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BRIGHTON
PLANNING
BOARD

December 20, 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)	

LAUREN BARON, ESQ.
Attorney for the Town

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

1 CHAIRPERSON PRICE: Good evening, everybody.
2 I'd like to call to order the December 20th, 2023,
3 meeting of the Town of Brighton Planning Board.

4 In the unlikely event of any kind of
5 emergency tonight, there are doors behind you and a
6 door to your left, to my right.

7 Let's start out, Mr. Secretary, can you
8 please call the roll.

9 (Whereupon the roll was called.)

10 MR. HAREMZA: Fader is absent. Ford has
11 resigned as of this morning.

12 CHAIRPERSON PRICE: All right. At this
13 point, we take a few minutes to have an agenda review
14 with staff and the attorney.

15 Jason, why don't we just start with 6P-03.
16 This is Carl Grasta.

17 MR. HAREMZA: Yeah. I think we finally got
18 to a point where this is good to go. The applicant
19 has been in discussions with the engineer for the
20 Town. Virtually all of the issues have been resolved.

21 If you look at the most recent memo, you
22 will see two very finer points. But otherwise, they
23 have satisfied all the requirements of the issue.

24 CHAIRPERSON PRICE: Everything all set?

25 MS. BARON: Yeah. One of the issues last

1 month was that they had to submit an application for
2 the second EPOD, which they did do.

3 CHAIRPERSON PRICE: Okay. All right.

4 MR. HAREMZA: One more note on that. As you
5 may recall because of the two EPODs, this makes it a
6 Type I action.

7 But again, we reviewed all this submitted
8 material. There's no substantial adverse impacts to
9 the environment. So a negative declaration has been
10 prepared.

11 CHAIRPERSON PRICE: In the report.

12 MR. HAREMZA: In the report.

13 CHAIRPERSON PRICE: Okay. Other questions?
14 All right. Thank you.

15 Next application, 11P-03. This is 2829 West
16 Henrietta Road. Let's see. This is a conditional use
17 permit.

18 Tell us what you know about this. I think I
19 saw this on the agenda for ZBA.

20 MR. HAREMZA: Correct. Yeah. You may
21 recall this came to this board last month for the
22 conditional use permit because of the need for a
23 variance. You decided to table.

24 They went to the Zoning Board on December
25 6th and were granted a variance for the parking. And

1 there was -- my understanding, there was a discussion
2 about parking and location of the trash containers.

3 The owner of the property has responded in
4 writing to many of those concerns. He had a
5 representative at the Zoning Board.

6 And so basically, we're down to whether you
7 feel tonight the proposed use is worth a conditional
8 use permit.

9 And Lauren, you were at the Zoning Board.

10 MS. BARON: Yeah. At the Zoning Board
11 meeting, the board members were most concerned with
12 ensuring that there is, in fact, 17 parking spots on
13 the site because they were concerned about the
14 dumpster actually taking up one of the spots.

15 And the other issue that came up based on
16 comments from the public was delivery trucks and
17 potentially blocking other stores or tenants in that
18 plaza.

19 So just for the Board's consideration, which
20 is part of this Board's consideration, for conditional
21 use permit.

22 MR. HAREMZA: That was one of the comments
23 in the staff reports. You may want to ask the
24 applicant to confirm deliveries.

25 I know he spoke about it last month, but,

1 you know, what type of truck, what time of day that
2 would be occurring.

3 CHAIRPERSON PRICE: And the owner -- I
4 believe he's the property owner submitted a letter in
5 writing --

6 MR. HAREMZA: Correct.

7 CHAIRPERSON PRICE: -- on the ZBA
8 application.

9 Has that been included in the
10 correspondence?

11 MR. HAREMZA: Yes. It was included in the
12 additional materials with this application. I
13 included it again, as well as the Zoning Board
14 decision in your information tonight.

15 CHAIRPERSON PRICE: All right. Other
16 questions? Comments? That's two down.

17 Third application is 12P-01-23. This is
18 1800 Brighton Henrietta Townline Road. Another
19 conditional use permit application.

20 MR. HAREMZA: Pretty straightforward. This
21 is an existing sign business relocating into Brighton.
22 I believe they're in Henrietta right now. So going
23 into an existing building.

24 Just a couple questions you may want to ask
25 the applicant about. Just to confirm there's no

1 outdoor activities. And I think that's about it for
2 that one.

3 CHAIRPERSON PRICE: Okay. So we're not
4 looking at any site modifications or anything?

5 MR. HAREMZA: No.

6 CHAIRPERSON PRICE: Okay. All right.
7 Fourth application is 12P-02-23. This is application
8 of Vision Hyundai for a preliminary and final site
9 plan approval for 2400 -- I'm sorry. 1244 square foot
10 addition.

11 MR. HAREMZA: So this is an interesting one.
12 The submitted project is pretty straightforward, small
13 addition to a pretty sizable building.

14 What we discovered in reviewing the
15 application is the site actually covers two parcels,
16 an additional one to the south. And they function as
17 one unit.

18 And it appears that some paving was done
19 over the past two or three years on the parcel to the
20 south.

21 And so recommendation from staff is that we
22 just -- we need to get some more information about the
23 site and how it functions as one site over those two
24 parcels. We don't have that at this time.

25 The applicant did respond this morning with

1 a letter which you have a copy, paper copy, in your
2 materials there. And I'm sure they'll speak to these
3 issues tonight.

4 CHAIRPERSON PRICE: Okay. A little more to
5 the architectural side of this now. Is this -- are
6 these architectural elevations for the overall
7 building or for the addition? Really just the
8 addition.

9 MR. HAREMZA: Well, so what -- the overall
10 building is getting a new facade. And is actually --
11 this month with the timing of meetings got out of
12 order.

13 Architectural Review Board actually met last
14 night. They moved the meeting up a week. And so they
15 reviewed this. And they approved the architectural
16 portion as presented.

17 CHAIRPERSON PRICE: Okay. Please let the
18 record show that David Fader has joined us. Welcome
19 David.

20 Any questions on Hyundai? Okay.

21 Brings us to application 12P-03-23. This is
22 application of 470 West Metro Park and Rochester Joint
23 Apprentice and Training Committee.

24 MR. HAREMZA: The owners of the building,
25 the sort of operational applicant is Lakeside Tool.

1 So it'll be a wholesale tool operation and a
2 distribution facility.

3 And again, much like the other conditional
4 use permit, pretty straightforward. They're going
5 into that existing space and existing building.

6 May just want to ask a couple questions to
7 confirm no exterior storage or activities and the
8 level of wholesale sales. It seems like the
9 predominant business is wholesale sales, but, you
10 know, a person could walk in off the street and rent a
11 tool. But that's probably a very minor part of the
12 business operation.

13 CHAIRPERSON PRICE: Okay. All right.
14 Again, no building footprint changes, no facade
15 changes. So site -- all right. That would conclude
16 the public hearings.

17 Then we have three sign applications. Are
18 any of these actually associated with the site plan or
19 conditional use applications?

20 MR. HAREMZA: No.

21 CHAIRPERSON PRICE: They're all separate.

22 MR. HAREMZA: They're all separate. I
23 believe FASTSIGNS actually got their sign approved
24 previously by the Planning Board. And it's a little
25 meta. I'm talking about a sign company getting their

1 sign approved for their business.

2 I would actually -- when we get to the
3 signs -- again, that's after the public hearing --
4 because of the meetings this month, went out of order.

5 ARB did review signs last night. And they
6 would like some informal observations from Planning
7 Board on one of the ones they reviewed last night.
8 You'll see them formally next month.

