

BRIGHTON

PLANNING

BOARD

October 16, 2024
At approximately 7 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

JOHN OSOWSKI) BOARD MEMBERS
DAVID FADER)
CLARA SANGUINETTI)
KAREN ALTMAN)

LAUREN BARON, ESQ.
Attorney for the Town

ABSENT:

JASON BABCOCK-STINER

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 I'd like to welcome you to the October 16th meeting of
3 the Town of Brighton Planning Board.

13 Now the Town Hall is moving there, but the
14 police and the court system and the library remains
15 here, open to the public.

16 As always with our applications, should you
17 have comments after information that you received
18 tonight or thoughts you have after hearing the
19 application, you can submit written comments to Jason
20 Haremza, our Executive Secretary at Town Hall. His
21 email is Jason.haremza, H-A-R-M-E-Z-A, at
22 townofbrighton.org.

At this time, Jason, please call the roll.

24 (Whereupon the roll was called.)

25 MR. HAREMZA: Grisewood has resigned and

1 Babcock-Stiner is absent.

2 CHAIRPERSON PRICE: Thank you. All right.
3 We're going to take time for an agenda review with our
4 staff. We'll do that and then we'll reconvene on the
5 agenda with the approval of our minutes from past
6 meetings.

7 All right. Jason, first up tonight is going
8 to be a discussion of 2300 Elmwood Avenue, the Town
9 Hall renovation and site improvements. This is the
10 continuation, I believe, of the presentation I think
11 we had in August; right?

12 MR. HAREMZA: July.

13 CHAIRPERSON PRICE: July. Okay. So we have
14 representatives from the Town and the consultant team
15 to present when they've got.

16 What is the status on the Town Hall
17 improvements regarding SEQRA?

18 MS. BARON: So I can speak to that. The
19 Town Board considered SEQRA as part of the
20 appropriation of the money for the Town Hall
21 renovations. So they've already done their SEQRA
22 regarding this project.

23 CHAIRPERSON PRICE: And what was their
24 evaluation? A Type II action?

25 MS. BARON: Yes.

1 CHAIRPERSON PRICE: And the Town Board
2 considered the site improvements with the addition of
3 parking as a Type II action?

4 MS. BARON: I believe so.

5 CHAIRPERSON PRICE: Okay. We'll be
6 discussing that.

7 Let's go onto the next application, which is
8 application 8P-02-24. This is 172 Metro Park.

9 MR. HAREMZA: This, as you may recall, was
10 reviewed at the August meeting and tabled. The
11 September meeting was canceled. And so the public
12 hearing remains open.

13 And the outstanding issues mostly related to
14 stormwater have been resolved to the satisfaction of
15 the Town engineer. There's some minor technical
16 issues that remain, but nothing that would prevent the
17 Planning Board from considering approval.

18 Also resolved, the -- regarding the
19 woodlot/EPOD permit and mitigation for that is street
20 trees rather than on-site trees. And the applicant
21 has been amenable to that. And the final details will
22 be resolved with the Town Highway Department as to
23 final location of those street trees.

24 CHAIRPERSON PRICE: Okay. Great.

25 MS. BARON: This was also an unlisted

1 action. Just for the Board's consideration.

2 CHAIRPERSON PRICE: Okay. Thank you. Guys,
3 have any questions?

4 MR. OSOWSKI: Yes. So when they do a
5 tradeoff on the trees, where do those trees end up?
6 Do they --

7 MR. HAREMZA: So we're -- they're showing
8 them, at the Town's recommendation, in the
9 right-of-way of Metro Park. It's a fairly wide open
10 street and could benefit from some street trees.

