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**BRIGHTON**

**PLANNING**

**BOARD**

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April 17, 2024  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

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

LAUREN BARON, ESQ.  
Attorney for the Town

ABSENT:

JOHN OSOWSKI  
KAREN ALTMAN

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

1                   CHAIRPERSON PRICE: Good evening, everyone,  
2 and welcome to the April 17th meeting of the Town of  
3 Brighton Planning Board.

4                   In the unlikely event of any kind of an  
5 emergency here tonight there are exit doors behind you  
6 and to our right, to your left.

7                   I'd like you to know that in the event that  
8 you have any comments that occur to you after the  
9 meeting tonight, you are welcome to submit those  
10 comments to our executive secretary, who is Jason  
11 Haremza, seated on my left. He is at jason.haremza --  
12 which is H-A-R-E-M-Z-A -- @townofbrighton.org.

13                  We will now -- Mr. Secretary, will you  
14 please call the roll for tonight.

15                  (Whereupon the roll was called.)

16                  MR. HAREMZA: Altman is absent. Osowski is  
17 absent.

18                  CHAIRPERSON PRICE: Okay. Thank you. So we  
19 do have a quorum for tonight's meeting and we can act  
20 on these applications.

21                  We're going to take a few minutes and review  
22 the applications with our attorney and our secretary  
23 before we actually call the applicants up.

24                  Jason, our first one is 4P-01-24. That's  
25 the application of C and K Real Estate Ventures LLC.

1 This is the single-family home at 1402 Blossom Road.

2 MR. HAREMZA: So relatively straightforward.  
3 We are recommending tabling this application due to a  
4 few outstanding issues; some details on impervious  
5 coverage in the backyard, height of the retaining  
6 walls and probably the most important one is the  
7 status of the NYSDOT permit for a driveway opening to  
8 Blossom Road, which is state highway.

9 The concern there is the State may require  
10 modifications. There's a chance they could deny  
11 because it would change the layout of the site.

12 CHAIRPERSON PRICE: Okay.

13 MR. HAREMZA: Also they did go to the  
14 Architectural Review Board. They already tabled it.  
15 So they're returning to ARB. They do not have their  
16 ARB approval yet.

17 CHAIRPERSON PRICE: I didn't notice any  
18 variance requests.

19 MR. HAREMZA: The only potential variance  
20 would be the backyard pavement coverage. And so if  
21 they demonstrate that that falls within the  
22 thresholds, then no variances are required.

23 CHAIRPERSON PRICE: I see. Okay.  
24 Questions? All right. Thank you.

25 Second application tonight is 4P-02-24.

1 This is Mark Teng and Huseyin Sula for a conditional  
2 use permit at 2341 Monroe Avenue.

3 MR. HAREMZA: So I don't know if the board  
4 members had a chance to visit the site. This is right  
5 next to the hotel on Monroe, the former Towpath Motel,  
6 most recently a flooring and tile store. The proposal  
7 is for a small cafe restaurant.

8 It's -- the proposal has some challenges  
9 because of the small size of the site and the parking  
10 requirements in the zoning code. And so the  
11 applicants had applied for two variances that went  
12 before the Zoning Board last month; one to waive the  
13 50-foot distance separation required of restaurants  
14 and residential properties, which they --

15 MS. BARON: That particular variance request  
16 was tabled by the ZBA at the last meeting.

17 MR. HAREMZA: The other variance request was  
18 to waive the parking requirement. And the ZBA denied  
19 that without prejudice. And the applicants have  
20 reapplied and that will be heard at the May Zoning  
21 Board meeting.

22 And they -- and Lauren, correct me if I'm  
23 wrong, but they've made something of a joint  
24 application with the hotel next door with a shared  
25 parking scheme.

1                   MS. BARON: So the issue was -- as Jason  
2 indicated, there's significant -- there's not a lot of  
3 parking spaces on the site and there was testimony at  
4 the meeting that the neighboring hotel was willing to  
5 provide them with the parking spaces, but the  
6 neighboring hotel is also very limited for the  
7 required parking.

8                   So that's why it was denied without  
9 prejudice, for them to be able to submit sort of a  
10 joint application where the Board can consider the  
11 parking on both parcels.

12                  CHAIRPERSON PRICE: I saw the issue  
13 presented in the owner's letter included in  
14 the application.

15                  MR. HAREMZA: I would just add that this is  
16 unfortunately a really good example of sort of the  
17 disconnect between the comprehensive plan and the  
18 zoning code. There's no indication that parking is an  
19 actual issue in the real world. It's just that it  
20 doesn't meet the numerical requirements in the Code.

21                  And, of course, the comprehensive plan talks  
22 about Monroe Avenue being a village-like atmosphere,  
23 which would suggest shared parking, on-street parking  
24 and things like that.

25                  MS. BARON: The only other thing I'd like to

1 point out is the staff report has two options for you  
2 to consider tonight; either approval or tabling based  
3 on the -- requiring additional information about  
4 parking on the site.

5 MR. HAREMZA: And the parking -- and also,  
6 you know, the ZBA expressed some, you know, concerns  
7 about the 50-foot distance separation and whether the  
8 Planning Board, in your review of the conditional use  
9 permit, you know, if you see any issues that jump out  
10 in terms of like kitchen exhaust and dumpster location  
11 and, you know, operational aspects of the restaurant  
12 that would negatively impact the residents.

13 CHAIRPERSON PRICE: And the residential  
14 properties are the hotel? Or there's residences  
15 behind on the side streets?

16 MS. BARON: Yup. There's residences right  
17 behind -- their backyard kind of runs behind --

18 CHAIRPERSON PRICE: The building itself has  
19 housing in it?

20 MS. BARON: Yes. I was going to say the  
21 building has three apartments is my understanding  
22 inside, but -- and those are towards the back of the  
23 house. The actual use was toward the front of the  
24 building.

25 CHAIRPERSON PRICE: All right. We'll

1 discuss that. Okay.

