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**BRIGHTON**

**PLANNING**

**BOARD**

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November 15, 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
KAREN ALTMAN	)	
DAVID FADER	)	
PETER GRISEWOOD	)	
JASON BABCOCK-STINER	)	

KENNETH GORDON, ESQ.  
Town Attorney

LAUREN BARON, ESQ.  
Town Attorney

JOHN MANCUSO, ESQ.  
Town Attorney

**ABSENT:**

JULIE FORD

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

1 CHAIRPERSON PRICE: I'm going to call the  
2 meeting to order. I'd like to welcome everybody --  
3 gentlemen, if you'd like to pay attention, please.  
4 Thank you.

5 I'd like to welcome everybody to the  
6 November 15th meeting of the Town of Brighton Planning  
7 Board. I'd like you to know all the applications that  
8 will be heard tonight are available online at the  
9 Town's website. And if you do have any comments that  
10 you wish to submit after everything you hear tonight,  
11 please address those to our executive secretary, which  
12 is Jason Haremza. His email is  
13 jason.haremza@townofbrighton.org.

14 In the unlikely event of anything happening  
15 in here tonight, there are exits behind all of you and  
16 to my right, which is your left.

17 Before we hear the agenda tonight, Jason,  
18 would you please call the roll.  
19 (Whereupon the roll was called.)

20 MR HAREMZA: Ford is absent.

21 CHAIRPERSON PRICE: Okay. At this point,  
22 we're going to go into agenda review with staff. I'm  
23 going to ask our two new attorneys to just generally  
24 introduce themselves for the record.

25 MS. BARON: Sure. My name is Lauren Baron.

1 I'm with the law firm Weaver Mancuso Brightman. And I  
2 will be representing the Planning Board, the Zoning  
3 Board and the historic pres board or the Historic  
4 Preservation Commission board.

5 And my colleague, John.

6 MR. MANCUSO: John Mancuso, also from Weaver  
7 Mancuso Brightman. We'll be working representing the  
8 Town Board at the Town Board meetings as well as all  
9 the general town attorney matters for the Town.

10 MR. GORDON: And if Lauren can't be at one  
11 of your meetings, John will.

12 MR. MANCUSO: That's correct.

13 MR. GORDON: And I'm leaving.

14 CHAIRPERSON PRICE: Do we get to say  
15 anything for how many years of service?

16 MR. GORDON: You're welcome. With this  
17 board, only about three.

18 CHAIRPERSON PRICE: But Town Board member,  
19 town --

20 MR. GORDON: Town Board member for 40 years  
21 back, you know, before the turn of the century.  
22 Seriously. 12 years as attorney for the town.

23 CHAIRPERSON PRICE: It's been a pleasure and  
24 thank you for your service to the Board and to the  
25 Town. Good luck.

1           MR. GORDON: It's been wonderful working  
2 with all of you.

3           CHAIRPERSON PRICE: Do better at retiring  
4 than I am doing. Okay.

5           We'd like to go over a few things. I want  
6 to go over something that we adopted as of last  
7 month's meeting, the October 18th meeting, which is  
8 rules of decorum at public meetings. And there's a  
9 few of you that weren't here. We did approve these  
10 rules as written.

11           Or did we amend these at all?

12           MR. GORDON: As written.

13           CHAIRPERSON PRICE: As written. Just wanted  
14 to give you a chance to comment or discuss whatever  
15 you would like to if you have any comments on this.

16           This is something that we've not had in  
17 writing before. Other boards have. And we decided it  
18 was best that these be adopted.

19           MR. GORDON: If I could just give a little  
20 further explanation so there's no magic here.

21           I mean, the chair of the Planning Board has  
22 the power to control the meeting and, you know,  
23 maintain decorum. But we found at the Town Board  
24 level it too would be helpful to put in writing what  
25 those policies generally would be that, you know,

1     there is an expectation that people will act civilly,  
2     that people will allow others to speak, that we will  
3     allow for free exchange of thoughts and ideas with the  
4     Board, but not necessarily arguments among the members  
5     of the public who come to attend or applicants and  
6     members of the public.

7             So the idea really with these rules of  
8     decorum is to direct comments to the Board, for the  
9     Board to listen, to consider what is being told to  
10    them and to try to keep matters on topic for the  
11    matters that are before this Board and to otherwise  
12    make sure that everyone has a fair opportunity to  
13    speak.

14            There's a three-minute limit on input from  
15    the public, which can be extended at the chair's  
16    discretion. As you know, of course, we have some  
17    meetings where we have many in attendance, all of whom  
18    want to speak. And we have other meetings where we  
19    have very few members of the public. That would allow  
20    us more latitude.

21            It's a rough outline. And the rules are  
22    part of the agenda packet that was published last  
23    month. If you have any questions, I think they're  
24    really self-explanatory, but Lauren, John or I or  
25    Jason could certainly answer questions.

1 CHAIRPERSON PRICE: Four of us approved.  
2 Julie was here. If there's any comments or questions.  
3 Pretty straightforward. Okay.

4 Jason, can we kind of walk through the  
5 applications tonight that are on the agenda? First is  
6 6P-03-23. Did you receive some new or additional  
7 information for the Carl Grasta application?

8 MR HAREMZA: We did. And so this has been  
9 out there for a while. This first came before the  
10 Planning Board I think in June. There's a  
11 single-family house that was previously approved last  
12 year or earlier this year that's probably almost done  
13 by now. This application was for an in-ground pool.

14 What complicated the application is the area  
15 where the pool is going is within two environmental  
16 overlay districts, a steep slope and a watercourse.  
17 And when you are in two of those, that elevates the  
18 project to a Type I action under Brighton's  
19 environmental code.

20 So that led to some additional engineering  
21 work necessary, the submission of a full environmental  
22 assessment form. And the engineering has been  
23 reviewed by our town's consulting engineer. And you  
24 can see his comments in the report.

25 There was some questions -- I guess the --

1 really the remaining question is about the fill. I  
2 know the applicant and the town engineer have been in  
3 discussion with the questions about the pool affluent  
4 and backwash and the impacts to the water quality of  
5 the creek. I believe those have been resolved. The  
6 applicant can speak to that. But that's another kind  
7 of outstanding issue on this.

8 And environmental determination has not been  
9 prepared pending the resolution of these issues.

10 MR. GORDON: I will just say that in staff  
11 discussions, staff felt that the application was not  
12 yet fully complete with the information submitted.  
13 Although it was supplemented, it was not what we  
14 really needed to fully advise the Board as to what  
15 action to take. And there's some technical  
16 deficiencies.

17 For example, as Jason explained, this action  
18 involves two environmental protection overlay  
19 districts. The applicant has only applied for a  
20 permit for one of them. So it's not even before this  
21 board, the application for a second EPOD permit.

22 Also, it's my understanding that staff has  
23 not received a set of plans properly showing the  
24 delineation of both of those EPODs on the site plans.

25 So ultimately, it's Planning Board staff's

1 recommendation that the Planning Board consider  
2 tabling this matter. But we'll see what comes out of  
3 the public hearing tonight.

4 CHAIRPERSON PRICE: Okay. There's two  
5 applications 10P-03-23, 1905 and 1925 South Clinton.

6 MR. HAREMZA: Just to -- so, yeah. Well,  
7 those of you who were here last month will recall this  
8 was introduced last month. This is limited to the  
9 proposed ALDI grocery store at the rear of the overall  
10 development site.

11 As you know, this project is a large project  
12 and there's been several phases. Planning Board last  
13 month heard and approved the modification of Phase II,  
14 which involved the connecting driveway to the  
15 properties to the south. This is Phase III, again,  
16 the development of the rear of the site.

17 There was some questions about whether this  
18 board felt they should waive the lot coverage  
19 requirements. They're very close. The Town's  
20 consulting engineer's memo raised the question again.

21 I think it's fair to have a discussion on  
22 whether, you know, that rises to the level of -- how  
23 critical is that element of the project. And I think  
24 there are maybe other amenities that might -- I don't  
25 want to say make up for that, but one of the



1 suggestions of the Conservation Board was covered  
2 bicycle parking. The applicant already proposed  
3 bicycle parking, but if there's a way to make that  
4 covered bicycle parking, that may be something the  
5 Board would also consider in the overall sort of  
6 environmental friendliness of the project.

7 CHAIRPERSON PRICE: Okay. So you've  
8 obviously received additional information addressing  
9 your questions somewhat regarding the design around  
10 the front of the building and green space ratios or  
11 impervious --

12 MR. GORDON: Yeah. The request on the  
13 impervious coverage -- there is a request in the  
14 application to modify the allowable impervious  
15 surfaces to go up to 56.75 percent from 55 percent,  
16 which is where they're set now.

17 When staff looked at it, and we looked at it  
18 for this phase, Phase III, the applicant and developer  
19 will not exceed 55 percent with the construction of  
20 Phase III. And we recognize we don't know what's  
21 going to be built in the future phases. We know what  
22 the overall generic plan is. We don't know what's  
23 going to come in and be built. And there may not be a  
24 need for increasing that impervious surface coverage.

25 So staff really felt that that request was a

1 bit premature. But that's really a board decision as  
2 to whether you want to increase it to 56.75. I don't  
3 think for this phase -- for this ALDI store, they  
4 don't need it.

5 What they're saying is that if they build  
6 what is on the original plans, then they would need to  
7 exceed. But we don't know what they're going to build  
8 in the future. So that's an issue to discuss in the  
9 hearing.

10 Other than that, I think staff is fairly  
11 pleased with what they have received. And there are  
12 some technical things that need to be addressed with  
13 the rooftop equipment and whatnot, some comments  
14 regarding bioretention area, things we think could be  
15 worked out by staff and the developer after approval.

16 MR HAREMZA: One of the changes from last  
17 month too in response to some of the comments from the  
18 board members last month is the -- the drive aisle  
19 right in front, the width of that pavement has been  
20 reduced. So, you know, I think that's a positive  
21 move.

22 CHAIRPERSON PRICE: All right. Application  
23 11P-01-23. This is the conditional use permit for  
24 Jersey Mike's.

25 MR HAREMZA: Yeah. This should be fairly

1 straightforward. This is going to go into the  
2 building that's under construction, almost completed.  
3 The front building, that has the Starbucks going into  
4 it.

5 This is another one of the tenant spaces  
6 that will be occupied by Jersey Mike's. And because  
7 it is a restaurant use, it needs a conditional use  
8 permit. But again, pretty straightforward.

9 CHAIRPERSON PRICE: All right. 11P-02-23,  
10 the 3180 Brighton Henrietta Townline Road, demolition  
11 review and approval to raze a single-family house  
12 located at 3180 Brighton Henrietta Townline.

13 MR HAREMZA: Also pretty straightforward.  
14 It's not often that we have just a straight demolition  
15 permit approval, but this is a single-family home.  
16 The Historic Preservation Commission did not --  
17 declined to put this forward for consideration. They  
18 reviewed it at their meeting last month.

19 And I think, you know, the only questions  
20 from the assistant town engineer are fairly technical  
21 questions about whether the curb opening would be  
22 closed and I think some of the fill -- technical  
23 details on the fill for the basement and showing a  
24 small portion of floodplain on the property.

25 MR. GORDON: I'll just mention because it is

1 a commercial demolition, that does require -- it's a  
2 demolition of a residence but for commercial purposes.  
3 It does require SEQRA determination.

4 Staff has prepared a negative declaration.  
5 This would be considered an unlisted action. And  
6 staff was not able to identify any potential or  
7 significant environmental impacts from this action.

8 CHAIRPERSON PRICE: Very good. That will  
9 bring us to application 11P-03-23, 2829 West Henrietta  
10 Road.

11 MR HAREMZA: This is also a conditional use  
12 permit for a convenience store, specialty grocery  
13 store. It is a very small tenant space. It was most  
14 recently occupied by a cell phone store.

