three-hour period. So you're roughly looking at a
21 little over one consumer every 10 minutes during that
22 period. Then it's spread over the other open times.

23 Deliveries are taken off hours, typically
24 two deliveries per week. So those would happen off --
25 so they don't impact basically the parking or access

1 to the site.

2 There's -- just want to make sure I got
3 everything. There was -- we did receive the comments.
4 There were -- I guess there was asking for
5 confirmation of the size of the restaurant, which I
6 mentioned 1300 square feet, the proposed days and
7 operations is mentioned, and then confirming the
8 number of employees and the busiest time being between
9 5 and 8.

10 There's no planned building or site
11 improvements other than basically what would be
12 happening within the existing tenant space.

13 The signage will be -- is not part of this
14 submission. An application that will come under a
15 different cover as needed. There's no anticipation of
16 any variance requirements that will be needed for the
17 sign ordinance for the Town.

18 Basically in the BF-2 general commercial
19 district, this operation is an allowed use with the
20 conditional use permit. I believe that use wouldn't
21 negatively impact the area. And then also I believe
22 it complies with the standards both of the master plan
23 and zoning district.

24 I can -- I guess that would be -- I guess --
25 parking, obviously, we've got an -- application had an

1 application before. Just basically touch on parking
2 because that may come up.

3 So the application made to the Zoning Board,
4 as was said, was denied without prejudice. Two of the
5 main things that came out of the meeting was, one, the
6 Board requested a parking demand assessment, which was
7 prepared by a traffic -- senior traffic planner at
8 Passero Associates made available to -- the
9 application was resubmitted, I believe, as part of the
10 next Zoning Board meeting. I can -- I don't think
11 that that would be -- have been made available to the
12 board members here.

13 But I can touch on the -- basically the
14 assessment was made based on the restaurant use in
15 conjunction with what is existing retail use. And at
16 least the finding was, and then stated in summary,
17 would be compared to the site supply of 40 parking
18 spaces, the predicted peak demand for the project and
19 occupancy of the vacant retail spaces can be
20 sufficiently accommodated under development
21 conditions. And what it factored in was parking
22 requirement for retail use in conjunction -- in
23 addition to the restaurant use for Papa John's.

24 The other item that I think caused some
25 confusion at the Zoning Board meeting was in terms of

1 representation and who was basically expected to speak
2 for the application being that there's the
3 architecture firm of record, there's the tenant, Papa
4 John's, and the building owner, who is FORM 2.

5 FORM 2 was brought on board to basically
6 speak for Papa John's application. And there was some
7 questions directed specific about the existing
8 building, which we -- FORM 2, we're not in a position
9 to speak to. There was a representation from the
10 building owner to speak to.

11 So at the next meeting, all the parties will
12 be present to at least address any of the questions
13 and concerns that the Board -- the Zoning Board may
14 have with respect to the questions of the parking
15 deficiency.

16 And the reason I bring that up is that the
17 hope is that the Board feels -- has a favorable
18 opinion about this application. The hope is that the
19 Board would act conditionally with option A that Jason
20 had spoke about. And then we would, you know, have to
21 get obviously the Zoning Board approval as part of
22 that process so we wouldn't necessarily -- not saying
23 that would be granted at the next meeting. But the
24 idea being that if it was, then we could go and submit
25 it for a permit because the owner's intent is to be up

1 and operational by sometime in December. So as we all
2 know, that window is getting shorter.

3 So I just wanted to touch on -- I mean,
4 you're probably aware and privy to those items, but I
5 figured that those were the two main items. But
6 ultimately -- so just wanted to offer that if the
7 Board had any inclination to grant conditional
8 approval.

9 Is there anything else? And again, Jamie's
10 here and he can speak if there's more questions like
11 about operations.

12 CHAIRPERSON PRICE: Questions?

13 MS. FORD: Not at the moment.

14 MR. OSOWSKI: So I'm curious. What was the
15 parking deficiency? How much were you proposing to
16 provide?

17 MR. LaDUE: It's 6 -- 60 is required and --
18 where 47 is provided.

19 MR. HAREMZA: For the overall plans. It's a
20 multi-tenant build.

21 CHAIRPERSON PRICE: And I assume that
22 Passero's parking study took into account hours of
23 operations of other tenants?

24 MR. LaDUE: They also had -- I mean,
25 initially what was presented was parking. So there

1 was a period where someone was on-site and counted.
2 But because there's a portion of the building -- fair
3 portion of the building that currently is not
4 occupied, the question was raised -- you look at the
5 numbers and you have 20 people and 20 cars on average
6 in the parking lot. What happens when the bulk of the
7 building, you know, would be occupied?

8 So that was where there was some contention
9 with how -- getting an expert to basically offer input
10 as to that location, that available parking, the
11 proposed use and the current use is, which are
12 retail -- a proposed retail use for the vacant space
13 and Papa John's.

14 Now obviously, if within that framework that
15 someone in the available space chose to do something
16 other than retail, then that would -- they would all
17 have to come before you and ask for the use permit to
18 make that change. But that was sort of the basis for
19 the report.

20 CHAIRPERSON PRICE: Okay. I don't have
21 anything else. Ken?

22 MR. GORDON: Two things. One, can you
23 explain to me how is it that the owner has consented
24 to this Planning Board application for his property?

25 MR. LaDUE: The building owner?

1 MR. GORDON: The building owner. How do we
2 know -- how does the Planning Board know that the
3 owner of the property is consenting to this
4 application?

5 MR. LaDUE: He provided -- there's a
6 affidavit that was provided. I have a copy of it.

7 MR. GORDON: I'm looking for that in my
8 packet.

9 MR. LaDUE: That authorized EAB and FORM 2.

10 MR. GORDON: Maybe I looked past it. I
11 apologize. I'm just going back through my packet. I
12 don't see that in my packet. Does the Board have it?
13 Jason, do you have it?

14 I can tell you it's not part of the
15 application.

16 I believe that was filed with the new Zoning
17 Board application. I don't know that it was filed
18 with this Planning Board application. Do you know if
19 it was filed?

20 MR. LaDUE: As part of the Planning Board?
21 Well, no, because it had come up whether we had -- he
22 wanted a formal writing. So that was provided with
23 this basically. And this was provided to us for this
24 meeting because the owner couldn't --

25 MR. GORDON: This affidavit you have was

1 provided to you for this meeting for the Planning
2 Board?

3 MR. LaDUE: That's correct.

4 MR. GORDON: And was it provided to the
5 secretary of the Planning Board or any Planning Board
6 members? It has not been provided to me, the attorney
7 to the Planning Board.

8 MR. LaDUE: Okay.

9 MR. GORDON: Doesn't do any good in your
10 hand, sir.

11 MR. LaDUE: Well, I can provide a copy of
12 that.

13 MR. GORDON: So for the Board's information,
14 the affidavit I was just handed says that Sheng Chen,
15 S-H-E-N-G, C-H-E-N, of Greece Landing Properties LLC,
16 is the authorized ownership representative of 2852
17 Henrietta Road -- I'm sure that means West Henrietta
18 Road -- Rochester 14623, and authorizes EAB
19 Architectural Design and its staff as well as Jeffrey
20 LaDue of FORM 2 Architecture and staff to represent
21 Greece Landing Properties LLC, at the hearing on
22 October 18th, as well as with respect to the parking
23 variance on November 1st for the property at 2852 it
24 West Henrietta Road.

25 Thank you.

1 MR. LaDUE: You're welcome. Sorry. I --

2 MR. GORDON: We just -- I just --

3 MR. LaDUE: No. Understood. And it was
4 clear that -- and understandable what -- as part of
5 the original ZBA meeting. So that was to try to
6 address --

7 MR. GORDON: And we're circulating that to
8 the Planning Board now.

9 Second question is I did not see -- repeat
10 the hours of operations, please.

11 MR. McVANNAN: 11 a.m. to midnight, Sunday
12 to Thursday.

13 MR. GORDON: If you're going to talk, tell
14 us who you are.

15 MR. McVANNAN: So my name is Jamie. I've
16 been with Papa John's for over 20 years.

17 MR. GORDON: Your last name.

18 MR. McVANNAN: McVannan. M-C-V-A-N-N-A-N.
19 I've been with Papa John's for over 20 years. My wife
20 and I had owned three stores prior to joining PJ
21 National, who was -- we're going to build or hope to
22 build this store where Cricket Wireless was.

23 So the hours of operations -- in my opinion,
24 this is a more scaled-down version of Papa John's
25 compared to what I'm used to. So 11 a.m. to midnight

1 Sunday through Thursday. And then 11 a.m. to 1 a.m.
2 Friday and Saturday.

3 MR. GORDON: Are you aware that our BF-2
4 standards provide that no operations past midnight
5 unless you specifically request a conditional use
6 permit that would extend as far as to 2 a.m.? I don't
7 see that in your application asking for anything past
8 midnight in the application that was filed.

9 MR. LaDUE: Okay.

10 MR. McVANNAN: So we would -- at this time
11 midnight would be the cutoff.

12 MR. GORDON: All right. And deliveries, we
13 were told, would be outside of operational hours.
14 Does that mean after midnight? Or does that mean
15 before the store opens at 11 a.m.?

16 MR. McVANNAN: So I'm assuming you're
17 referring to the commissary deliveries we receive.

18 MR. GORDON: Any deliveries for your store.

19 MR. McVANNAN: Any deliveries from the store
20 to the customer --

21 MR. GORDON: No, no, no.

22 MR. McVANNAN: Our food -- we receive two
23 food trucks per week. So typically now they're
24 Mondays and Thursdays at your other locations.

25 I can't say what time they would be in

1 Rochester, but I do know the stores in the Southern
2 Tier where I'm familiar with is anywhere from 4:30 to
3 5 a.m. until about 9 to 10 a.m. is that window for
4 that group of stores there. I'm assuming it's coming
5 from the same commissary. So it would be on that same
6 route.

