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**BRIGHTON**

**PLANNING**

**BOARD**

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March 20, 2024  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

JOHN OSOWSKI, ACTING CHAIRPERSON

DAVID FADER ) BOARD MEMBERS  
PETER GRISEWOOD )  
JASON BABCOCK-STINER )

LAUREN BARON, ESQ.  
Attorney for the Town

ABSENT:

WILLIAM PRICE, CHAIRPERSON

KAREN ALTMAN

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

1                   ACTING CHAIRPERSON OSOWSKI: Good evening,  
2 everyone. I'd like to welcome you to our March 20th  
3 Town of Brighton Planning Board meeting.

4                   In the event of a non-snow emergency  
5 tonight, there are doors in front of the hall  
6 behind -- in front of us, behind you, and doors to the  
7 side; to my right, your left in case of an emergency.

8                   If there are any comments that you care to  
9 submit after hearing more details about the  
10 applications discussed at tonight's meeting, you may  
11 submit those comments in writing to Jason Haremza our  
12 Executive Secretary and Town Planner. His email is  
13 Jason.haremza, H-A-R-E-M-Z-A at townofBrighton.org.

14                   At this time I will call the meeting to  
15 order and ask the executive secretary to call the  
16 roll, please.

17                   (Whereupon the roll was called.)

18                   MR. HAREMZA: Altman is absent. Price is  
19 absent.

20                   ACTING CHAIRPERSON OSOWSKI: Okay. Thank  
21 you. At this time we'll take a few minutes with the  
22 Board and with our staff and consulting legal advisor  
23 to talk about the applications we will be hearing  
24 tonight.

25                   Okay. So Jason, the first one is --

1       actually the only one is 3P-01-24, the 2144 Brighton  
2       Henrietta Town Line Road. What additional information  
3       do you think we need to know about this?

4                    MR. HAREMZA: Very little. This seems very  
5       straightforward. I think maybe just have the  
6       applicant state on the record some of the questions  
7       I've provided in the staff report about any outdoor  
8       storage or operations and the precise nature of the  
9       business just to, again, be sure it is primarily  
10       office, warehouse and wholesale.

11                  ACTING CHAIRPERSON OSOWSKI: Okay. Very  
12       good. Thank you. Okay. We'll --

13                  MR. HAREMZA: Just -- I will, if possible,  
14       John, just a few comments on the signs for tonight.

15                  ACTING CHAIRPERSON OSOWSKI: Yeah. Go  
16       ahead.

17                  MR. HAREMZA: Okay. So typically we don't  
18       do staff reports for signage, though you saw one in  
19       the packet that was posted yesterday because the  
20       Starbucks signage package was pretty extensive and  
21       complex.

22                  So what staff is recommending for that is  
23       there are a number of signs that have been sort of  
24       grouped into I believe three or four different  
25       variances that the applicant has submitted

1 applications for the ZBA. However, two of the signs  
2 are code compliant. And so the recommendation is that  
3 the Planning Board -- if it agrees, to approve the two  
4 signs that meet the Code and table the remainders  
5 pending their variance -- the granting of those  
6 variances.

7 As far as Architectural Review Board, they  
8 reviewed the whole package and were okay with the  
9 whole thing going forward.

10 ACTING CHAIRPERSON OSOWSKI: It looks pretty  
11 similar to what we did for the Starbucks down in the  
12 Whole Foods Plaza with the warning thing above the  
13 drive lane and message board and all that stuff.

14 MS. HAREMZA: And that warning thing isn't  
15 even technically a sign. So that -- that's not even  
16 an issue.

17 You know, Rick DiStefano -- we chatted about  
18 this, Rick and I amongst ourselves. We had extensive  
19 meetings, meeting with the local sign company and an  
20 established representative from out of town. You  
21 know, this is Brighton's fourth Starbucks. So Rick  
22 has seen these before.

23 And again, you know, he questioned -- and I  
24 agree with him -- you know, is it necessary to have  
25 the drive-through sign mounted on the building with the

1 chevrons, which would seem apparent to most people  
2 that this is the drive-through. Do they really need  
3 five digital menu boards in the drive-through queue?  
4 That's up to the Zoning Board.