11 Again, the final -- the exact final location
12 within the right-of-way will be determined with the
13 Highway Department to avoid any utilities --

14 MR. OSOWSKI: So in that same neighborhood.

15 MR. HAREMZA: Yes. Yes.

16 MR. OSOWSKI: Oh, okay. Good. Thank you.

17 CHAIRPERSON PRICE: All right. Thank you.

18 Application 9P-01-24, this is Brighton Corners LLC.

19 MR. HAREMZA: Fairly straightforward
20 conditional use permit for one of the tenant spaces in
21 Twelve Corners Plaza, formerly Brighton Vision. It is
22 proposed to be a Auntie Anne's/Jamba Juice takeout
23 restaurant. Specialty food store is the determination
24 that the Town staff has made as to what is considered
25 the use.

Planning Board can consider the parking requirement. Again, the staff recommendation is that as a takeout restaurant or a specialty food store with no seating, the parking demand will not be different from the previous retail use of Brighton Vision.

6 However, you may want to ask the applicant
7 to state for the record, you know, whether or not
8 there will be any kind of convenient seating in the
9 restaurant.

10 Also, a bit of a concern with trash
11 generation. Takeout food comes with wrappers. Many
12 of the customers will likely be students from Brighton
13 High School. So there'll be walk-in customers. Where
14 will the trash end up and what are the current
15 facilities, receptacles at Twelve Corners Plaza?

16 CHAIRPERSON PRICE: Okay. Any other
17 questions or comments?

1 substantially renovated in the 1990s. But the general
2 form is from 1941.

3 MR. OSOWSKI: All right. All right. Thank
4 you.

5 CHAIRPERSON PRICE: All right. Thanks.
6 Next application is 9P-02-24. This is 2144 Brighton
7 Henrietta Townline Road, conditional use permit,
8 wholesale drug compounding facility.

9 MR. HAREMZA: Yeah. So this is for the
10 property that the Board has seen fairly frequently in
11 terms of tenants being proposed.

12 In fact, I believe this space was about a
13 year, a year and a half ago proposed to be All Green
14 Flooring, which came before this Board for a
15 conditional use permit. That never worked out. And
16 so this compound pharmacy is proposing to locate in a
17 tenant space in that building.

18 It is not a retail pharmacy. You should,
19 again, ask the applicant to state for the record sort
20 of the business operations and percentage of, you
21 know, what is -- what is shipped out versus any kind
22 of walk-in traffic.

23 But based on what has been submitted, staff
24 has made a determination that this is -- qualifies for
25 a conditional use permit as a wholesale type of

1 operation.

2 MS. BARON: Staff also recommended that the
3 Board ask questions regarding the -- the applicant
4 identified trace amounts of medication that may be
5 going into the water and sewer system. So just
6 clarifying what exactly that means and if they have
7 any type of filtration system that they're planning on
8 installing.

9 CHAIRPERSON PRICE: Good point. Okay. Next
10 one is 9P-03-24. This is Jewish Senior Life. We have
11 seen this previously.

12 MR. HAREMZA: You have. You saw this in
13 August as preliminary site plan approval, which you
14 did approve with the conditions. So this is final
15 site plan approval.

16 The issues that were identified as part of
17 the preliminary site plan review have been resolved --
18 largely resolved. Again, there's a -- some minor
19 outstanding technical issues with stormwater
20 calculations that the Town engineer is working on but
21 nothing that would prevent the Town -- the Planning
22 Board from considering approval.

23 And as a reminder, environmental
24 determination was done as part of preliminary site
25 plan review. Planning Board adopted the Town Board's

1 negative declaration. That was done as part of the
2 incentive zoning.

3 MS. SANGUINETTI: The Jewish Home, not
4 Jewish Senior Life, does that even matter? Because
5 the application was filed beforehand.

6 MR. HAREMZA: I'm -- I'm not clear entirely
7 on where their name stands, but you can ask the
8 applicant that and correct anything that needs to be
9 corrected.

10 CHAIRPERSON PRICE: Okay. Thank you.
11 Application 10P-01-24. This is BWZ, LLC, Robert Sant,
12 for a conditional use permit for a truck terminal
13 facility, 190 Jefferson Road.