7 MR. GORDON: And so also the regulations on
8 the Brighton Town Code for the BF-2 district, which
9 you're in, says no deliveries before 6 a.m. It sounds
10 like --

11 MR. McVANNAN: They wouldn't be before 6
12 a.m. They come out of New Jersey. So they'd hit the
13 Southern Tier and work their way here.

14 MR. GORDON: Just so neither the Town nor
15 your operations is surprised by anything.

16 MR. McVANNAN: Absolutely. And if I could
17 interject a little bit on the parking with that plaza.
18 So there's a Parks Plus building that's been out of
19 business for a long time at the far left end of that
20 plaza. Then there's a truck accessory retail space
21 next to that.

22 They're closed on Saturday and Sundays. So
23 that would leave -- free up a lot of parking for the
24 busiest times for Papa John's, which is Friday,
25 Saturday, Sunday.

1 And then we go where Cricket was. And
2 there's a liquor store to the far right. So just in
3 my observations in doing this for 20 years, in my
4 humble opinion, there's plenty of parking in that
5 particular location for what we do.

6 We use -- Papa John's employs third-party
7 delivery apps through DoorDash and Grubhub, Uber Eats.
8 And those guys are in and out very quickly. So it's
9 not like you're tying up a particular parking space
10 for, you know, 10 or 15 minutes.

11 Like in the old days, we used to have 17
12 Papa John's drivers to do the deliveries Friday night
13 from our Ithaca location. Now we run four because we
14 have all these third-party companies that are coming
15 and going in a quick manner. So it's changed. A lot
16 has changed over the years compared to what it used to
17 be.

18 MR. GORDON: Thank you. I'm all set.

19 CHAIRPERSON PRICE: Okay. Thank you. Good?
20 All right.

21 This is a public hearing. Is there
22 anyone -- I guess I'll ask loudly so that the guys out
23 in the hallway can hear. Anybody signed out to speak
24 on behalf of this application?

25 MR. GORDON: I'll go take a look, but there

1 was no sign-ups at all.

2 CHAIRPERSON PRICE: Okay. All right. Thank
3 you, Jeff.

4 I'm assuming that nobody pops here in the
5 next two minutes. We'll move on. Is everybody doing
6 okay?

7 That brings us to our next application
8 10P-02-23.

9 **Application 10P-02-23**

10 Application of 1925 South Clinton LLC,
11 owner, and Costich Engineering, agent, for Site Plan
12 Modification (of phase 2) to allow for the realignment
13 of a cross access driveway servicing an adjacent
14 property, to/from property located at 1905/1925 South
15 Clinton Avenue. All as described on application and
16 plans on file.

17 CHAIRPERSON PRICE: We'll take these one at
18 a time, Paul. So this is 10P-02-23. Good evening.

19 MR. COLUCCI: Good evening, Mr. Chairman,
20 members of the Board. My name is Paul Colucci with
21 the DiMarco Group on behalf of the applicant 1925
22 South Clinton LLC.

23 I made the mistake of telling them not to
24 bring board tonight. So would it be okay with the
25 Board if we moved that over here?

1 MR. HAREMZA: It's fine with me. I believe
2 the Board has seen the drawings.

3 CHAIRPERSON PRICE: Please.

4 MR. COLUCCI: Nice when help comes.

5 So joining me tonight is Derrick Lich from
6 Costich Engineering, the engineer of record, and
7 Jessica Banks, who will be participating in the next
8 application, which we'll get to after we address this
9 first application.

10 So as Mr. Haremza read in the introduction,
11 we're here tonight seeking a modification to phase 2
12 site plan approval. Specifically two pieces that
13 we're requesting modification: A cross access drive
14 and easement to the Gables to the south, and then also
15 installation of additional sanitary sewer and storm
16 sewer main line infrastructure that we wish to get in
17 while we're under this construction season so that we
18 don't have to interrupt the main drive lane to the
19 Starbucks once we're operating and the cross access
20 and the traffic that will come with the Gables.

21 So initially when we proposed this project
22 under the incentive zoning, we were required to
23 provide cross access to the north property and to the
24 south. The cross access to the north was established
25 back when it was built with the Doodle Bugs!

1 application. Both site driveways are in the northerly
2 driveways for the existing Doodle Bugs! Since that
3 facility opened and we haven't constructed the
4 southerly access and will be installing the signal
5 during this construction season, it will be
6 operational prior to Starbucks opening, which would be
7 end of the first quarter, 2024.

8 So as we were preparing to build the cross
9 access to the Gables property, I had an opportunity to
10 meet with the executive director, Brian LaSalle, walk
11 the property with him, show him where the cross access
12 was proposed. The reason it was proposed so far to
13 the west is when we initiated this application, we
14 didn't control the parcel which identified as 1969
15 South Clinton.

16 So not having that under control and having
17 the obligation to provide cross access, we did it
18 where we could, where our property abutted theirs.
19 Since this project has moved forward, we've acquired
20 that 1969 parcel. It's under county ownership. Same
21 entity, 1925 South Clinton LLC, owns that parcel.

22 So I had an opportunity to walk with
23 Mr. LaSalle and say, we're going to construct a cross
24 access to your property. Here's where it's proposed.
25 How does that work with your operations?

1 And he said this really doesn't make sense.
2 It's coming into the back of our property. There's no
3 connectivity to our parking lot. Our staff and our
4 visitors and all our patrons, residents, would need to
5 park up front.

6 So I said, what do you need?

7 Well, I need this closer to the parking lot.

8 So the proposal for the modification is
9 moving that driveway to the east, aligning with their
10 parking lot. Additionally, when I met with
11 Mr. LaSalle, he said, you know, primary concern that
12 he has is safe access in and out of his facility. He
13 saw a very strong benefit to having access to the
14 signal. Where their driveway is located is somewhat
15 in a blind spot if you're taking a left out of South
16 Clinton. So this is a great benefit.

17 Additionally, he said he would envision that
18 his residence and his staff would walk to this
19 facility. Starbucks is a desirable location. We're
20 also going to be filling in with additional retail
21 tenants. And mentioned to him that we would have a
22 possibility of a grocery store here if that was given
23 approval.

24 And he said, you know, could you provide a
25 sidewalk? Which was not an obligation we had, but we

1 said, yes. We see a benefit with that. When we
2 redesign this, we'll include a sidewalk. And that's
3 what you see on the planning board. You see that
4 modification to bring that cross access further to the
5 west aligning with their parking lot and the
6 installation of the sidewalk.

7 Additionally, as I alluded to, we'd like to
8 install the west main line sanitary that would
9 continue the sanitary sewer to the southerly property
10 line and then bring those laterals across the
11 north/south drive to the future pad that is to the
12 south of the Starbucks building and extend the lateral
13 down to the 1969 parcel. So we have sewer access
14 there.

15 Doing that now prior to paving helps us so
16 we don't have to close the road down, interrupt access
17 to the signal and interrupt Starbucks traffic.

18 We received the staff comments this morning
19 and I had an opportunity to look through those. I
20 don't think there's really anything that was of great
21 concern that we couldn't work through with staff and
22 make a response.

23 I should note that the sanitary sewer
24 extension has been approved by Monroe County Pure
25 Waters, Monroe County Department of Health. I've been

1 working with the town engineer and the Commissioner of
2 Public Works relative to preparing, should this Board
3 grant us that approval, to install that additional
4 infrastructure to install that prior to the end of
5 this construction season.

6 Minor comments that were included were
7 related to drainage easements. The cross access
8 easement that exists today will be vacated because
9 it's in a location that is not coincidental to where
10 this driveway is going to move.

11 We have prepared draft cross access
12 easements for review by the owner of the Gables
13 facility. Those draft documents will make their way
14 to the town attorney for review. They would follow
15 the same language that exists today in the recorded
16 document.

17 There is a cross access easement that exists
18 between the 1925 South Clinton Encore of Lac De Ville
19 development and the 1969 parcel that is owned by the
20 same common entity. Now, we're going to be modifying
21 the cross access easement to the Gables so that they
22 have the rights to traverse into and through the
23 drives on the overall development.

24 Overall, pretty straightforward. Wanted to
25 open it up to questions you might have and hopefully I

1 can answer any questions that the Board has.

2 CHAIRPERSON PRICE: It does make more sense
3 where it's tying from. And I understand why it was
4 originally proposed where it was, but that wasn't
5 necessarily the best spot on there on their parcel.

6 You know, my only minor comment is as
7 development of an out parcel -- and I apologize --
8 which property number that would be, let's say the
9 south side of the entrance drive that you're trying to
10 bring the sanitary lateral to the curb cut to that
11 particular parcel may want to be flexible.

12 You know, I have no idea what might go
13 there. You probably don't either. But that curb cut
14 seems very tight to the intersection. And I know we
15 had those kind of conversations with the distance of
16 the drive-through at Starbucks and that, you know, the
17 access -- main access road with Doodle Bugs! at that
18 time.

19 But other than that minor detail, that's all
20 I have to comment on.

21 MR. OSOWSKI: I'm good. Thank you.

22 MR. GRISEWOOD: I'm good.

23 MR. GORDON: I might have missed it, Paul.
24 I'm sorry. Hours of operations for all these? Well,
25 we're not there yet.

1 MR. COLUCCI: Not there yet.

2 MR. GORDON: Was there some concern we had
3 about how close the realigned road was going to come
4 to the property?

5 MR. HAREMZA: Yeah. That's the -- the
6 engineer's memo raised that point about possibly
7 screening that.

8 MR. GORDON: Screening it or realigning the
9 road as proposed?

10 MR. HAREMZA: Just -- no, not realigning.

11 MR. GORDON: Just screen. Okay.

12 MR. HAREMZA: Survey of the property line
13 and located in the field prior to construction.

14 MR. COLUCCI: Yeah. There was -- that's a
15 good point, Ken. There was a comment in the staff
16 report -- two comments related to that property. One
17 is surveying the property line, make sure we don't
18 disturb. We have gone out and done topo in this area,
19 located the property line, located the existing
20 features. We know how drainage exists today.