5 So you know, not unusual for Starbucks, but  
6 we'll see what the Zoning Board does. Again, two  
7 codes apply. And if the Planning Board agrees, you  
8 know, again the recommendation in conversations with  
9 John Mancuso -- Lauren was not at our staff meeting.  
10 So John -- but he's filled her in. His recommendation  
11 was to propose approval in part and tabling in part  
12 for the Starbucks signs.

13 ACTING CHAIRPERSON OSOWSKI: Okay. They'll  
14 be going to the ZBA meeting next month I would assume.

15 MR. HAREMZA: I don't believe -- they did  
16 not meet the deadline for the April 3rd meeting. So I  
17 think they would be going the first week of May,  
18 whenever that ZBA is.

19 ACTING CHAIRPERSON OSOWSKI: Okay. Great  
20 thank you very much. Appreciate that. Okay.

21 At this point in time I would like for us to  
22 review and possibly approve the meeting minutes for  
23 our meeting of January 17th and also the meeting from  
24 February 21st.

25 So starting with January 17th, is there a

1 motion to approve those minutes?

2 MR. FADER: I'll move to approve those  
3 minutes.

4 ACTING CHAIRPERSON OSOWSKI: Thank you.  
5 Motion made by David.

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

7 ACTING CHAIRPERSON OSOWSKI: Second by  
8 Jason.

9 Jason, why you don't read the roll.

10 (Mr. Babcock-Stiner, yes; Mr. Grisewood,  
11 yes; Mr. Fader, yes; Mr. Osowski, yes.)

12 (Upon roll motion to approve minutes  
13 carries.)

14 ACTING CHAIRPERSON OSOWSKI: All right.  
15 Thank you. Now, we'll do the February 21st, 2024,  
16 meeting minutes. Is there a motion to approve?

17 MR. BABCOCK-STINER: I will move we approve.

18 MR. FADER: I'll second.

19 ACTING CHAIRPERSON OSOWSKI: Motion by  
20 Jason. Second by David.

21 Jason, do the roll.

22 (Mr. Babcock-Stiner, yes; Mr. Grisewood,  
23 yes; Mr. Fader, yes; Mr. Osowski, yes.)

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

1                   ACTING CHAIRPERSON OSOWSKI: Mr. Secretary,  
2 was tonight's public meeting properly advertised?

3                   MR. HAREMZA: Tonight's meeting was  
4 advertised in the Daily Record of March 14th, 2024.

5                   ACTING CHAIRPERSON OSOWSKI: All right.  
6 Thank you. So now we'll start with our first -- one  
7 and only application.

8 **Application 3P-01-24**

9                   Application of 2144 BHTL Road LLC, owner,  
10 and All Green Flooring, lessee, for Conditional Use  
11 Permit Approval to allow for a 4,550 +/- square foot  
12 office/warehouse on property located at 2144 Brighton  
13 Henrietta Town Line Road. All as described on  
14 application and plans on file.

15                   ACTING CHAIRPERSON OSOWSKI: Anyone here to  
16 address this application?

17                   MR. HITCHCOCK: Yes, sir. Hello, everyone.  
18 My name is Jerry Hitchcock. I'm here on behalf of  
19 Flaum Management, who represents the owner of 2144  
20 Brighton Henrietta Townline Road LLC. I'm here to  
21 present the conditional use application for All Green  
22 Flooring.

23                   MS. BARON: Could you just provide your  
24 address -- your business address for the record.

25                   MR. HITCHCOCK: Yes. Our business address

1 is 400 Andrew Street, Suite 500, Rochester, New York  
2 14604.

3 MS. BARON: Thanks.

4 MR. HITCHCOCK: As I was saying, we're here  
5 representing -- applying for a conditional use permit  
6 for All Green Flooring.

7 It's going to be an office-warehouse-type  
8 tenant. Everything should be contained in the  
9 building site. No outside storage, other than  
10 dumpster use.

11 Traffic conditions are typical for this type  
12 of business. They expect deliveries of one to two  
13 cube trucks and one to two tractor-trailers daily,  
14 only there for 30 minutes to 45 minutes at a time.

15 The previous tenant space was ADP Payroll.  
16 It was all office space. They had approximately 27 to  
17 30 tenants -- or excuse me -- employees in the ADP  
18 Payroll. The new occupant, All Green Flooring,  
19 employees should only consist of four to seven with  
20 very little public coming to visit the site.