2 The third application is 4P-03-24,  
3 application of Greece Landing Properties for another  
4 conditional use permit approval at 2852 West Henrietta  
5 Road.

6 MR. HAREMZA: Pretty straightforward. This  
7 is a small multi-tenant plaza at the corner of West  
8 Henrietta Road and Brighton Henrietta Town Line Road.  
9 You most recently saw a conditional use permit for a  
10 Papa Johns in there in October of last year.

11 This space in question was most recently an  
12 auto parts store. It's about 6,000 square feet. It's  
13 a -- it's more of a unique business model that doesn't  
14 neatly fit into any of the established zoning uses in  
15 the code, particularly with regards to the parking  
16 calculations.

17 So it's a -- the best -- and what's in the  
18 staff report, the best definition we came up with is  
19 specialty retail with internet sales. And I'll let  
20 the applicants explain more further what their  
21 business is, but it's my understanding is that half of  
22 the business is online sales.

23 And the majority of the space will be for  
24 storage and fulfillment of these online orders and  
25 only about a third of the space will be used for

1 actual retail space.

2 So taking that into consideration with  
3 regards to the parking, staff felt it's pretty much an  
4 even swap, that this will not create any more parking  
5 demand than the auto parts store did. So there's no  
6 need for a parking variance.

7 CHAIRPERSON PRICE: Okay. And I believe we  
8 don't have any new signs tonight, just the Starbucks.

9 MR. HAREMZA: Yeah. I kept that on the  
10 agenda to remind you that you tabled that last month  
11 and that at some point it will be returning.

12 CHAIRPERSON PRICE: All right. Everybody  
13 good?

14 All right. Why don't we move to approving  
15 the March 20th meeting minutes. Everybody receive  
16 them? Did you have a chance to look at them? Okay.  
17 I did.

18 Can I get a motion to approve the March 20th  
19 Planning Board meeting minutes?

20 MR. BABCOCK-STIENER: So moved.

21 CHAIRPERSON PRICE: Okay. So moved. Do we  
22 have a second?

23 MR. GRISEWOOD: Second.

24 MR. FADER: I'll second.

25 CHAIRPERSON PRICE: Did you already second?

1                   MR. GRISEWOOD: I did.

2                   CHAIRPERSON PRICE: You're quiet.

3                   MR. GRISEWOOD: Second.

4                   (Mr. Babcock-Stiner, aye; Mr. Fader, aye;

5                   Mr. Price, aye; Mr. Grisewood, aye.)

6                   (AUpon roll motion to approve minutes  
7                   carries.)

8                   CHAIRPERSON PRICE: Mr. Secretary, were  
9                   tonight's public hearings properly advertised before  
10                  the meeting?

11                  MR. HAREMZA: They were advertised in the  
12                  Daily Record of April 11th, 2024.

13                  CHAIRPERSON PRICE: Could you just clarify  
14                  when did the applications make it onto the Town's  
15                  website.

16                  MR. HAREMZA: The preliminary agenda was  
17                  posted last week. The final agenda, we had some  
18                  technical difficulties with the website yesterday. I  
19                  heard some people can access it. I have not been able  
20                  to. So I'm not actually sure of the status of the  
21                  final agenda. But all the application materials were  
22                  included in the preliminary agenda from last week.

23                  CHAIRPERSON PRICE: Okay. So nothing  
24                  changed?

25                  MR. HAREMZA: No.

1                   CHAIRPERSON PRICE: Okay. Let's hear  
2 application 4P-01-24.

3                   **Application 4P-01-24**

4                   Application of C and K Real Estate Ventures  
5 LLC, owner, and McMahon LaRue Associates, agent, for  
6 Preliminary/Final Site Plan Approval to construct a  
7 2,415 +/- square feet single-family home on property  
8 located at 1402 Blossom Road. All as described on  
9 application and plans on file.

10                  CHAIRPERSON PRICE: Good evening.

11                  MR. KUCHMAN: Good morning. I'm Ian  
12 Kuchman. I'm with McMahon LaRue Associates. Our  
13 office is at 822 Holt Road in Webster, New York. And  
14 I'm here with the applicant himself, Chance Eaton with  
15 C and K Enterprises.

16                  And before we make our presentation here  
17 does anybody need site plans or everybody has --

18                  CHAIRPERSON PRICE: I have them. I think we  
19 all have a set. Thank you.

20                  MR. KUCHMAN: Great. So we received the  
21 staff report here and we don't believe any of these  
22 items are deal-breakers. We can certainly provide a  
23 response and address these issues.

24                  Regarding the DOT permit, I know that was of  
25 particular interest to the staff during our staff

1 meeting a month ago. And I talked to the reviewer  
2 of -- at the resident office this morning actually.  
3 He doesn't seem to have any issues that had been  
4 noted. He just asked for the typical insurance  
5 information and letter of credit to go ahead and get  
6 that permit finalized with the fee.

7 So I don't anticipate any technical issues,  
8 but we haven't officially received an application  
9 approval yet.

10 CHAIRPERSON PRICE: Have you been reaching  
11 out to those guys?

12 MR. KUCHMAN: Yeah. I mean, it's in their  
13 process now. It's open now. You know, it's not  
14 pending anymore.

15 So that was the initial concern. These  
16 things can take, you know, months upon months. And  
17 we're actually in the door getting reviewed. So that  
18 should be coming back by the end of next week is my  
19 anticipation.

20 Regarding the rear lot coverage, we'll run  
21 that calculation. We ran that initially, didn't see  
22 that as an issue. But we can certainly address that  
23 and provide you with an accurate number on that. And  
24 if we need to get a variance, we can do that.

25 Were there any other major issues that you

1 noted, Jason, that I'm forgetting?

2 MR. HAREMZA: Yeah. Just mention made that  
3 the retaining wall in the front yard can't be more  
4 than 3 and a half feet tall.