15 But the change of use goes two ways. The  
16 grocery store does require a conditional use permit.  
17 The applicant has stated this will be a -- again, it's  
18 a small space, 770 square feet. There will be some  
19 onsite meat processing of halal meat.

20 Brighton has a halal market at Crittenden  
21 and West Henrietta. So it's not something that's new  
22 to the Town. But it would serve a pretty limited  
23 customer base.

24 And one of the quirks of this site is it's a  
25 pretty small site with a lot happening. It's a

1 mix-use building. There's 17 parking spaces on-site.

2 Unfortunately, the change from the cell  
3 phone store to the grocery store per the parking  
4 requirements does up it by one space. And therefore,  
5 they do need to return to the Zoning Board and request  
6 a new variance for one space. They've applied.  
7 They're scheduled for the Zoning Board's December 6th  
8 meeting.

9 But that is why we're recommending the  
10 Planning Board table this. But of course, that's your  
11 decision.

12 MR. GORDON: Right. I mean, if you get to  
13 where staff got with this and subject to what the  
14 public hearing sheds light on, you know, we recognize  
15 there's two ways you can go; right?

16 You can say, okay, we're good with  
17 everything you're saying. We'll approve it  
18 conditioned upon you getting a variance from the  
19 Zoning Board. Or you could say, or the Planning Board  
20 or planning staff could say, maybe you need to get  
21 your ZBA first.

22 And the reason why planning staff is  
23 recommending that is because ZBA just had a similar  
24 situation at a different plaza in the West Henrietta  
25 Road corridor that it was a struggle to get that

1 variance because of the limited spots available. And  
2 even though it is a very de minimis new variance,  
3 looking at it from the big picture of what other  
4 uses -- what are the other uses going to be in that  
5 plaza, what are the parking demands and what hours,  
6 how do they overlap, that was what the Zoning Board  
7 was struggling with.

8 So knowing that, knowing this has been a  
9 Brighton-highlighted issue with the ZBA on a different  
10 project, staff thought it best to have the applicant  
11 go to the ZBA, get their variance, go through that  
12 process before you folks give your blessing to this  
13 project. That's the reason. But again, you could go  
14 either way with that.

15 CHAIRPERSON PRICE: All right. This is some  
16 information they'll probably discuss tonight.

17 MR HAREMZA: Yes. So the conditional use  
18 permit, we're starting asking applicants to file a lot  
19 of this information with the application as opposed  
20 to -- or in addition to stating it on the record. But  
21 that provided a basis for the review of the  
22 conditional use permit findings.

23 CHAIRPERSON PRICE: Okay. And we have just  
24 one sign at the end.

25 MR HAREMZA: Correct. One sign.

1 CHAIRPERSON PRICE: Okay. Let's get back to  
2 approval of the meeting minutes, three meeting  
3 minutes, August 16th, September 20th and October 18th.

4 Does anybody want to make a motion to  
5 approve these? And Ken, can we have a motion for all  
6 three or would you --

7 MR. GORDON: Yes. But what I would suggest  
8 is there to be a motion to approve the minutes for --  
9 and then state the date of each one of the meetings.

10 If that motion is seconded, I'd ask for a  
11 discussion with any requested changes to individual  
12 meetings. Let's be careful that we note for the steno  
13 where those changes are.

14 UNIDENTIFIED SPEAKER: May I ask a question?

15 CHAIRPERSON PRICE: No. Not now.

16 UNIDENTIFIED SPEAKER: I didn't hear what  
17 you said.

18 MR. GORDON: We were just talking about the  
19 approval of the minutes.

20 CHAIRPERSON PRICE: The structure of the  
21 approval.

22 UNIDENTIFIED SPEAKER: Of what item?

23 CHAIRPERSON PRICE: This is our business.

24 MR. BABCOCK-STINER: Ken, am I correct, you  
25 had said before that -- because if we're going to

1 review them all at once, I was here for two of them  
2 but not for one.

3 MR. GORDON: You can vote to approve minutes  
4 if you were not present at the meeting.

5 MR. BABCOCK-STINER: That's what I thought  
6 you had said.

7 CHAIRPERSON PRICE: Anybody want to try the  
8 motion?

9 MR. FADER: I'll move we --

10 MR. GORDON: Can you lean into your mic,  
11 please?

12 MR. FADER: I move we approve the minutes.

13 MR. GORDON: For which meetings?

14 MR. FADER: I'll try again. I move we  
15 approve the minutes for August 16th, 2023, September  
16 20th, 2023, and October 18th, 2023.

17 MS. ALTMAN: I'll second.

18 CHAIRPERSON PRICE: Moved and second. Any  
19 discussion?

20 MR. OSOWSKI: Yeah. I have some corrections  
21 for the October 18th minutes.

22 CHAIRPERSON PRICE: Okay.

23 MR. OSOWSKI: I'll give these to you.  
24 Fairly simple.

25 For October 18th on page 10, line 12, change



1 South Winton Road to South Clinton Avenue.

2 On page 11, line 19, change Winton to  
3 Clinton.

4 On page 11, line 25, delete the word county.

5 CHAIRPERSON PRICE: We're moved. We're  
6 seconded. We have amendments.

7 MR. GORDON: Mr. Fader, who made the motion,  
8 do you accept those --

9 MR. FADER: I accept the amendments.

10 MR. GORDON: And Ms. Altman who seconded,  
11 yes?

12 MS. ALTMAN: Yes.

13 CHAIRPERSON PRICE: Okay. Jason, please  
14 call the roll.

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

18 (Upon roll motion to approve minutes as  
19 amended carries.)

20 CHAIRPERSON PRICE: Okay. We'll now hear  
21 the public hearings. Jason, can you confirm that the  
22 public hearings were properly advertised prior to the  
23 meeting?

24 MR HAREMZA: The public hearings were  
25 advertised in the Daily Record of November 9th, 2023.

1 CHAIRPERSON PRICE: All right. Thank you.  
2 We will now hold those.

3 First application is 6P-03-23.

4 **Application 6P-03-23**

5 Application of Carl Grasta, owner, for Site  
6 Plan Modification and EPOD (watercourse) Permit  
7 approval to construct an in-ground swimming pool in  
8 conjunction with a new home (11P-01-22) on property  
9 located at 1 Knollwood Drive. All as described on  
10 application and plans on file. TABLED 6-21-2023;  
11 PUBLIC HEARING REMAINS OPEN

12 MR. MATT: Good evening. My name is David  
13 Matt with Schultz Associates here for Carl Grasta and  
14 1 Knollwood Drive.

15 CHAIRPERSON PRICE: What is your last name?

16 MR. MATT: Matt, M-A-T-T. Just like the  
17 first name.

18 So basically Mr. Grasta came through with an  
19 original site plan for his house. I believe we got  
20 approval at the December meeting of last year. It was  
21 signed in January.

22 And then he started construction on the  
23 house. Sometime around May he came to us and said he  
24 wanted to have an in-ground pool. So then we started  
25 in this process.

1           And what he's looking for is a 12-by-24  
2     in-ground pool, an associated pool deck patio area and  
3     a general 8-by-23 cabana. And the cabana will be less  
4     than the 250 square foot required by Town Code.

5           As we know, this has a few EPODs on it and  
6     that area is a little bit of a slope. And what we're  
7     looking to do is cut into the slope to create a level  
8     area, stairs down from the back of the house and have  
9     the flat area for the pool and the patio and all the  
10    good stuff there.

11          We went through -- after the first round of  
12    comments, the soil engineer went out and tested it.  
13    And as we knew when we were going through the original  
14    house plan process, this used to be a house. And then  
15    it was demolished. So when the soil engineer was out  
16    there -- the slope we're cutting into is a bunch of  
17    fill materials from back when they demolished the  
18    house.

19          So the plan would be to excavate down in  
20    that slope of fill, remove the fill to get down to  
21    native soils and then fill it back in with stone and  
22    compact it appropriately and then put the pool and  
23    patio on top of the compacted stone.

24          As far as the EPODs go, on the second page  
25    of the site plan there's a multi-shaded graphic, I

1 guess you could say. And when you have the color  
2 version, it really pops out.

3 So my intent -- there's multiple different  
4 special districts in there. There's a floodway.  
5 There's a watercourse. There's a hundred-foot offset  
6 from the creek bank and special flood hazard area,  
7 which is generally the FEMA 100-year flood elevation.

8 So talking with Mike Guyon, the way around  
9 that is that the edge of all the shading is where the  
10 EPOD actually is. So I'm going to put a nice bold  
11 line on that with a nice bold label so that the EPOD  
12 stands out on the black and white and on the color  
13 version.

14 CHAIRPERSON PRICE: Right now it's hatched  
15 though; right?

16 MR. MATT: Yeah. The shaded hatch. So  
17 everything that's hatched on the south end of that  
18 image, that's the line for the EPOD, the extent of the  
19 hatch.

20 Steep slope EPOD, we had the slope hatched  
21 out in the pool area. And we have to add the 50-foot  
22 toe and top of bank extension on that, which, again,  
23 that's just an offset and drawing a line on there.

24 The other main question the town engineer  
25 had that we discussed, backwash when you clean the

1 pool. We originally had it going out a storm lateral  
2 connecting into the rip rap that comes off the roof  
3 leaders. And that was a concern to the town engineer.  
4 So talking with him, talking with Carl the owner, Carl  
5 ended up calling the sewer department and getting a  
6 okay from them to dump it into the sanitary lateral.

7 So what we're going to look to do is connect  
8 the pool pump with the check valve to a lateral that  
9 then goes to the sanitary sewer. If you backwash  
10 about an inch and a half of your pool, which is about  
11 what I do, you're looking at about 250 gallons on the  
12 backwash. So it's less than what a normal residential  
13 house would use in a day.

14 Cabana will have a couple lights. They're  
15 just going to be porch lights. So they're not going  
16 to light up the neighborhood. He has specs on what he  
17 wants and he will provide those to the town engineer.

18 I realize that we need to update the  
19 application to include the steep slopes and pay the  
20 fee for the second EPOD.

21 And the cabana will have a restroom, which  
22 will have an F1 pump that will pump, again, into the  
23 existing sanitary lateral.

24 The EPODs will be protected during  
25 construction by a silt fence backed with orange

1 construction fencing, which was the same technique  
2 that he used when he built the house.

3 All steep slopes outside the fence line are  
4 going to have sod. So it would be an immediate  
5 permanent stabilization.

6 Inside he's got a lot of landscaping  
7 proposed, mulch beds, river rock, round rock, whatever  
8 you want to call it, bunch of trees and bushes that  
9 he's looking to put in there to make it a nice little  
10 oasis.

11 CHAIRPERSON PRICE: Are those plans  
12 available?

13 MR. MATT: The landscaping?

14 CHAIRPERSON PRICE: So the landscaping and  
15 the pool itself.

16 MR. MATT: So --

17 CHAIRPERSON PRICE: Who's designing those?

18 MR. MATT: The landscaping is on, I think,  
19 the third page.

20 CHAIRPERSON PRICE: How about the pool  
21 itself?

22 MR. MATT: The actual design of the pool, he  
23 has an individual or company that is designing it up.  
24 He gave me a rough sketch of it. But I don't have the  
25 actual building plans for the pool.

1 CHAIRPERSON PRICE: I think one of the  
2 things that's been hard is to visualize kind of the  
3 way this is getting built. I know the information is  
4 on two or three different places.

5 I'm wondering if you can cut maybe just one  
6 section for the final application just showing us how  
7 the walls -- and I've been by. And there's stakes out  
8 there around the garage side of the house. And for  
9 the longest time I looked at this and thought this  
10 whole thing was way up in the air. And it's not.