9 CHAIRPERSON PRICE: All right. Thank you.
10 So all of these applications were heard last night or
11 they were not?

12 MR. HAREMZA: These were heard in November,
13 these three signs.

14 CHAIRPERSON PRICE: All right.

15 MR. HAREMZA: We're just trying to keep
16 things in the right order.

17 CHAIRPERSON PRICE: Usually go back-to-back.

18 MR. HAREMZA: ARB felt they didn't want to
19 meet the day after Christmas.

20 MR. OSOWSKI: Boxing Day.

21 CHAIRPERSON PRICE: Very popular.

22 So do we want to also, before leaving,
23 discuss our schedule for 2024, just whether there's
24 any dates that we need to push around a little bit?

25 MR. HAREMZA: Yeah. We can certainly do

1 that. If we take a quick break, I can print out the
2 draft schedule for next year. I have not done that
3 unfortunately.

4 MR. OSOWSKI: It's in our folder.

5 MR. HAREMZA: Oh, it's in your folder. It's
6 for 2024?

7 MR. OSOWSKI: Yeah.

8 MR. HAREMZA: Wow. Kudos to my colleague
9 Tracy. She's one step ahead of the game.

10 CHAIRPERSON PRICE: Okay. Let's keep going
11 with the meeting.

12 Folks, we have the November 15th meeting
13 minutes. Is there anyone who would like to make a
14 motion to approve those minutes?

15 MR. OSOWSKI: I'll move that we approve the
16 meeting minutes from November 15th, 2023.

17 MR. GRISEWOOD: Second.

18 CHAIRPERSON PRICE: Moved and seconded. Was
19 there any comments? Questions? Edits? Okay. Jason,
20 call the roll, please.

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

22 Mr. Fader, yes; Mr. Grisewood, yes;

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

24 (Upon roll motion to approve minutes
25 carries.)

1 CHAIRPERSON PRICE: Okay. So the public
2 meetings that are advertised for tonight are going to
3 be held. Were they properly advertised, Jason?

4 MR. HAREMZA: Yes. The meetings were
5 advertised in the Daily Record of December 14th, 2023.

6 CHAIRPERSON PRICE: Okay. First application
7 we'll hear tonight is 6P-03-23.

8 **Application 6P-03-23**

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

15 CHAIRPERSON PRICE: Is there anyone here to
16 discuss this?

17 MR. MATT: Good evening, David Matt from
18 Schultz for Carl Grasta.

19 CHAIRPERSON PRICE: Welcome back.

20 MR. MATT: Real quick, we were here last
21 month. Had some engineer comments to address -- town
22 staff wanted us to address. We responded to those.

23 Town engineer came back recently with two
24 minor comments adjusting notes, adding a note.

25 Other than that, we're looking for modified

1 site plan approval to add the pool and cabana to the
2 top behind his house.

3 CHAIRPERSON PRICE: Okay. So I'm going to
4 assume that those -- the comments really were the
5 technical ones addressing drainage and were satisfied.

6 MR. HAREMZA: The most recent comments were
7 about some labels on the drawings and the disposition
8 of the fill material removed from the site.

9 Just one further note, last month one of the
10 requests I believe from this board was a cross-section
11 showing the change in elevation. And that was
12 included as a detailed call-out in the most recent
13 revision.

14 CHAIRPERSON PRICE: I saw that, that you
15 used a little distortion on it. It's more vertical
16 than horizontal, which is fine.

17 I'm okay. Anybody have any questions?

18 MR. OSOWSKI: No.

19 CHAIRPERSON PRICE: David?

20 MR. FADER: No. All set.

21 MS. ALTMAN: No.

22 CHAIRPERSON PRICE: Okay. Thank you.

23 MR. MATT: Thank you very much.

24 CHAIRPERSON PRICE: Did you have any?

25 MS. BARON: Nope. No questions.

1 CHAIRPERSON PRICE: All right. This is a
2 public hearing. Is there anyone in the audience that
3 cares to address this application?

4 Okay. Thank you very much.

5 MR. MATT: Thank you.

6 **Application 11P-03-23**

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

12 CHAIRPERSON PRICE: Please come up.

13 MR. BELHSEINE: Hello.

14 CHAIRPERSON PRICE: How are you?

15 MR. BELHSEINE: Good. How you doing?

16 I am here on behalf of Taib, the landlord.
17 And we have tenant. And we have someone translate
18 English for him.

19 CHAIRPERSON PRICE: Thank you. So since
20 last time, you went to the Zoning Board of Appeals and
21 you were successful in getting parking allotment.

22 MR. BELHSEINE: Yes.

23 CHAIRPERSON PRICE: So we've heard a couple
24 comments about dumpster locations and possibly grease
25 traps. You're aware of what these are. Are there

1 ones that -- I don't know that you need them, but are
2 there tenants, other tenants, that require the grease
3 traps that may take up parking spaces?

4 MR. BELHSEINE: So the dumpster, we lose no
5 parking lot at all. And I don't think we have to cook
6 food for grease trap to -- you know, to have one.
7 It's only, you know -- it would be special food. You
8 know, nothing -- no kitchen nothing. Just prepared.

9 CHAIRPERSON PRICE: Okay. That's you guys.
10 Is there anybody else in the building that needs
11 the --

12 MR. BELHSEINE: No. The other store is a
13 tea/coffee shop. And other one is a nail shop. It's
14 no -- nobody there for grease trap, no.

15 CHAIRPERSON PRICE: All right.

16 MR. BELHSEINE: And the parking, we have no
17 problems. We have all 17 spots.

18 CHAIRPERSON PRICE: I think we want to talk
19 a little bit about your deliveries. We may have asked
20 you last time about when the deliveries come -- I
21 think you said once a week or a couple times a week --
22 and what times of day that that happens.

23 MR. BELHSEINE: Yes. I did talk to him. He
24 said once a week. Not big trucks. It's small truck
25 because the store is small.

1 And the delivery would be early because that
2 time, we would not be open. The store hours would be
3 9 to 9. And deliveries would come between 7 and 8 he
4 said.

5 CHAIRPERSON PRICE: Okay. And my guess is
6 the deliveries are only there for a short period of
7 time.

8 MR. BELHSEINE: Yeah. Short period of time.
9 The amount of store we have is small store. We -- not
10 talking big trucks for delivery.

11 CHAIRPERSON PRICE: All right. Jason, any
12 other comments the Zoning Board wants to review for
13 conditional use?

14 MS. BARON: No. I think that addressed the
15 concerns that the Zoning Board had regarding the
16 deliveries and the layout of the parking.

17 CHAIRPERSON PRICE: Okay.

18 MR. OSOWSKI: I'm good.

19 CHAIRPERSON PRICE: Anybody else?

20 All right. Thank you.

21 MR. BELHSEINE: Thank you again.

22 CHAIRPERSON PRICE: This is a public
23 hearing. Is there anyone that cares to address this
24 application? Thank you.

25 **Application 12P-01-23**

1 Application of 1800 BHTL Road, LLC, owner,
2 and Lynn Kosmider, lessee, for Conditional Use Permit
3 Approval to allow for a custom sign business to be on
4 property located at 1800 Brighton Henrietta Town Line
5 Road. All as described on application and plans on
6 file.

7 CHAIRPERSON PRICE: Custom sign business;
8 right?

9 MR. KOSMIDER: Correct.

10 CHAIRPERSON PRICE: Welcome.

11 MR. KOSMIDER: Thank you.

12 CHAIRPERSON PRICE: What we ask is tell us a
13 little bit about your business.

14 MS. KOSMIDER: Lynn Kosmider,
15 K-O-S-M-I-D-E-R, and Ronald.

16 CHAIRPERSON PRICE: What we're trying to
17 understand is things like hours of operations, do you
18 have enough parking, you know, is there any outdoor
19 storage.

20 MS. KOSMIDER: Nothing. No outdoor storage.
21 Plenty of parking. That was in our application, how
22 many parking spaces there are.