5 And then there -- in the staff report  
6 there's a comment from the Conservation Board about  
7 the tree.

8 MR. KUCHMAN: Got you. I did take a look at  
9 the engineer's comment about the retaining wall.  
10 We'll cut a cross-section in critical spots of height  
11 restrictions and then also where it abuts to the  
12 adjacent neighbor, adjacent parcel.

13 Chance has indicated that, worst-case  
14 scenario, the neighbor would be amenable to granting  
15 us a grading easement in order to construct that wall  
16 and get that driveway down behind the house the way  
17 we're showing it.

18 The trees, we're preserving two trees. It's  
19 a very small parcel. So two trees gets us to 10,000  
20 square feet. Preserving -- again, we're going to be  
21 proposing two additional trees; a maple in the front  
22 yard of the parcel and then a dogwood in the rear  
23 portion of the parcel. That's more amenable to the  
24 wetland and the stream down in the back area.

25 CHAIRPERSON PRICE: Okay. Could you just

1 tell us a little bit about the house itself? It's  
2 dropping down. And then is the garage underneath or  
3 is there no garage?

4 MR. EATON: No garage.

5 MR. KUCHMAN: It's a walkout basement.

6 CHAIRPERSON PRICE: Okay.

7 MR. KUCHMAN: And the driveway is at the  
8 maximum allowable slope to get it down to that walkout  
9 basement elevation. That's why it's graded down the  
10 way it is.

11 CHAIRPERSON PRICE: And were you -- you're  
12 not anticipating any doors on the side of the house  
13 along the driveway?

14 MR. EATON: No.

15 CHAIRPERSON PRICE: Okay. So you have the  
16 front sidewalk, some steps in the wall, a driveway up  
17 to the front door.

18 MR. KUCHMAN: Correct.

19 CHAIRPERSON PRICE: And a type of gravity  
20 wall or --

21 MR. KUCHMAN: Yeah. We're proposing a  
22 gravity wall.

23 CHAIRPERSON PRICE: Probably best for the  
24 adjacent neighbor.

25 MR. KUCHMAN: Yeah.

1 CHAIRPERSON PRICE: But the style of the  
2 wall, just from a residential standpoint, I wouldn't  
3 want to see it be massive blocks. I don't think it  
4 is, but it's not that easy to tell on the detail sheet  
5 the just, you know, kind of scale of them.

6 MR. KUCHMAN: Yeah. So the detail sheet  
7 that we're showing here really is just a placeholder  
8 to show that technically we can build a gravity. But  
9 the applicant is definitely interested in doing  
10 something more architectural and aesthetic and doing a  
11 stone print or something that's going to provide a --

12 CHAIRPERSON PRICE: It's not a bad system.  
13 I just -- when you get it, sometimes those come in  
14 these massive things that look like the old Erie Canal  
15 limestone. Just too big and out of scale.

16 MR. KUCHMAN: Right. Yes.

17 CHAIRPERSON PRICE: But if it comes out  
18 similar to this where it's, you know, rectangular, you  
19 know, nicely -- clean-edged, that will work. You want  
20 to make sure it will look in scale to the property.

21 MR. KUCHMAN: Yeah. That seems reasonable.

22 MR. EATON: Yeah.

23 MR. GRISEWOOD: We're talking about this  
24 retaining wall between the two homes, proposed  
25 retaining wall. And how far off the property line are

1 you guys going to need to overhang into the neighbors  
2 to put that in? I mean, because it looks like you --  
3 it looks like the property line runs right along the  
4 side of that retaining wall. You mentioned you might  
5 need to get an easement or something from the  
6 neighbors in order to build.

7 MR. KUCHMAN: Correct.

8 MR. GRISEWOOD: How far away is the  
9 neighbor's house from the property line and how --  
10 what kind of reconfiguration are you going to have to  
11 deal with?

12 MR. KUCHMAN: It looks like the neighboring  
13 house is right at their setback -- minimum setback  
14 requirements, maybe just a little bit more.

15 MR. GRISEWOOD: Like 10 feet, maybe 12 or  
16 so.

17 MR. EATON: Probably 10, 12 feet.

18 MR. KUCHMAN: The minimum setback is 7 and a  
19 half. It's little more than that. So probably 10  
20 feet or 12. We wouldn't need to lay back more than a  
21 foot --

22 MR. GRISEWOOD: Okay.

23 MR. KUCHMAN: -- being that we're not going  
24 that deep with the retaining wall excavation.

25 We do have a little bit of -- we do have a

1       little bit of cushion between the wall itself and the  
2       driveway. So, you know, we'll need all that and some  
3       during construction. And then we'll get that easement  
4       for grading just during construction.

5                    MR. GRISEWOOD: Okay. So we're not sure in  
6        terms of feet -- only about a foot or so you're  
7        saying --

8                    MR. KUCHMAN: Correct.

9                    MR. GRISEWOOD: -- into the neighbor's side?  
10        Okay.

11                  CHAIRPERSON PRICE: You are daylighting the  
12        drainage pipe out in the backyard. That will absorb  
13        into the backyard or are you thinking of -- kind of a  
14        dry well of any kind? Or was this just going to be  
15        piped and then you'll have the end section out in the  
16        backyard?

17                  MR. KUCHMAN: We'll have an end section past  
18        the limits of grading and it will be entered into the  
19        creek.

20                  It's not going to be a significant flow.  
21        Most of the roof runoff is going to discharge into the  
22        town storm sewer down in the right-of-way. Whatever  
23        is coming off the driveway is going to go into that  
24        storm sewer and then the rear parking area.

25                  CHAIRPERSON PRICE: And then the kind of

1 flagpole concept on the back is really for turnaround.

2 MR. KUCHMAN: Correct.

3 MR. EATON: It's a pretty busy road.

4 CHAIRPERSON PRICE: Everybody set? Lauren,  
5 anything?

6 MS. BARON: Nope. As long as you address  
7 the questions and issues that were raised in the staff  
8 report and engineer's letter.