11 So you're coming out of the house, stepping  
12 down. There's retaining walls. And that means the  
13 pool is actually much lower than that.

14 MR. MATT: Correct.

15 CHAIRPERSON PRICE: That's been hard to  
16 visualize.

17 MR. MATT: And I tried to do -- on the top  
18 left corner on the front page, it's got all the  
19 elevations. Each step is elevated. The concrete  
20 patio is elevated. The outside grade is elevated.  
21 But I can easily cut whatever cross-section you want  
22 there.

23 CHAIRPERSON PRICE: Literally pick one that  
24 goes down through those steps and, you know -- the  
25 401.84 contour or that spot elevation so it gets, you

1 know, part of the house and then the walkways down.  
2 So it gets the pool and the perimeter fence.

3 And I think it's that transition from the  
4 pool deck to the lawn area on the outside. I think  
5 visualizing and thinking this is going to be some  
6 steep drop-off, but it's not really.

7 MR. MATT: It's not. Yeah. I can easily do  
8 a cross-section.

9 I do have an initial sketch that he gave me  
10 back in May. It looks like an architect's sketch of  
11 the whole area with vegetation and all that. I can  
12 give that to you if it helps.

13 CHAIRPERSON PRICE: There's technical stuff  
14 going on here with regards to the EPODs and the  
15 percentage of fill within an EPOD kind of thing, but  
16 there's also kind of the aesthetic side of the site  
17 plan that we'd like to see.

18 MR. MATT: One thing I'd like to point out  
19 was that with all the waterway, floodway EPOD in  
20 there, we're not actually in the flood zones. We're  
21 not in the floodway. We're above that elevation. And  
22 we're only in the hundred-foot offset from the creek  
23 bank, is the only portion of that EPOD area.

24 CHAIRPERSON PRICE: Which the Town required.

25 MR. MATT: Yes. But we're not impacting



1 flood areas at all. Yeah. So we're actually --

2 CHAIRPERSON PRICE: No area with a flood  
3 storage capacity.

4 MR. MATT: Correct. We're above that  
5 elevation. That's why the silt fence with the orange  
6 fence is there. It's a solid barrier. So we don't  
7 have to get into the area.

8 MR. OSOWSKI: What material is the pool  
9 itself? Is it gunite or is it fiberglass?

10 MR. MATT: I believe it's gunite. That  
11 sounds familiar. But I'm not a pool expert. I can  
12 definitely have that answer though.

13 CHAIRPERSON PRICE: All right. So --

14 MR. GORDON: I have a question.

15 CHAIRPERSON PRICE: What?

16 MR. GORDON: I just have a question. Just  
17 want to check on the cabana. So the representation is  
18 that the cabana is less than 250 square feet.

19 MR. MATT: Correct.

20 MR. GORDON: Does that include -- does that  
21 measurement include restrooms?

22 MR. MATT: Yes. It actually includes the  
23 roof overhang.

24 MR. GORDON: And the roof overhang extends  
25 over the restrooms?

1           MR. MATT: Yes. So the actual rectangle to  
2 the cabana and the restrooms is less than 250. I  
3 included the foot of roof or so on the outside edges,  
4 plus a little extra in case he wants to cover the  
5 seating area.

6           MR. GORDON: Now, I see that there's a note  
7 that says cabana roof 243 square feet. But then I  
8 can't quite see with all the lines here where that  
9 extends.

10          MR. MATT: I think that is on the third page  
11 also in the top right corner.

12          MR. GORDON: Yup.

13          MR. MATT: All right.

14          MR. GORDON: It just points to a dotted  
15 line. As we get over towards the restrooms, that sort  
16 of dotted line, it looks like more like an L than a  
17 full roof. But maybe it's hidden in those other hash  
18 marks and I just can't see it.

19          MR. MATT: So the hash marks would be the  
20 walls and the dash line, the roof overhang.

21          MR. GORDON: Okay. But the representation  
22 is that all of the cabana, including the restrooms, is  
23 less than 250 square feet.

24          MR. MATT: Correct.

25          MR. GORDON: Understood. Thank you.

1 CHAIRPERSON PRICE: And the filter area, is  
2 that -- do you have a pump and a filter here that's in  
3 that enclosed space, does that have a cover over it?  
4 Or is it just open with side walls?

5 MR. MATT: It's open air, side walls, just  
6 kind of hidden from view.

7 CHAIRPERSON PRICE: Thank you.

8 MR. MATT: And out of the way so you don't  
9 hear the filter noise. Not that it would be a lot  
10 but --

11 CHAIRPERSON PRICE: You're all set? All  
12 right. Very good.

13 MR. MATT: Thank you very much.

14 CHAIRPERSON PRICE: Thank you.

15 This is a public hearing. Is there anyone  
16 in the audience that cares to address this  
17 application?

18 All right. Dave, thank you.

19 MR. MATT: So we would respond back to the  
20 town engineer and probably come back next meeting, if  
21 possible, with the application.

22 MR. GORDON: The Board will -- I don't know  
23 if you made this announcement or not in the beginning.  
24 The Board will discuss each application after  
25 the conclusion of all the public hearings as to what

1 action is going to be taken.

2 If you want to stick around and listen,  
3 you're welcome to. But if you want to take off and  
4 just call Jason in the morning, that's fine too.

5 MR. MATT: All right. Thank you very much.

6 CHAIRPERSON PRICE: That brings us to  
7 application 10P-03-23.

8 **Application 10P-03-23**

9 Application of 1925 South Clinton LLC,  
10 owner, and Costich Engineering, agent, for Final Site  
11 Plan Approval and Conditional Use Permit Approval  
12 (Phase 3) to construct a 20,664 +/- square foot ALDI  
13 grocery store on lot 2 (1925 South Clinton Avenue, Tax  
14 ID #136.15-1-9.1) and to allow overall site impervious  
15 coverage to increase above the allowable 55% to 56.75%  
16 on property located at 1905/1925 South  
17 Clinton Avenue. All as described on application and  
18 plans on file. TABLED 10-18-2023; PUBLIC HEARING  
19 REMAINS OPEN

20

21 MR. COLUCCI: Good evening, Mr. Chairman,  
22 members of the Board. Paul Colucci on behalf of the  
23 applicant, 1925 South Clinton, LLC.

24 As Jason and Ken commented on in the  
25 pre-application discussion, this plan was reviewed --

1 this application was reviewed in October. And we  
2 received comments from the Board relative to some of  
3 the specific site plan orientation, traffic flow,  
4 conflict points, et cetera.

5 What we did was respond to all those  
6 comments in writing and submitted the revised site  
7 development plan set that you have before you. I just  
8 want to point out a couple of the changes that we  
9 made.

10 The southerly access point, which will be  
11 the signalized entrance, originally when we presented  
12 this plan back in October had additional connections  
13 to the drive that will come from the Gables, across  
14 the front of the Starbucks building to the northerly  
15 access.

16 As you know, the Doodle Bugs! is in. That  
17 northerly access is in. And we have constructed the  
18 throat of the southerly access.

19 What we tried to do is respond to some of  
20 those conflict points that were raised at the last  
21 meeting. We created a T-intersection there and canoed  
22 that island to eliminate two connections to that  
23 southerly portion of the north/south driveway.

24 Additionally, as Jason mentioned, we  
25 narrowed the distance from the front of the ALDI to

1 the terminal islands, the last two on the south part  
2 of the site plan that are perpendicular to the face of  
3 the ALDI. That was about 35 feet.

4 CHAIRPERSON PRICE: Can you just point to  
5 those? Because several of us weren't here last time.  
6 Just point to those changes.

7 MR. COLUCCI: So this previously came  
8 continuous right through and connected to the  
9 north/south driveway. So we created a T-intersection  
10 here, stop-controlled, and created an island.

11 The traffic flow for these two islands would  
12 be able to maneuver around without any type of  
13 hammerhead movement that we'd need to make. And  
14 additionally, we extended these islands closer. They  
15 were in line previously. We simply extended them so  
16 that they're consistent, 24 feet from the end of the  
17 island to the building.

18 We were able to pick up a little bit of  
19 additional green space and lower the lot coverage  
20 ratio. We did -- after submitting, we did get some  
21 comments from ALDI on the overall site plan from their  
22 third-party engineer, which is APD, who does all their  
23 national engineering oversight. And they raised a  
24 couple of good questions and comments that I just  
25 wanted to discuss with the Board.

1           So what they asked is in the parking field  
2     between the ALDI and the future two-story building,  
3     they asked if those aisles can be widened to 26 feet  
4     preferably, 25 foot minimum. And as I was receiving  
5     these comments saying, you know, you're asking me to  
6     be non-typical for what's elsewhere on the plaza --  
7     everywhere else we have 18-foot parking spaces,  
8     24-foot drive aisles. And that's consistent with what  
9     we're building for the Starbucks now.

10           So what I was -- their main concern was  
11    the -- right off the north side of the ALDI is their  
12    main entrance. And there's ADA parking that would be  
13    backing up into the face of people walking out of the  
14    store. And there's only 24 feet there because we  
15    continued a typical 60-foot parking bay.

16           So we received those comments and I did --  
17    we received those comments about a week ago. So I  
18    scrambled and did an alternative site plan that -- I  
19    apologize for doing this, but I wanted to just share  
20    that with you because I think that we like it. We  
21    think it solves some of their concerns. I think it  
22    solves some of the other concerns that I've heard with  
23    the Board in the past. So I have a copy of that I'd  
24    like to hand out if you're okay with that.

25           CHAIRPERSON PRICE: Please.

1           To clarify, I guess on your site plan, it is  
2 just -- it's the parking field between the two back  
3 buildings.

4           MR. COLUCCI: It's just between these two  
5 buildings. Everything else stays identical. We just  
6 looked at how do we orient that parking?

7           And what this accomplishes, one, I know is,  
8 as Mr. Gordon said, we don't need a lot-coverage  
9 waiver at this point. But this does result in a  
10 further reduction of lot coverage. We're adding more  
11 green space when we look at the overall development.

12           How we do that, we're introducing some  
13 landscaped islands into what was previously just a  
14 solid parking field. And really what this does is it  
15 kind of channelizes this. Instead of having these run  
16 in the fashion that they were elsewhere on the site,  
17 we just oriented them with a canoed island that you  
18 see on the alternate plan here. And then we're  
19 orienting the parking field so that people can walk  
20 out of their car directly to a store, walk out of  
21 their car directly into a medical building.

22           And then rather than have one, two, three,  
23 four connections, we have two. And then this was kind  
24 of a little bit of a roller coaster where it's a ramp  
25 up, level, ramp down, ramp up, level, ramp down.



1           So by doing that canoe here, we have one  
2     curb ramp up all the way across and a curb ramp down.  
3     And we still meet all of the parking requirements, the  
4     same number of spaces and we eliminate that backup  
5     movement right into the front of ALDI.

6           And then like I said, we have -- with this  
7     plan our lot coverage goes to 56.7. Slight reduction.  
8     And again, as Ken mentioned, we don't need the waiver  
9     at this point. We still believe that there will be a  
10    two-story building. We don't have a user for it quite  
11    yet. We have the pad to the front and south of ALDI  
12    that we need to develop.

13          So what I was hoping was just to see if this  
14    was preferable to the Board over the plan that was  
15    resubmitted back when we responded to the comments.  
16    We like it just because I think that it has fewer  
17    connections to the driveway, which is going to be the  
18    truck route. Protects the parking. You have the  
19    typical orientation where people walk out of the back  
20    of their car and they don't have to cross between  
21    parking lanes. So I wanted to offer that for your  
22    review.