14 MR. HAREMZA: This is somewhat unique for
15 Brighton. We don't tend to see a lot of these sort of
16 industrial type of operations. But this is a site
17 that to my understanding has been used for a
18 landscaping business operation for quite some time.

19 And truck terminals are a conditionally
20 permitted use in the light industrial district. The
21 zoning code does not have a definition of truck
22 terminal. So in that case the applicant has provided
23 research that they've done and submitted to document
24 that what they are proposing is indeed a terminal
25 truck and staff has agreed with that determination.

1 So the determination of what this is is not
2 under review tonight by the Board. It is the
3 conditional use permit and the -- you know, any of the
4 external things that may affect the neighborhood as
5 part of this use under review.

6 One of the things that is required in the
7 Code for truck terminals is a solid fence or wall
8 around the entire site. And that is something that
9 cannot be waived by the Planning Board.

10 CHAIRPERSON PRICE: Okay. Okay. And it
11 appears that application 10P-02-24, 1625 Crittenden
12 Road has been postponed at the applicant's request.

13 MR. HAREMZA: Correct.

14 CHAIRPERSON PRICE: Okay. For the audience,
15 that's an application of the Brighton Village
16 Apartments at 1625 Crittenden Road. That will be
17 heard in November.

18 We have a pretty full slate of signs after
19 that.

20 Why don't we return to our agenda with
21 approval of the meeting minutes for our June 20th
22 meeting. Did everybody receive those?

23 We're going to try something new -- we'll
24 see if it works -- of getting the meeting minutes
25 attached to the tentative agenda submitted by Jason

1 and the Town staff. I received them and I did receive
2 the August 21st meeting minutes.

3 Is there anybody who wants to make a motion
4 to approve June 20th meeting minutes?

5 MR. OSOWSKI: I move we approve the meeting
6 minutes from June 20th, 2024.

7 MR. FADER: I'll second that.

8 CHAIRPERSON PRICE: Moved and second. Any
9 edits or corrections?

10 Please call the roll, Jason.

11 (Ms. Altman, aye; Mr. Fader, aye;
12 Mr. Osowski, aye; Mr. Price, aye;
13 Ms. Sanguinetti, aye.)

14 CHAIRPERSON PRICE: Thank you. And August
15 21st. Make a motion to approve.

16 MR. OSOWSKI: I'll move that we approve the
17 meeting minutes from August 21st, 2024.

18 MS. ALTMAN: I would second.

19 CHAIRPERSON PRICE: Karen beat you. Moved
20 and seconded. Any additions? Corrections?

21 Jason, call the roll.

22 (Ms. Altman, aye; Mr. Fader, aye;
23 Mr. Osowski, aye; Mr. Price, aye;
24 Ms. Sanguinetti, aye.)

25 CHAIRPERSON PRICE: Jason, were tonight's

1 public hearings advertised prior to tonight's meeting?

2 MR. HAREMZA: They were advertised in the
3 Daily Record of October 10th, 2024.

4 CHAIRPERSON PRICE: All right. We'll hold
5 those hearings now.

6 The first up tonight is 2300 Elmwood Avenue,
7 Town of Brighton, proposal for renovations to Town
8 Hall.

9 MS. BARON: Just to clarify for the record,
10 the 2300 is not subject to a public hearing. That
11 wasn't advertised as a public hearing. That is a
12 presentation. It's not an application. So it wasn't
13 subject to a public hearing.

14 But if you guys want to give your
15 presentation, you're welcome to come up.

16 MR. HURLEY: Hello, everyone. My name is
17 Ken Hurley. I am the Brighton Town Engineer. I have
18 not had the benefit of standing in front of you. So
19 I'd like to introduce myself.

20 I'm here to present revision to --
21 previously submitted in July, I believe, site concept
22 plan that our consultants had presented to the Board.

23 As discussion for the reasoning for the site
24 plan changes -- we have, as a Town Hall, a full
25 renovation going on. It's going to have large, heavy

1 equipment. And our parking lot line has been subject
2 to stormwater problems and cracking.