9 MR. KUCHMAN: We'll prepare a comprehensive  
10 response to all comments.

11 MS. BARON: Okay.

12 CHAIRPERSON PRICE: All right. Gentlemen,  
13 thank you.

14 This is a public hearing. Is anybody here  
15 to address this application? All right we'll move on.

16 Our next application is 4P-02-24.

17 **Application 4P-02-24**

18 Application of Mark Teng, owner, and Huseyin  
19 Sula, lessee, for Conditional Use Permit Approval to  
20 allow for a cafe/restaurant on property located at  
21 2341 Monroe Avenue. All as described on application  
22 and plans on file.

23 MR. SULA: Good evening. My name is Huseyin  
24 Sula. My address is 145 Warren Avenue, which is  
25 Rochester, New York 14618.

1 CHAIRPERSON PRICE: Welcome.

2 MR. SULA: Mark Teng is not here. He's the  
3 property owner. He's not here, but there's a letter  
4 from him.

5 CHAIRPERSON PRICE: Yes. We do have the  
6 letter.

7 For the record, we may ask you to just  
8 reiterate a few things. You probably heard in our  
9 earlier conversation, you -- would you just start off  
10 by telling us the operation itself? What do you --

11 MR. SULA: So it's going to be a cafe. So  
12 mainly coffee, tea. And then we're going to have  
13 desserts there, which are mostly not going to be made  
14 in-house. So we have -- we're going to be bringing in  
15 from a supplier. I have samples here for you guys.

16 CHAIRPERSON PRICE: There you go. Put it on  
17 the record, we're being bribed.

18 MR. SULA: I would never. But basically --  
19 like there's going to be desserts, like bakery style.  
20 Not going to be doing much in there in the kitchen.  
21 It's going to be bakery and breakfast cafe with  
22 coffee, tea and other drinks. And that's the main  
23 deal.

24 CHAIRPERSON PRICE: So this is -- you don't  
25 have like a cook-to-order sit-down breakfast? This

1 isn't like Char Broil just down the street?

2 MR. SULA: No, no.

3 CHAIRPERSON PRICE: This is coffee,  
4 pastries, things that are made someplace else and  
5 brought here --

6 MR. SULA: For the most part.

7 CHAIRPERSON PRICE: -- and served.

8 MR. SULA: So we'll have like a press for  
9 toast and whatnot, that sort of stuff, but we're not  
10 going to have like a deep fryer or anything like that.  
11 So we're not going to require ventilation at all.

12 CHAIRPERSON PRICE: So these are some of the  
13 questions we're hearing about being adjacent to  
14 residential is, you know, fans and blowers and exhaust  
15 going outside. These probably smell pretty good, but  
16 sometimes, you know fryers, and vents aren't always --

17 MR. SULA: We're not going to have that.

18 CHAIRPERSON PRICE: You don't have that.

19 MR. SULA: No. No.

20 CHAIRPERSON PRICE: Okay. When people come  
21 in and sit down, do you have -- is it a lot of  
22 takeout? Or when they sit down, is it paper napkins  
23 and plastic spoons and forks?

24 MR. SULA: So it will mostly be like -- it  
25 will mostly be people coming in and out, a lot of

1 people just grab a box, grab a cup of coffee, tea that  
2 sort of stuff. Then there will be a place to sit and  
3 then we'll serve those inside. We'll probably make it  
4 nicer than -- it'll be real plates probably.

5 CHAIRPERSON PRICE: The reason we ask that  
6 is so we get a sense of what's the potential for  
7 garbage ending up in the next-door neighbor's yard  
8 because somebody had a paper cup or had napkins and  
9 that blows around.

10 MR. SULA: Yeah. We're going to keep it  
11 minimal without any disposable cups. So when people  
12 sit inside, they won't have that. So we'll have  
13 actual plates and whatnot.

14 But as for the people grabbing and going,  
15 we're going -- we'll do what we can to manage that and  
16 also -- like the entrance is the front door, which is  
17 pretty far from the back. And there's no like windows  
18 on the sides for anything. So the actual -- the  
19 customer interface is more than 50 feet from the  
20 property line if that matters.

21 CHAIRPERSON PRICE: What's more than 50  
22 feet?

23 MR. SULA: The front door. Like the  
24 customers will not be within 50 feet of the property  
25 line.

1 CHAIRPERSON PRICE: Okay.

2 MR. SULA: And we'll have guys going out  
3 picking up trash if there's any. And we'll have a  
4 trash can outside to incentivize not littering.

5 CHAIRPERSON PRICE: This -- your diagram of  
6 your floor plan -- and then you've got a floor plan of  
7 the footprint of the whole building -- is your --  
8 where you're occupying, is it really just the front  
9 half of this building or --

10 MR. SULA: Yes. It's just the front half.

11 CHAIRPERSON PRICE: Now, do you have access  
12 to one of those -- there's a stair here. And I'm  
13 wondering is that going --

14 MR. SULA: So the stair is going down to the  
15 basement.

16 CHAIRPERSON PRICE: Do you have access to  
17 that?

18 MR. SULA: I have access to -- to the  
19 basement is an unfinished basement. No one's going  
20 down there. But it's split in half. So I have access  
21 to my half of the basement and then the other half is  
22 the laundry machine and whatnot.

23 CHAIRPERSON PRICE: So you're not proposing  
24 to put any penetrations through the roof for new  
25 ventilation, nothing out the sides of the building.

1                   MR. SULA: No.

2                   CHAIRPERSON PRICE: And what will be your  
3 hours of operation?

4                   MR. SULA: We're going to be opening around  
5 8 in the morning until like 8 at night for the most  
6 part.

7                   CHAIRPERSON PRICE: And your deliveries are  
8 coming between 7 and 8 in the morning.

9                   MR. SULA: Yeah. In the morning for the  
10 most part, yeah.

11                  CHAIRPERSON PRICE: Do they -- do deliveries  
12 come --

13                  MR. SULA: Deliveries are with my own car  
14 mostly because, again, our suppliers -- these are  
15 Turkish suppliers for the most part. For example,  
16 those samples are from New Jersey. So I'm going to be  
17 bringing it up myself. They don't deliver all the way  
18 out here.