23 Hours of operation are 8 to 5. We're
24 actually -- the staff leaves at 4:30, but we're there
25 to 5.

1 Most of our business is businesses. So very
2 little in and out. We don't actually -- we're a
3 custom sign shop. So we don't have anything on the
4 shelf for someone to walk into the store and buy.

5 CHAIRPERSON PRICE: What do you -- what
6 types of signs? I mean, are you printing on paper
7 or --

8 MR. KOSMIDER: Big outdoor signs. Most of
9 it's window graphics, business hours, you know,
10 frosted windows and conference rooms and stuff like
11 that.

12 CHAIRPERSON PRICE: Whole range of stuff.

13 MS. KOSMIDER: Yeah.

14 MR. KOSMIDER: Yeah.

15 CHAIRPERSON PRICE: The materials that you
16 have are not hazardous to --

17 MS. KOSMIDER: No. There's really nothing
18 other than -- substrates are usually a little bit
19 substrate, plastic, PVCs, Coroplast. And everything
20 is handled and disposed of properly. There's nothing
21 really that's environmentally a problem, no.

22 CHAIRPERSON PRICE: We're kind of looking,
23 you know, do you have materials or, you know, storage
24 containers full of solvents.

25 MS. KOSMIDER: No. There's no -- No, we

1 don't do that.

2 CHAIRPERSON PRICE: Okay. And then the --
3 the finished product, you erect these or put these up?
4 Do you have --

5 MR. KOSMIDER: Yeah. We install those.

6 MS. KOSMIDER: We install.

7 CHAIRPERSON PRICE: -- trucks or cherry
8 pickers?

9 MR. KOSMIDER: Well, we have a small cherry
10 picker. It's large, about 30 feet. We rent those.

11 MS. KOSMIDER: Those won't be on our
12 facility. They're delivered on-site.

13 CHAIRPERSON PRICE: I see. Okay. So it
14 doesn't come back to you.

15 MS. KOSMIDER: No. No.

16 CHAIRPERSON PRICE: Go to the site for a
17 day.

18 MS. KOSMIDER: Yeah. Yeah.

19 CHAIRPERSON PRICE: So unlikely any papers
20 blowing around outside.

21 MS. KOSMIDER: No. No. There's no work
22 done outside at all.

23 We keep a very clean facility and we -- it's
24 important to our -- because we are a FASTSIGNS
25 franchise, we have requirements to keep our facilities

1 in top shape and, you know, walk -- you know, walk in,
2 you know -- if somebody walks in, it's --

3 CHAIRPERSON PRICE: You're subject to
4 inspection?

5 MS. KOSMIDER: Yes, we are.

6 MR. KOSMIDER: We're inspected quarterly.

7 CHAIRPERSON PRICE: Interesting.

8 What didn't I ask?

9 MR. OSOWSKI: There's no spray painting
10 involved?

11 MR. KOSMIDER: No. No. Everything we
12 need -- you can buy the signs already pre-painted and
13 assembled.

14 CHAIRPERSON PRICE: Okay. Good?

15 MR. HAREMZA: Just one quick question. The
16 site plan that's part of the application shows a
17 single dumpster for the building next to the service
18 loading area. Is that still there? And is that what
19 you'll be using for trash? Or will you have your own
20 trash --

21 MR. KOSMIDER: Our lease calls that we have
22 our own trash container.

23 MR. HAREMZA: Okay. We'd need probably just
24 a quick diagram showing where that would be located on
25 the site.

1 MS. KOSMIDER: Okay.

2 MR. KOSMIDER: Sure.

3 MS. KOSMIDER: We can do that.

4 MS. BARON: My only additional question, you
5 already mentioned, but you don't do any type of
6 exterior stuff. So that includes no storage at all in
7 the parking lot or anything like that.

8 MS. KOSMIDER: No.

9 MR. KOSMIDER: No nothing.

10 CHAIRPERSON PRICE: All right. Thank you.

11 MS. KOSMIDER: Thank you.

12 CHAIRPERSON PRICE: This is a public
13 hearing. Is there anyone who wants to discuss this
14 application?

15 Thank you. If you want to stick around,
16 we'll be deliberating later. Or you can call staff in
17 the morning.

18 **Application 12P-02-23**

19 Application of Vision Hyundai, owner, and
20 Andrew Spencer, BME Associates, agent, for
21 Preliminary/Final Site Plan Approval to construct a
22 1,244 square foot service department building addition
23 along with other minor site improvements on property
24 located at 2525 West Henrietta Road. All as described
25 on application and plans on file.

1 MR. SPENCER: Good evening. My name is
2 Andrew Spencer with BME Associates here to represent
3 the Vision Auto Group for this project.

4 As you discussed previously, this is a
5 relatively straightforward addition to the existing
6 car dealership located at 2525 West Henrietta Road.

7 We did review this at the Architectural
8 Review Board last evening and we did get approval by
9 the ARB to move forward with the building facade
10 improvements, which includes taking off some ACM
11 panels, replacing in kind with different colored ACM
12 panels.

13 There will be a new glass storefront along
14 the frontage of the building. The front door is being
15 relocated a little bit further to the north on the
16 structure.

17 And then there is an addition of a 1,244
18 square foot enclosed area going into the service
19 department of the building, which is on the north side
20 of the building.

21 In addition to those improvements, there are
22 some EV stations that will be added in front of the
23 dealership. A small sidewalk revision for that
24 doorway relocation will be done. But very, very minor
25 site disturbances and site improvements.

1 There is a proposal for no new utilities
2 coming into the site. Everything will be internal to
3 the building. We're talking about the electric
4 services mainly for lighting of that proposed
5 addition. But there's no new water services, no new
6 sewer connections, nothing of that nature at this
7 point in time.

8 We did respond to the Planning Board report
9 and comments from the engineering department, planning
10 department. And I believe one of the larger questions
11 that is out there is in regards to the use of the site
12 and the other parcels.

13 It is true that three parcels 2525, 2577 and
14 2590 -- and I'll point to them on this plan here.
15 This is 2525 West Henrietta Road. This is the Vision
16 Hyundai property. This is what is managed by the
17 Vision Hyundai Management Group.

18 2577 is a parcel directly to the south,
19 which is managed by the LINE-X company.

20 And 2590 is a small parcel -- it doesn't
21 show up on your plans, but it's a small parcel right
22 on West Henrietta Road approximately in this location,
23 which is the LINE-X sales office.

24 These two properties --

25 MR. HAREMZA: I think it's 2595.

1 MR. SPENCER: I'm sorry. I'm sorry.

2 MR. HAREMZA: Just to clarify. The former
3 pizzeria; correct?

4 MR. SPENCER: Correct. I misspoke. 2595.
5 Thank you, Jason.

6 Those two properties are operated by the
7 LINE-X companies. The Vision Hyundai only manages
8 2525 West Henrietta Road.

9 So what we are asking of the Board this
10 evening is to approve the project that's being
11 proposed for 2525 West Henrietta Road.

12 As it relates to the usage of 2577, there is
13 an easement that exists between the two parcels. It's
14 a 20 foot wide ingress/egress easement for the use of
15 and for parking along the building here. And it
16 provides access out to West Henrietta Road.

17 There is an agreement between the ownership
18 or management -- the management groups between 2577
19 and 2525 to allow Hyundai to park vehicles on their
20 property. There was -- that's an agreement that has
21 been put in place. And Hyundai is utilizing that. If
22 the vehicles need to leave and not be on 2577, then
23 Hyundai will move those vehicles.

24 There was also a question about an
25 improvement that was made to 2577. There is a gravel

1 area, which was once grassed. It is a gravel
2 pavement. It is not an asphalt pavement that is
3 placed on -- that's been put on the site roughly in
4 this area right here. That is where some of the
5 vehicles from Vision Hyundai have been parked.