23          We did prepare a green space exhibit that we  
24    showed with the previous -- with the resubmittal. And  
25    I just want to touch on a few of those numbers just so

1     you could understand.

2             The plan that we resubmitted, we did this  
3     green space calc for was at 56.84. So the alternate  
4     plan goes to 56.7.

5             We did colorize and show that we're bringing  
6     a number of public sidewalks into the project. So  
7     that is working against us in our lot coverage, but  
8     it's a pedestrian amenity. If we weren't to consider  
9     those public sidewalks impervious and we're getting  
10    credit for those as green space, we're at 55.15. Then  
11    we're proposing land bank parking, which on the space  
12    exhibit brings us down to 54.7.

13            But again, with this phase, we are not  
14    tripping over the lot coverage. We're just looking  
15    forward and wanted to have that discussion with the  
16    Board so we don't pigeonhole ourselves at some future  
17    point.

18            MR. GORDON: Let me interrupt, Paul. You  
19    don't happen to have one more? Because I'd like to  
20    make one available for the public to view.

21            MR. COLUCCI: I have mine.

22            MR. GORDON: If not, we --

23            CHAIRPERSON PRICE: John and I can share.

24            MR. GORDON: Great. Because I want one to  
25    stay with Jason as the official record.

1           So just to note, this new parking plan and  
2 new site plan, alternate site plan, I'm placing in the  
3 back of the room for the public to view.

4           MR. COLUCCI: So couple other things. We  
5 received the staff report that came out last night and  
6 have a few pieces of information I just wanted to  
7 discuss.

8           So there was a comment relative to the bike  
9 rack and could the bike rack be covered. We are  
10 proposing the bike rack at the front of ALDI. And on  
11 the site plan you can see they're dashed lines, which  
12 is their canopy, their awning. So it is undercover.

13          MR HAREMZA: Paul, I apologize. I just saw  
14 that faint dash line. So I appreciate that.

15          MR. COLUCCI: There was a comment relative  
16 to bus service and the applicant coordinating and  
17 discussing this with RTS. I did reach out to RTS and  
18 did share the site plan with them.

19               They currently serve this area where the  
20 project is with the route that travels from the north  
21 to the south, South Clinton and takes a left at Rue De  
22 Ville. And then it kind of heads in an easterly  
23 fashion to Lac De Ville and then continues south.

24               There currently isn't a bus stop close to  
25 the Rue De Ville intersection. There are interim bus

1 stops. There's one at South Clinton and Elmwood.  
2 There's one slightly south in front of the property to  
3 the north of us. And then there's one on Rue De  
4 Ville.

5 They said that they have reconfigured all of  
6 their routes to stay on main lines. So stay on main  
7 public right-of-way. They don't go into developments  
8 anymore. That was bothersome for their riders where  
9 they had to wait extreme amounts of time for buses to  
10 loop into the developments.

11 So they said that they would look at moving  
12 or adding a bus stop closer to the South Clinton/Rue  
13 De Ville intersection. But they have to do their  
14 safety study. They have to go out and see is there  
15 appropriate lane widths? Is there a place where a bus  
16 can safely pull off to the right and then make a safe  
17 left turn? They would get back to me on that. So we  
18 did reach out to them.

19 I did pass the comment relative to the noise  
20 and the sound of the rooftop units off to ALDI and  
21 their engineers and they produced a document that I'd  
22 like to share with Jason. And I'll explain a little  
23 bit about that.

24 So the rooftop units will have screens  
25 around them. Each rooftop unit has a screen. And

1 those were offered when we went to the Architectural  
2 Review Board for approval and we discussed placement  
3 and showed them on the roof plan and showed them in  
4 elevations of the building.

5 The rooftop screens themselves are not  
6 designed to be sound attenuating, although they do  
7 provide some sound attenuation just because they break  
8 a line of sight. But the ALDI engineers took each of  
9 the pieces of rooftop equipment off of the  
10 manufacturer's specifications.

11 And what I handed to Jason was -- there's  
12 three units. There's a condensing unit that produces  
13 64.5 decibels at 3 meters. They extrapolate that out  
14 at a distance of 115 feet given where it sits on the  
15 roof to the property line to the rear, which was where  
16 I think that comment was relative to. There's  
17 residential apartments there. When you look at the  
18 distance, that brings the decibels down to 43.15. And  
19 this is without taking credit for the screening that's  
20 around the rooftop. It's just noise at the device, a  
21 distance traveled, then the amount of noise would be  
22 reduced.

23 Additionally, they're not taking any credit  
24 for the fact that this is treed and vegetated. So  
25 what's in this document I handed to Jason is going to

1 be further reduced by just passing through trees,  
2 passing through those screens.

3 The other two pieces of equipment are the  
4 two rooftop units that produce 71 decibels at 15 feet  
5 and 66 decibels. When you extrapolate out the  
6 distance to the property line from where it sits on  
7 the roof, they reduce down to 54.8 and 37.2.

8 So what does that mean? When you look at  
9 the levels of noise and decibels off of the American  
10 Academy of Audiology, we're in the what's called  
11 moderate to soft noise. So moderate would be moderate  
12 rainfall. Soft is a quiet library. And again, this  
13 is just taking that piece of equipment, what it  
14 produces over a distance, not taking credit for the  
15 screens and the vegetation that exists.

16 So I handed that to Jason. We'll include  
17 this when we respond back to the town engineer's  
18 comments. That's where that came from. But we're  
19 very confident that this is not going to produce any  
20 type of negative impact to the abutters to the west of  
21 us or to the south.

22 Last comment was relative to easements that  
23 potentially could be needed because of the three-lot  
24 configuration. As we know, they're all owned under  
25 common ownership. There's an existing ECR with the

1 Doodle Bugs! lot. That ECR will be extended to cover  
2 all three lots. So rather than do individual  
3 easements from lot one through lot two, we'll cover it  
4 with a general ECR.

5 MR HAREMZA: Sorry. What is an ECR?

6 MR. COLUCCI: Easements, covenants,  
7 restrictions.

8 That's all I had for you. I'm interested to  
9 know what you think of that alternate plan and if you  
10 want to have any discussion with me.

11 CHAIRPERSON PRICE: Okay. For those that  
12 weren't here last month, this does address the primary  
13 concern about the number of conflict points at that  
14 southern entrance. And you get -- first interior  
15 intersection was drive lanes coming out and just all  
16 kinds of "who goes first." A good solution to it.

17 The islands are pushed -- which would be the  
18 western islands at the southern end of the parking  
19 lot, pushed closer to the building. That pavement was  
20 very wide at that location. So that's been brought  
21 down.

22 The comments -- and whether those are  
23 generated by ALDI or their consultants, I think that's  
24 a better solution. The solution that you had is  
25 consistent with the rest of the plaza, but it does --

1 again, has multiple access drives entering out onto  
2 that more westerly internal drive. The way the  
3 pedestrians have to, you know, go from one part of the  
4 plaza to the other is not ideal.

5 I think this addresses, you know, their  
6 concern of the handicap parking, handicap people  
7 backing up near the front door. I think this is a  
8 better design solution.

9 MR. COLUCCI: Thank you.

10 MR. BABCOCK-STINER: The sidewalk running  
11 down the east side of that, it looks like -- it looks  
12 like there's a sidewalk running down that -- of the  
13 new -- of your new concept --

14 MR. COLUCCI: Yes, that is. Yes. That's a  
15 sidewalk with curb ramps on each end.

16 MR. BABCOCK-STINER: Thank you.

17 CHAIRPERSON PRICE: Karen, any thoughts?

18 MS. ALTMAN: Thank you for going into the  
19 details. Appreciate it. Very helpful.

20 MR. FADER: I have -- I don't have any  
21 problems with the revisions. And I'm deferring to  
22 Bill's opinion on traffic.

23 MR. BABCOCK-STINER: I think it's a --  
24 without being here last time, I think it's better  
25 looking and I think it's a better solution.



1 CHAIRPERSON PRICE: This cleaned up --

2 MR. BABCOCK-STINER: The pedestrian access  
3 is better too.

4 CHAIRPERSON PRICE: Who knows what that's  
5 going to end up being, but hopefully that works with  
6 everything else that's here.

7 MR. OSOWSKI: That's a good beneficial  
8 improvement to the parking and traffic situation.

9 MR. BABCOCK-STINER: I agree.

10 CHAIRPERSON PRICE: All right. What are we  
11 down to talking about? Is the issue of noise levels  
12 from rooftop units -- first off, Paul, your drawings  
13 show two apartment buildings to the west. Is there --  
14 where is the closest apartment building to the ALDI  
15 itself?

16 MR. COLUCCI: This -- these continue and  
17 it's right here.

18 CHAIRPERSON PRICE: So there are other  
19 buildings in there that are not as close to the  
20 property line. And are they parallel or  
21 perpendicular?

22 MR. COLUCCI: This road turns away. So this  
23 building is kind of skewed back and a little bit  
24 further back than these are to the west property line.

25 MR. GORDON: I mean, I will just say that

1 Mike Guyon had expressed some concern about the noise  
2 generation. We're now being presented here in this  
3 meeting with some data. We don't have an engineer  
4 here at this meeting.

5 So I think the comment and recommendation of  
6 staff would remain the same that the applicant needs  
7 to satisfy and address the comments made by town  
8 engineer and staff and the engineer consultant with  
9 respect to the noise issue.

10 I'm not saying this doesn't do it. It  
11 might. But I'm not an engineer and none of us over  
12 here are so --

13 CHAIRPERSON PRICE: So your response to the  
14 comment doesn't take into account -- it takes into  
15 account distance, screen --

16 MR. COLUCCI: It takes into account solely  
17 distance. It doesn't take into account that there are  
18 screens around each piece of equipment. And it's not  
19 taking credit for the trees and the vegetation that  
20 would buffer that sound.

21 CHAIRPERSON PRICE: And the screening on  
22 these units, the screening is more of an aesthetic.

23 MR. COLUCCI: That's right. It's a louvered  
24 screen that was presented to the Architectural Review  
25 Board. And when we offered them to the Architectural

1 Review Board, it was solely to address that we had  
2 rooftop equipment and we're being responsible to put  
3 the screen --

4 CHAIRPERSON PRICE: But if we have the  
5 residence on the west and the south, is there likely  
6 things that you and the town and engineer or  
7 consultant can come up with to further mitigate --

8 MR. COLUCCI: Hundred percent. So what we  
9 wanted to offer was that we heard the comment. We  
10 wanted to be able to share our opinion on it with the  
11 Board.

12 As Ken said, we're confident we can satisfy  
13 the town engineer. If this isn't enough and they  
14 wanted some type of sound attenuating louvered around  
15 there, there's solutions that can be implemented.

16 MR. GORDON: If I could just ask -- and I'm  
17 doing this sort of on behalf of our engineer  
18 consultant because I think he's going to want it --  
19 typically when we're reviewing decibel levels of  
20 equipment, we get the source of information from  
21 manufacturing -- manufacturer's documentation rather  
22 than just from a consultant's letter.

23 MR. COLUCCI: Yeah. He -- in this  
24 particular memo, Ken, he's just citing that piece of  
25 equipment and what he pulled off of the

1 manufacturer's. We'll produce that.

2 MR. GORDON: Right. I think having that  
3 source information will help our consultant as well.

4 MR. COLUCCI: Yup. Understood.

5 CHAIRPERSON PRICE: Any other comments?  
6 Questions? Okay. Paul, thank you.

7 This is a public hearing. Is there anyone  
8 that cares to address this application? Please.

9 MR. LEDERER: This is a question about --

10 MR. GORDON: You need to state your name --

11 MR. LEDERER: Oh, yes. Beg your pardon. My  
12 name is Philip J. Lederer. I am an emeritus professor  
13 at the University of Rochester. I live at 2169  
14 Clinton Avenue South, which is the so-called Wallace  
15 house, otherwise known as Ms. Shilling's house.

