

# 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

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

LAUREN BARON, ESQ.  
Attorney for the Town

23 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,  
24 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.

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.

## 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.)

## 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.

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

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

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. GRIEWOOD: 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. GRIEWOOD: 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

5       The location and size of the tool  
6       warehouse/distribution facility, the intensity, size  
7       of the site and access have all been considered in the  
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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REPORTER CERTIFICATE

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.

12       Dated this 20th day of December, 2023  
13       at Brighton, New York.

HOLLY E. CASTLEMAN, ACR,  
Court Reporter.