21 Basically when we build the road in this
22 modified location, the high point is right at the edge
23 of the 1969 parcel. So all the runoff on the 1969
24 side and our side will come to our site. Everything
25 on the Gables property will continue to flow towards

1 their circulation drive and will be maintained on
2 their parcel.

3 There's no change in drainage pattern. The
4 other comment was related to locating the property
5 line for staking prior to the construction so we don't
6 disturb anything on the residential property. That is
7 unrelated to this application.

8 And then providing some consideration in
9 providing some screening along the realigned access
10 road. We have no objection. I did discuss with
11 Costich Engineering, proposing some kind of landscape
12 screening that is four seasons, whether it's
13 arborvitae or something that's quickly established,
14 will maintain, so that there is that buffer to that
15 residential property.

16 It's to the very back. There's a shed,
17 garage structure back here. There is existing
18 landscaping on the residential property. But I think
19 that the comment that you're referring to is just some
20 screening along that access drive.

21 MR. GORDON: There was also a comment --
22 and, again, I can't remember what report I saw this is
23 in -- about potential both pedestrian vehicular
24 conflicts from folks coming -- using this access drive
25 from the Gables in your plaza. So folks who may

1 reside at the Gables want to walk over to the
2 Starbucks or ALDI. And the concern is about potential
3 vehicular access with drivers coming out of the
4 project onto the Gables.

5 I know that was already, you know, part of
6 the plan. I don't remember where I saw that comment
7 or how it's addressed.

8 MR. HAREMZA: It's in the engineer's memo.
9 And it's one of the highlighted items. So it was
10 reiterated in the actual staff record as number 3. We
11 spoke about it at the staff meeting.

12 It's one of the curb openings on the west
13 side of the access driveway. I believe there are two
14 shown on the plan. And the thought was if at least
15 one of those can be eliminated, it would make that a
16 little bit -- reduce the number of conflict points.

17 MR. COLUCCI: Yeah. So we -- in addition to
18 moving the access drive to the east prior to this
19 modification, there was no sidewalk for any defined
20 pedestrian access. We have a continuous sidewalk that
21 brings any staff from the Gables over to a future curb
22 cut for some building that would be developed at some
23 point in the 1969 parcel.

24 We did offer a conceptual plan just to frame
25 why that curb cut is there where a building might go.

1 We don't have a user there. We discussed this at some
2 of the informal meetings we had. And the ALDI
3 application will kind of discuss the curb cuts and
4 parking alignment to the west of this access drive.

5 So this is really streamlined access for --
6 mainly consideration for driving to a signalized
7 access with the sidewalk that parallels. In that
8 conceptual plan you'll see why the sidewalk is
9 following that route because there will be future
10 parking, building in this location and then an area
11 for parking so that we can facilitate that.

12 When we develop the 1969 parcel, one of the
13 benefits is we're eliminating the curb cut onto South
14 Clinton Avenue. This would then follow suit with the
15 buildings fronting creating that street edge. We
16 would continue that pattern. And then we would have
17 parking for this future building, which we don't know
18 what it is now. But we offered some conceptual
19 layouts, which is why the sidewalk follows that route.

20 MR. HAREMZA: Right. But the sidewalk
21 certainly is a very welcome addition. And I commend
22 you for that because there's a lot of plans in
23 Brighton that talk about walkability and pedestrian
24 access. And this is a real-world example. So I
25 really appreciate that.

1 I think we're talking about two things. So
2 there's the conflict point between pedestrians and
3 that driveway to the future pad site. So then the
4 west side of that roadway, there are two vehicular
5 entrances to the ALDI parking lot. And that's what I
6 think we were discussing.

7 MR. GORDON: Right. So maybe, again,
8 pushing the issues from really the ALDI development
9 proposal into this realignment proposal and we can
10 wait to talk about that.

11 MR. COLUCCI: Yeah. Certainly. Noted.

12 And the overall layout of the site has
13 remained unchanged from the preliminary overall.
14 Moving this connection drive, which sounds like -- and
15 we've received positive feedback from the neighbor,
16 from staff, from the Planning Board. We will discuss
17 more about how that parking alignment works and how
18 truck traffic needs to operate on the next
19 application.

20 CHAIRPERSON PRICE: Okay. All right. I
21 guess why don't we step back. I'm going to ask
22 anybody in the audience that cares to address this
23 application related to the phase 2 access to the
24 property to the south and extension of sanitary sewer,
25 please step up. Okay.

1 MR. GORDON: No one signed up outside.

2 CHAIRPERSON PRICE: No one signed up. Okay.

3 Is everybody good? We'll go right to the next
4 application. That would be 10P-03-23.

5 **Application 10P-03-23**

6 Application of 1925 South Clinton LLC,
7 owner, and Costich Engineering, agent, for Final Site
8 Plan Approval and Conditional Use Permit Approval
9 (Phase 3) to construct a 20,664 +/- square foot ALDI
10 grocery store on lot 2 (1925 South Clinton Avenue,
11 Tax ID #136.15-1-9.1) and to allow overall site
12 impervious coverage to increase above the allowable 55
13 % to 56.75% on property located at 1905/1925 South
14 Clinton Avenue. All as described on application and
15 plans on file.

16 MR. COLUCCI: Good evening. Paul Colucci
17 for DiMarco Group here on behalf of 1925 South Clinton
18 to discuss phase 3 of the property -- the project.
19 Joining me, Derrick Lich, Costich Engineering, Jessica
20 Banks, architect with APD. They are the architects
21 for ALDI grocery store.

22 So we have submitted the application
23 Mr. Haremza read into the record. We're here tonight
24 seeking preliminary/final site plan approval for
25 phase 3 to include an ALDI grocery store approximately

1 20,664 square foot, which would replace a previously
2 shown two-story medical office building on the
3 southwest pad of the development.

4 The previous building was approximately
5 25,000 square feet divided between two floors. When
6 we look at the overall development threshold that
7 we're allowed for this project under incentive zoning,
8 we're allowed 77,000 square feet. By making this, it
9 means we're actually reducing the actual total square
10 footage to 73,264 square Feet.

11 ALDI has a use as a conditional use. So we
12 have also submitted a package for consideration to
13 consider the conditional use for grocery.

14 The overall site configuration remains
15 generally the same with some minor changes to
16 accommodate the slightly larger building pad while
17 reducing the square footage, which was previously
18 zoned in that location.

19 The site plans demonstrate the building and
20 bringing in delivery vehicles taking a route, which we
21 would anticipate deliveries would come off of Elmwood
22 traversing into the northerly site driveway and then
23 maneuvering to the south, make a K-turn backing into
24 the loading facility and then heading out to the
25 signalized access on the southerly side to make a left

1 and turn to head back towards Elmwood Avenue.

2 The overall site plan shows 384 parking
3 spaces where 367 are required by code to meet that
4 five per thousand ratio that was in the incentive
5 zoning regulations.

6 Utilities including sanitary storm and water
7 would be accessed from the infrastructure within the
8 overall development. As I previously mentioned, that
9 sanitary sewer extension has been approved by Monroe
10 County Pure Waters and Monroe County Department of
11 Health, helped to install that under phase 2. And
12 ALDI would be connected to those facilities.

13 ALDI's hours of operation are 9 a.m. to 9
14 p.m. Sunday to Saturday. They also receive deliveries
15 during those same operational hours. It's a small to
16 modest in size affordable grocery store. I'm sure
17 we're all familiar. There's others in Monroe County.
18 A benefit to this development, to this area, to the
19 Town of Brighton.

20 ALDI does not prepare any food. There is no
21 bakery. There is no butcher. All their food is
22 brought in packaged, for sale, hence there's no need
23 for a grease trap or any type of accommodations other
24 than standard domestic sanitary waste.

25 Deliveries are approximately 12 to 15 per

1 week. So roughly two a day, again, during those
2 business hours.

3 We have situated the building on the
4 southwest, have accommodated the parking and the
5 pedestrian access to the front door of ALDI. They'll
6 be installing bike racks at the front door. There
7 would be a trash receptacle adjacent from the
8 entrance. Again, considerations under the conditional
9 use for consideration.

10 We did present this to the Architectural
11 Review Board in September. It was approved with
12 conditions that we have a certain brick size that they
13 preferred over the standard brick size. So that could
14 be accommodated in the plans that will be submitted
15 for building permit review.

16 We did include rooftop screening. The
17 rooftop units themselves are set towards the back of
18 the building. There is no line of sight for them, but
19 we asked ALDI to actually install screens around them
20 just to be sensitive to our neighbors to the south and
21 to the west. That was received well by the
22 Architectural Review Board.

23 Again, we received staff comments. This
24 morning, had an opportunity to review those. I'll
25 touch on some of the notable ones that we picked up

1 on. I won't go through all of them.

2 Under the staff report number 5 was to
3 confirm the hours of operation, including deliveries.
4 I touched on that. 9 a.m. to 9 p.m., Sunday through
5 Saturday.

6 We are asking for a -- Planning Board to
7 consider a waiver of the greenspace and lot coverage.
8 Under the incentive zoning regulations we're allowed
9 lot coverage of 55 percent. With this application
10 we're at 56.75 percent. The comment number 6 is
11 touching on that basically saying that -- asking us to
12 explore ways to maintain that 55 percent lot coverage.

13 One of the thoughts that I had was proposing
14 to land bank some of the parking. We have
15 approximately 20 spaces along the very westerly
16 boundary of the ALDI parking field. Those 20 spaces
17 could be land banked. That would reduce our
18 impervious coverage. We would cut down that requested
19 waiver.

20 We do want to have area for snow storage.
21 We don't want to bring ourselves down to that minimum
22 parking not knowing who is going to be in this final
23 building to the northwest. If we were to get an
24 intense medical use, parking, as we know with medical
25 facilities, tends to be demands. So we would prefer

1 to have in excess of that minimum five per thousand.
2 But we thought that land banking some of that parking
3 could be a way to address comment number 6 -- I'm
4 sorry. Looks like number 6 is repeated.