19                  CHAIRPERSON PRICE: Okay. So you're not  
20 going to have a big 18-wheel truck in Monroe Avenue  
21 blocking traffic.

22                  MR. SULA: No.

23                  CHAIRPERSON PRICE: And no proposed  
24 improvements to the site. You'll just use the  
25 pavement --

1                   MR. SULA: Yeah. There's not going to be  
2 construction.

3                   CHAIRPERSON PRICE: Other? So you got any  
4 questions? All right.

5                   So we briefly touched on your parking  
6 request. You had to go to the Zoning Board of  
7 Appeals.

8                   MR. SULA: The parking request -- again, we  
9 have a variance for the parking in the setback and the  
10 setback got tabled. The parking -- we got denied  
11 without prejudice.

12                  And basically, I talked with Rick afterwards  
13 and he said what we need is we need the hotel to  
14 reduce their park requirement with a variance as well.  
15 So we did that too. And also they need more  
16 information. So we got more information to the Zoning  
17 Board on how much parking space the hotel uses  
18 themselves, which was 24 percent, which is --

19                  CHAIRPERSON PRICE: So they've done  
20 studies --

21                  MR. SULA: No. The software counts how many  
22 customers come in with a car. So again, the average  
23 usage is like five or six cars. And that's, again,  
24 the hotel. So it's at night, not during our main  
25 times.

1 CHAIRPERSON PRICE: Good point. Okay.

2 MR. SULA: So on average days, 20 empty  
3 spots in the middle of the night, which we're not  
4 going to be open.

5 CHAIRPERSON PRICE: So my guess is that, you  
6 know, trying to share with the adjacent neighbor is  
7 certainly desirable, but it's something that needs to  
8 be memorialized in an agreement --

9 MR. SULA: Yes. We will have a lease.

10 CHAIRPERSON PRICE: -- and your --

11 MR. SULA: We will have a parking lease.

12 CHAIRPERSON PRICE: Thank you. But, you  
13 know, I know you're going to need something that --  
14 if, you know, properties change hands or something  
15 that, you know, how does that work?

16 MS. BARON: We discussed that at the ZBA  
17 meeting. They just asked for -- although the hotel  
18 owner came and spoke at the meeting, we asked for a  
19 more formal proof that that agreement would be  
20 allowed.

21 The only additional question I have is in  
22 terms of directing people to park on the neighboring  
23 property, do you have a plan?

24 MR. SULA: Yeah. We will put a sign. So if  
25 we don't have space here, please park at the hotel.

1 And there will be signs as well for like designated  
2 spots. We want designated spots on that side.

3 CHAIRPERSON PRICE: All right. And have you  
4 run a business like this before?

5 MR. SULA: No.

6 CHAIRPERSON PRICE: Okay. I guess it's just  
7 -- if you had any gut-level experience with how long  
8 somebody would stay parked at your location.

9 MR. SULA: 20 minutes.

10 CHAIRPERSON PRICE: Would that be, you know,  
11 a cup of coffee or --

12 MR. SULA: Yeah. Maximum.

13 CHAIRPERSON PRICE: And some of them are  
14 high turnover, fast turnover.

15 MR. SULA: Sure. Yeah.

16 CHAIRPERSON PRICE: Five minutes in and out.

17 MR. SULA: Yeah. A lot of it is going to be  
18 in and out. But the people who will actually sit down  
19 and eat, maybe 20 minutes.

20 CHAIRPERSON PRICE: Okay. Satisfied?

21 Jason?

22 MR. HAREMZA: I'm good.

23 CHAIRPERSON PRICE: Thank you. Appreciate  
24 it.

25 This is a public hearing. Is there anyone

1       in the audience that cares to address the application?  
2       Thank you.

3               Okay. Just so know, we will be discussing  
4       the application right after the conclusion of all of  
5       our public hearings. So you're welcome to stick  
6       around. And that's when we'll have to share that.  
7       Okay.

8               Our third application tonight is these  
9       gentlemen, 4P-03-24.

10       **Application 4P-03-24**

11               Application of Greece Landing Properties  
12       LLC, owner, and Jaber Saidi, lessee, for Conditional  
13       Use Permit Approval to allow for a specialty food  
14       store with internet sales to be located at 2852 West  
15       Henrietta Road. All as described on application and  
16       plans on file.

17               MR. HEZAM: How you guys doing? My name is  
18       Ameer. This is Jaber Saidi.

19               Before we get started, we got you guys some  
20       samples. Feel free to share around. There's a lot of  
21       stuff.

22               CHAIRPERSON PRICE: This is the first time  
23       in many, many years that we've had product.

24               MR. HAREMZA: I think we need more  
25       restaurant applications.

1                   CHAIRPERSON PRICE: We have received your  
2 application. We've read the materials in it, but for  
3 the public record, we will probably go over some of  
4 the questions again.

5                   If you would just tell us about your  
6 operations, what part is open to customers, what part  
7 is storage, what's -- how does it kind of --

8                   MR. HEZAM: Yeah. So this isn't our first  
9 location. We have multiple throughout other different  
10 states, in New York like in the City, Connecticut,  
11 other places.

12                  So it's a pretty simple concept. Mainly 50  
13 percent of the business is what you see in front of  
14 you. All these snacks are all big, big brands, but  
15 they're flavors and other stuff that aren't accessible  
16 in the United States.

17                  All of them are made with natural flavors  
18 and they're all imported from different countries.  
19 This is just one of the lines that we brought. It's  
20 an Asian line of snacks.

21                  We work with a wholesaler in New Jersey that  
22 imports all the stuff from every country in the world.  
23 I don't know if you guys ever see sometimes ads on  
24 Facebook or any of that stuff where you can order this  
25 stuff. So this is that.