3 So in conjunction with the Town Hall
4 renovation, we're doing a full site renovation to
5 accommodate the stress that will happen through the
6 construction and the already existing conditions of
7 the site.

8 Since the July submission -- or
9 submission -- the presentation, we had received some
10 comments from the Planning Board, some recommendations
11 that we've considered and added some to the plans.
12 One item that got added that was not on the original
13 presentation was the splash pad was shifted from its
14 original location being where the pool was. And there
15 was a determination that through funding we were able
16 to save the pool and keep that in its current
17 location.

18 The existing geothermal well field for the
19 project has to be relatively close to the building.
20 So that was located in the western corner of our
21 proposed parking area, which would require moving the
22 playground that is currently existing in that
23 location.

24 With the relocation of the playground, we
25 also received some funding for doing an accessible

1 playground. So that is why the playground is shifted
2 over to the far east of that field in the back.

3 As far as design of what's shown up there,
4 that -- that's a conceptual layout, but it is a site
5 layout plan where everything south of the northern
6 paved area is being done by our design consultants,
7 EDR, who is doing stormwater layout, pavement layout
8 and such and that will be designed and will be
9 constructed under the renovation project.

10 Anything north of that pavement line is
11 undetermined of who will be doing the construction.
12 We do not have design plans for it. We do not have
13 design consultants hired to do those layouts. Those
14 were really just for knowledge, letting everybody know
15 that that was something that we were pursuing and now
16 have gotten funding for.

17 So while it's shown on this plan, it is not
18 part of our renovation project. The association is
19 just -- it was for, you know, just full disclosure
20 that those were projects that could potentially
21 happen.

22 They most likely -- we don't have a schedule
23 or timeline on those. Most likely they will happen
24 after all this site work is done. So as far as
25 answering any questions that anybody might have about

1 anything north of that pavement line, there is no
2 design. There is no sizing. There is nothing other
3 than a concept. And now that we've received funding,
4 we will proceed with that process. But that is kind
5 of -- we don't have much to respond to on anything on
6 those.

7 As far as additional pavement to the
8 parking, we had decided while looking at the overall
9 flow of the parking lot that traversing through the
10 back parking lot is kind of difficult, kind of
11 requires an S-turn, kind of changing aisles and going
12 down the aisle. That a straight-through back parking
13 area or drive aisle would be more appropriate to kind
14 of circulate the two entrances between the two
15 entrances and across the back.

16 With the geothermal wells, without adding
17 parking spots in that area, we would have just had a
18 well field with a bunch of wellheads sticking up in
19 the grass. We decided that because of potential extra
20 need for parking for the three items, being the pool,
21 the splash pad and playground, that it would make
22 sense from an economic standpoint that if you're going
23 to have a drive aisle that adding a parking space --
24 two parking spaces instead of one side drive aisle and
25 just one row of parking is more economical. And it

1 would be worthwhile to pay the extra money to cut the
2 wellheads for those geothermal wells down below grade
3 where we could add an accessory manhole or access in
4 the pavement instead of just having unsightly wells
5 sticking up.

6 So that did have an increase in parking.
7 But our overall parking increase I believe was 10. I
8 can give you a count. Existing parking spaces right
9 now are 245 spaces. With that extra parking in the
10 back over the well fields it would be 255. So it was
11 only an additional 10 extra parking spaces.

12 Because we have an addition that's required
13 for maintenance of three buildings here, our
14 facilities group needed a small garage to be added.
15 And because of bringing materials in and out of that
16 garage, we are -- we removed the parking that was
17 along that drive aisle coming down to the back
18 entrance to the police area.

19 So because of that we relocated the parking
20 up on that western corner. And there is an increase
21 of about 10 percent of pavement. So there is a slight
22 increase, but even without those parking spots on the
23 well -- where the wells are located, it still would be
24 about 8 percent. It's a small increase in pavement.