5 On the second page --

6 MR. HAREMZA: The first number 6.

7 MR. COLUCCI: First number 6.

8 On the second page under conditional use
9 permit findings, couple items to touch on, 6B, I talk
10 about the delivery hours. The lot coverage, same
11 thing. We're not opposed to working with the town
12 engineer or Planning Board's ideas for, you know, land
13 banking parking or reducing that coverage. The
14 Planning Board does have the ability under the
15 incentive zoning to grant a waiver up to 10 percent up
16 of any bulk area requirements.

17 So in theory if the Planning Board was to
18 consider, you're within that threshold of the waiver
19 that would be granted. So I would just have to go to
20 the Zoning Board of Appeals.

21 I believe the other conditional use permit
22 items were acceptable relative to the documents I
23 submitted. Under the tow engineer comments, again, we
24 were talking about that overall impervious coverage
25 and exploring ways to reduce that rather than just

1 grant that waiver. But again, we're within that 10
2 percent that the Planning Board has in their purview.

3 Number 3 was related to the traffic
4 memorandum that was submitted and the increase in the
5 trips converted from the medical office facility to a
6 grocery facility. We are increasing trips by nine
7 additional trips -- I'm sorry -- seven additional
8 trips in the morning and nine trips in the evening.

9 We did receive the Monroe County planning
10 review comments and received directly from Monroe
11 County DOT that they find -- in agreement with the
12 traffic memorandum and that this is a negligible
13 increase in traffic. They said that they basically
14 believe this could be accommodated with signal timing
15 adjustments to deal with those increase in trips.

16 Item 4 was related to the striping area east
17 of the ALDI. Basically we build for the ALDI vehicle
18 to access the loading docs safely back in and then
19 pull out. The striped area is right along the 1969
20 parcel, which, again, is owned by the same entity,
21 which owns the overall development.

22 Again, I submitted a conceptual future plan
23 for development of this parcel. I think you can see
24 that concept and how we're envisioning parking for
25 this future building, eliminating curb cuts onto South

1 Clinton. And we really look at any access from the
2 1969 parcel over to the overall development as cross
3 access. Again, there's a cross access easement in a
4 place that defined a location for a driveway, but we
5 would look to say that this parcel holistically has
6 cross access over to the 1925 development and vice
7 versa back to the 1969 parcel.

8 We'll review the rest of these. I don't
9 want to go into them in great detail with town staff,
10 but those were the major items. And we hope we'll be
11 able to answer any questions you have.

12 CHAIRPERSON PRICE: Okay. So the assumption
13 is that the tractor trailer and deliveries must come
14 in the north entrance, traverse south, pull forward,
15 back in and then, again, pull forward.

16 The minor things that it looks to me is the
17 width of the pavement in front of the majority of the
18 building to accommodate the trucks coming across the
19 face of it, almost to the point where it looks like
20 you extend your packing and your landscape aisle
21 closer to the building and still be able to leave
22 room. And that might be place where you either pick
23 up a little bit of green space in the islands
24 themselves or if you wanted to consider a mountable
25 sidewalk where -- you know, having your sidewalk --

1 for the number of times that they're going to do that,
2 maybe it's okay to do it that way. It's just the 35
3 feet of pavement in there for the number of times that
4 a truck is going through there might be able to
5 massage that.

6 MR. COLUCCI: I don't disagree with that at
7 all. You know it tends to be a long walk from what
8 tends to be the approximate parking spot. So I think
9 we can definitely adjust that.

10 Looking at, you know, limiting path of that
11 57, which ALDI says they do need to design to that
12 standard, but likely that that's all that use is much
13 lower.

14 CHAIRPERSON PRICE: So just a couple options
15 there across the front.

16 Is the area between the building and this
17 L-shape in the loading dock area -- from the loading
18 dock up to the building line there, is that grass?

19 MR. COLUCCI: That is.

20 CHAIRPERSON PRICE: Okay. So that's in your
21 greenspace.

22 MR. COLUCCI: Yes.

23 CHAIRPERSON PRICE: Okay.

24 MR. COLUCCI: Or no. That is not. That is
25 not the greenspace.

1 CHAIRPERSON PRICE: Is that for future
2 expansion? Okay. Got you. Okay.

3 I guess I would like you to think a little
4 bit about the number of conflict points is what
5 Jason -- you know, we kind of became experts on this
6 at Whole Foods where there was just a lot of cars
7 coming and going into different access drives and
8 trying to restrict the number of them.

9 And here it looks like you may be able to do
10 one. You know, close off one of them. But then that
11 does turn into that you have to have an access aisle
12 behind and you end of losing some of the parking
13 spaces.

14 MR. COLUCCI: You're talking about --

15 CHAIRPERSON PRICE: Yeah. Maybe you can do
16 that.

17 MR. COLUCCI: Do that maneuver (indicating.)

18 CHAIRPERSON PRICE: Yeah. I think we saw
19 fairly quickly Whole Foods that that was a pretty good
20 move.

21 MR. COLUCCI: We certainly can look at that.

22 CHAIRPERSON PRICE: My only other comment is
23 the connection to the trail in the back. And I'm only
24 asking how is that trail connecting? Is there a ramp
25 in there? I'm not sure I understand. It's kind of

1 coming into a couple of park spaces or a partial
2 parking space there. Why isn't is it just coming into
3 that sidewalk there on the side of the building?

4 MR. COLUCCI: Yeah. I think that, as it
5 stands, as it's drawn, does look that way, that it's
6 coming into the striped parking space. We can easily
7 shift that so it's lined right up with the sidewalk on
8 the other side. There isn't a significant grade
9 change there.

10 CHAIRPERSON PRICE: No great reason to do
11 it? Okay.

12 MR. OSOWSKI: So the 64 parking spaces to
13 the north, those are anticipated for main customer
14 parking areas; is that correct?

15 MR. COLUCCI: Yeah. The entrance to the
16 ALDI is actually on the corner to the northeast corner
17 of the building facing to the east. The parking would
18 likely be balanced between when this building
19 ultimately gets built and the ALDI there, there is
20 shared parking throughout the site.

21 But what we suggested we could land bank
22 these 20 spaces. If we see the need in the future
23 that the parking demand is being exceeded, we could
24 easily construct those space to meet that demand.

25 But as drawn, we're simply asking for a

1 small waiver of that 55 percent lot coverage at 1.75
2 percent where the Planning Board has the purview to
3 grant up to 10 percent of those bulk area regs.

4 MR. OSOWSKI: I like the idea of land
5 banking that.

6 That dumpster in the corner where you're
7 proposing the land bank, is that dumpster related
8 ALDI?

9 MR. COLUCCI: That would be for a future
10 building. All these dumpsters will be in the loading
11 area and it's screened.

12 MR. GRISEWOOD: I was just stuck on the 55
13 percent. It seems like a very small amount over.
14 Seems like there's a little modification that might be
15 possible such as land banking or possibly considering
16 permeable concrete or permeable pavement in order to
17 reach those thresholds rather than asking for us to
18 waive that requirement.

19 Another thought that I might have had would
20 be it appears there might be some areas where some
21 trees could be added, either to the north of that ALDI
22 or onto the site where the cross driveway is being
23 proposed. And I believe that, you know, while it
24 might not be codified in the use, the additional trees
25 can help retain the runoff of the water and

1 filtration. So those are the couple things -- if we
2 were looking to waive that requirement, those are some
3 area they could see some improvements.

4 MS. FORD: I get that, for stepping back to
5 this 55 percent. And you said it's currently
6 estimated at 56.75. So is there going to be changes
7 to that as this project moved forward that we're going
8 to have to revisit that issue?

9 MR. COLUCCI: Not at this time. The last
10 parcel that would be developed under this parcel is
11 this building. When we do phase 3, we're planning to
12 pave everything outside of the curved area around this
13 building, leaving this path. And then we have this
14 4500 square foot path.

15 MS. FORD: So basically in your projected
16 future development, there's not going to be any
17 additional -- okay. That's fine.

18 CHAIRPERSON PRICE: You guys all good?

19 MR. GORDON: Just two things. Can you just
20 clarify what you meant about deliveries coming off of
21 Elmwood? Do you mean off of Elmwood or do you mean
22 off of Clinton.

23 MR. COLUCCI: That's right.

24 MR. GORDON: Okay. I couldn't imagine
25 trucks coming off Elmwood into your office park.

1 MR. COLUCCI: Coming from the Elmwood
2 direction toward the site.

3 MR. GORDON: Do you have any trees or other
4 landscape installation planned for in the buffer zone
5 behind ALDI?

6 MR. COLUCCI: We do have under the overall
7 approval the planting of bare root plantings in that
8 buffer area to help re-establish what was a large
9 population of ash trees.

10 So when we did the EPOD and we did the
11 clearing for the overall site, the Board had the
12 condition of approval as we developed the site that we
13 look at the buffer area and we install bare rooted
14 saplings to re-establish a healthy buffer area in that
15 EPOD.

16 MR. GORDON: So you're saying those have
17 already been planted?

18 MR. COLUCCI: We have not done that.

19 MR. HAREMZA: I just want make sure we're
20 all looking at the same thing because the landscape
21 plans calls out 3 to 3 and a half inch caliper of
22 balled and burlap plantings, not saplings.

23 MR. COLUCCI: That's inside the site. And
24 this 80 foot buffer, when we got EPOD permit, which
25 was -- we -- it was like 900 some odd trees. Majority

1 of them were ash. Working with the Board and the
2 Planning Board/Conservation Board, they suggested that
3 in this buffer area, a good way to re-establish that
4 was to plant bare root saplings. That would
5 ultimately re-establish a healthy buffer. So we have
6 not done that yet, but that is part of our --

7 MR. HAREMZA: I guess I'm still seeing
8 discrepancy landscaping plan you submitted with what
9 you just described. So that may be something we need
10 to resolve.