6 Vision Hyundai was just put into new
7 ownership quite recently. Improvements to 2577 were
8 completed somewhere in the order of two and a half to
9 three years ago prior to the ownership change.

10 These new owners did not know that any
11 improvement on 2577 may not be in compliance with the
12 town regulations, town code, impervious surface
13 coverage, anything of that nature.

14 That's why we're asking in your review to
15 review the properties that are managed by Vision
16 Hyundai and not those that are being managed by
17 LINE-X. If the properties that are managed by LINE-X
18 need to come into compliance, then that is a different
19 ownership entity or management entity and they should
20 be the ones that should resolve that problem.

21 I think that was really one of the bigger
22 questions that was out there, one that was drawn
23 attention to. I hope that gives some clarification to
24 this.

25 But I would be happy to answer any

1 questions. I apologize. We did respond to a number
2 of other comments. Engineer comments are minor. A
3 lot to do with extension of sewers and utilities and
4 such, which is not being included with this project.

5 We did respond also to New York County
6 Development Review Committee as well. Their
7 commentary is regarding the elderly pedestrian
8 facilities as well as EV charging stations.

9 This is an automobile sales service
10 location. There's probably not an awful lot of
11 locations on the site for elderly provisions in order
12 to be truly warranted.

13 And the comment about the EV stations, there
14 will be EV stations that will be incorporated with the
15 improvements to the site. With that --

16 CHAIRPERSON PRICE: The comments came from
17 Monroe County?

18 MR. SPENCER: Yes.

19 CHAIRPERSON PRICE: Did this go to the
20 Conservation Board too?

21 MR. HAREMZA: Yes. They had no comments.
22 The Conservation Board had no comments.

23 And just a note on the county comments, I
24 applaud their newfound interest in aging-in-place, but
25 I do think they would benefit a little more from some

1 nuance in how they provide those comments.

2 CHAIRPERSON PRICE: Okay. What's going on
3 in the new addition?

4 MR. SPENCER: It's literally just an entry
5 location.

6 They pull up -- vehicles will pull into the
7 site. They have a door, overhead door right now
8 located here. What they would like to have is more
9 stacking to allow for more vehicles to come in, get
10 underneath cover. And that's the check-in space to
11 get an oil change or get your brakes done. It's very,
12 very common with a lot of new dealerships now.

13 CHAIRPERSON PRICE: So that would likely
14 only have floor drains or something in that --

15 MR. SPENCER: That's correct. That's
16 correct.

17 CHAIRPERSON PRICE: Okay. All right. And
18 you're not proposing any additional site lighting.

19 MR. SPENCER: Nothing else on the site is
20 changing other than a little bit of a sidewalk
21 revision, the installation of those EV stations.

22 CHAIRPERSON PRICE: I guess, other
23 questions? Do you have any?

24 MR. GRISEWOOD: I do. How many EV stations
25 are you adding?

1 MR. SPENCER I believe there will be
2 locations for four charging stations, four parking
3 spaces that will charge.

4 MR. GRISEWOOD: Okay. And do you know, the
5 three parcels, do they share the same owner?

6 MR. SPENCER: They are registered with the
7 same ownership. That is correct.

8 MR. GRISEWOOD: Okay.

9 MR. SPENCER: They are managed differently.

10 MR. GRISEWOOD: But there's a common owner.

11 MR. SPENCER: There's a common owner named,
12 that's correct.

13 CHAIRPERSON PRICE: All good? Okay.

14 MR. OSOWSKI: Is this a national re-branding
15 by Hyundai?

16 MR. SPENCER: Yes.

17 MR. OSOWSKI: Got a really high-end
18 architect from Atlanta.

19 MR. SPENCER: Yes. And we're actually --
20 we're working with this group on a couple different
21 facilities, one in Webster as well as in Canandaigua.
22 It is a nationwide update to their facades and all
23 their buildings.

24 CHAIRPERSON PRICE: Can we talk a little bit
25 about this parking on the south side of the adjacent

1 parcel? Is it something somebody came in a few years
2 ago and boxed out, dropped some gravel in and nobody
3 came in for a --

4 MR. HAREMZA: It appears so. Based on
5 that -- when we looked at -- staff looked at aerial
6 photos. You can see very clearly like pre-2021, it
7 was dirt and grass that was being parked on.

8 After 2021, it appears in the aerials that
9 it was paved. Looking now, and -- you know, just
10 responding to Andrew's comment a little bit, I took a
11 closer look. It does look like sort of packed crushed
12 stone gravel that was laid down, not asphalt. But it
13 was -- I would say the parking was sort of formalized
14 a little bit with that material.

15 It's -- yeah. It's just a bit of a
16 complicated situation because it's clearly functioning
17 as part of Vision Hyundai. They're parking new cars
18 there. Although per testimony, they would remove them
19 from that parcel if directed to.

20 CHAIRPERSON PRICE: And, you know, I drove
21 by and I didn't think at all about that side of the
22 building or anything about, you know, what cars were
23 there or what the surface was.

24 Is this -- have you had a chance to
25 determine is that a violation at this point?

1 MR. HAREMZA: I -- well, I'll defer to the
2 town attorney.

3 MS. BARON: We have not made that
4 determination at this point. I think that the purpose
5 of -- you know, staff's question was really to
6 understand -- for tonight was to understand the
7 situation a little bit more before we can make that
8 determination in regards to, you know, the ownership
9 of the site, how it's operating. Yeah. So we need to
10 look at that a little bit more to make that
11 determination.

12 MR. HAREMZA: And certainly none of the
13 issues appear insurmountable. It was just a feeling
14 that we needed a little bit more information about
15 what exactly was happening on the site.

16 CHAIRPERSON PRICE: Okay. I'm thinking
17 these may be two separate issues. It seems like you
18 could -- you know, had you known about this, you could
19 have gone and approached them on that one issue
20 regardless of this issue.

21 MR. HAREMZA: True. Although, you know, at
22 least in my experience, you know, having done this for
23 many years, when you submit an application for site
24 plan review, it's a bit like opening Pandora's box and
25 everything's fair game.

1 CHAIRPERSON PRICE: Nothing about the
2 lighting or anything. All right. We'll talk more.

3 MS. BARON: I would like to note one
4 additional question that did come up in staff review
5 that BME has provided a sort of answer for but I want
6 the Board to just be aware of it.

7 In terms of the plans right now, where the
8 addition is, there's several parking spaces that you
9 marked as to be removed and then there's sort of --
10 where the sidewalk ends, sort of almost a hammerhead.

11 And the issue that came up as discussed was
12 whether that hammerhead would prevent people from
13 pulling directly into where the service door is
14 located. And you have provided an answer that it
15 would not. I guess if you could speak to that a
16 little bit.

17 MR. SPENCER: We're not concerned with that
18 dimension at all. There are some existing parking
19 spaces there. And there is the existing overhead
20 door, which operates now as the entrance to the
21 service area. And with parked cars in those
22 locations, you'd have that same situation.

23 We are set -- the curb island that's being
24 discussed is out at this location here. And it is
25 over 30 feet in length from the overhead door

1 location. We feel that is an ample dimension in which
2 to maneuver a vehicle to get to that lift-up overhead
3 door. Those parking spaces will be removed along the
4 edge of the building.

5 MR. HAREMZA: Is that a full height 26-inch
6 curb down --

7 MR. SPENCER: To be honest, I cannot answer
8 that question. But I would imagine that it is.

9 MR. HAREMZA: Yeah. Just, you know, it's
10 more of -- more of something for, you know, the
11 applicant than for us. But in terms of plowing over
12 it and, you know, things like that.