25 We did take into consideration there was a

1 comment about bike connectivity through the project
2 that the Planning Board had addressed in their
3 comments. We do show an extra sidewalk that connects
4 directly with the pavement of the stub end road coming
5 into the parking. So bike riders do not have to get
6 off their bike and roll it over or drive it on the
7 edge of our driveway and go on the sidewalk at that
8 point. So that will be a connectivity point.

9 One thing that was added through the
10 recommendation of the Town Board was a bike shelter.
11 So just south of the pool but north of the pavement
12 would be a bike shelter kind of central to the
13 amenities on the building kind of centered between the
14 two. And there was some extra sidewalks added for
15 connectivity between the splash pad and the
16 playground.

17 Other than that I think the only other main
18 change that happened since the presentation in July
19 was that we reverted back to the original layout of
20 the parking at the library. The library -- when we
21 had flipped the parking lot where it would have had
22 two rows, the parking up front along the sidewalk and
23 one in the back, compared to where it's currently a
24 drive aisle and one row of parking then a sidewalk --
25 or then a space and two rows of parking, we mirrored

1 it back to show the existing layout.

2 The library staff had been involved in our
3 site plan review and they expressed concern about the
4 patterns -- the traffic patterns for 30-plus years
5 people of Brighton have been using coming into that
6 library. It would be very confusing for them to throw
7 an extra row of parking in that they have worries
8 about cars backing up from both directions.

9 So they recommended that we return it back
10 to the current status that -- that even though it's
11 not perfect, that's the way it functions currently and
12 that's the way they'd like to leave it.

13 We looked at the site plan and reviewed it
14 by Town staff and with our consultants. Our Town
15 staff consists of myself, a PE, Jim Sprague,
16 Commissioner of Public Works, also a PE. Our Town
17 planner was involved. Library staff was involved.
18 The police staff was involved. Courts was involved.
19 And Town Hall staff was involved, including the Town
20 architect. And then we used our consultant, who has
21 landscape architects and engineers on their staff too.
22 So that's how the process was vetted.

23 And just due to the limitation of space and
24 not trying to change up the world, this is the layout
25 that we came up with that we felt was appropriate and

1 that as a group we decided was best to go forward
2 with.

3 That's pretty much the changes from July
4 that we've seen. And --

5 CHAIRPERSON PRICE: Okay. Thank you. Ken,
6 you got our letter? You got our comments from our
7 executive secretary?

8 MR. HURLEY: Yes.

9 CHAIRPERSON PRICE: Okay. And in that, we
10 requested the opportunity to be a part of that
11 committee that you included the police and the library
12 on. Did you not get that?

13 MR. HURLEY: I --

14 CHAIRPERSON PRICE: Did you get that?

15 MR. HURLEY: I cannot speak for that. I --

16 CHAIRPERSON PRICE: Why can't you speak to
17 that? Did you get the comment letter we sent to you?

18 MR. HURLEY: From July?

19 CHAIRPERSON PRICE: From Jason Haremza in
20 July.

21 MR. HURLEY: In July. I --

22 CHAIRPERSON PRICE: You've mentioned it
23 several times. Did you get the letter?

24 MR. HURLEY: Yes.

25 CHAIRPERSON PRICE: Yes. The answer's yes.

1 You got the letter. So you chose deliberately not to
2 include the Planning Board in any further planning
3 efforts after you received that letter.

4 MS. BARON: Chairperson Price, if I may
5 speak really quick. I think that the Town staff is
6 involving the Planning Board by appearing as part of
7 this presentation.

8 CHAIRPERSON PRICE: I disagree with that
9 comment. I disagree with that.

10 Was anybody on this Board asked to
11 participate in a meeting about the Town Hall site
12 improvements after July? Anybody?