11 MR. GORDON: The landscaping plan does seem
12 to indicate large plantings to, what I'll call, the
13 northwest or maybe the west, what we're calling the
14 backside, west or northwest. It does show that.

15 And the reason I bring this up so you know
16 is in the incentive zoning regulations that were
17 adopted a while ago, there was a provision with
18 respect to landscaping in the buffer area that it
19 should be done in such a way to maintain natural
20 habitats, screening. So that might be a
21 consideration, maybe something we can look at that
22 goes against the 10 percent waiver.

23 That's all I have. Thanks.

24 MR. HAREMZA: Two things. One is I don't --
25 I've not found a generator indicated on any of the

1 plans. Is there a generator planned?

2 MR. COLUCCI: No.

3 MR. HAREMZA: And I think the know the
4 answer to the second question. I'm a fan of ALDI.
5 I've never seen any outdoor displays or outdoor
6 storage, but is any outdoor storage anticipated?

7 MR. COLUCCI: No.

8 CHAIRPERSON PRICE: Jason, you're all set?

9 MR. HAREMZA: All set.

10 CHAIRPERSON PRICE: All right. Is there
11 anyone that has signed up to speak on behalf of this
12 application?

13 MR. GORDON: There is not.

14 CHAIRPERSON PRICE: There is not. Okay.
15 I'd like to take a five minute break.

16 (The proceeding recessed at 9:03 p.m.)

17 CHAIRPERSON PRICE: We're reconvened. And
18 application 10P-04-23.

19 **Application 10P-04-23**

20 Application of Westfall Medical Realty, LLC,
21 owner, and BME Associates, agent, for Demolition
22 Review and Approval and Preliminary/Final Site Plan
23 Approval to raze a 6,015 square foot medical building
24 and reuse the existing foundation to construct a new
25 6,400 +/- square foot medical building on property

1 located at 2253 South Clinton Avenue (AKA 2233 South
2 Clinton Avenue AKA Building #1). All as
3 Described on application and plans on file.

4 MR. VARS: Good evening, Mr. Chairman and
5 board members. My name is Peter Vars from BME
6 Associates appearing on behalf of Westfall Medical
7 Realty LLC, who is the owner of the property that is
8 known as the Westfall Medical Center.

9 The Westfall Medical Center is a fully
10 developed five-building office park that is located on
11 7.7 acres, the property at the southwest corner of
12 Westfall Road and South Clinton Avenue. The property
13 is zoned BE-1 office and office park district.

14 The proposal before you this evening that we
15 bring before you this is evening is for what is known
16 as building number 1, which is highlighted here. It's
17 the northeastern most building within the office park.
18 And it has a combined address of 2233 and 2253 South
19 Clinton Avenue.

20 As you stated, our proposal is for
21 demolition review and approval of the existing
22 building that is at -- that's known as building number
23 1. And that is being requested per Article 6, Chapter
24 73-56 and 58 of the Town Code. We are also requesting
25 preliminary and final site plan approval for the

1 construction of a new building at that same location
2 per Article 3, Chapter 217 of the Town Code.

3 So the existing building is a single-story
4 6400 square foot, approximately, medical office
5 building. The owner is looking to demolish and raze
6 that building and build a new 6400 square foot
7 single-story medical building on the existing
8 foundation.

9 Actually, a nearly identical application was
10 reviewed by the Planning Board and received demolition
11 approval and preliminary/final site plan approval back
12 on July 21st of 2021. At that time the owner did not
13 proceed with the project. And as such, the site plan
14 approvals expired.

15 Now in 2023, he has decided to proceed with
16 the project. And that's what brings us here this
17 evening. It is the same scale of the project that was
18 reviewed and approved in 2021. It is the same
19 building architecturally that was reviewed and
20 approved by the ARB in 2021.

21 And we're actually under the understanding
22 that the ARB approvals don't have an expiration, but I
23 notice the staff comment that said that the approval
24 would be required. And if so, we'll obviously go
25 through that process.

1 MR. HAREMZA: Let me just clarify. Mr. Vars
2 is correct. I was not aware that the building being
3 proposed was identical. So the ARB does not expire.

4 MR. VARS: Okay. So it is the same building
5 and it's the same building fingerprint.

6 So the project will have very limited site
7 disturbance because of the new build construction and
8 comparing it to one of the buildings we were
9 originally building, the building will be now required
10 to be fully sprinklered. So as such, a new 4-inch
11 fire service will be extended to the new building from
12 the existing building to the west, which is building
13 number 5.

14 Besides that, the new building will be
15 served by the existing sanitary sewer laterals that
16 serve the building. The existing domestic water
17 services the existing building and the existing storm
18 sewer system to tie into the conductor system.

19 Currently there are two sidewalks that serve
20 the existing building. The westernmost sidewalk will
21 be removed and relocated over to the east side of the
22 building such that basically we're reorienting the
23 sidewalks to access the proposed new building
24 locations.

25 As a result of that reconfiguration of these

1 two sidewalk systems, the existing ADA spaces, two ADA
2 spaces, that are at the western end of the parking
3 field will be re-stripped such that they line up with
4 the new primary entrance of the new building. And a
5 new ADA-compatible ramp will be constructed in that
6 location.

7 And then the final thing would be the
8 foundation plantings will be replaced in kind. And we
9 will secure that through letter of credit. There will
10 be a letter of credit that will be established as it
11 relates to the foundation.

12 So that's -- the total site disturbance is
13 really going to be about a 20-foot envelope around the
14 existing building. So our total site disturbance will
15 be less than 20,000 square feet. There is no increase
16 in impervious cover proposed with this -- with these
17 improvements. And we will provide staff with the
18 information they've requested about showing the water
19 drainage and runoff calculations to show that
20 everything remains consistent with the existing
21 conditions that are there. There are no other site
22 improvements that are proposed or required.

23 We did receive the staff report. We see no
24 issue in any of the comments that are there. We
25 will -- we feel confident we'll be able to address

1 them to their satisfaction. We do note that the town
2 engineer comments noted that he felt their comments
3 did not hinder the Board granting their approval.

4 It is, we believe, an unlisted action under
5 SEQRA. We did provide you a short environmental
6 assessment form part 1 fully completed, and thus would
7 ask for Planning Board to proceed with completing the
8 SEQRA process as lead agency.

9 So given that there's really no material
10 changes from 2021 as to what was reviewed and approved
11 and with no disrespect intended, we consider no
12 comments of substance from staff, we hope that we
13 would be able to move forward with the project. But
14 we'll be here to answer any questions you have at this
15 time.

16 CHAIRPERSON PRICE: The site plan did show a
17 sidewalk on the east side. Is that going to come out?

18 MR. VARS: That is correct. There is an
19 existing sidewalk today that serves the eastern
20 entrance. There will be no entrance there with the
21 new build. So that sidewalk will be removed.

22 The existing sidewalk that runs along the
23 north side of the building will remain.

24 CHAIRPERSON PRICE: Okay. And what you see
25 out there from the road, is that part of a geothermal

1 system?

2 MR. VARS: Yes.

3 CHAIRPERSON PRICE: What happens to that?
4 Does that get screened?

5 MR. VARS: Yes. So that was part of the
6 2021 approval, of the overall site approval. And the
7 loop system was installed, but it was never hooked up
8 to -- it's not capable of being hooked up to the
9 existing building because you need the internals. And
10 thus, with the completion of the geo -- with the new
11 construction, the geothermal system will be able to be
12 fully completed and comply with the 2021 standards and
13 conditions of approval.

14 CHAIRPERSON PRICE: Okay. Parking lot
15 lighting, anything about these?

16 MR. VARS: We are proposing no changes to
17 any of the parking lot lighting because there's no
18 changes to parking. The overall medical complex meets
19 the Code requirement for total parking required. I
20 think 254 spaces. We're providing 200 -- there's 271
21 on-site, which includes 13 ADA spaces.

22 CHAIRPERSON PRICE: And you can say
23 architecturally no changes?

24 MR. VARS: That is correct. We did provide
25 the elevations within the application package, yes.

1 CHAIRPERSON PRICE: All right. Questions?

2 All set.

3 MR. OSOWSKI: So the original footprint was
4 just over 6,000 square feet. And the new fingerprint
5 is 6,400. So where is the additional 400 square feet?

6 MR. VARS: So the existing foundation is
7 just over 6,000 square feet and the existing footprint
8 is a little bit closer to 6,200 square feet. But
9 where the variances are is in this area here of how
10 they've created entryways and vestibules. And a lot
11 of that's driven by the new energy code. And that's
12 the primary reason --

13 MR. OSOWSKI: A vestibule where there
14 wasn't?

15 MR. VARS: Right. To get the new entrances
16 compliant.

17 MR. OSOWSKI: Thank you.

18 MR. GORDON: In the 2021 approvals, the last
19 condition imposed by the Planning Board was, "As
20 agreed to by applicant, the plans shall be modified to
21 address safety, security and legal compliance. The
22 revised plans shall be submitted to the executive
23 secretary for review and approval."

24 Any idea if that ever happened? Has that
25 been incorporated into this new plan? Any thoughts on

1 that?

2 MR. VARS: Two -- I will give you a thought
3 and an answer. The thought being is we indicated
4 within our application is that this project will
5 comply with all conditions of the 2021 approval.

6 As it relates to that actual condition, I
7 will admit, I'd have to look -- we'll have to dig into
8 what was the criteria being requested to be. Because
9 my point is, we acknowledge that condition exists.
10 But what is the detail to it?

11 MR. GORDON: But I think we have a new
12 executive secretary now from 2021. And so I think it
13 will just take a little -- I'm making this point
14 really more to make the point that a little bit of
15 refusal of the minutes from that meeting -- and they
16 lengthy -- to figure out what it is that was being
17 considered so that Jason can have in mind what he's
18 supposed to be looking at when he's reviewing these
19 modifications to the plan.