13 MR. SPENCER: It's functional at this point.
14 They operate around that curb island.

15 And I believe that curb island is there to
16 protect some building-mounted elements in this
17 location.

18 CHAIRPERSON PRICE: Okay. Anything else?
19 All good? All right. Thank you.

20 MR. SPENCER: Thank you.

21 CHAIRPERSON PRICE: Is there anyone in the
22 audience that cares to address this application? All
23 right. Thank you.

24 **Application 12P-03-23**

25 Application of Rochester Joint Apprentice

1 and Training Committee, owner, and Lakeside Tool, Inc,
2 lessee, for Conditional Use Permit Approval to allow a
3 tool warehouse/distribution facility on property
4 located at 470 West Metro Parkway. All as described
5 on application and plans on file.

6 CHAIRPERSON PRICE: Good evening.

7 MR. TANCK: Good evening. Aaron Tanck.

8 CHAIRPERSON PRICE: Tell us a little bit
9 about your operation. This is conditional use. So
10 we're always interested in anything that's hazardous
11 or any safety issues or issues of outside storage.
12 And then any parking concerns or hours of operation,
13 kind of stuff.

14 MR. TANCK: Hours of operation are 8:30
15 to 5, Monday through Friday. We do keep hours from 10
16 to 2 on Saturdays.

17 There will be no outside storage.

18 Our business is centered around wholesaling
19 tools to other distributors and to businesses. The
20 majority of our product goes out the door through
21 salesmen who buy and resell in the area.

22 We do occasionally have business come in
23 where the selection of tools on one of our trucks is
24 not adequate for whatever they're looking to do. So
25 if you have to outfit a service truck or something

1 like that where you need a broader selection, someone
2 may come in to find some extra stuff I guess.

3 But for the most part, we have very light
4 traffic during the day. I would say anywhere from
5 four to six people in and out.

6 We do get deliveries daily. I think the
7 space we're looking at that, that shouldn't be a
8 problem. There's a loading dock in the back to
9 accommodate vehicles coming in and out.

10 There is only one other tenant in the
11 building. They have an office with two people in it
12 and they do not have really much occasion to have more
13 than that. It's just a workspace for them.

14 So I believe that there's ample parking for
15 my staff of four people and then, you know, the
16 occasional truck that comes in.

17 CHAIRPERSON PRICE: Is it four full-time
18 staff?

19 MR. TANCK: Yes, sir.

20 CHAIRPERSON PRICE: Including yourself?

21 MR. TANCK: Mm-hm.

22 CHAIRPERSON PRICE: Folks are in and out
23 during the day. This is not a retail operation.

24 MR. TANCK: Correct.

25 CHAIRPERSON PRICE: You're wholesale. So

1 not expecting any retail traffic.

2 Are you packaging stuff? Repackaging? Do
3 you have indoor dumpsters or toters?

4 MR. TANCK: We would have a cardboard
5 dumpster outside. I think on the site plan you can
6 see where there's a designated area for that.

7 And then just regular garbage. We go
8 through one small dumpster a week approximately.

9 The packaging we're doing would be for
10 ship-outs. So we have customers who are shipping to
11 wherever.

12 It's all small parcel. We do very, very
13 little LTL shipment. So typically just UPS, FedEx or
14 postal service.

15 CHAIRPERSON PRICE: What's LTL?

16 MR. TANCK: Less than truckload. Big trucks
17 to come in and pick up skids and pallets.

18 CHAIRPERSON PRICE: What type of tools are
19 you talking about?

20 MR. TANCK: Any kind of hand tools and power
21 tools for the automobile industrial world. So we sell
22 to wholesalers who deal a lot with businesses tied
23 around construction around automobile service, farms,
24 that kind of thing.

25 CHAIRPERSON PRICE: Okay. So it's not the

1 same stuff that I can go into Home Depot and get?

2 MR. TANCK: There is some crossover, but we
3 don't deal with the contractors. I don't sell a lot
4 of table saws or anything like that. It's all geared
5 toward mechanical equipment.

6 CHAIRPERSON PRICE: Okay. All right.
7 Really no site plan issues. You're not intending to
8 change any lighting?

9 MR. TANCK: No, sir.

10 MS. ALTMAN: Is there a function between the
11 use of the loading dock -- and there's the overhead
12 door on the side of your building as well. What are
13 the functions of those two entrances? Are they the
14 same like both deliveries to you and customer pickup
15 or are they different? Do you use them --

16 MR. TANCK: I would say used for both.

17 The loading dock would primarily be for
18 trucking companies coming in and making deliveries.
19 That's the primary use.

20 However, some of the trucks that are people
21 who buy from us, the sellers, some would use that, the
22 grade-level door to load occasionally. But they would
23 be kind of back and forth. Most of the trucks we deal
24 with have steps up into them so they can just take a
25 cart out to the parking lot and walk everything onto

1 the truck.

2 MS. ALTMAN: Okay. Thank you.

3 MR. OSOWSKI: Do you need the use of a
4 powered forklift, electric or propane? Or just a hand
5 jack.

6 MR. TANCK: Just a hand jack.

7 MR. OSOWSKI: Hand jack.

8 CHAIRPERSON PRICE: Any other questions from
9 anybody? Jason?

10 MR. HAREMZA: No.

11 MS. BARON: No.

12 MR. TANCK: Thank you.

13 CHAIRPERSON PRICE: I'll ask the question,
14 is anybody in the audience care to address this
15 application? All right. Thank you.

16 (Public hearings concluded at 7:49 p.m.)

17 (Start of deliberations and decisions.)

18 * * *

19 **Application 6P-03-23**

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

1 MR. FADER: I move we close the public
2 hearing.

3 MR. BABCOCK-STINER: Second.

4 CHAIRPERSON PRICE: Moved and seconded. Any
5 discussion?

6 Please call the roll.

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

10 (Motion to close the public hearing
11 carries.)

12 CHAIRPERSON PRICE: All right.

13 MR. FADER: I move that the Planning Board
14 find the proposed action will not have a significant
15 impact on the environment and adopts the neglect
16 declaration prepared by town staff and the Planning
17 Board grants site plan modification approval and
18 Planning Board grants watercourse and steep slope EPOD
19 permit approvals for application 6P-03-23 based on the
20 testimony given, plans submitted and with the four
21 conditions outlined in the Planning Board report.

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

23 **Conditions:**

24 1. The applicant shall respond in writing to all
25 comments of the Planning Board, Department of Public

1 Works, Town Engineer, and Building and Planning
2 Department.

3 2. The applicant shall satisfy the requirements of
4 the engineer for the town including, but not limited
5 to backwash/pool drainage and slope stabilization and
6 restoration. For a complete list of all specific
7 requirements, please refer to the attached memos dated
8 11-9-2023 and 11-14-2023.

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

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

14 CHAIRPERSON PRICE: Moved and seconded. Is
15 there any further discussion? Okay. Please call the
16 roll.

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

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

22 **Application 11P-03-23**

23 Application of Taib El Kettani, owner, and
24 Rafiullah Sahak, lessee, for Conditional Use Permit
25 Approval to allow for a convenience store on property

1 located at 2829 West Henrietta Road. All as described
2 on application and plans on file.

3 MR. FADER: I move we close the hearing.

4 MS. ALTMAN: I second that.

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

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

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

12 MR. BABCOCK-STINER: I move that the
13 Planning Board adopts the eight conditional use permit
14 findings outlined in the Planning Board report and the
15 Planning Board also approves application 11P-03-23 for
16 conditional use permit approval based on the testimony
17 given, plans submitted and the five conditions
18 outlined in the Planning Board report.

19 MR. FADER: I'll second that.

20 **Conditional Use Findings:**

21 1. The Planning Board finds that the proposed
22 specialty grocery store/convenience store use complies
23 with the standards of the General Commercial District
24 (BF-2).