1                 Regarding this specific business, majority  
2 of it is online sales. We do get a small number of  
3 customers that do come in the store to pick up orders  
4 or to just -- most of the people that see there's  
5 overall signage or Google ads, they see what we have,  
6 they come for it because it is different. I'm pretty  
7 sure if you guys have kids and you bring it home  
8 today, you'll see the reactions.

9                 Overall, being that it is simple -- it's a  
10 dry-use business -- there's no food permits necessary.  
11 There's nothing of the sort. Because even the  
12 structure itself -- I don't know if you see the site  
13 plans. There's no structural things that we're doing.  
14 The layout is pretty basic. Everything that is done  
15 to the store already, it's just going to be adding  
16 extra shelves that can be easily removed by hand and  
17 built up.

18                 The spaces in the back will be used for  
19 storage and for the online access and storage for  
20 incoming customers. So that's 50 percent of that  
21 side.

22                 Of course, on top of that being that it is  
23 snacks and convenience, we will have like other basic  
24 brands that everybody -- typical Kit-Kats and  
25 Snickers, you know, just for people that don't have

1 the taste for this.

2                   And I don't see it here, Jason, but we did  
3 email you about also tobacco use as well.

4                   MR. HAREMZA: I know we had some emails back  
5 and forth. I know you guys have read the section on  
6 vaping and e-cigarettes. And that's one of the things  
7 we, you know, want to ensure that -- you know, I think  
8 tobacco probably sold here doesn't fall under the  
9 e-cigarettes and vaping component of Brighton's code.

10                  CHAIRPERSON PRICE: Okay.

11                  MR. HEZAM: So we did go around the area to  
12 ask the different businesses, the auto part stores,  
13 other places, what they think about this concept. A  
14 lot of people liked it.

15                  And that part of the business we started in  
16 college. So we did get a lot of orders from  
17 university students and just local people. But the  
18 issue that always pops up sometimes is keeping up with  
19 the demand and being able to deliver all the stuff.  
20 So we would look for the places with the most demand  
21 for this, we'll open a business and we'll add certain  
22 products that will still make use for everybody else  
23 that isn't just focused on this going.

24                  So going around we did see that probably 20  
25 percent, which is the overall average for all of the

1 other stores, would fall under like cigarettes,  
2 tobacco, just that minor section. Aside from that,  
3 there isn't really much. It's a very simple concept.

4 CHAIRPERSON PRICE: Online sales, are you  
5 fulfilling them out of this or do they -- so your  
6 storage area, are you talking those online orders and  
7 people are coming to you to pick it up or are you  
8 delivering it?

9 MR. HEZAM: It's two ways. So there's an  
10 option if you make the order online, it gets prepared  
11 for you in store, you just come pick it up if it's  
12 more convenient for you if you don't want to wait that  
13 one- or two- or maybe three-day shipping period.

14 If it's just mainly being shipped out, if it  
15 is convenient enough that it is in close proximity to  
16 the business, it will be shipped by the store or we  
17 can deliver it ourselves. If it is being made through  
18 the order for the online store for this specific store  
19 and say, for example, it's the closest area to this  
20 store -- it can even be a state nearby -- we will  
21 deliver that from the nearest location out of the  
22 businesses we own, whether it's the one that would be  
23 here or the one that would be in Connecticut or  
24 anywhere else.

25 CHAIRPERSON PRICE: So you have multiple

1 locations that could fill an order if it's not --

2 MR. HEZAM: Yeah.

3 CHAIRPERSON PRICE: So you're not actually  
4 carrying every product that you have available. It  
5 could be at one of your other locations.

6 MR. HEZAM: Yeah. Plus with this stuff,  
7 because there's always so much changing stuff, we'll  
8 always have a small amount in the store itself, but it  
9 won't be enough to fulfill all the orders. It will be  
10 mainly for the area itself. That usually takes us  
11 about a month or two in the area to get the idea of  
12 like, okay, we need this much on average and then the  
13 rest comes from somewhere else.

14 CHAIRPERSON PRICE: Which space in the plaza  
15 is this? You're not on the end of the plaza, are you?  
16 Are you in the middle?

17 MR. HEZAM: No. So there's an auto parts  
18 store right here. And it is the first store on the  
19 corner side.

20 CHAIRPERSON PRICE: It is. Okay.

21 MR. HEZAM: I guess they're both auto parts  
22 stores.

23 CHAIRPERSON PRICE: One of our typical  
24 concerns is garbage. It doesn't sound like people  
25 stand outside and eat this stuff and throw it out.

1 They take it with them. Do you have any seating at  
2 all?

3 MR. HEZAM: No. There's no seating.

4 Typical like buy-time for a customer, it  
5 never surpasses like five minutes in the store.  
6 Typically people go in there for two to three minutes.  
7 They pick what they want. They take it. Just buy and  
8 go. They pick up their order and leave. So it's  
9 pretty easy.

10 CHAIRPERSON PRICE: Okay. So no  
11 modifications to the site. No modifications to the  
12 building. And, again, no cooking. No --

13 MR. HEZAM: Everything is prepackaged we get  
14 ordered.

15 The layout already from the auto parts store  
16 fits perfectly into our concept. It's just adding  
17 shelving, making sure we're keeping the place pretty  
18 cleaned out. So there won't be anything else for us  
19 to do.

20 CHAIRPERSON PRICE: All good? Guys, all  
21 good? All right. Thank you.

22 MR. HEZAM: Make sure to try those. Those  
23 are -- they're really good.

24 CHAIRPERSON PRICE: All right. I didn't ask  
25 if anybody else wanted to speak to this application?

1 Okay. Why don't we go back around the board here.

2 (Public hearings concluded at 7:43 p.m.)

3 (Beginning of deliberations and decisions.)