20 MR. VARS: Without a doubt, yes.

21 CHAIRPERSON PRICE: Read the condition
22 again, please.

23 MR. GORDON: "As agreed by the applicant,
24 the plans shall be modified to address safety,
25 security and legal compliance. The revised plan shall

1 be submitted to the executive secretary for review and
2 approval."

3 And I just don't think that ever happened
4 because I think the tenant had a change of plans. And
5 I don't think BME ever went to the point of making
6 those revisions or submitting them to Ramsey Boehner,
7 who was the executive secretary at the time.

8 MR. VARS: We weren't the engineer in 2021
9 either. It was MRB.

10 So that's why we'll have to do some
11 research. We have the meeting minutes.

12 MR. GORDON: Three letters in your name.

13 MR. VARS: They're all the same.

14 MR. GORDON: NFL, could be anybody.

15 That's all I have.

16 CHAIRPERSON PRICE: Okay. All set? Do you
17 have anything? You're all set. Okay.

18 Anybody signed up to speak on behalf of this
19 project? Okay. So we'll just ask is there anyone
20 that cares to address this application? Thank you,
21 Peter. Appreciate it.

22 Okay. Let's see. We have now application
23 10P-05-23.

24 **Application 10P-05-23**

25 Application of Daniele, SPC, LLC, owner, and

1 Jigar Gandhi, lessee, for Conditional Use Permit
2 Approval to allow for a Crumbl Cookies bakery on
3 Property located at 2750 Monroe Avenue (AKA 2780
4 Monroe Avenue). All as described on application and
5 plans on file.

6 MR. GANDHI: All right. Good evening. My
7 name is Jigar Gandhi. I'm the lessee of this property
8 and the franchisee of the Crumbl Cookies.

9 I don't know whether you've ever had a
10 chance to go to the Crumbl Cookies, but we have one
11 location in Henrietta. That was the first one in the
12 State of New York. We are opening a second location
13 in Victor later this month on the 26th. This will be
14 the third proposed location in the Town of Brighton
15 next to Jersey Mike's.

16 Crumbl Cookies, it's -- so it's all in the
17 build-out that we are proposing. The exterior, we
18 will need signage. No outdoor seating. No inside
19 seating. It's purely a take-out place. We make fresh
20 cookies. And customers come in and like, you know,
21 they take that box out. So no seating at all.

22 Hours of operations, morning, 8 o'clock 'til
23 10 o'clock Monday through Thursday. And Friday,
24 Saturday we have extended hours to midnight. And
25 Sunday we are closed.

1 The delivery that we get from our supplier
2 that comes between 8 and 2 o'clock on a couple of days
3 in a week.

4 And very straightforward operations. It's a
5 bakery, small sized.

6 Is there specific questions that I can
7 answer?

8 CHAIRPERSON PRICE: I guess the thing is,
9 you say there's no outdoor seating. And your indoor
10 seating, what's your capacity?

11 MR. GANDHI: There's no indoor seating.

12 CHAIRPERSON PRICE: Also no indoor. So all
13 take away.

14 MR. GANDHI: Take-out, take-out.

15 CHAIRPERSON PRICE: So if nobody's sitting
16 outside -- one of the things we tend to be concerned
17 about is napkins and debris flying around in the
18 plaza. You're not -- none of your customers are going
19 to be sitting outside.

20 MR. GANDHI: Yup.

21 CHAIRPERSON PRICE: Do your products come --
22 when you give them to somebody, are they in a bag or
23 are they wrapped?

24 MR. GANDHI: Yeah. So they are in a box.
25 It's a single cookie, four-pack, six-pack, or

1 one-pack. But it's all in a box.

2 CHAIRPERSON PRICE: Okay. That's something
3 they need to take home. That doesn't end up in the
4 parking lot.

5 MR. GANDHI: Exactly. No.

6 CHAIRPERSON PRICE: Okay. You did say your
7 hours -- you told us your hours of operations. You
8 told us your deliveries. The deliveries I assume are
9 all to the rear. You do have a back alley access way?

10 MR. GANDHI: Yes. Yup.

11 CHAIRPERSON PRICE: And that's not that much
12 during the week.

13 MR. GANDHI: Yeah. Yeah.

14 CHAIRPERSON PRICE: Okay. And you're not
15 making any -- other than sign improvements, you're not
16 making building changes or site plan changes.

17 MR. GANDHI: Yeah. That's absolutely
18 correct. Other than the interior of build-out and
19 signage, we're not making any other modifications of
20 the site.

21 CHAIRPERSON PRICE: You're not proposing to
22 have any speakers or any kind of music.

23 MR. GANDHI: No.

24 CHAIRPERSON PRICE: That's all I can think
25 of.

1 MR. OSOWSKI: Does Uber Eats or DoorDash --
2 do they pick up for deliveries to customers?

3 MR. GANDHI: That is absolutely right.
4 Third-party deliveries, yes.

5 The good thing about this site, particularly
6 this location, there is plenty of parking on that
7 side. We are right next to the Fidelity and they
8 close around 5 o'clock. And they occupy almost three
9 buildings. So ALDI's parking spaces will be
10 available. And the busiest time is usually between 4
11 o'clock and 7 or 8 o'clock. That's kind of our little
12 rush hour. And sometimes we get business in the lunch
13 hour as well.

14 MR. OSOWSKI: And you don't have any kind of
15 drinks for people to pick up like bottles of
16 Coca-Cola?

17 MR. GANDHI: So no Coca-Cola, but we do
18 offer just water bottles and chocolate milk and plain
19 white milk. So just three milks -- sorry. Two milks
20 and one water.

21 MR. OSOWSKI: And typically how many
22 different types of cookies might you have available?

23 MR. GANDHI: So Crumbl has 2-, 300-plus
24 varieties. But at this time -- so there's a weekly
25 menu.

1 So in a week, we offer only six cookies
2 between Monday to Saturday. Sunday we are closed.
3 And then the next we have new six flavors. So at a
4 time, only six cookies. A very simple menu. And as I
5 mentioned, just milk and water.

6 MR. OSOWSKI: Okay.

7 MR. GRISEWOOD: I had a question. It says
8 here this franchise is expected to generate 50 new
9 employment opportunities. Is that accurate?

10 MR. GANDHI: That is accurate. So we --
11 there is so much labor involved in making these
12 handcrafted cookies. So that's why at the Henrietta
13 location we have currently -- when we opened the store
14 we had 80 employees.

15 MR. GRISEWOOD: 80?

16 MR. GANDHI: 80, yeah. So we are -- now the
17 business is settled, but we have like around 40 to 50
18 employees because it's all kind of made fresh,
19 handcrafted. And it is very popular as well. We are
20 busy.

21 MR. GORDON: How many of those employees
22 work at the same time?

23 MR. GANDHI: At a time I would say anywhere
24 between 7 to 10 at a time.

25 MR. GORDON: So you never have more than 10

1 employees on the property at one time; correct?

2 MR. GANDHI: That is almost accurate, unless
3 on a busy day like Friday, Saturday, we may have 11 or
4 12 employees. Depends, yeah.

5 MR. HAREMZA: Just a follow-up on Bill's
6 comment, I have not actually explored in great detail
7 as part of the Whole Foods Plaza, but I believe this
8 build has a common seat -- outdoor seating area plaza
9 feature.

10 So I'm guessing that that's the
11 responsibility of property management to provide waste
12 receptacles. I can imagine taking my cookie on a nice
13 day and sitting there.

14 MR. GRISEWOOD: Or a four-pack.

15 MR. HAREMZA: Or a four-pack.

16 MR. GANDHI: So we -- for our side we won't
17 be putting any tables or chairs outside our property.
18 Of course, there are others. Like Jersey Mike's, if
19 someone decided to like, you know, sit on their
20 tables, that's on them. But we won't have any for our
21 site.

22 MR. GORDON: And overall, the incentive
23 zoning approval for this development, which also
24 included a -- does include an extra outdoor seating
25 area outside the Whole Foods Market as well. It is

1 for general seating of anyone.

2 So it doesn't have to be customers of the
3 particular adjacent stores. It could be people coming
4 off the Auburn Trail who just want to have a seat and
5 drink their water bottle. It's not linked to any
6 particular use or store.

7 MR. OSOWSKI: Do most of your orders come
8 online or walk-in?

9 MR. GANDHI: I would say -- so 50/50 I would
10 say. So in-store -- people coming in-store and
11 placing their order, that's about 50 percent of our
12 customers.

13 The remaining customers, either they place
14 the order online and come pick up the boxes -- it's a
15 very quick in-and-out. At the corporate level, we
16 look at the time to place order and when the customer
17 is inside and when the customer is out. It's usually
18 one minute or less than two minutes. If we go past
19 two minutes, then we are out of compliance. We try to
20 be very quick on that.

21 Third-party deliveries is like around 20
22 percent. So if I split it out at 50 percent in-store
23 coming in and ordering, another 30 percent maybe order
24 online and pick up their box, another probably 20, 25
25 percent are third-party deliveries.

1 CHAIRPERSON PRICE: All set. You here to
2 address this application? No.

3 UNIDENTIFIED SPEAKER: Cookies sound good
4 though.

5 MR. GANDHI: I'll bring in a box. Probably
6 I would be coming back to submit my plans because of
7 the building permit. I was just waiting. So I'll
8 bring some cookies.

9 MR. HAREMZA: I would recommend to bring
10 them for staff to sample.

11 CHAIRPERSON PRICE: Board first.

12 MR. GORDON: Of course, we're just joking.
13 You don't need to bring anything in at all.

14 MR. GANDHI: I understand. Just trying to
15 help you.

16 CHAIRPERSON PRICE: All right. Thank you.

17 I guess application 5P-NB1-23, that has been
18 scheduled for a public hearing for that property?

19 MR. GORDON: Yes. HPC has sent out notice
20 of a designation hearing for the property at 125 Old
21 Mill Road.

22 CHAIRPERSON PRICE: I can imagine how happy
23 the owner is. Tell me, is the report online? Is that
24 available?

25 MR. GORDON: Yes.

1 MR. HAREMZA: The cultural resources survey.
2 I don't think that the landmark application is online
3 yet, but it will be shortly.