13 You chose not to include us after we asked
14 for it. We asked for an opportunity to speak with
15 you.

16 Sit down, Rick.

17 MR. DiSTEFANO: No. First, Rick DiStefano,
18 senior planner. He did not choose. It was a
19 committee that decided that we were not --

20 CHAIRPERSON PRICE: Did the committee choose
21 not to involve the Planning Board?

22 MR. DiSTEFANO: The committee decided to
23 keep it in house, yes.

24 CHAIRPERSON PRICE: Okay. So here's our
25 problems, guys. Okay? Are you laughing? Is this

1 funny to you?

2 MR. HURLEY: I -- I -- don't see --

3 CHAIRPERSON PRICE: Watch your attitude.

4 MR. HURLEY: Mr. Price, I don't know why
5 you're being --

6 CHAIRPERSON PRICE: You don't?

7 MR. HURLEY: -- violent to me. I'm here to
8 present --

9 CHAIRPERSON PRICE: Because you're standing
10 here telling us that you've taken into consideration
11 the comments we made and you have not. You've
12 completely ignored what we've said.

13 MR. HURLEY: I am part of a committee. I
14 personally did not --

15 CHAIRPERSON PRICE: You are the person
16 standing here in front of us. You stood up and are
17 trying to sell this. All right?

18 Let's talk about where our points are. Our
19 points aren't with the design. Keeping the pool is
20 great. The splash pad, we understand that's all going
21 to look good. That's going to be great. You know,
22 whether it's designed now or not, that's going to come
23 up.

24 Where we have heartburn, where -- is when
25 the Town takes on actions and doesn't follow the same

1 rules that we ask every applicant to follow. You are
2 adding parking.

3 We asked you why -- you're only doing 10
4 spaces. Why do you have to take up so much greenspace
5 to add that parking? You have not justified why you
6 need the extra parking.

7 You can't say for -- you have nothing that
8 says a splash pad needs this. You don't have a
9 parking study. We asked the second applicant coming
10 in tonight every time he comes in to update his
11 parking study. Why aren't you under the same
12 obligation?

13 MS. BARON: So I think I can answer that
14 question just really quick. So the Town is not
15 subject to the general zoning and code requirements
16 that regular applicants would be subject to. That's
17 just a general rule of law. They don't have to go
18 through the normal approvals that a normal applicant
19 would, which is why this Board's responsible for
20 making a recommendation in regards to the plan rather
21 than making a traditional site plan approval. Right?
22 So I think that kind of answers that question.

23 CHAIRPERSON PRICE: I don't buy that
24 argument either.

25 MR. DiSTEFANO: I'll answer that question

1 for you, Mr. Chairman. Basically, when we originally
2 looked at this -- now again, you got to remember we're
3 dealing with the library. We're dealing with the
4 police department. We have court sessions where the
5 parking lot fills up. We have the library who is
6 upset because people from the court come to park there
7 and their customers gotta find -- try to find a
8 parking space. So they were very much involved in
9 saying we need more parking.

10 Just hear me out. We need more parking.

11 CHAIRPERSON PRICE: You do know where I
12 live.

13 MR. DiSTEFANO: I know exactly where you
14 live.

15 CHAIRPERSON PRICE: You know what I watch
16 every day.

17 MR. DiSTEFANO: I understand that.

18 So the original plan showed twice as much
19 more parking on that plan then what is shown now. So
20 we reduced it by a large amount of impervious surface
21 and parking spaces. So that was reduced. That was
22 taken off that plan.

23 Where you see banked parking, future
24 parking, that was all going to be more parking. Due
25 to other amenities for the Town Hall including the

1 splash pad, including the pool and with what the
2 library was saying they needed. We have taken that
3 off. It says -- looks as future, but that will never
4 be built.

5 So in essence, we added a very small amount
6 of pavement. We have 10 more parking spaces and
7 that's really to help the flow of traffic through the
8 Town Hall parking lot.

9 CHAIRPERSON PRICE: Okay. Let's talk about
10 the flow of traffic. You're talking about changing
11 the parking layout at the corner of the police for
12 traffic calming reasons. That came from the
13 Supervisor in a call to me just ahead of the September
14 meeting before we had it.