21 That's about it. Do you have any questions?

22 ACTING CHAIRPERSON OSOWSKI: So All Green  
23 Flooring, are they just a local firm?

24 MR. HITCHCOCK: Yes, sir.

25 ACTING CHAIRPERSON OSOWSKI: Okay. And is

1       this both a wholesale and retail location? Do they do  
2       installations?

3                    MR. HITCHCOCK: They do installations. It  
4       is wholesale. And they do intend to have a small  
5       retail area.

6                    ACTING CHAIRPERSON OSOWSKI: And do they  
7       have installation trucks or vans that they park  
8       on-site after hours?

9                    MR. HITCHCOCK: Possibly one. All of their  
10      installers or subcontractors, that will not be  
11      occupying any of this space.

12                  ACTING CHAIRPERSON OSOWSKI: Okay. And the  
13      dumpster that you mentioned for their scrap material  
14      and whatnot, is that a joint dumpster for the entire  
15      complex or designated to them?

16                  MR. HITCHCOCK: No. It would be dedicated  
17      to them.

18                  ACTING CHAIRPERSON OSOWSKI: Is there a  
19      place on the property where the dumpsters are  
20      congregated?

21                  MR. HITCHCOCK: No. They are independent to  
22      each tenant space and it's pretty much directly behind  
23      each one.

24                  ACTING CHAIRPERSON OSOWSKI: Do they all  
25      tend to get picked up on the same day or do they

1 contract each one out?

2 MR. HITCHCOCK: That I couldn't say for  
3 sure. I'm sure it's not all the same day. Every  
4 tenant probably has their own schedule.

5 ACTING CHAIRPERSON OSOWSKI: Okay. So you  
6 mentioned a couple deliveries a day. Is that -- are  
7 installers in addition to that? So if an installer  
8 comes with his van full of other materials --

9 MR. HITCHCOCK: We were not considering that  
10 a delivery, no.

11 ACTING CHAIRPERSON OSOWSKI: Okay. So All  
12 Green doesn't have a retail storefront somewhere else?  
13 This is their one and only location?

14 MR. HITCHCOCK: Yes. Yeah.

15 The majority of the business is commercial.  
16 So to get general public at this location is going to  
17 be very limited in my opinion.

18 ACTING CHAIRPERSON OSOWSKI: That's all I  
19 have for questions. Any other board members?

20 MR. BABCOCK-STINER: I'm all set.

21 ACTING CHAIRPERSON OSOWSKI: David?

22 MR. FADER: No.

23 ACTING CHAIRPERSON OSOWSKI: Pete?

24 MR. GRISEWOOD: Looks pretty  
25 straightforward. It's just a warehousing space for

1 | carpets.

2 MR. HITCHCOCK: Carpet, flooring products,  
3 things of that nature.

4 MR. GRIEWOOD: Then potentially a small  
5 showroom.

6 MR. HITCHCOCK: Right.

7 MR. GRISEWOOD: How many people would be --

8 MR. HITCHCOCK: Employees?

9 MR. GRISEWOOD: How many people are  
10 occupying?

13 MR. GRISEWOOD: So pretty small. Okay.

14 ACTING CHAIRPERSON OSOWSKI: Is the building  
15 sprinklered?

16 MR. HITCHCOCK: This particular one is not.  
17 We have made accounts for that by increasing the fire  
18 wall separation in the building plans provided.

19 ACTING CHAIRPERSON OSOWSKI: Okay.

20 MS. BARON: Just one question. In terms of  
21 the deliveries, do you have a specific timing for when  
22 you're expecting deliveries to occur? The one to two  
23 box trucks and tractor-trailers.

24 MR. HITCHCOCK: I believe it was all  
25 mornings typically from 7 to 10 a.m.

1                   MR. HAREMZA: Just a couple questions about  
2 the dumpster you referenced. It's on the east side of  
3 the building with the loading dock?

4                   MR. HITCHCOCK: Correct.

5                   MR. HAREMZA: And All Green Flooring will  
6 have one of the dedicated loading docks that's already  
7 on the building?

8                   MR. HITCHCOCK: Correct.

9                   MR. HAREMZA: So no exterior changes to the  
10 building proposed.

11                  MR. HITCHCOCK: Correct.

12                  ACTING CHAIRPERSON OSOWSKI: If they want to  
13 put up a sign, they come back to us for that; right?

14                  MR. HITCHCOCK: Yeah. Of course.

15                  ACTING CHAIRPERSON OSOWSKI: All right. No  
16 other questions? Okay. Very good. Thank you very  
17 much.