4 \* \* \*

5 **Application 4P-01-24**

6 Application of C and K Real Estate Ventures  
7 LLC, owner, and McMahon LaRue Associates, agent, for  
8 Preliminary/Final Site Plan Approval to construct a  
9 2,415 +/- square feet single-family home on property  
10 located at 1402 Blossom Road. All as described on  
11 application and plans on file.

12 MR. BABCOCK-STIENER: I move the Planning  
13 Board table application 4P-01-24.

14 CHAIRPERSON PRICE: I'll second.

15 Any discussion? It just needs a few more  
16 things. And I think certainly the DOT curb cut issue  
17 would change things.

18 How many times has this been in for a new  
19 house?

20 MR. HAREMZA: This parcel?

21 CHAIRPERSON PRICE: Yeah.

22 MR. HAREMZA: In my time, none.

23 CHAIRPERSON PRICE: In my time this could be  
24 the third or fourth. They never ended up -- do you  
25 remember? This site's been the subject of many

1 attempts at a single-family house.

2 All right. So moved and seconded. Please  
3 call the roll.

4 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;

5 Mr. Price, aye; Mr. Grisewood, aye.)

6 CHAIRPERSON PRICE: Okay. Brings us to  
7 application 4P-02-24.

8 **Application 4P-02-24**

9 Application of Mark Teng, owner, and Huseyin  
10 Sula, lessee, for Conditional Use Permit Approval to  
11 allow for a cafe/restaurant on property located at  
12 2341 Monroe Avenue. All as described on application  
13 and plans on file.

14 MR. FADER: I will move to close the public  
15 hearing.

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

17 CHAIRPERSON PRICE: Moved and second to  
18 close the hearing. Any discussion? Jason, please  
19 call the roll.

20 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;  
21 Mr. Price, aye; Mr. Grisewood, aye.)

22 CHAIRPERSON PRICE: Want to start with a  
23 motion?

24 MR. FADER: I can go with the motion. I  
25 move that the Planning Board finds that the proposed

1 action will not have a significant impact on the  
2 environment and adopts the negative declaration  
3 prepared by town staff and --

4 MR. HAREMZA: Sorry, David. It's a Type II  
5 action. So we don't need to -- there's no  
6 declaration.

7 MR. FADER: Okay. Let me start again. I  
8 move that the Planning Board grants conditional use  
9 approval and adopts the eight findings outlined in the  
10 Planning Board report for application 4P-02-24 based  
11 on the testimony given, plans submitted and with the  
12 seven conditions outlined in the Planning Board  
13 report.

14 CHAIRPERSON PRICE: I'll second.

15 I believe when it comes to the variance  
16 questions, I would be satisfied that -- you know, that  
17 the applicant has, you know, stated that the operation  
18 is not creating, you know, the type of ventilation or  
19 equipment that would cause, you know, disruption to  
20 the adjacent neighbors. It doesn't sound like  
21 there's -- you know, the hours of operation would be a  
22 problem. There's not going to be events and noise  
23 coming from this property.

24 With regard to the parking issue, I think if  
25 there's a -- I fully embrace any application that

1 directly goes and seeks to get shared parking with the  
2 adjacent neighbor. Clearly something we've tried for  
3 many, many years and doesn't always get that kind of  
4 success.

5 So I think -- is anything else we need to  
6 say to you guys relative to the application and the  
7 variances that are still pending?

8 MS. BARON: I don't think so. I think the  
9 Zoning Board wanted that because they wanted your  
10 expertise on that because that's more of your purview  
11 in terms of how the business is operated. So they  
12 wanted, you know, kind of to hear your comments on  
13 that before moving forward with considering that  
14 variance.

15 And then as the applicant said, they've made  
16 another application, a joint application, with the  
17 neighboring property that's going to be considered at  
18 a future ZBA meeting regarding parking.

19 CHAIRPERSON PRICE: Yeah. I think it's a  
20 good opportunity.

21 So we have a motion and a second. No  
22 amendments to the motion or conditions? All good?  
23 Please call the roll.

24 **Conditional Use Permit Findings:**

25 1. The Planning Board finds that the proposed

1 restaurant complies with the standards of the Low  
2 Intensity Commercial (BE-F) District.

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

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

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

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

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

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

4       8. The establishment of a restaurant in this location  
5       essentially conforms to the Town's Comprehensive Plan:  
6       Envision Brighton 2028. Specifically: Volume 2, Page  
7       16, Economic Vitality [emphasis added]:

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

15               B. Foster a mix of residential and  
16       commercial investment that promotes the vitality,  
17       density, and walkability of local activity centers.

18               F. Conserve existing open space by  
19       promoting redevelopment of vacant, underutilized and  
20       obsolete commercial properties to enhance the Monroe  
21       Avenue and West Henrietta Road corridors.

22               G. Enhance the village feel of the Twelve  
23       Corners area and extend that concept to other  
24       commercial areas of the town wherever practicable.  
25       Volume 2, Page 32, Monroe Avenue Subarea [emphasis

1       added]: Intent: Monroe Avenue is a key commercial and  
2       mixed-use corridor with Twelve Corners at its center.

3       The focus area is characterized by mixed-use,  
4       village-scale design, and pedestrian and bicycle  
5       connectivity.

6       Together, these attributes make Monroe Avenue a  
7       bustling community center. Any developments within  
8       this area should reinforce this identity.

9       Volume 2, Page 34, Monroe Avenue Subarea [emphasis  
10      added]: Diverse types of mixed-use development should  
11      continue to be encouraged along all segments of Monroe  
12      Avenue, with proper buffers and screening between  
13      commercial or mixed-uses and adjacent residential  
14      neighborhoods.

15      **Conditions:**

- 16       1. Applicant shall respond in writing to all comments  
17       of the Planning Board, Department of Public Works,  
18       Building and Planning Department, and Fire Marshal.
- 19       2. The entire project shall comply with the most  
20       current New York State Fire Prevention and Building  
21       Code and the Town of Brighton sprinkler requirements.
- 22       3. All Town codes shall be met that relate directly  
23       or indirectly to the applicant's request.
- 24       4. The applicant shall obtain all necessary variances  
25       from the ZBA.