15 So if we're applying traffic calming reasons
16 to our layout, why aren't you doing it everywhere on
17 the site? Traffic calming doesn't mean make it a
18 straightaway on the backside --

19 MR. DiSTEFANO: If we had an unlimited
20 budget that we could just pull money from, we would
21 probably be able --

22 CHAIRPERSON PRICE: Oh, now we're going to
23 talk about budget?

24 MR. DiSTEFANO: -- redesign the entire
25 parking lot. But we have a limited amount of money

1 for these --

2 CHAIRPERSON PRICE: I can find places to
3 save you money. I'll show you where to save money.

4 MR. DiSTEFANO: Well, that's not what we're
5 here for, but -- you know, basically saying let's have
6 a clean slate and this is what we can do. And we
7 don't have a clean slate.

8 CHAIRPERSON PRICE: Okay.

9 MS. SANGUINETTI: I have a couple questions.

10 CHAIRPERSON PRICE: Go ahead.

11 MS. SANGUINETTI: So why didn't you include
12 any non-staff participants in this committee?

13 MR. DiSTEFANO: It was a Town Hall
14 renovation project.

15 And you gotta remember, it started with all
16 interior. That's what it was. The committee
17 was totally interior to Town Hall staff because it was
18 interior renovations to Town Hall.

19 As part of that -- as part of that, with the
20 wells and with the condition of the parking lot, it
21 came out, well, we're going to have to do exterior
22 site improvements.

23 MS. SANGUINETTI: Does that effect --

24 MR. DiSTEFANO: We have professional staff.
25 We have a professional planner. We have professional

1 engineers. We held -- figured out exactly what the
2 Town Hall needed and put that together, again, with
3 the help of library staff, with the help of police
4 staff.

5 We had to balance. We had to -- you don't
6 understand that every entity has their needs.

7 MS. SANGUINETTI: Do you have anyone on the
8 committee that walks to Town Hall? That uses the
9 playground? That uses the library? Did you have any
10 non-drivers?

11 MR. DiSTEFANO: We have non-drivers. We
12 have one non-driver, in essence, staff in the Town
13 Hall. We also have Town Board members who are very
14 bike-oriented.

15 So, yes. We did have that discussion and
16 those kind of thoughts put into this. I mean, this is
17 why we're getting a lot more sidewalk and --

18 MS. SANGUINETTI: Okay. Follow-up question.

19 MR. DiSTEFANO: Sure.

20 MS. SANGUINETTI: How does someone in a
21 wheelchair come from Sylvan into the library? Can you
22 show us on the map?

23 MR. DiSTEFANO: From --

24 MS. SANGUINETTI: Coming from Sylvan, from
25 the back.

1 CHAIRPERSON PRICE: From my house.

2 MR. DiSTEFANO: They come down the sidewalk.
3 Then they come across. This will be handicap, you
4 know, access sidewalk. And then they will still use
5 the back entrance that has the elevators.

6 So the back entrance will still be open and
7 there'll be -- the elevators -- well, the elevator
8 will be --

9 MS. SANGUINETTI: I see that past that
10 continues point one, they hit a wall and then the path
11 continues. It's not like -- it doesn't continue.
12 That walkway --

13 MR. HURLEY: That's a sidewalk stub that
14 lines up with two ADA parking spots. It's not a wall.

15 MS. SANGUINETTI: The crossway stops -- the
16 crossway appears here. Then the cross up to that
17 first divider, which is highlighted by number 8, and
18 it stops; right?

19 So then they have to magically go to either
20 side where the cross path continues. So it's not --

21 MR. HURLEY: I am going to walk through how
22 somebody would go that way and hopefully that can --

23 If somebody in a wheelchair entered the
24 sidewalk here at 1, they would continue down the
25 sidewalk to this intersection of sidewalk where there

1 would be an ADA accessible ramp coming to the
2 crosswalk, coming onto an ADA accessible onto this
3 sidewalk, continue across the sidewalk, down the
4 sidewalk to where another ADA ramp was, across the
5 pavement onto an ADA ramp, on the sidewalk, ADA ramp,
6 a crosswalk, ADA ramp, into the library.