18                  MR. HITCHCOCK: Thank you.

19                  ACTING CHAIRPERSON OSOWSKI: Okay. Is that  
20 it for our public hearing?

21                  MR. HAREMZA: That is it for our public  
22 hearing.

23                  ACTING CHAIRPERSON OSOWSKI: All right.

24                  MR. HAREMZA: We do have a brief  
25 presentation which is on the agenda. I decided to

1 test out this agenda category. So --

2 MS. BARON: Before -- do we need to announce  
3 the public hearing for that application closed? Or  
4 are you going to do that when you vote?

5 ACTING CHAIRPERSON OSOWSKI: Public  
6 hearing's are closed.

7 **PRESENTATIONS:**

8 Review Zoning Code Section 205-14,  
9 Off-street on-site parking. Specifically with regard  
10 to a proposed specialty retail/online fulfillment use  
11 proposed for 2852 West Henrietta Road.

12 MR. HAREMZA: So where this started is there  
13 is a tentative proposal which you will likely see next  
14 month with a formal proposal for a conditional use  
15 permit for a tenant space at 2852 West Henrietta Road,  
16 small plaza at the northeast corner of Brighton  
17 Henrietta Townline Road and West Henrietta Road.

18 The space in question is highlighted on your  
19 site map. Most recently it had been an auto parts  
20 store, approximately 6,000 square feet I think.

21 You also have a floor -- proposed floor plan  
22 from the potential applicant. And then some, again,  
23 tentative information on their conditional use permit  
24 application that you will see next month.

25 But what I wanted to go over was a portion

1 of the Code that allows the Planning Board to make a  
2 determination about parking for uses that do not --  
3 that are not specifically included in the Town's  
4 parking schedule, which I think I also distributed.

5 So what this is -- and I'll allow you to do  
6 a little bit of research between now and next month.  
7 Rick DiStefano and I talked about this. We talked  
8 about this in the larger staff meeting with the  
9 attorney for the Town and town engineer and other  
10 folks. The business is called RTV Exotics.

11 Now, when he came in and said I would like  
12 to open a store for exotic snacks, I only heard exotic  
13 and thought dancing. My colleagues heard exotic  
14 snakes and thought it was going to be a sort of pet  
15 store.

16 But, no. This is a business. They have a  
17 location on Riverton Street in Manhattan that, based  
18 on photos on Google, sells exotic snacks that are  
19 shipped in from Japan and Taiwan and India and resold,  
20 both retail and internet orders.

21 So what the floor plan indicates is about  
22 two-thirds of their space will be used for internet  
23 order fulfillment.

24 And so a couple things gave Rick and I pause  
25 about why we couldn't fit it into a category such as

1 convenience store or specialty grocery store. They  
2 described their business as half and half retail  
3 versus online.

4                   But also the nature of the food they are  
5 selling is not typical convenience store food. This  
6 is a destination. So folks are not driving down West  
7 Henrietta Road and thinking like oh, I'm going to stop  
8 and get a Diet Coke and some chips.

9                   Their rationale is that it is between RIT  
10 and U of R and that's a portion of their business  
11 base.

12                   And finally, if you would like to visit a  
13 local, a similar business is Joy Mart in College Town  
14 I understand that opened last year. They also sell  
15 exotic snacks.

16                   So that's what we're looking at. I just --  
17 again, I want to highlight this portion of the zoning  
18 code, which some Planning Board members might not be  
19 familiar with.

20                   Rick reminded me that the Planning Board has  
21 seen this in the past for things like yoga studios,  
22 which are also a thing that don't neatly fit into any  
23 of the categories of the Zoning Code. And, you know,  
24 again, similar to a gym, but probably not attracting  
25 the same sort of churn or turnover that the Planet

1 Fitness or something like that would.

2 So it -- I found a interesting tool in our  
3 Zoning Code that could be utilized by the Planning  
4 Board. So I wanted to take a few minutes tonight and  
5 highlight it for you and remind you it's there. And I  
6 guess if you have any questions or any specific  
7 information that you would like to see from the  
8 applicant at this time, I can relay that to him to  
9 help you make your decision next month.