16 MR. GORDON: And I'm just going to ask you  
17 to try to speak close to the microphone because I'm  
18 having a little bit of trouble and I want to make sure  
19 board members can hear.

20 MR. LEDERER: I appreciate that. I'm  
21 wearing hearing aids myself.

22 There was no public -- there's no sign in  
23 front saying there was a hearing related to this  
24 matter. And I -- I've looked all over the website,  
25 town website, and I found nothing about the signs,

1       which I used to see. So was a sign required?

2               CHAIRPERSON PRICE: Is that --

3               MR. LEDERER: That's a question for you,  
4       yes, sir.

5               MR. GORDON: Well, again, we're here on a  
6       public hearing forum. So it's really -- the Board is  
7       listening to comments.

8               And I think what I hear the gentleman saying  
9       is that he's concerned that there was no sign. That  
10       is something he wants the Board to consider. So  
11       something we should discuss during the Board's  
12       deliberations as to whether there was a sign, whether  
13       it's required or not. But it's not a matter or the  
14       time for the Board to be answering questions.

15              MR. LEDERER: Yes, I understand. Actually  
16       going to bring up this point to the second thing on  
17       the same property also. There's a demolition of the  
18       medical building. Ditto for that. I'd like to make  
19       some comments at the end of the meeting when you've  
20       done your work.

21              CHAIRPERSON PRICE: This is the time.

22              MR. GORDON: We don't --

23              CHAIRPERSON PRICE: We close that.

24              MR. LEDERER: All right. So I understand I  
25       have two and a half minutes to say something.

1           MR. GORDON: As long as it's relative to the  
2 application that is currently pending before the  
3 Board.

4           MR. LEDERER: There was no sign. And I  
5 personally live on the street, have lived on the  
6 street for 16 years. My concern is not to slow down  
7 commerce. I was a professor of business  
8 administration. My concern is primarily on  
9 landscaping and the appearance of the building on the  
10 street.

11           And after a number of years of this  
12 project -- nothing happening with this project, just  
13 become aware that this is going to be an ALDI and just  
14 aware that you decided on a drive-in right up against  
15 the street much closer than any other building so far.

16           And I just, I guess, come with the request  
17 that with the demise of the messenger newspapers and  
18 the fact that public notices are now published in the  
19 Daily Record, which is not something people in the  
20 town normally would read -- professionals and legal  
21 persons might -- the public needs to be better  
22 informed as to what is going on. And that's one of  
23 the reasons I bring up the case of the signs.

24           CHAIRPERSON PRICE: Okay.

25           MR. LEDERER: So that's all I wanted to say.

1 So I wish you would consider that.

2 One small thing, a suggestion. I did notice  
3 on the Town Board website someplace -- I couldn't find  
4 it again -- I believe it's the supervisor posted a  
5 page saying, if you wish to be kept current with  
6 matters related to the Town Board, just give us your  
7 name and you'll be on the distribution list telling us  
8 about meetings and such.

9 I've talked to Mr. DiStefano about this. He  
10 did not seem receptive to this at all. So I'm just  
11 bringing it to you. That's all. Thanks.

12 CHAIRPERSON PRICE: Thank you for coming  
13 out. Appreciate it. Anyone else care to address this  
14 application? All right. Thank you.

15 All right. Let's move on to the next  
16 application, which is 11P-01-23.

17 **Application 11P-01-23:**

18 Application of 1925 S Clinton, LLC, owner,  
19 and Gregory Ralph, agent, for Conditional Use Permit  
20 Approval to allow for a Jersey Mike's Subs restaurant  
21 on property located at 1905 South Clinton Avenue. All  
22 as described on application and plans on file.

23 MR. COLUCCI: Thank you. Paul Colucci, 1925  
24 South Clinton, here on behalf of our tenant, Jersey  
25 Mike's. With me is Kayla Sexton, who is with Jersey

1 Mike's. She can speak specifically about operations.

2 I did collaborate with their consultant on  
3 the submission of the conditional use permit. As you  
4 know and was read by Jason, the Starbucks building at  
5 1865 South Clinton is under construction. We did  
6 obtain a conditional use permit for Starbucks  
7 including operation of a restaurant cafe and the  
8 drive-through.

9 Jersey Mike's is going to be going in line  
10 right adjacent to them and would benefit from the  
11 infrastructure that's in place supporting that  
12 building, grease waste interceptor, which was designed  
13 for the entire building. They will connect to that.  
14 Dumpster enclosure and refuse is shared and maintained  
15 by property management. So all the tenants in that  
16 building will use a shared dumpster.

17 The parking that we're building for this  
18 space, for the building that's currently under  
19 construction, will serve the Jersey Mike's.

20 And I'm just going to turn it over to Kayla  
21 just for operations and number of employees and hours  
22 of operation.

23 MS. SEXTON: Hi. Can you hear me okay? I'm  
24 Kayla Sexton.

25 So just a little back story about the



1 operations of Jersey Mike's. We are open from 10 a.m.  
2 to 9 p.m. every day. We're closed for Thanksgiving,  
3 Christmas and Easter.

4 Normally -- I know there was the question  
5 about the trucking. We get two trucks a week. They  
6 usually show up between the hours of 9 and 11 a.m.

7 Garbage will be picked up once a week or as  
8 needed for the whole complex itself.

9 We have -- we do the Day of Giving. That  
10 was one of the questions too. It's like when will  
11 there be an excess amount of people in there? I'm not  
12 sure if you're all aware, but we donate a hundred  
13 percent of our sales one day a year to a local  
14 charity. And we have picked the Special Olympics this  
15 year. So a hundred percent of the sales is donated.  
16 We're really charitable in that aspect.

17 Besides that, if you guys have any questions  
18 for me...

19 CHAIRPERSON PRICE: So your hours of  
20 operation are 10 to 9 p.m. What are kind of peak  
21 times of your customers? You got -- is 10 a.m. the  
22 front end of staff coming in? Or do they come in  
23 before that?

24 MS. SEXTON: So they'll come in -- they'll  
25 walk in at 8 a.m. in the morning to, you know, make

1 the bread, slice the onions, lettuce. Everything's  
2 fresh. And then we'll open the doors at 10.

3 Normally we start picking up around 11. So  
4 the busiest hours are between 11 and 2.

5 CHAIRPERSON PRICE: Then you probably have a  
6 lull until --

7 MS. SEXTON: Like 5 or 7. That's usually  
8 the next pick-up time. And then after 7, it's usually  
9 slow until 9.

10 CHAIRPERSON PRICE: And you do have  
11 sit-down -- the percentage of folks that come in and  
12 take stuff out, they don't sit in -- do they sit in  
13 their car? Or do they take this back?

14 What we're concerned about is paper products  
15 and cups that get all over the parking lots and  
16 blowing across the street.

17 MS. SEXTON: So one of our training methods  
18 is the opener has to check the parking lot for, you  
19 know, cups or -- whether it's ours or not, that is  
20 something we do train them to do, go outside, pick it  
21 up to make sure that's not an issue.

22 CHAIRPERSON PRICE: How long have you been  
23 open now at Clover?

24 MS. SEXTON: We opened in January. On  
25 Monroe Avenue; right?

1 CHAIRPERSON PRICE: Yeah.

2 MS. SEXTON: Yeah. We opened around January  
3 15th.

4 MR. OSOWSKI: How full up will the sit-down  
5 become during peak? Say lunchtime.

6 MS. SEXTON: Normally it depends. Because  
7 everyone's usually only on a half-hour lunch break.  
8 So they just grab the food and go back to their office  
9 to eat.

10 But there's usually -- the seating, it  
11 doesn't fill up as much. You'll have -- maximum I've  
12 seen -- just like being and living here for two years  
13 and being with the company -- 8 people max. It's not  
14 many who eat in anymore. Especially after COVID, no  
15 one really dines in I feel.

16 CHAIRPERSON PRICE: Do you work with the  
17 delivery service or do you have your own?

18 MS. SEXTON: We have third-party, Uber Eats  
19 DoorDash and Grubhub.

20 CHAIRPERSON PRICE: Peter, anything?

21 MR. GRISEWOOD: I'm good.

22 MR. GORDON: Does your estimate in your  
23 application of max 12 to 15 customers include those  
24 pickup services?

25 MS. SEXTON: Yes.

1 MR. GORDON: Any outdoor seating?

2 MS. SEXTON: There will not be, no.

3 MR. GORDON: Your deliveries are by  
4 tractor-trailer. Where are they going to pull up?

5 MS. SEXTON: They will pull up to the front  
6 of the store and travel in with the hand-truck or  
7 hand-cart.

8 MR. GORDON: So that will be along -- oh,  
9 gosh. I am going to say -- what side of the building?

10 MR. HAREMZA: West side.

11 MR. GORDON: West side. And I didn't quite  
12 understand and maybe just because it doesn't make  
13 sense to me, tractor-trailer deliveries, it says, will  
14 be made and will be hand-trucked in the rear of the  
15 building around 11 a.m., which sounds like to me  
16 exactly when your busy time starts. Is that accurate?

17 MS. SEXTON: It's -- they're usually gone  
18 before 11.

19 MR. GORDON: Do you have deliveries off  
20 hours before 8 a.m. or after 9 or 10 p.m.?

21 MS. SEXTON: If we need to have orders --  
22 like we do key drops. If we have to have them with  
23 the key drop before 8 a.m., if that's something that  
24 needs to be done, we can definitely make that work  
25 with Sysco.

1 But, no. We have block-off periods between  
2 11 and 2. They're not allowed to show up after.

3 MR. GORDON: Paul, what are your  
4 restrictions on hours for delivery to the plaza?

5 MR. COLUCCI: So based on the underlying  
6 incentive zoning, hours of operation are 7 a.m. to 11  
7 p.m.

8 MR. GORDON: So if you do that key drop-off  
9 thing, deliveries cannot be before 7 a.m. and cannot  
10 be after 11 p.m.

11 MR. COLUCCI: Correct.

12 MR. GORDON: Paul, you have two more tenant  
13 spaces in this building?

14 MR. COLUCCI: We do.

15 MR. GORDON: Anything you can share with the  
16 Board about what's coming for those? So we can have a  
17 better understanding as to whether there's going to be  
18 a conflict with the overall development here or impact  
19 on the development itself or the neighborhood.

20 MR. COLUCCI: We do have a tenant that we do  
21 have a lease with. We're currently designing for the  
22 southerly part of this building, Rochester Integrated  
23 Medicine, chiropractic and physical therapy care.

24 MR. GORDON: So I think there's two spaces.  
25 So the chiropractic is one. And the other one is

1 going to be another food service?

2 MR. COLUCCI: We don't know yet. That  
3 middle space is unleased. And that's --

4 MR. GORDON: That's the larger of the two?

5 MR. COLUCCI: Yeah. Well, the chiropractic  
6 office will be roughly 4300 square feet. So we're  
7 left with about a thousand.

8 MR. GORDON: Okay. I guess the way it looks  
9 like right now is that the center you have Starbucks  
10 and then you're going to have Jersey Mike's.

11 The next section looks like the biggest and  
12 then the end is going to be the smallest. But it's  
13 actually -- that interior wall is going to flip?

14 MR. COLUCCI: Yeah. So Rochester Integrated  
15 Medicine is going to take the south part. And then  
16 we're left with a small space in between.