4 CHAIRPERSON PRICE: I'd just like to --

5 MR. HAREMZA: Yeah. If you look at last
6 month's HPC, there should be a link.

7 CHAIRPERSON PRICE: Everybody's doing good?
8 We're ready to go?

9 (Public hearings concluded.)

10 (Beginning of deliberations and decisions.)

11 CHAIRPERSON PRICE: We've already taken
12 action on the advisory report.

13 So then application 10P-01-23. This is
14 Larry Chen.

15 **Application 10P-01-23**

16 Application of Larry Chen, owner, and Erik
17 Bjorneby, architect, for Conditional Use Permit
18 Approval to allow for a Papa John's Pizza takeout
19 restaurant on property located at 2852 West Henrietta
20 Road. All as described on application and plans on
21 file.

22 CHAIRPERSON PRICE: I'll move to close the
23 public hearing.

24 MS. FORD: Second.

25 CHAIRPERSON PRICE: Moved and seconded. Any

1 discussion? Please call the roll.

2 (Ms. Ford, aye; Mr. Grisewood, aye;

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

4 (Upon roll motion to close the public

5 hearing carries.)

6 CHAIRPERSON PRICE: Okay. I'm relying on
7 you tonight. We'll see how this goes. I'm not good
8 at these. Where's Fader when you need him?

9 MR. OSOWSKI: I'll move that the Planning
10 Board approves application 10P-01-23 based on the
11 testimony given plans submitted and the five
12 conditions outlined in the report set forth under
13 option A of the Planning Board report.

14 CHAIRPERSON PRICE: I'll second. Any
15 discussion? Let's call the roll.

16 **Conditions:**

17 1. Applicant shall obtain the necessary approvals of
18 the Zoning Board of Appeals.

19 2. Applicant shall respond in writing to all comments
20 of the Planning Board, Department of Public Works,
21 Town Engineer, and Building and Planning Department.

22 3. Monroe County and NYSDOT comments, if any, shall
23 be addressed.

24 4. The entire project shall comply with the most
25 current New York State Fire Prevention and

1 Building Code and the Town of Brighton sprinkler
2 requirements.

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

5 (Ms. Ford, aye; Mr. Grisewood, aye;

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

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

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

11 **Application 10P-02-23**

12 Application of 1925 South Clinton LLC,
13 owner, and Costich Engineering, agent, for Site Plan
14 Modification (of phase 2) to allow for the realignment
15 of a cross access driveway servicing an adjacent
16 property, to/from property located at 1905/1925 South
17 Clinton Avenue. All as described on application and
18 plans on file.

19 CHAIRPERSON PRICE: I would move to close
20 the public hearing.

21 MR. GRISEWOOD: Second.

22 CHAIRPERSON PRICE: Moved and seconded any
23 discussion? Please call the roll.

24 (Ms. Ford, aye; Mr. Grisewood, aye;

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

1 MR. OSOWSKI: I'll move that the Planning
2 Board approve application 10P-02-23 based upon town
3 staff determining that no further SEQRA review is
4 required and that the four conditions are imposed for
5 approval of this application.

6 MR. PRICE: Second.

7 Moved and seconded. Any discussion? Please
8 call the roll.

9 (Ms. Ford, aye; Mr. Grisewood, aye;

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

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

13 **Application 10P-03-23**

14 Application of 1925 South Clinton LLC,
15 owner, and Costich Engineering, agent, for Final Site
16 Plan Approval and Conditional Use Permit Approval
17 (Phase 3) to construct a 20,664 +/- square foot ALDI
18 grocery store on lot 2 (1925 South Clinton Avenue,
19 Tax ID #136.15-1-9.1) and to allow overall site
20 impervious coverage to increase above the allowable 55
21 % to 56.75% on property located at 1905/1925 South
22 Clinton Avenue. All as described on application and
23 plans on file.

24 MR. HAREMZA: So just a note on the
25 recommendation to table and how it relates to the

1 conditional use permit findings.

2 So the -- coming off our staff meeting with
3 the recommendation for tabling, whichever way you want
4 to go, but when writing the report of that
5 recommendation, it's awkward to include the
6 conditional use permit findings all in support of the
7 application.

8 So you will note that some of the findings,
9 the way I wrote is that more information is needed to
10 make a finding on this issue or that issue. So
11 hopefully that explains some of the method to the
12 madness.

13 CHAIRPERSON PRICE: Not sure where I
14 personally fall on --

15 MR. GORDON: So I think we heard testimony
16 today that we didn't have at the staff meeting
17 regarding hours of operation including deliveries.
18 Right? 9 a.m. to 9 p.m., deliveries are going to be
19 made during business hours. We heard that.

20 So with respect to conditional use permit
21 finding 6B in your report, probably we can fill in
22 that blank.

23 However, I'm not sure that you got anything
24 substantive for additional information or
25 clarification of parking analysis to make the

1 determination for 6C.

2 MR. HAREMZA: I didn't hear anything that
3 explained it to me. And I guess an additional thing
4 we heard tonight was a willingness to re-evaluate the
5 greenspace waiver request, which to me speaks to
6 the -- you know, tabling to let them come back.

7 MR. GORDON: So you're hearing from staff at
8 least that we're sticking by our recommendation to
9 recommend tabling for those two issues. Yes?

10 MR. HAREMZA: Yes.

11 CHAIRPERSON PRICE: And the percentage
12 greenspace, that's not the conditional use though;
13 right?

14 MR. GORDON: It's not. But it is a revision
15 of the plan. I mean --

16 MR. GRISEWOOD: They're asking us to waive
17 the requirement.

18 MR. GORDON: We say -- if you look at the
19 board action, decision section of the Planning Board
20 report, we say we want the applicant to come back and
21 either adhere to the greenspace requirement or justify
22 why the project cannot adhere to that requirement.

23 And I don't think we really heard either. I
24 think we heard some discussion from board members
25 about if you can make it work and still adhere to

1 those requirements. And we heard the applicant say,
2 maybe, but we're not sure. And we need some time to
3 evaluate that.

4 CHAIRPERSON PRICE: If we land blank, what
5 do you consider that? Do you consider that as
6 greenspace?

7 And if they need a waiver that they -- we
8 would grant the waiver if the banked parking was ever
9 built in the future.

10 MR. HAREMZA: That would be my understanding
11 of it is that it's greenspace. And if you ever want
12 to turn it into the parking, you got to come back and
13 ask for a waiver.

14 I mean, you know, they spoke about if the
15 next building is medical office, that requires a lot
16 of parking. You know, I've been skeptical of parking
17 for decades because we know the lots are half empty 90
18 percent of the time.

19 MR. GORDON: I mean, I can tell you that the
20 engineer's report prepared by Mr. Guyon in this
21 particular case says that additional greenspace could
22 be obtained by reducing the number of parking spaces
23 provided for this phase of the project.

24 So at least in that engineer's
25 interpretation of the Code.

1 CHAIRPERSON PRICE: He's getting sensitive
2 to the amount of parking, you know, the amount of
3 asphalt. In a year he's coming a long way.

4 MR. GORDON: So, again, we think it's
5 probably wiser at this point in time with that issue
6 up in the air to table it, give him a chance to come
7 back.

8 I didn't hear anything from Paul tonight
9 that said, you know, boy, if you table this, that's
10 not going to knock us off our schedule. I didn't hear
11 that. Did you?

12 MR. HAREMZA: No.

13 CHAIRPERSON PRICE: And I think we are
14 all -- our questions and our points, let's get this
15 back to the 55.

16 MR. GORDON: Yeah. And they are not there
17 yet. I mean, I suppose one option is approve it with
18 that condition that we restrict at 55, but it seems
19 somewhat crazy to do without a plan in front of you.

20 CHAIRPERSON PRICE: We'd like to see how
21 it's done.

22 MR. GORDON: Yes. I would imagine.

23 MR. HAREMZA: And in terms of the schedule,
24 the original conversation with them was they were
25 going to come in November anyways. I don't know why

1 they accelerated this to come in October.

2 MR. GORDON: So if you are inclined, someone
3 should make a motion to table. It should be seconded.
4 And then we don't need to say why. We just need to
5 table it and give it to -- well, the Planning Board
6 report already says what it says. But leave it to
7 Jason to have discussions with the applicant -- or
8 Rick DiStefano, as the case may be, to have
9 discussions with the applicant to figure out what they
10 need to do to move this along.

11 MS. FORD: I move to table application
12 number 10P-03-23.

13 MR. GRISEWOOD: Second.

14 MR. OSOWSKI: I have one point of
15 discussion.

16 MR. GORDON: There's no discussion on a
17 motion to table.

18 MR. OSOWSKI: Just a point of information.

19 MR. GORDON: Your point of information.

20 MR. OSOWSKI: The point I want to make is
21 there's a -- the topic that was raised under B on the
22 last page of the report says, adheres the greenspace
23 requirement or a justification, blah, blah, blah.
24 Let's get rid of that justification. Adhere to the
25 greenspace requirement.

1 MR. GORDON: Okay. But can we have a vote
2 on the motion to table? Then you can provide that to
3 Jason.

4 CHAIRPERSON PRICE: Moved and seconded
5 please call the roll.

6 (Ms. Ford, aye; Mr. Grisewood, aye;
7 Mr. Osowski, aye; Mr. Price, aye.)

8 (Upon roll motion to table carries.)