10 ACTING CHAIRPERSON OSOWSKI: When I heard  
11 you say exotic, I'm immediately thinking marijuana.

12 MR. BABCOCK-STINER: That's what I thought.

13 MS. BARON: I really just want to highlight  
14 that he's speaking about this 205-14 off-street  
15 parking, which allows the Board -- one, if the use  
16 doesn't immediately fit in the chart then, you know,  
17 you could figure out what the parking should be at  
18 your discretion.

19 ACTING CHAIRPERSON OSOWSKI: Is it Custom  
20 Truck Creations that used to be there --

21 MR. HAREMZA: Most recently I want to say it  
22 was an Advanced Auto Parts.

23 MR. BABCOCK-STINER: That sounds about  
24 right.

25 ACTING CHAIRPERSON OSOWSKI: Okay.

1                   MS. BARON: So one thing I did want to bring  
2 to your attention on this, since they highlighted  
3 tobacco as something that they want to sell,  
4 cigarettes, cigars and chewing tobacco, I encourage  
5 the Board to ask the question to clarify that it is  
6 all the types of tobacco just because New York State  
7 has interesting new recent laws about flavor vapes, if  
8 you've heard of that. And flavored vape pens and the  
9 sale of those, that includes tobacco. So there's a  
10 nuanced law there that are kind of --

11                  MR. BABCOCK-STINER: Is there anything  
12 limiting the sale of tobacco like that in a specialty  
13 candy shop with kids? Is there anything we have to  
14 know about that? Is there --

15                  MR. HAREMZA: Not -- no Brighton laws that  
16 I've discovered.

17                  Just tagging on with what Lauren just said  
18 about vaping. A couple weeks ago, Brighton revised  
19 their code about vaping. They put vaping in with  
20 other adult stores like adult bookstores.

21                  So vaping or any kind of e-cigarettes or  
22 related products could not be here because adult uses  
23 can only be industrial. And then even then, we have  
24 our distance limitations from schools and churches and  
25 things like that.

1                   Regarding the ability to sell tobacco with  
2 snacks and candy, I don't believe there is, but --

3                   MS. BARON: So I think this goes to the  
4 question of what exactly this fits under. You know,  
5 kind of the multiple uses. Because a convenience  
6 store technically would sell candy and snacks and also  
7 is allowed to sell tobacco.

8                   MR. BABCOCK-STINER: Yeah. I just didn't  
9 know if anything like that existed just as -- just the  
10 nature of being so candy-heavy, I can see how -- it's  
11 New York. There might be something.

12                  MS. BARON: I think those are questions that  
13 should definitely be asked of the applicant. You  
14 know, who is your target audience for these products?  
15 Are you trying to target kids or younger than college  
16 kids? Who is your primary market?

17                  MR. GRISEWOOD: I have a question. So it  
18 sounds like a convenience store regardless of what  
19 it's selling.

20                  Is it pretty clear what the -- because it's  
21 off-street parking that we're worried about. What is  
22 the parking arrangement? Is that the question?

23                  MS. BARON: So I don't want to speak for  
24 Jason. I think it was more determined by staff that  
25 it's more of a specialty food store, which is separate

1 than a convenience store. But it's combined with this  
2 sort of warehouse, wholesale space where they're  
3 fulfilling their online orders. It seems like that's  
4 two-thirds of the business. So it's a mixed-use type  
5 of building.

6 MR. HAREMZA: Yeah. And just going to the  
7 Town -- the Zoning Code's definition of convenience  
8 store: A retail store serving the daily or occasional  
9 needs of the residents of the immediate area with a  
10 variety of goods such as groceries, meats, beverages,  
11 dairy products, patent medicines, sundries, tobacco,  
12 stationery, hardware, magazines and/or newspapers and  
13 having a gross floor area of less than 5,000 square  
14 feet. Gasoline is not sold.

15 So on the surface it appears to be a  
16 convenience store, but I think, again, given the  
17 products that they are largely selling, these unusual  
18 food items from other countries, coupled with the fact  
19 that a majority of the floor area and half their  
20 business is online orders, that's what led Rick and I  
21 to think it doesn't fit under convenience store.

22 MR. GRISEWOOD: What's the difference in  
23 parking? Because it's a parking rate issue question;  
24 right? Ultimately like what are we going to require  
25 them to have?

1                   MR. HAREMZA: Yeah. So that's a good point  
2 and that's some information I think should be part of  
3 the application for next month.