25 2. The Planning Board finds that the proposed use is

1 in harmony with the purpose and intent of Code
2 Sections 217-3 through 217-7.2 (Conditional Uses).
3 The location and size of the specialty grocery
4 store/convenience store, the intensity, size of the
5 site and access have all been considered in the
6 Board's review.

7 3. The Planning Board finds that the establishment of
8 a specialty grocery store/convenience store in this
9 location, will not be detrimental to persons,
10 detrimental or injurious to the property and
11 improvements in the neighborhood, or to the general
12 welfare of the Town.

13 4. The specialty grocery store/convenience store will
14 be developed within an existing structure on a
15 developed site and not result in the destruction, loss
16 or damage of any natural, scenic or significant
17 historical resource.

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

23 6. The Planning Board finds that the establishment of
24 a convenience store/grocery store will be adequately
25 served by essential public facilities.

1 7. The Planning Board finds that the establishment of
2 a convenience store/grocery store will not result in
3 the loss or damage to trees.

4 8. The Planning Board finds that the establishment of
5 a convenience store/grocery store in this location
6 essentially conforms to the Town Master Plan:

7 Envision Brighton 2028. Specifically Volume 2, Pages
8 47-47, the West Henrietta Road Land Use Focus Area.

9 Although small, the occupancy of this commercial space
10 by a viable business is better than a vacant space for
11 the West Henrietta Road corridor.

12 **Conditions:**

13 1. Applicant shall respond in writing to all comments
14 of the Planning Board, Department of Public Works,
15 Town Engineer, and Building and Planning Department.

16 2. Seventeen (17) parking spaces shall be available
17 on the property regardless of configuration and trash
18 container locations. The owner shall submit an
19 updated property diagram showing the current parking
20 space configuration and area designated for trash
21 containers (toters, dumpsters, etc.)

22 3. Proposed interior renovations may require plans to
23 be drawn and stamped by a design professional licensed
24 in New York State. The entire project shall comply
25 with the most current New York State Fire Prevention

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

3 4. Any proposed signage shall comply with the Town of
4 Brighton code.

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

7 CHAIRPERSON PRICE: All right. Thank you.
8 We're moved and seconded. Is there any further
9 comments?

10 Okay. Please call the roll.

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

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

16 **Application 12P-01-23**

17 Application of 1800 BHTL Road, LLC, owner,
18 and Lynn Kosmider, lessee, for Conditional Use Permit
19 Approval to allow for a custom sign business to be on
20 property located at 1800 Brighton Henrietta Town Line
21 Road. All as described on application and plans on
22 file.

23 MR. FADER: I move we close the public
24 hearing.

25 CHAIRPERSON PRICE: I'll second.

1 Moved and seconded to close the hearing. Is
2 there any discussion?

3 Please call the roll.

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

5 Mr. Fader, yes; Mr. Grisewood, yes;

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

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

9 MS. ALTMAN: I move that the Planning Board
10 adopts the eight conditional use findings outlined in
11 the Planning Board report based on the application
12 submitted and testimony presented.

13 I move that the Planning Board approve
14 application 12P-01-23 based on the testimony given,
15 the plans submitted and with the three conditions
16 outlined in the Planning Board report.

17 MR. FADER: I'll second that.

18 **Conditional Use Findings:**

19 1. The Planning Board finds that the proposed sign
20 business use complies with the standards of the Light
21 Industrial (IG) district.

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

25 The location and size of the sign business, the

1 intensity, size of the site and access have all been
2 considered in the Board's review.

3 3. The Planning Board finds that the establishment of
4 a sign business in this location, will not be
5 detrimental to persons, detrimental or injurious to
6 the property and improvements in the neighborhood, or
7 to the general welfare of the Town.

8 4. The sign business will be developed within an
9 existing structure on a developed site and not result
10 in the destruction, loss or damage of any natural,
11 scenic or significant historical resource.

12 5. The Planning Board finds that the establishment of
13 a sign business will not create excessive additional
14 requirements for public facilities and services and
15 will not be detrimental to the economic welfare of the
16 community.

17 6. The Planning Board finds that the establishment of
18 a sign business will be adequately served by essential
19 public facilities.

20 7. The Planning Board finds that the establishment of
21 a sign business will not result in the loss or damage
22 to trees.

23 8. The proposed finds that the establishment of a
24 sign business in this location essentially conforms to
25 the Town's Comprehensive Plan: Envision Brighton

1 2028. Specifically Volume 2, Pages 16, the Economic
2 Vitality Policy Objectives [emphasis added]:

3 A. *Attract and promote the sustainable*
4 *development of quality office, retail, commercial,*
5 *medical, light industrial, and residential uses in*
6 *areas with existing critical infrastructure, in an*
7 *effort to expand the Town's local tax base while*
8 *providing needed and desired goods and services, and*
9 *without compromising other community goals.*

10 E. *Provide support for local businesses,*
11 *entrepreneurs, institutions, and enterprises to*
12 *attract and retain local talent and increase access to*
13 *local goods.*

14 **Conditions:**

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

18 2. The entire project shall comply with the most
19 current New York State Fire Prevention and Building
20 Code and the Town of Brighton sprinkler requirements.

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

23 CHAIRPERSON PRICE: Thank you. Moved and
24 seconded. Is there any further discussion?

25 Please call the roll.

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

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

6 **Application 12P-02-23**

7 Application of Vision Hyundai, owner, and
8 Andrew Spencer, BME Associates, agent, for
9 Preliminary/Final Site Plan Approval to construct a
10 1,244 square foot service department building addition
11 along with other minor site improvements on property
12 located at 2525 West Henrietta Road. All as described
13 on application and plans on file.

14 MR. FADER: I move that application
15 12P-02-23 be tabled based on the testimony and plans
16 submitted and additional information in order to make
17 a determination of significance. The two items
18 outlined in the Planning Board report are required to
19 be submitted no later than two weeks prior to the next
20 Planning Board meeting.

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

22 CHAIRPERSON PRICE: We have a motion and
23 second for vote.

24 Do we want to have any discussion on the
25 motion? I'm not sure I agree with this motion, but

1 I'd like to hear from others.

2 MR. FADER: Why? What's your reasoning?

3 CHAIRPERSON PRICE: I just don't know if the
4 two issues should be tied together. I don't think the
5 application changes at all if that matter is resolved
6 somehow differently. It's not a changed application.

7 It doesn't -- I think potentially a
8 condition of the approval that the town attorney and
9 town staff are given the opportunity to determine if
10 there is, in fact, a violation, but I don't see it
11 coming back as anything -- any kind of different
12 application.

13 MR. BABCOCK-STINER: I mean, would any of
14 your potential findings alter or would it impact --

15 CHAIRPERSON PRICE: What we're doing.

16 MR. BABCOCK-STINER: -- what we're doing?
17 If it's not going to impact what we're doing, isn't
18 that --

19 CHAIRPERSON PRICE: I'm not saying it
20 shouldn't be resolved. I'm just --

21 MR. FADER: You want to condition it that
22 it'll be resolved.

23 CHAIRPERSON PRICE: This is why the
24 discussion, so --

25 MS. BARON: Yup. No. That's

1 understandable. I think staff also wanted -- I will
2 say that I think it wasn't only the easements that
3 staff had questions about in between the two
4 properties, but also the easements throughout the
5 site.

6 There was a manhole cover that was very
7 close to the door on the site that staff had questions
8 about as well.

9 And I'm not sure if the submission that came
10 in today, staff has had time to look over that and
11 adequately evaluate whether that addresses their
12 comments and concerns with the rest of the lay of the
13 site.

14 But I do think that whether they are in --
15 if there is some other type of violation because of
16 the site coverage or for some other reason, that would
17 not necessarily preclude the Board from sort of
18 approving the addition if the Board chooses to do that
19 at this time.