9 **Application 10P-04-23**

10 Application of Westfall Medical Realty, LLC,
11 owner, and BME Associates, agent, for Demolition
12 Review and Approval and Preliminary/Final Site Plan.
13 Approval to raze a 6,015 square foot medical building
14 and reuse the existing foundation to construct a new
15 6,400 +/- square foot medical building on property
16 located at 2253 South Clinton Avenue (AKA 2233 South
17 Clinton Avenue AKA Building #1). All as described on
18 application and plans on file.

19 CHAIRPERSON PRICE: I'll move to close the
20 public hearing.

21 MS. FORD: Second.

22 CHAIRPERSON PRICE: Moved and seconded. Any
23 discussion? Please call the roll.

24 (Ms. Ford, aye; Mr. Grisewood, aye;
25 Mr. Osowski, aye; Mr. Price, aye.)

1 (Upon roll motion to close the public
2 hearing carries.)

3 MR. OSOWSKI: I'll move that the Planning
4 Board approves application 10P-04-23 -- first adopts
5 the negative declaration prepared by town staff and
6 approves the application based upon the seven
7 conditions as recommended by town staff set forth in
8 the Planning Board report.

9 CHAIRPERSON PRICE: Second. Any discussion?
10 Please call the roll.

11 **Conditions:**

12 1. Applicant shall respond in writing to all comments
13 of the Planning Board, Department of Public Works,
14 Town Engineer, and Building and Planning Department
15 2. The applicant shall satisfy the requirements of
16 the Town Engineer including, but not limited to, the
17 following issues:

18 A. A letter of credit shall be provided

19 B. Hydraulic calculations demonstrating
20 that the proposed water distribution network
21 Has sufficient pressure and flow to accommodate the
22 demands associated with this
23 Project must be provided.

24 C. Calculations must be provided
25 demonstrating the sanitary sewer demand of the

1 Proposed project.

2 D. Technical documentation must be provided
3 demonstrating that the increase in
4 Stormwater runoff resulting from the proposed
5 improvements will have minimal
6 Impact to the existing stormwater system.

7 E. The disturbed area illustrated on the
8 plans appears to be greater than 20,000
9 Square feet. Chapter 215 of the Brighton Town Code
10 states that modification of any area greater than
11 20,000 square feet requires the development of a
12 Stormwater Pollution Prevention Plan (SWPPP) by the
13 applicant in accordance with the specifications
14 outlined by the Town, reviewed by the appropriate
15 board and approved by the Town Engineer. Please
16 develop a SWPPP for this project. The SWPPP must meet
17 the design criteria set forth in the most recent
18 version of the Town of Brighton's Design Standards;
19 NYS Stormwater Management Design Manual; and NY
20 Standards and Specifications for Erosion and Sediment
21 Control; and shall be adequate to prevent
22 transportation of sediment from the site to the
23 Satisfaction of the Town Engineer. For a complete
24 list of specific requirements, please refer to the
25 attached memo dated 10-17-2023.

1 3. The contractor shall obtain all necessary Highway
2 Access, Sewer Construction, or other permits from the
3 Town or other agencies prior to starting work.

4 4. Monroe County comments, if any, shall be
5 addressed.

6 5. The entire project shall comply with the most
7 current New York State Fire Prevention and
8 Building Code. The proposed building shall be
9 sprinklered in accordance with Town of Brighton
10 sprinkler requirements.

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

13 7. As no generator is shown on the plans, any
14 future generator installation shall require separate
15 Permitting and approval.

16 (Ms. Ford, aye; Mr. Grisewood, aye;
17 Mr. Osowski, aye; Mr. Price, aye.)

18 (Upon roll motion to approve with conditions
19 carries.)

20 **Application 10P-05-23**

21 Application of Daniele, SPC, LLC, owner, and
22 Jigar Gandhi, lessee, for Conditional Use Permit
23 Approval to allow for a Crumbl Cookies bakery on
24 Property located at 2750 Monroe Avenue (AKA 2780
25 Monroe Avenue). All as described on application and

1 plans on file.

2 CHAIRPERSON PRICE: I move to close the
3 public hearing.

4 MS. FORD: Second.

5 CHAIRPERSON PRICE: Moved and seconded. Any
6 discussion? Call the roll.

7 (Ms. Ford, aye; Mr. Grisewood, aye;

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

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

11 CHAIRPERSON PRICE: I'll move that the Board
12 approve the conditional use application of 10P-05-23
13 based on the plans submitted, testimony given and
14 subject to four conditions. Five with --

15 MR. GORDON: No. Four conditions. But
16 before you do that, I would say that you would be
17 adopting the eight findings set forth in the Planning
18 Board report.

19 CHAIRPERSON PRICE: Okay.

20 MR. GORDON: Regarding the conditional use
21 permit.

22 MS. FORD: Second.

23 CHAIRPERSON PRICE: Any further
24 conversation? Please call the roll.

25 **Conditional Use Permit Findings:**

1 A. The Planning Board finds that the proposed bakery
2 complies with the standards of the General Commercial
3 District (BF-2).

4 B. The Planning Board finds that the proposed use is
5 in harmony with the purpose and intent of Code
6 Sections 217-3 through 217-7.2 (Conditional Uses).
7 The location and size of the bakery, the intensity,
8 size of the site and access have all been considered
9 in the Board's review.

10 C. The Planning Board finds that the establishment of
11 a bakery in this location, will not be detrimental to
12 persons, detrimental or injurious to the property and
13 Improvements in the neighborhood, or to the general
14 welfare of the Town.

15 D. The bakery will be developed within an existing
16 structure on a developed site and not result in the
17 destruction, loss or damage of any natural, scenic or
18 significant historical resource.

19 E. The Planning Board finds that the establishment of
20 a bakery will not create excessive additional
21 requirements for public facilities and services and
22 will not be detrimental to the economic welfare of the
23 community.

24 F. The Planning Board finds that the establishment of
25 a bakery will be adequately served by essential public

1 facilities.

2 G. The Planning Board finds that the establishment of
3 a bakery will not result in the loss or damage to
4 trees.

5 H. The proposed finds that the establishment a bakery
6 in this location essentially conforms to the Town
7 Comprehensive Plan: Envision Brighton 2028.
8 Specifically Economic Vitality Policy (volume 2, page
9 16): "Attract and promote the sustainable development
10 of quality...commercial uses in areas with existing
11 infrastructure, in an effort to expand the Town's
12 local tax base while providing...desired goods and
13 Services, and without compromising other community
14 goals."

15 **Conditions:**

16 1. Applicant shall respond in writing to all comments
17 of the Planning Board, Department of Public Works,
18 Town Engineer, and Building and Planning Department.

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

21 3. The entire project shall comply with the most
22 current New York State Fire Prevention and Building
23 Code and the Town of Brighton sprinkler requirements.

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

1 (Ms. Ford, aye; Mr. Grisewood, aye;

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

3 (Upon roll motion to approve with conditions
4 carries.)

5 **Application 5P-NB1-23**

6 HPC to consider landmark designation of this
7 property; public hearing scheduled for 11-16-2023 HPC
8 meeting.

9 Application of Nunzio Salafia, owner,
10 For Preliminary Subdivision Approval, Preliminary Site
11 Plan Approval, Preliminary EPOD (steepslope) Permit
12 Approval and Demolition Review and Approval to raze a
13 single family dwelling, subdivide one lot into two,
14 and construct a 4,054 +/- square foot single-family
15 home with a 877+/- square foot attached garage on
16 property located at 125 Old Mill Road. All as
17 described on application and plans on file.

18 MR. GORDON: I would suggest that a member
19 make a motion to deny without prejudice application
20 5P-NB1-23 for preliminary subdivision approval,
21 preliminary site plan approval, preliminary EPOD
22 permit approval and demolition review and approval
23 with respect to the property at 125 Old Mill Road and
24 that the Planning Board further closes the public
25 hearing with respect to said matter.

1 MS. FORD: I'll make the motion.

2 MR. GRISEWOOD: I'll second the motion.

3 CHAIRPERSON PRICE: Moved and seconded on
4 5P-NB1-23. Please call the roll.

5 (Ms. Ford, aye; Mr. Grisewood, aye;

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

7 (Upon roll motion to deny without prejudice
8 carries.)

9 **Signs:**

10 **1698** 2425 West Henrietta Road Jacob Ouyan TCT
11 General Contractor Inc for a Building Face sign.

12 CHAIRPERSON PRICE: I recommend approval as
13 recommended by ARB.

14 MR. GRISEWOOD: Second.

15 CHAIRPERSON PRICE: All in favor.

16 ALL BOARD MEMBERS: Aye.

17 **1700** 1800 Brighton Henrietta Townnline Road, Lynn
18 Kosmider, Fastsigns for a building face sign.

19 CHAIRPERSON PRICE: I move approval of sign
20 application 1700 consistent with the approval of the
21 ARB.

22 MR. GRISEWOOD: Second.

23 CHAIRPERSON PRICE: All in favor.

24 ALL BOARD MEMBERS: Aye.

25 **1701** 103 and 588 White Spruce BLVD, Paul Kirik,

1 Loyal Group REM for a redesign of monument signs for
2 Southview Commons.

3 CHAIRPERSON PRICE: I make a motion to
4 approve sign application 1701 based on the approval
5 recommendation by ARB.

6 MS. FORD: Second.

7 CHAIRPERSON PRICE: All in favor.

8 ALL BOARD MEMBERS: Aye.

9 **1702** 1821 Monroe Ave, Joseph Keable, Premier Sign
10 Systems for a building face sign at Brighton
11 Collision.

12 CHAIRPERSON PRICE: I recommend approval
13 consistent with the approval from ARB.

14 MS. FORD: Second.

15 CHAIRPERSON PRICE: Moved and seconded. All
16 in favor.

17 ALL BOARD MEMBERS: Aye.

18 (Proceedings concluded at 10:08 p.m.)

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1 REPORTER CERTIFICATE

2
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 18th day of October, 2023
13 at Brighton, New York.

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22 -----
23 HOLLY E. CASTLEMAN, ACR,
24 Court Reporter.
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