17 MR. GORDON: Okay. So it's a little  
18 different than what's shown on the plans.

19 MR. COLUCCI: That was schematic. The  
20 building plan is advancing.

21 MR. GORDON: Okay. That's all I have.

22 CHAIRPERSON PRICE: Thank you. Okay. Thank  
23 you.

24 This is a public hearing. Is there anyone  
25 that cares to address this application? All right.

1 Thank you.

2 Our next application is 11P-02-23.

3 **Application 11P-02-23:**

4 Application of Brighton Business Park  
5 Associates, LLC, owner, and BME Associates, agent, for  
6 Demolition Review and Approval to raze a single-family  
7 House on property located at 3180 Brighton Henrietta  
8 Town Line Road. All as described on application and  
9 plans on file.

10 MR. BOGOJEVSKI: Evening. My name is Mike  
11 Bogojevski with BME Associates. With me is Aaron  
12 Malbone from Brighton Business Park, LLC.

13 We're here tonight to seek approval to  
14 demolish and remove an existing single-family house at  
15 3180 Brighton Henrietta Townline Road. It's an  
16 existing house that's not been used, basically  
17 abandoned. And the applicant would like to remove the  
18 house from the property.

19 We included, along with all the application  
20 materials, some photos of the property, along with the  
21 demolition and restoration plan for the property.  
22 Pretty straightforward.

23 The work to be done -- basically is involved  
24 just to remove the house. There's no additional  
25 grading per se. There's no really other trees that

1 are proposed to be removed. Just basically to get the  
2 house that needs to come down off the property.

3 We did get some comments from DPW. They're  
4 all fairly minor technical comments. We don't see any  
5 issues being able to address any of them really.

6 And then, as Jason had mentioned, we did get  
7 the letter from the Historic Preservation Committee,  
8 noting that they declined to initiate anything  
9 regarding the house.

10 So that's really it. It's pretty  
11 straightforward. They'd like to remove the house. If  
12 there's any other questions though, I'm here to help  
13 answer any questions. Aaron's here to help answer any  
14 questions that the Board may have.

15 CHAIRPERSON PRICE: You may have said this,  
16 but when the building comes down, does the driveway  
17 come out as well? Do you pull out that asphalt?

18 MR. BOGOJEVSKI: They're planning on leaving  
19 the curb cut for now. Basically, leave the driveway  
20 apron at the roadway.

21 CHAIRPERSON PRICE: I'm assuming you're  
22 using that for --

23 MR. BOGOJEVSKI: Access to the property and  
24 during the removal of the house also.

25 MR. OSOWSKI: The town sewer department



1 mentioned pumping out the septic tank and drilling a  
2 hole in the bottom. Is there a septic tank on this  
3 site?

4 MR. BOGOJEVSKI: They noted it. That's  
5 something I think Aaron will need to confirm.

6 MR. MALBONE: Aaron Malbone from Buckingham  
7 Properties.

8 That's something we're trying to verify. We  
9 don't believe there's a septic tank there, but we want  
10 to verify.

11 MR. OSOWSKI: If there is a septic tank, I  
12 would recommend removing the top and fill it in, not  
13 just drilling.

14 MR. MALBONE: Correct. Agreed.

15 MR. BOGOJEVSKI: Understood.

16 CHAIRPERSON PRICE: Questions?

17 I didn't forget this time.

18 MR. GORDON: I just want to confirm that  
19 there are no current plans for use on this parcel; is  
20 that correct?

21 MR. BOGOJEVSKI: Correct. The proposed --  
22 the application proposal is only to remove the house.

23 MR. GORDON: And no current plans that we  
24 should be worrying about that this is part of  
25 something that is already in design or planning that

1 you just haven't told us about. Nothing like that's  
2 going on; right?

3 MR. BOGOJEVSKI: Correct.

4 MR HAREMZA: My question is easier. I  
5 understand the driveway apron will remain. What about  
6 the actual and pretty deteriorated pavement of the  
7 driveway itself leading up to the garage door?

8 MR. BOGOJEVSKI: I believe Aaron said he'll  
9 want to remove that. But at least keep the driveway  
10 apron at the roadway to let the curb cut remain along  
11 the road.

12 MR. MALBONE: Correct.

13 CHAIRPERSON PRICE: And technically, when  
14 the house comes down, the curb cut can remain a legal  
15 curb cut even though there's no home there, no  
16 structure.

17 MR. GORDON: Yes. So it's not our problem.  
18 I think this portion is county.  
19 (Simultaneous conversation interrupted by the court  
20 reporter.)

21 MR. OSOWSKI: By demolishing the house, will  
22 that legitimately decrease their tax liability on the  
23 property?

24 MR. GORDON: That's a question for the  
25 assessor and I'm not the assessor.

1 MR. OSOWSKI: All right.

2 CHAIRPERSON PRICE: Anything else? All  
3 right.

4 So this is a public hearing. Is there  
5 anyone who cares to address this application? All  
6 right. Thank you.

7 All right. Let's try application 11P-03-23.

8 **Application 11P-03-23:**

9 Application of Taib El Kettani, owner, and  
10 Rafiullah Sahak, lessee, for Conditional Use Permit  
11 Approval to allow for a convenience store on property  
12 Located at 2829 West Henrietta Road. All as described  
13 on application and plans on file.

14 MR. RAIHAN: Good evening. My name is  
15 Najeebullah Raihan. So I am for Rafiullah Sahak, who  
16 is opening his store, his friend who is just helping  
17 in English.

18 So he wanted to open a grocery store in 2829  
19 West Henrietta Road, which is -- previously was a cell  
20 phone store. And he's like a small shop, which is  
21 like 770 square feet area. And he has -- there was a  
22 few questions. I see a few comments.

23 The first one regarding dumpster or trash  
24 bin. So when I asked him, he said when he approved --  
25 before the -- opening the store, he will order a

1 dumpster or trash bin on-site.

2 And second comment I received regarding the  
3 cutting saw or the chop saw for the meat. So when I  
4 asked him, he said this is like a small saw. We'll be  
5 cutting meat into small pieces for the customer, but  
6 not something big. So he will bring in from the  
7 company the meat and then like a hand saw. And he'll  
8 be cutting up the small pieces.

9 CHAIRPERSON PRICE: And how does -- how do  
10 you package the meat?

11 MR. RAIHAN: Just like a tray and plastic on  
12 top.

13 CHAIRPERSON PRICE: Okay.

14 MR. GORDON: For the record, so my  
15 understanding is you are not the applicant. You are  
16 not the owner. So we do not have your name on file.  
17 Please spell it for the stenographer.

18 MR. RAIHAN: Yes. Sure.

19 MR. GORDON: Thank you.

20 MR. RAIHAN: It's N-A-J-E-E-B-U-L-L-A-H.  
21 Last name, R-A-I-H-A-N.

22 CHAIRPERSON PRICE: So in addition to the  
23 meat, what are some of the other products? Are  
24 these -- you're not preparing food there like a  
25 sandwich or meal that people could take out and eat

1 outside?

2 MR. RAIHAN: No.

3 CHAIRPERSON PRICE: So it's --

4 MR. RAIHAN: It's just meat. It's like  
5 bringing a big piece in and cutting it in small pieces  
6 and just send them out.

7 CHAIRPERSON PRICE: Okay. And everything  
8 else is a packaged product?

9 MR. RAIHAN: Right. Like rice. Probably  
10 beans, rice, you know. Yeah. Just like packages.

11 CHAIRPERSON PRICE: Is there -- so people  
12 aren't walking outside with paper napkins and other  
13 paper products that can blow all around into the  
14 parking lot. You're not -- you know, paper plates,  
15 nothing, no plastic forks or spoons.

16 MR. RAIHAN: No. There will not be like  
17 plastic spoons or forks. But if there's still  
18 something, every night he will check the parking lot.  
19 If there's some garbage, that's his responsibility to  
20 check if there's something on the ground to just  
21 collect and put it in the trash bin.

22 Yes. He's saying, "Like the area which I'm  
23 responsible, the parking lot, I will be responsible  
24 for cleaning and collecting garbage."

25 CHAIRPERSON PRICE: Is that part of your

1 lease agreement that you have to pick up after --

2 MR. RAIHAN: Yes.

3 CHAIRPERSON PRICE: Okay. And is there  
4 anything that you're doing inside or outside the  
5 building that changes the outside of the building?

6 MR. RAIHAN: No.

7 CHAIRPERSON PRICE: Okay.

8

9 MR. RAIHAN: We probably just putting some  
10 shelf or siding or fridge, you know.

11 CHAIRPERSON PRICE: Do you ultimately see  
12 a -- do you see yourself applying for a sign on the  
13 building?

14 MR. RAIHAN: He's saying he's just waiting  
15 for the approval. He's saying -- he's just saying,  
16 "I'm waiting for approval. If I have approval, I will  
17 apply for the sign."

18 MR. GORDON: If he gets approval from this  
19 Board then he'll apply for the sign.

20 CHAIRPERSON PRICE: Makes sense. All right.  
21 That's all I can think of. Anybody?

22 MR. OSOWSKI: How often do you expect  
23 deliveries of a side of beef or a couple of goats or  
24 whatever?

25 MR. RAIHAN: He's saying, "It depends on

1 like the customer how much. But usually like once a  
2 week."

3 MR. OSOWSKI: Okay.

4 MR. GORDON: And what times of day would  
5 those deliveries be?

6 MR. RAIHAN: He's saying, "The morning  
7 before he opens like between 6 to 8."

8 MR. GORDON: 6 to 8 a.m. What's the zoning  
9 on this?

10 MR. HAREMZA: It is general commercial  
11 district. The allowable hours of operation are 6 a.m.  
12 until midnight.

13 MR. GORDON: So 6 a.m. is okay.

14 MR. RAIHAN: It's okay?

15 MR. GORDON: Yes.

16 MR. OSOWSKI: Now --

17 MR. RAIHAN: Yeah. He's saying, "If there  
18 was" -- you already said it was okay -- "but if  
19 there's still something like the time is not okay, I  
20 can change it. Like if I bring it in the morning, I  
21 can -- and the Board's asking me to deliver after like  
22 closing time, I can just change it based on that."

23 MR. GORDON: We have as part of our zoning  
24 regulation restricted hours of operations, which  
25 include deliveries for this zone, which goes, as Jason

1 just said, from 6 a.m. to midnight.

2 So those are your maximum hours of  
3 operations. And you have to get your deliveries  
4 within that time period. So not after midnight and  
5 not before 6 a.m. What you want to do with your  
6 business within those hours is completely up to you.

7 MR. RAIHAN: Okay.

8 CHAIRPERSON PRICE: I guess what -- how long  
9 is your business open during the day? When do you  
10 open and when do you close?

11 MR. RAIHAN: Before I asked him, from 9 to  
12 11. 9 a.m. to 11 p.m.

13 CHAIRPERSON PRICE: I believe that's on this  
14 document here.

15 MS. ALTMAN: It's on a separate --

16 MR. OSOWSKI: One employee working 13 hours  
17 per day; is that correct? Or will you get some help?

18 MR. RAIHAN: He's saying, "In the start it  
19 will just be one employee. But then if it seems like  
20 it's working, we will hire somebody."

21 MR. OSOWSKI: That's a long day.

22 MR. RAIHAN: We're usually working a lot of  
23 hours. He is saying, "When I worked with other  
24 companies, I had two jobs. So 8 hours with one."  
25 He's saying, "8 hours." So 16 hours.