1       5. No outdoor storage, operations, seating, or dining  
2       shall be allowed without further review.

3       6. The applicant shall submit a combined site  
4       plan/floor plan clearly showing that the restaurant  
5       operation, including but not limited to kitchen  
6       exhaust, trash storage, exterior doors and windows,  
7       are located near the center of the property and away  
8       from residential properties to the rear, as well as  
9       the available parking on the site.

10       7. The applicant shall submit a sign review  
11       application for proposed signage.

12 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;  
13 Mr. Price, aye; Mr. Grisewood, aye.)

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

16 CHAIRPERSON PRICE: Okay that brings us to  
17 application -- these guys, these guys being 4P-03-24.

18 Application 4P-03-24

19 Application of Greece Landing Properties  
20 LLC, owner, and Jaber Saidi, lessee, for Conditional  
21 Use Permit Approval to allow for a specialty food  
22 store with internet sales to be located at 2852 West  
23 Henrietta Road. All as described on application and  
24 plans on file.

25 MR. FADER: I move we close the public

1 hearing.

2 CHAIRPERSON PRICE: Motion to close the  
3 hearing.

4 MR. BABCOCK-STIENER: Second.

5 CHAIRPERSON PRICE: Moved and seconded to  
6 close the hearing. Any discussion on that? Jason,  
7 please call the roll.

8 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;  
9 Mr. Price, aye; Mr. Grisewood, aye.)

10 CHAIRPERSON PRICE: We've closed the public  
11 hearing. We were -- was this one we were thinking  
12 about two different --

13 MS. BARON: No. That was the previous one.

14 CHAIRPERSON PRICE: All right. Anybody?

15 MR. BABCOCK-STIENER: I move that the  
16 Planning Board grants conditional use approval and  
17 adopts the eight conditional use findings outlined in  
18 the Planning Board report for application 4P-03-24  
19 based on the testimony given, plans submitted and with  
20 the three conditions outlined in the Planning Board  
21 report.

22 CHAIRPERSON PRICE: I'll second that motion.  
23 Any discussion? That's it. Please call the roll.

24 **Conditional Use Permit Findings:**

25 1. The Planning Board finds that the proposed

1 specialty food store with internet sales complies with  
2 the standards of the General Commercial District  
3 (BF-2) district.

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

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

17 4. The specialty food store with internet sales use  
18 will be developed within an existing structure on a  
19 developed site and not result in the destruction, loss  
20 or damage of any natural, scenic or significant  
21 historical resource.

22 5. The Planning Board finds that the establishment of  
23 a specialty food store with internet sales will not  
24 create excessive additional requirements for public  
25 facilities and services and will not be detrimental to

1 the economic welfare of the community.

2 6. The Planning Board finds that the establishment of  
3 a specialty food store with internet sales will be  
4 adequately served by essential public facilities.

5 7. The Planning Board finds that the establishment of  
6 a specialty food store with internet sales will not  
7 result in the loss or damage to trees.

8 8. The Planning Board finds that the establishment a  
9 specialty food store with internet sales in this  
10 location essentially conforms to the Town Master Plan:  
11 Envision Brighton 2028.

12 A. Specifically Volume 2, Pages 47-47, the  
13 West Henrietta Road Land Use Focus Area. Although  
14 small, the redevelopment of this tenant space will  
15 improve the West Henrietta Road corridor.

16 B. Further, the Planning Board finds that  
17 the establishment of a specialty food store with  
18 internet sales in this location essentially conforms  
19 to the Town's Comprehensive Plan: Envision Brighton  
20 2028. Specifically Volume 2, Pages 16, the Economic  
21 Vitality Policy Objectives [emphasis added]:

22 A. Attract and promote the sustainable  
23 development of quality office, retail, commercial,  
24 medical, light industrial, and residential uses in  
25 areas with existing critical infrastructure, in an

effort to expand the Town's local tax base while providing needed and desired goods and services, and without compromising other community goals.

## 8 Conditions:

9       1. Applicant shall respond in writing to all comments  
10      of the Planning Board, Department of Public Works,  
11      Building and Planning Department, and Fire Marshal.

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

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

18 (Mr. Babcock-Stiner, aye; Mr. Fader, aye;  
19 Mr. Price, aye; Mr. Grisewood, aye.)

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

22 CHAIRPERSON PRICE: Okay. Is there  
23 something you'd like us to do with the sign  
24 application?

25 MR. HAREMZA: Nothing.

1                   CHAIRPERSON PRICE: Just an FYI, there was a  
2 sign in the package missing, sign J. It's the one on  
3 the corner of the entrance driving in. It's on  
4 there -- it's labeled on there, but it's -- it may  
5 have been a monument sign that was done separately.

6                   MS. BARON: You mean there wasn't plans  
7 included with the package for that particular sign?

8                   CHAIRPERSON PRICE: It wasn't. I just ran  
9 around the drawing. It looked like there was no  
10 detail of sign J.

11                  MR. HAREMZA: So it was sign J.

12                  CHAIRPERSON PRICE: It looks like a  
13 monument -- like it may be a monument sign out front  
14 in the flatbed kind of thing.

15                  MR. HAREMZA: Yeah. So on the Starbucks  
16 sign package site plan, they do have a sign J  
17 indicated. That actually came in as a whole separate  
18 sign review. You saw that. That was the ALDI  
19 monument sign with the addresses.

20                  CHAIRPERSON PRICE: The ALDI. Got you.  
21 Okay. All right. Okay. So our business is done.

22                  (Proceedings concluded at 7:52 p.m.)

23                  \*           \*           \*

24

25

\* \* \* \*

REPORTER CERTIFICATE

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

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

13       Dated this 17th day of April, 2024  
14       at Brighton, New York.

Holly E. Costello

Holly E. Castleman ACR,  
Official Court Reporter