4                   But what it really boils down to is -- by  
5 the way, the previous tenant was Parts Plus auto  
6 store. But we'll show you what the parking  
7 requirement was for retail and then -- and then that's  
8 the sort of question. Like does the Planning Board  
9 consider this more like retail or would it consider it  
10 more like a food store that has a slightly higher  
11 parking requirement?

12                  So if this was retail to retail, like  
13 there'd be no question. Like say it's a cell phone  
14 store going in here, you're replacing an auto parts  
15 store with a cell phone store, parking is the same.  
16 Even if it's deficient, they can go in because it's  
17 the same deficiency.

18                  The question is does this change of use sort  
19 of exacerbate the deficiency in parking per the Code.

20                  You know, the other thing we've heard from  
21 the property owner is that there's never been a  
22 parking problem on the site. You know, so even though  
23 it may not meet the, you know, mathematical  
24 requirement per the Code, it may function perfectly  
25 fine in real life.

1                   You know, all things for the Board to weigh.  
2                   Like this is different from Monroe Avenue where  
3                   parking can spill into a residential neighborhood and  
4                   on-street parking. You clearly couldn't park on West  
5                   Henrietta Road. So those are all things for the  
6                   Planning Board to weigh in their review of this.

7                   MR. GRISEWOOD: I want to understand like  
8                   what their current requirement would be, what their  
9                   deficit is, if they currently are operating under one.  
10                  Worst-case scenario -- they did say this is really  
11                  like two-thirds an online business. Is this really a  
12                  convenience store at all? Or not -- isn't -- and that  
13                  would be -- would kick them into a higher amount of  
14                  parking that they needed. What would be the most that  
15                  they need? If they need 18 spaces versus 17 spaces or  
16                  16 spaces, probably doesn't matter. If it's 20 versus  
17                  10 --

18                  MR. HAREMZA: Yeah. We'll definitely take a  
19                  look at that.

20                  I mean, these small multi-tenant retail  
21                  spaces are problematic. The Code used to have a  
22                  section that dealt with them and for whatever reason  
23                  it was taken out 10 years ago. So I don't know the  
24                  history on that.

25                  So it's like, you know, assigning individual

1       quantities of parking to tenants in a place like this  
2       is like in the old days of saying well, a section of a  
3       restaurant is nonsmoking. You know, you park  
4       wherever.

5           So it's a little bit -- on one level it gets  
6       a little bit silly. I think the overall is assessing  
7       the impact. You know, are people lined up West  
8       Henrietta Road trying to get in the parking lot, over  
9       a hundred percent capacity, that sort of stuff.

10          When Papa John's went in a few months ago,  
11       they needed a variance for -- I think it was three  
12       space deficiency they had. Again, hadn't met the Code  
13       requirements, but in the real world it didn't make a  
14       ton of sense because there's no provision in  
15       Brighton's Code for a takeout restaurant. So with no  
16       tables, you know, how much parking do you really need  
17       for a takeout restaurant like that?

18          So, you know, that's where we are. But,  
19       yeah. I think those are excellent points, Peter. So  
20       we'll try to get that information for next month.

21          So do you want to do the easy one first and  
22       save Starbucks?

23           MR. BABCOCK-STINER: Well, we got to close  
24       out --

25           MR. HAREMZA: You got to decide what you're

1                   doing with -- yeah.

2                   ACTING CHAIRPERSON OSOWSKI: That's right  
3 yes. Okay. So circling back around to application  
4 3P-01-24, Town Line Road, for conditional use permit.

5 **Application 3P-01-24**

6                   Application of 2144 BHTL Road LLC, owner,  
7 and All Green Flooring, lessee, for Conditional Use  
8 Permit Approval to allow for a 4,550 +/- square foot  
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10 Henrietta Town Line Road. All as described on  
11 application and plans on file.

12                  MR. FADER: I move to close the public  
13 hearing.

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

15                  (Mr. Babcock-Stiner, yes; Mr. Grisewood,  
16 yes; Mr. Fader, yes; Mr. Osowski, yes.)

17                  (AUpon roll motion to close the public  
18 hearing carries.)

19                  ACTING CHAIRPERSON OSOWSKI: Someone make a  
20 motion.

21                  MR. BABCOCK-STINER: I move that the  
22 Planning Board grants conditional use approval and  
23 adopts the eight conditional use findings outlined in  
24 the Planning Board report.

25                  I also move that the Planning Board approves

1 application 3P-01-24 for conditional use permit based  
2 on the testimony given, plans submitted and with the  
3 three conditions outlined in the Planning Board  
4 report.