1 I'm usually doing the same. I'm doing like  
2 10 to 12 hours-plus a job.

3 CHAIRPERSON PRICE: All right. Anybody  
4 else?

5 MR. GORDON: So I forgot what I was going to  
6 ask. Give me a second.

7 CHAIRPERSON PRICE: Okay. I'll look over  
8 here. Anybody? Anybody know what Ken wants to ask?

9 MR. GORDON: Yes, I got it.

10 MR. BABCOCK-STINER: This is his last  
11 opportunity.

12 MR. GORDON: Is there any indoor dining  
13 where you're serving food that people can eat inside  
14 your building?

15 MR. RAIHAN: No.

16 CHAIRPERSON PRICE: Okay. I think that's  
17 all from the Board. Thank you.

18 MR. RAIHAN: Thank you. Have a good night.

19 CHAIRPERSON PRICE: Where are you from  
20 again?

21 MR. RAIHAN: Afghanistan.

22 CHAIRPERSON PRICE: Welcome.

23 This is a public hearing. Is there anyone  
24 that cares to address this application? Please come  
25 up.

1 MR. GORDON: Before you leave, this  
2 gentleman is addressing your application. So you may  
3 want to stay and listen.

4 MR. RAIHAN: Sorry. Thank you.

5 MR. URBONAVICIUS: How you doing? I own the  
6 property behind them.

7 MR. GORDON: State your name and --

8 MR. URBONAVICIUS: My name is Mindus,  
9 Urbonavicius, U-R-B-O-N-A-V-I-C-I-U-S.

10 So, I mean, I've just been going through and  
11 parking was an issue and stuff like that. But my only  
12 issue is if they can like -- you know, if they have a  
13 dumpster and stuff like that, have that corralled.  
14 We've got a restaurant next to us and the garbage and  
15 stuff blows over next door. So that's my only  
16 concern. Like I just want them to have a dumpster  
17 that's corralled. You know, so --

18 CHAIRPERSON PRICE: Is that restaurant in  
19 this same building?

20 MR. URBONAVICIUS: No. It's right next  
21 door, sir.

22 MR HAREMZA: Is that the Korean restaurant  
23 you're referring to?

24 MR. URBONAVICIUS: It's Tsingtao. So I  
25 think it's a Chinese restaurant.

1 CHAIRPERSON PRICE: Okay.

2 MR. URBONAVICIUS: Those are my only takes.

3 That's all.

4 CHAIRPERSON PRICE: Thank you.

5 MR. URBONAVICIUS: Okay. Thanks.

6 CHAIRPERSON PRICE: Appreciate you coming  
7 out.

8 Do we know who the owner of the building is?

9 MR HAREMZA: Yes. Listed on the application  
10 is Taib El Kettani as the owner. I have been in  
11 communication with him.

12 I think, you know, the question of trash was  
13 one of the outstanding questions. And I think, you  
14 know, Mr. El Kettani needs to provide a little more  
15 information about this property, which has two  
16 additional commercial tenant spaces and then  
17 residential apartments on the second floor.

18 And so how is the trash handled for the  
19 building? I think it's a small site. I think it'd be  
20 difficult if every tenant had to provide their own  
21 trash collection. So that's part of why the tabling  
22 was the recommendation.

23 CHAIRPERSON PRICE: Okay. All right. All  
24 set? Okay. We will be talking about this fairly  
25 shortly. But we go in the same order as we listen to

1 the applications.

2 So if you want to stick around, that's fine.  
3 Or if you want to call Jason tomorrow, he can give you  
4 what our position is.

5 MR. RAIHAN: We will call him tomorrow.

6 MR. HAREMZA: Okay. Or email.

7 MR. RAIHAN: Thank you.

8 CHAIRPERSON PRICE: Okay. Let's take five.  
9 Reconvene at quarter to 9.

10 (Public hearings concluded at 8:40 p.m.)

11 (Beginning of deliberations and decisions.)

12 CHAIRPERSON PRICE: Let's reconvene. Call  
13 the meeting back to order at 8:50. Let's begin with  
14 application 6P-03-23.

15 **Application 6P-03-23**

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

22 MR. BABCOCK-STINER: I move that the  
23 Planning Board table application 6P-03-23.

24 CHAIRPERSON PRICE: I'll second.

25 Is there any discussion?

1 MR. GORDON: Not on a motion to table  
2 there's not. There's not on the motion to table.

3 CHAIRPERSON PRICE: I forgot.

4 MR HAREMZA: I guess I'll call the roll.

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

6 Mr. Fader, yes; Mr. Grisewood, yes;

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

8 (Upon roll motion to table carries.)

9 **Application 10P-03-23**

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

19 MR. FADER: I move we close the public  
20 hearing.

21 MR. GORDON: I didn't know if there was any  
22 other comments that you want to have.

23 CHAIRPERSON PRICE: No. I think we've said  
24 enough about public notices. We'll take it up next  
25 month. And we each -- everybody go back and try to

1 navigate our website.

2 MR. GORDON: I'm sorry. He made a motion to  
3 close the public hearing and --

4 MR. BABCOCK-STINER: I second.

5 CHAIRPERSON PRICE: Moved and seconded to  
6 close the public hearing. Comments?

7 Jason, call the roll.

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

11 (Upon roll motion to close the public  
12 hearing carries.)

13 CHAIRPERSON PRICE: Do we have a motion?

14 MR. FADER: I move that the Planning Board  
15 grant conditional approval and adopts the eight  
16 findings outlined in the Planning Board report for the  
17 conditional use and the Planning Board agrees to allow  
18 impervious coverage to increase above the allowable 55  
19 to 56 percent and that the Planning Board grants final  
20 site plan approval for application 10P-03-23 based on  
21 testimony given, plans submitted and the 12 conditions  
22 outlined in the Planning Board report.

23 MR. BABCOCK-STINER: Second.

24 MR. HAREMZA: I just didn't know when I could  
25 offer a suggestion --

1 MR. GORDON: Now.

2 MR HAREMZA: -- to Mr. Fader.

3 Just make a reference to the revised plan  
4 dated 11/13/23, which was submitted this evening.

5 MR. FADER: Okay.

6 MR HAREMZA: If the Board likes the option  
7 that was provided tonight.

8 MR. GORDON: Bill, do you want to entertain  
9 discussion of the motion?

10 CHAIRPERSON PRICE: We're moved and  
11 seconded. Discussion?

12 MR. GORDON: So one thing that Jason raises  
13 is how do you feel about the alternative parking plan?

14 CHAIRPERSON PRICE: This is the better  
15 solution.

16 MR. BABCOCK-STINER: I agree.

17 MS. ALTMAN: I agree.

18 MR. BABCOCK-STINER: I think it's the better  
19 solution.

20 CHAIRPERSON PRICE: I mean, it actually  
21 surprises me. I mean we were talking about the exact  
22 same thing at a different location on the site plan  
23 last month and we didn't -- we didn't pick up on that  
24 being almost exactly the same as when we were talking  
25 about it in the main intersections.

1           MR. FADER: Why don't you guys propose an  
2 amendment on my motion.

3           MR. OSOWSKI: What about the percent of  
4 coverage? I don't want to give them approval for that  
5 now. We don't need to do that now.

6           MR. FADER: Okay.

7           CHAIRPERSON PRICE: We can take that one  
8 out.

9           MR. GORDON: So I would --

10          MR. FADER: I'll withdraw my motion.

11          MR. GORDON: Keep the motion there. You did  
12 not withdraw the motion; correct?

13          MR. FADER: I did not. Correct.

14          MR. GORDON: So what I would propose as an  
15 amendment to the motion is to -- where we talk about  
16 the final site plan approval, consistent with the  
17 modified site plan dated November 13th, 2023, and that  
18 the motion also be modified to delete reference to  
19 increasing impervious area over the allowable 55  
20 percent.

21          MR. FADER: I am fine with both of those.

22          MR. BABCOCK-STINER: Same here.

23          CHAIRPERSON PRICE: Everybody good with  
24 those two amendments? You got everything Ken said?  
25 Any other discussion? All right.



1     **Conditional Use Findings:**

2     1. The Planning Board finds that the proposed grocery  
3     store use complies with the standards of the General  
4     Commercial District (BF-2).

5     2. The Planning Board finds that the proposed use is  
6     in harmony with the purpose and intent of Code  
7     Sections 217-3 through 217-7.2 (Conditional Uses).

8     The location and size of the grocery store, the  
9     intensity, size of the site and access have all been  
10    considered in the Board's review.

11    3. The Planning Board finds that the establishment of  
12    a grocery store in this location, will not be  
13    detrimental to persons, detrimental or injurious to  
14    the property and improvements in the neighborhood, or  
15    to the general welfare of the Town.

16    4. The grocery store will be developed on a site with  
17    a previously approved development plan and not result  
18    in the destruction, loss or damage of any natural,  
19    scenic or significant historical resource.

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

25    6. The Planning Board finds that the establishment of

1 a grocery store will be adequately served by essential  
2 public facilities.

3 7. The Planning Board finds that the establishment of  
4 a grocery store will not result in the loss or damage  
5 to trees.

6 8. The proposed finds that the establishment of a  
7 grocery store in this location essentially conforms to  
8 the Town's Comprehensive Plan: Envision Brighton  
9 2028. Specifically Volume 2, Pages 40-41, the South  
10 Clinton Avenue Land Use Subarea: "Predominant land  
11 uses should continue to reflect general office and  
12 commercial development."

13 **Conditions:**

14 1. Applicant shall respond in writing to all comments  
15 of the Planning Board, Department of Public Works,  
16 Town Engineer, and Building and Planning Department  
17 that were not included in the 10-31-2023 response.

18 2. The applicant shall satisfy the requirements of  
19 the Town Engineer including, but not limited to the  
20 five issues noted above in the town engineer section  
21 of this report and summarized below:

22 A. Rooftop mechanical equipment noise

23 B. Easements

24 C. Green space requirement

25 D. Bioretention area #5

1 E. Stormwater flow across the stone dust  
2 trail

3 For a complete list of all 30 specific requirements,  
4 please refer to the attached memo dated 11-13-2023.

5 3. Construct/install covered bicycle parking.

6 4. Document outreach to RTS regarding how best to  
7 coordinate public transit service with the development

8 5. Final drawings shall include a clear revision  
9 dates.

10 6. A letter of credit shall be provided to cover  
11 certain aspects of the project, including, but not  
12 limited to demolition, landscaping, stormwater  
13 mitigation, infrastructure and erosion control. The  
14 applicant's engineer shall prepare an itemized  
15 estimate of the scope of the project as a basis for  
16 the letter of credit.

17 7. The project and its construction entrance shall  
18 meet the New York State Standards and Specifications  
19 for Erosion and Sediment Control. Erosion control  
20 measures shall be in place prior to site disturbance.

21 8. The contractor shall designate a member of his or  
22 her firm to be responsible to monitor erosion control,  
23 erosion control structures, tree protection and  
24 preservation throughout construction.

25 9. All comments and concerns of the Town Fire Marshal

1 shall be addressed. Comments can be obtained from the  
2 Town of Brighton Fire Marshal (Chris Roth,  
3 585-784-5220). A turning radius analysis  
4 demonstrating that emergency vehicles can adequately  
5 access and navigate the site shall be submitted to the  
6 Town Fire Marshal for review.

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

9 11. All other reviewing agencies must issue their  
10 approval prior to the Department of Public Works  
11 issuing its final approval.

12 12. The entire project shall comply with the most  
13 current New York State Fire Prevention and  
14 Building Code. The proposed building shall be  
15 sprinklered in accordance with Town of Brighton  
16 sprinkler requirements.

17 CHAIRPERSON PRICE: Jason, please call the  
18 roll.

19 (Ms. Altman, yes; Mr. Babcock-Stiner, yes;  
20 Mr. Fader, yes; Mr. Grisewood, yes;  
21 Mr. Osowski, yes; Mr. Price, yes.)