20 CHAIRPERSON PRICE: Is there a way that --
21 I'm not sure we're saving the applicant a lot of time,
22 but I think we're -- you know, this application --
23 what we're reviewing and approving isn't going to
24 change -- first, am I right about that?

25 I mean, would these parcels somehow be

1 looked at -- even though they're the same ownership,
2 they are different tax account numbers; right?

3 MR. HAREMZA: Correct.

4 CHAIRPERSON PRICE: So if there is a lot
5 area coverage or any kind of regulatory issue on the
6 adjacent parcel, then that goes with that parcel as a
7 violation. But I see where, you know, we've got them
8 now and we need something cleaned up. It's the
9 opportunity to get it cleaned up.

10 MS. BARON: Yes.

11 CHAIRPERSON PRICE: I'm trying to -- another
12 way to say it is, okay, you're -- maybe you can't have
13 your C of O until you got this stuff cleared up. But
14 I'm --

15 MS. BARON: I think that the reason for
16 tabling -- Jason, correct me if I'm wrong -- is to
17 gather the information from the applicant and then to
18 go back and determine whether or not a condition
19 should be imposed requiring it to remove the cars or
20 requiring them to do something --

21 CHAIRPERSON PRICE: I see.

22 MS. BARON: -- on that part of the site.
23 And that determination would have to be considered and
24 looked at.

25 MR. HAREMZA: I mean, one way to look at

1 it -- and I could go either way with this personally.
2 I think one way of looking at it is if the Board feels
3 like, you know, they're satisfied with what's been
4 presented and you still want it off your plate, you
5 can -- one possibility would be to approve it with
6 conditions. We could turn the two recommendations
7 into conditions and maybe add another one or two and,
8 you know, defer or delegate to staff to, you know,
9 clear up any remaining outstanding issues regarding
10 easements, the manhole, the utility access, the
11 paving. Does that sound reasonable?

12 MS. BARON: That sounds reasonable if that's
13 what the Board would like to do.

14 MR. HAREMZA: And I'm confident -- you know,
15 regardless, this is a Type II action. It's not like a
16 determination needs to be done for SEQRA.

17 MS. BARON: As long as -- yeah. It doesn't
18 need any variances. And it's only a 1,200 square foot
19 addition. This is less than 4,000 square feet.

20 MR. GRISEWOOD: Is the fact that it's got
21 three different parcels -- is there some thought that
22 like some of the parcels are out of compliance, that
23 there needs to be some sort of -- I mean, I don't know
24 what -- you know, sometimes you run into that.

25 MR. HAREMZA: Well, you know, again, I'm

1 relatively new to Brighton. My past experience is we
2 take this opportunity to force the owner to combine
3 all three parcels through resubdivision to clear up
4 the map and make it more straightforward. But I don't
5 know if that's standard operating procedure here.

6 MS. ALTMAN: You have two different tenants;
7 right? You have the automotive and then you have
8 X-LINE.

9 MR. HAREMZA: Right. If I understand the
10 testimony correctly, the ownership is all the same.

11 MS. ALTMAN: The ownership, yes, but not
12 management or utilization; right?

13 MR. HAREMZA: Right.

14 MR. GRISEWOOD: But the responsibility to
15 bring the parcel into compliance lies with the
16 ownership regardless.

17 MR. HAREMZA: Correct.

18 MR. GRISEWOOD: That's what I was trying to
19 clarify, where the ownership lied.

20 MR. HAREMZA: Again, it's been a career-long
21 frustration of mine that you can't get behind LLCs in
22 New York State to find out who's really behind them,
23 but, you know.

24 MS. BARON: I think that in regards to any
25 type of enforcement or other compliance issues related

1 to parking on the site and the site coverage, the
2 Board can condition approval on staff following up as
3 Jason said with resolving those issues.

4 However, it might be helpful to give staff
5 an opportunity to really fully evaluate that and see
6 if there are any -- staff and legal to fully evaluate
7 what those issues are.

8 CHAIRPERSON PRICE: Can I call the applicant
9 back up?

10 MS. BARON: Yeah.

11 CHAIRPERSON PRICE: What is the -- this is
12 just a little ticklish here where there's some things
13 that, out of your control, you know, I think normally
14 we would table this. I can see reasons to approve
15 with conditions. I don't know that either of those
16 change the situation for you to pull the building
17 permit and get started on it. It sounds like a couple
18 things have to be resolved.

19 MR. SPENCER: Yeah. It definitely needs to
20 be resolved by the owner of the parcels. But this is
21 two different -- the owner does not want to combine
22 these parcels, nor is that in any way, shape or form
23 something that should be forced upon Vision Hyundai.
24 Because that is -- Vision Hyundai is managing one
25 piece of property. The owner owns three, but he has

1 two different businesses on that. If those -- if a
2 combination of those parcels occurs, what happens with
3 the other business? Now we've got two. I mean, it's
4 very similar to a mall. Wilmorite owns 20 parcels and
5 they are all with different tenants on it. They're
6 not forced to combine all those parcels together into
7 one.

8 MR. HAREMZA: No. A mall is one parcel with
9 many different businesses on it.

10 MR. SPENCER: No. There's leased parcels.
11 There's leased parcels and there's different dividing
12 lines amongst all of them.

13 We're talking about -- there's a business
14 that is occupying this property right here. It's
15 called LINE-X. Vision Hyundai is on this property
16 here. Three separate tax parcels.

17 You combine these two together, now we have
18 two different businesses on here.

19 MR. HAREMZA: Which is quite common.

20 MR. SPENCER: That's what I heard from --

21 MR. HAREMZA: Staff may have proposed that.

22 CHAIRPERSON PRICE: Now --

23 MR. FADER: We were debating if to table or
24 grant it with conditions and does that really make a
25 big difference to anyone either way.

1 MR. SPENCER: I believe it makes a
2 difference from the Hyundai corporation and the Vision
3 Hyundai to get the approvals so they move forward
4 ordering the materials and get everything available so
5 they can get this completed.

6 I don't disagree that other things should be
7 cleaned up, but that should be the owner of the parcel
8 2577.

9 CHAIRPERSON PRICE: What things can Hyundai
10 control? It sounds to me like it's moving vehicles
11 off of that site.

12 MR. SPENCER: Correct.

13 CHAIRPERSON PRICE: And it would just get
14 that part cleaned up.

15 MR. SPENCER: That's correct.

16 CHAIRPERSON PRICE: And giving staff the
17 opportunity to figure out, you know, does the owner
18 have to resolve something with either easements or,
19 you know, parking that was put in there or improved
20 without proper things.

21 MR. SPENCER: The easement exists. You
22 should have all received a copy of the map of the
23 survey. And on there are all the existing easements
24 of record on this parcel.

25 There are no other easements that are being

1 proposed. And these are all the existing ones.

2 Relative to the utility that's been
3 discussed, it's an RG&E manhole. It's located right
4 here. And on that map of the survey, there is no
5 easements covering over that RG&E manhole, but the
6 note on the survey just makes a statement that says
7 you need to coordinate with the ownership with
8 utilities in that location. It's very standard that
9 it goes onto a survey when there is not an easement
10 there.

11 There is no proposed disturbance anywhere
12 near that manhole. We don't see this becoming an
13 issue.

14 The only other issue is there's an easement
15 that runs on the back along the north side of the
16 property and through the site here. And that's to the
17 Town of Brighton. And the ingress/egress easement
18 from East Henrietta Road across to the rear of 2577 to
19 allow access to the rear of 2525.

20 CHAIRPERSON PRICE: Okay. Thanks.

21 MR. OSOWSKI: I have one question not
22 related to this. You mentioned ACM panels coming off
23 and ACM panels going in. What does the abbreviation
24 ACM stand for?

25 MR. SPENCER: You know, I don't know. I

1 seriously don't know that.