5 ACTING CHAIRPERSON OSOWSKI: Okay. Someone  
6 second.

7 MR. FADER: I'll second it.

8 ACTING CHAIRPERSON OSOWSKI: Thank you,  
9 David. Mr. Secretary, call the roll.

10 MR. HAREMZA: Any discussion?

11 ACTING CHAIRPERSON OSOWSKI: Any discussion?  
12 No further discussion.

13 **Conditional Use Permit Findings:**

- 14 1. The Planning Board finds that the proposed  
15 office/warehouse complies with the standards of the  
16 Light Industrial (IG) district.
- 17 2. The Planning Board finds that the proposed use is  
18 in harmony with the purpose and intent of Code  
19 Sections 217-3 through 217-7.2 (Conditional Uses).  
20 The location and size of the proposed  
21 office/warehouse, the intensity, size of the site and  
22 access have all been considered in the Board's review.
- 23 3. The Planning Board finds that the establishment of  
24 an office/warehouse use in this location, will not be  
25 detrimental to persons, detrimental or injurious to

1 the property and improvements in the neighborhood, or  
2 to the general welfare of the Town.

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

7 5. The Planning Board finds that the establishment of  
8 an office/warehouse will not create excessive  
9 additional requirements for public facilities and  
10 services and will not be detrimental to the economic  
11 welfare of the community.

12 6. The Planning Board finds that the establishment of  
13 an office/warehouse will be adequately served by  
14 essential public facilities.

15 7. The Planning Board finds that the establishment of  
16 an office/warehouse will not result in the loss or  
17 damage to trees.

18 8. The proposed finds that the establishment of an  
19 office/warehouse in this location essentially conforms  
20 to the Town's Comprehensive Plan: Envision Brighton  
21 2028. Specifically Volume 2, Pages 16, the Economic  
22 Vitality Policy Objectives [emphasis added]:

23                   A. Attract and promote the sustainable  
24 development of quality office, retail, commercial,  
25 medical, light industrial, and residential uses in

1 areas with existing critical infrastructure, in an  
2 effort to expand the Town's local tax base while  
3 providing needed and desired goods and services, and  
4 without compromising other community goals.

5 E. Provide support for local businesses,  
6 entrepreneurs, institutions, and enterprises to  
7 attract and retain local talent and increase access to  
8 local goods.

9 **Conditions:**

- 10 1. Applicant shall respond in writing to all comments  
11 of the Planning Board, Department of Public Works,  
12 Building and Planning Department, and Fire Marshal.
- 13 2. The entire project shall comply with the most  
14 current New York State Fire Prevention and Building  
15 Code and the Town of Brighton sprinkler requirements.
- 16 3. All Town codes shall be met that relate directly  
17 or indirectly to the applicant's request.

18 (Mr. Babcock-Stiner, yes; Mr. Grisewood,  
19 yes; Mr. Fader, yes; Mr. Osowski, yes.)

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

22 ACTING CHAIRPERSON OSOWSKI: All right.

23 Great. Thank you.

24 **Signs:**

25 1714 30 Allens Creek Road

1                   ACTING CHAIRPERSON OSOWSKI: All in favor of  
2 approving application 1174 [sic].

3                   ALL BOARD MEMBERS: Aye.

4 1715           1905 South Clinton Avenue

5                   ACTING CHAIRPERSON OSOWSKI: All in favor?

6                   ALL BOARD MEMBERS: Aye.

7 1716           1905 South Clinton Avenue

8                   MR. BABCOCK-STINER: Should we approve signs  
9 B1 and B2 --

10                  ACTING CHAIRPERSON OSOWSKI: All in favor?

11                  ALL BOARD MEMBERS: Aye.

12                  MS. BARON: Any sign that's been determined  
13 to require a variance should be tabled.

14                  MR. BABCOCK-STINER: I move we table the  
15 granted signs that require a variance.

16                  MR. GRIEWOOD: Second.

17                  ACTING CHAIRPERSON OSOWSKI: All in favor.

18                  ALL BOARD MEMBERS: Aye.

19                  (Proceedings concluded at 7:41 p.m.)

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REPORTER CERTIFICATE

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

8

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

12

Dated this 20th day of March, 2024  
at Brighton, New York.

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Holly E. Castleman ACR,  
Official Court Reporter

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