
BRIGHTON

PLANNING

BOARD

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 (Upon 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 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

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

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

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 * * *

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REPORTER CERTIFICATE

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.

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.

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



Holly E. Castleman ACR,
Official Court Reporter