2 MR. OSOWSKI: Used to be known as asbestos
3 containment materials. I'm hoping it's architectural
4 composite material.

5 MR. SPENCER: That sounds better.

6 MR. HAREMZA: Aluminum composite material.

7 MR. SPENCER: Aluminum based.

8 MR. OSOWSKI: Okay. Good.

9 MR. GRISEWOOD: So are we still discussing
10 that a little bit? My concern is just that if we got,
11 you know, parcels that are -- you know, that maybe we
12 have some compliance issues that this would be the
13 opportunity to address that to the owner, not to slow
14 these guys down, to do it properly and give the staff
15 to have the ability to provide us with that
16 information whether or not we grant it or not. So
17 that's what I was trying to get at. I'm not trying to
18 slow anyone down in any way, but that, you know, this
19 is the opportunity to bring the parcel into compliance
20 if it needs to do something.

21 CHAIRPERSON PRICE: I don't disagree. I
22 just think there are conditions we can put in the
23 approval that allow that to happen.

24 MR. GRISEWOOD: Okay.

25 CHAIRPERSON PRICE: John, thoughts?

1 MR. OSOWSKI: I noticed there are 26
2 conditions that the town assistant engineer wrote up
3 that could be put into a conditional approval.

4 CHAIRPERSON PRICE: Other thoughts?

5 MR. BABCOCK-STINER: I mean, if we can
6 condition it that if -- that is if we can address
7 Pete's issues, that's fine.

8 CHAIRPERSON PRICE: Karen?

9 MS. ALTMAN: I was fine with tabling it. If
10 it's a way we can make sure all these concerns get
11 addressed in the interim rather than putting it off
12 down the road, then I'm not averse to it -- to writing
13 it in the conditions.

14 But I think as a practical matter, we're
15 probably not taking up too much time either way
16 because there are already 26 conditions that need to
17 be complied with. Here's a few more. So I don't
18 think even if we table it for a month, if they got
19 this answer, I don't think that's going to have a huge
20 impact. So I could go either way.

21 CHAIRPERSON PRICE: I guess that makes me
22 the bad guy here.

23 MR. GRISEWOOD: Looks like there's been some
24 disturbance to that one site that they're sharing and,
25 you know, the condition of that rock, sand or whatever

1 it is -- and it's just a little bit awkward. And the
2 fact that the -- both the town staff and attorney
3 would like a little bit of time to review, seems to me
4 that --

5 CHAIRPERSON PRICE: All right. There's a
6 motion to table the application. To me, it seems like
7 the amount of time to resolve things is going to be
8 the same.

9 Are you more comfortable with what the
10 situation is?

11 MS. BARON: In what way?

12 CHAIRPERSON PRICE: To give you the ability
13 to determine if there's some kind of violation on the
14 second -- on the adjacent parcel.

15 MS. BARON: I am comfortable if the Board
16 wants to proceed with the condition that all the
17 conditions that were cited by the assistant engineer
18 and identified as issues with the plans as well as a
19 condition that the site be brought into compliance
20 with any code requirements on the site and the
21 operations of the site.

22 MR. GRISEWOOD: Are we defining the site as
23 one parcel or multiple parcels?

24 MS. BARON: Well, that's the issue that I
25 want to look at in terms of the legal ramifications of

1 that whether it -- effectively, as was discussed
2 previously, if it's effectively operating on multiple
3 parcels that are all connected.

4 CHAIRPERSON PRICE: So the application is
5 for 2525 West Henrietta Road. The application is not
6 for 2525 and 2577.

7 MS. BARON: That's true.

8 MR. HAREMZA: But the operations of 2525
9 spill onto adjacent parcels. I think that needs to be
10 acknowledged.

11 MS. ALTMAN: I agree.

12 CHAIRPERSON PRICE: I think it's going to
13 take the same amount of time.

14 Let's -- got a motion and a second on the
15 table.

16 Please call the roll.

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

18 Mr. Fader, yes; Mr. Grisewood, yes;

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

20 (Upon roll motion to table carries.)

21 **Application 12P-03-23**

22 Application of Rochester Joint Apprentice
23 and Training Committee, owner, and Lakeside Tool, Inc,
24 lessee, for Conditional Use Permit Approval to allow a
25 tool warehouse/distribution facility on property

1 located at 470 West Metro Parkway. All as described
2 on application and plans on file.

3 MR. FADER: I move we close the public
4 hearing.

5 MS. ALTMAN: I second.

6 CHAIRPERSON PRICE: Moved and seconded. Any
7 discussion?

8 Please call the roll.

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

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

14 MR. BABCOCK-STINER: I move that the
15 Planning Board adopts the eight conditional use permit
16 findings outlined in the Planning Board report. I
17 move the Planning Board approves application 12P-03-23
18 for conditional use permit approval based on testimony
19 given, plans submitted and the three conditions
20 outlined in the Planning Board report.

21 MS. ALTMAN: Second.

22 **Conditional Use Permit Findings:**

23 1. The Planning Board finds that the proposed tool
24 warehouse/distribution facility complies with the
25 standards of the General Commercial District (BF-2).

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

8 3. The Planning Board finds that the establishment of
9 a tool warehouse/distribution facility in this
10 location, will not be detrimental to persons,
11 detrimental or injurious to the property and
12 improvements in the neighborhood, or to the general
13 welfare of the Town.

14 4. The tool warehouse/distribution facility will be
15 developed within an existing structure on a developed
16 site and not result in the destruction, loss or damage
17 of any natural, scenic or significant historical
18 resource.

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

24 6. The Planning Board finds that the establishment of
25 a tool warehouse/distribution facility will be

1 adequately served by essential public facilities.

2 7. The Planning Board finds that the establishment of
3 a tool warehouse/distribution facility will not result
4 in the loss or damage to trees.

5 8. The proposed finds that the establishment of a
6 tool warehouse/distribution facility in this location
7 essentially conforms to the Town's Comprehensive Plan:
8 Envision Brighton 2028. Specifically Volume 2, Pages
9 16, the Economic Vitality Policy Objectives [emphasis
10 added]:

11 A. *Attract and promote the sustainable*
12 *development of quality office, retail, commercial,*
13 *medical, light industrial, and residential uses in*
14 *areas with existing critical infrastructure, in an*
15 *effort to expand the Town's local tax base while*
16 *providing needed and desired goods and services, and*
17 *without compromising other community goals.*

18 E. *Provide support for local businesses,*
19 *entrepreneurs, institutions, and enterprises to*
20 *attract and retain local talent and increase access to*
21 *local goods.*

22 **Conditions:**

23 1. Applicant shall respond in writing to all comments
24 of the Planning Board, Department of Public Works,
25 Town Engineer, and Building and Planning Department.

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

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

6 CHAIRPERSON PRICE: Moved and seconded. Any
7 discussion?

8 Please call the roll.

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

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

14 **Signs:**

15 1705 700 West Metro Parkway Ralph Baranes,
16 Skylight Signs for a building face sign

17 CHAIRPERSON PRICE: So recommended approval
18 based on ARB recommendation.

19 All in favor?

20 ALL BOARD MEMBERS: Aye.

21 1706 797 East Henrietta Road, Randy DiNatale,
22 Flexlume Sign Co. for a building face sign

23 CHAIRPERSON PRICE: Move approval based on
24 ARB recommendation.

25 All in favor?

1 ALL BOARD MEMBERS: Aye.
2 1707 2600 Monroe Ave, Frank Mugnola for a
3 building face sign
4 CHAIRPERSON PRICE: I move approval based on
5 ARB recommendation.
6 All in favor?
7 ALL BOARD MEMBERS: Aye.
8 (Proceedings concluded at 8:22 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 20th day of December, 2023
13 at Brighton, New York.

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