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

24 CHAIRPERSON PRICE: That takes us to  
25 11P-01-23.

1     **Application 11P-01-23:**

2             Application of 1925 S Clinton, LLC, owner,  
3     and Gregory Ralph, agent, for Conditional Use Permit  
4     Approval to allow for a Jersey Mike's Subs restaurant  
5     on property located at 1905 South Clinton Avenue. All  
6     as described on application and plans on file.

7             MR. FADER: I move to close the public  
8     hearing.

9             MS. ALTMAN: Second.

10            CHAIRPERSON PRICE: Moved and seconded to  
11    close the hearing. Any discussion? Please call the  
12    roll.

13            (Ms. Altman, yes; Mr. Babcock-Stiner, yes;  
14    Mr. Fader, yes; Mr. Grisewood, yes;  
15    Mr. Osowski, yes; Mr. Price, yes.)

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

18            MS. ALTMAN: I move that the Planning Board  
19    finds that the application is consistent with the  
20    previously approved negative declaration issued for  
21    this project on March 15th, 2022, and no further  
22    environmental review is required.

23            I move that the Planning Board adopt the  
24    eight findings outlined in the Planning Board report  
25    based on the application submitted and testimony

1 presented.

2 And I move the public hearing be closed and  
3 that the Planning Board approves application number  
4 11P-01-23 based on the testimony given and plans  
5 submitted and the three conditions outlined in the  
6 Planning Board report.

7 CHAIRPERSON PRICE: I'll second.

8 Did you get SEQRA in that?

9 MS. ALTMAN: I did.

10 CHAIRPERSON PRICE: Moved and seconded. Is  
11 there any discussion? Okay. Please call the roll.

12 **Conditional Use Findings:**

13 1. The Planning Board finds that the proposed  
14 restaurant use complies with the standards of the  
15 General Commercial District (BF-2).

16 2. The Planning Board finds that the proposed use is  
17 in harmony with the purpose and intent of Code  
18 Sections 217-3 through 217-7.2 (Conditional Uses).

19 The location and size of the restaurant, the  
20 intensity, size of the site and access have all been  
21 considered in the Board's review.

22 3. The Planning Board finds that the establishment of  
23 a restaurant in this location, will not be detrimental  
24 to persons, detrimental or injurious to the property  
25 and improvements in the neighborhood, or to the

1 general welfare of the Town.

2 4. The restaurant will be developed within an  
3 existing structure on a developed site and not result  
4 in the destruction, loss or damage of any natural,  
5 scenic or significant historical resource.

6 5. The Planning Board finds that the establishment of  
7 a restaurant will not create excessive additional  
8 requirements for public facilities and services and  
9 will not be detrimental to the economic welfare of the  
10 community.

11 6. The Planning Board finds that the establishment of  
12 a restaurant will be adequately served by essential  
13 public facilities.

14 7. The Planning Board finds that the establishment of  
15 a restaurant will not result in the loss or damage to  
16 trees.

17 8. The proposed finds that the establishment of a  
18 restaurant in this location essentially conforms to  
19 the Town's Comprehensive Plan: Envision Brighton  
20 2028. Specifically Volume 2, Pages 40-41, the South  
21 Clinton Avenue Land Use Subarea: "Predominant land  
22 uses should continue to reflect general office and  
23 commercial development."

24 **Conditions:**

25 1. Applicant shall respond in writing to all comments

1 of the Planning Board, Department of Public Works,  
2 Town Engineer, and Building and Planning Department  
3 2. The entire project shall comply with the most  
4 current New York State Fire Prevention and Building  
5 Code and the Town of Brighton sprinkler requirements.  
6 3. All Town codes shall be met that relate directly  
7 or indirectly to the applicant's request.

8 (Ms. Altman, yes; Mr. Babcock-Stiner, yes;  
9 Mr. Fader, yes; Mr. Grisewood, yes;  
10 Mr. Osowski, yes; Mr. Price, yes.)  
11 (Upon roll motion to approve with conditions  
12 carries.)

13 CHAIRPERSON PRICE: Brings us to application  
14 11P-02-23.

15 **Application 11P-02-23:**

16 Application of Brighton Business Park  
17 Associates, LLC, owner, and BME Associates, agent, for  
18 Demolition Review and Approval to raze a single-family  
19 House on property located at 3180 Brighton Henrietta  
20 Town Line Road. All as described on application and  
21 plans on file.

22 MR. OSOWSKI: I'll move we close the public  
23 hearing.

24 MR. FADER: I'll second that.

25 CHAIRPERSON PRICE: Moved and seconded to



1 close the hearing. Any discussion? Jason, call the  
2 roll.

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

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

8 MR. FADER: I move that the Planning Board  
9 finds the proposed action will not have a significant  
10 impact on the environment and adopts the negative  
11 declaration prepared by town staff and that the  
12 Planning Board grants demolition approval for  
13 application 11P-02-23 based on the testimony given,  
14 plans submitted and the 16 conditions outlined in the  
15 Planning Board report.

16 MR. BABCOCK-STINER: I'll second.

17 CHAIRPERSON PRICE: Moved and seconded. Any  
18 discussion?

19 I just want to ask that -- I think that the  
20 issue of the driveway was left, to me, a little  
21 unclear. If we're restoring this -- I understand the  
22 curb is going to stay as a curb cut, but behind the  
23 curb, I think the asphalt should be coming out as  
24 they're finishing the project.

25 MR HAREMZA: I heard Mr. Malbone state that

1 it would be coming out.

2 CHAIRPERSON PRICE: I heard apron, but I  
3 think they were confusing or conflating a drop curb  
4 with an apron.

5 MR. GORDON: Jason, do you know -- I'm  
6 pulling it up now. But do you know in the  
7 application, if their restoration plan calls for the  
8 removal of the asphalt driveway? Because it's not --  
9 if you grant the application and it's specified that  
10 they're going to remove the asphalt in the restoration  
11 plan, then it's covered. If it's not specified in the  
12 restoration plan that they're going to remove the  
13 asphalt, then I think it should be a 17th condition to  
14 add to the resolution.

15 MR. FADER: Let's add it. Even if it is in  
16 there, add in.

17 CHAIRPERSON PRICE: I think things like area  
18 of disturbance and silt fences and stuff comes right  
19 down to the curb. But actually, it does look like it  
20 stops short out to the curb. So by the time they saw  
21 cut that and just leave two feet of an asphalt  
22 driveway behind the curb, might as well take it all  
23 out.

24 MR. GORDON: I do not see it in the notes on  
25 the plan to remove the asphalt.

1 MR HAREMZA: Not specifically referenced.

2 MR. GORDON: So how would you like that to  
3 read? That the asphalt from the garage to the curb --

4 CHAIRPERSON PRICE: To the backside of the  
5 existing curb. I don't want them taking the curb out.

6 MR HAREMZA: I guess be careful because like  
7 the first 2 or 3 feet is within the county  
8 right-of-way. And if you go to the curb, then they  
9 technically would need a highway work permit.

10 MR. GORDON: So up to the right-of-way.

11 MR. HAREMZA: Up to the county right-of-way.

12 CHAIRPERSON PRICE: Okay. Very good.

13 MR. GORDON: So I would suggest a 17th  
14 condition that would require the applicant to remove  
15 the asphalt on the property from the garage to the  
16 edge of the county right-of-way.

17 MR. FADER: I think that's fine.

18 MR. GORDON: Who seconded?

19 MR. BABCOCK-STINER: I am fine with that  
20 too.

21 MR. GORDON: Okay.

22 CHAIRPERSON PRICE: All right. As amended.  
23 Call the roll.

24 **Conditions:**

25 1. Applicant shall respond in writing to all comments

1 of the Planning Board, Department of Public Works,  
2 Town Engineer, and Building and Planning Department.

3 2. The applicant shall satisfy the requirements of  
4 the Town Engineer including the 13 issues noted in the  
5 attached memo dated 11-9-2023.

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

8 4. The project and its construction entrance shall  
9 meet the New York State Standards and Specifications  
10 for Erosion and Sediment Control.

11 5. The contractor shall designate a member of his or  
12 her firm to be responsible to monitor erosion control,  
13 erosion control structures, tree protection and  
14 preservation throughout construction.

15 6. Erosion control measures shall be in place prior  
16 to site disturbance.

17 7. The plans shall clearly show all trees proposed to  
18 be removed.

19 8. All trees to be saved shall be protected with  
20 orange construction fencing placed at the drip line or  
21 a distance greater than the drip line. Trees shall be  
22 pruned, watered, and fertilized prior to, during and  
23 after construction. Materials and equipment storage  
24 shall not be allowed in fenced areas.

25 9. Any contractor or individual involved in the

1 planting, maintenance or removal of trees shall comply  
2 with the requirements of the town's Excavation and  
3 Clearing (Chapter 66), Trees (Chapter 175) and other  
4 pertinent regulations and shall be registered and  
5 shall carry insurance as required by Chapter 175 of  
6 the Comprehensive Development Regulations.

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

20 11. Prior to the issuance of a demolition permit or  
21 building permit, asbestos shall be removed according  
22 to NYS and the Town of Brighton requirements and  
23 verification shall be submitted from a qualified  
24 company that asbestos has been removed.

25 12. Specifications for backfill requirements of the

1 building footprints shall be included on the plans.

2 No existing construction materials (concrete or other)  
3 from the existing homes shall remain on-site.

4 13. The Town of Brighton Department of Public Works  
5 (DPW) requires that the existing laterals be televised  
6 and the conditions assessed. Replacement laterals  
7 will need to be installed if the DPW determines they  
8 are required.

9 14. A letter of credit shall be provided to cover  
10 certain aspects of the project, including, but not  
11 limited to: Demolition, restoration, sanitary sewer,  
12 water main, stormwater water management facilities,  
13 landscaping, and sediment and erosion control. The  
14 letter of credit should be submitted to the Town for  
15 review and approval. An original Letter of Credit  
16 Must be received by the Town prior to the start of  
17 construction.

18 15. Basement excavation may yield large amounts of  
19 spoil. Location of spoil piles and plans for their  
20 removal or distribution shall be provided.

21 16. The contractor shall obtain all necessary Highway  
22 Access, Sewer Construction, Demolition, or other  
23 permits from the Town or other agencies prior to  
24 starting work.

25 17. The applicant is to remove the asphalt on the

1 property from the garage to the edge of the county  
2 right-of-way.

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

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

8 **Application 11P-03-23:**

9 Application of Taib El Kettani, owner, and  
10 Rafiullah Sahak, lessee, for Conditional Use Permit  
11 Approval to allow for a convenience store on property  
12 Located at 2829 West Henrietta Road. All as described  
13 on application and plans on file.

14 MR. FADER: I move that we table application  
15 11P-03-23.

16 MR. BABCOCK-STINER: Second.

17 CHAIRPERSON PRICE: Moved and seconded.  
18 Please call the roll.

19 (Ms. Altman, yes; Mr. Babcock-Stiner, yes;  
20 Mr. Fader, yes; Mr. Grisewood, yes;  
21 Mr. Osowski, yes; Mr. Price, yes.)  
22 (Upon roll motion to table carries.)

23 **Signs:**

24 1703 1880-1882 S Winton Road, Paul Dudley, ID  
25 Signsystems, for a Building face sign for Montessori

1 School of Rochester.

2 CHAIRPERSON PRICE: I move to approve as  
3 recommended by the Architectural Review Board.

4 MR. FADER: Second.

5 CHAIRPERSON PRICE: Moved and seconded. All  
6 in favor?

7 ALL BOARD MEMBERS: Aye.

8 (Proceedings concluded at 9:21 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 15th day of November, 2023  
13 at Brighton, New York.

14  
15  
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17  
18  
19  
20  
21 *Holly E. Castleman*

22 -----  
HOLLY E. CASTLEMAN, ACR,  
23 Court Reporter.  
24  
25