7 So it is all ADA accessible.

8 CHAIRPERSON PRICE: In a parking lot.

9 MS. SANGUINETTI: That's in between cars.
10 What I'm seeing right now, where the number 8 is,
11 that's a sidewalk. You're saying that someone in a
12 wheelchair could safely go between parked cars?
13 Because there's going to be parked cars on either side
14 of that number 8.

15 MR. HURLEY: That is a sidewalk. People are
16 not parking bumper-to-bumper in that area. That is a
17 5-foot wide minimum sidewalk, possibly 6. It hasn't
18 fully been designed yet.

19 CHAIRPERSON PRICE: If you had an
20 alternative to that, would you consider it?

21 We'd like to enter into the record the
22 sketch that I submitted to the Supervisor of the Town,
23 which I'm surprised you don't have.

24 Really, guys, it's down to this
25 pedestrian -- the priority to pedestrians and

1 bicyclists over vehicles, number one. And the
2 reduction of parking spaces that you've developed and
3 looking at alternatives of where you can put them.

4 We prepared a sketch. We've all looked at
5 it. We've all commented on it. And we would like you
6 to consider them.

7 MR. DiSTEFANO: Okay. We'll take your
8 comments into consideration, take them back to the
9 Board.

10 MR. FADER: So to summarize more briefly, my
11 concern here is why I think that some of the actions
12 taken were not in the best judgment is that we asked
13 to be involved. We weren't involved. And you had
14 said if you had more resources, things might have come
15 out better. We would have been a pretty good resource
16 because we do this all the time. And so that's why
17 I'm kind of surprised that --

18 MR. DiSTEFANO: Yeah. I'm not taking away
19 what you guys do and your professionalism.

20 The problem is that we had an in-house
21 committee of professionals. We all do a good job too.

22 MR. FADER: Right.

23 MR. DiSTEFANO: And we had consultants. And
24 we hired a consulting team. Between the Town staff
25 and our consultants, we felt that we did the best we

1 could with what we have in a price range that's doable
2 for this multi-million dollar project. And we
3 thought -- we believe that we meet all those
4 requirements that you're looking for. Right?

5 Like I said -- and Bill, I didn't mean to,
6 you know, get my pinny up, but --

7 CHAIRPERSON PRICE: When we get ignored, we
8 get ours up.

9 MR. DiSTEFANO: I understand, but we weren't
10 ignoring the Planning Board.

11 (Simultaneous conversation.)

12 CHAIRPERSON PRICE: I didn't want this to
13 come out here. I wanted to be in the committee
14 meetings with all of you to resolve these issues, but
15 you ignored us. And you made that deliberate.

16 MR. DiSTEFANO: We did not ignore you
17 because we came here with the plan. Modifications
18 were made to what you saw in July.

19 CHAIRPERSON PRICE: You ignored us.

20 MR. DiSTEFANO: What?

21 CHAIRPERSON PRICE: Stop saying that you
22 didn't ignore us. You ignored us.

23 Jason Babcock said where is the public
24 engagement of this? You guys paid a price for not
25 engaging the people on the swimming pool thing. I

1 didn't want that to happen with this aspect of the
2 project.

3 We wanted you to have public input of the
4 people that walk by my house every morning, noon and
5 night. And your design puts them in the middle of the
6 parking lot still.

7 I'm upset about two things; bike path
8 priority and additional parking. We're setting a bad
9 precedent as a Town that boasts our greenness in every
10 manner possible, yet we're adding pavement. We can't
11 do that. You just can't do it.

12 And you're doing it on the front corner. If
13 you're looking to save budget, don't -- leave the
14 front parking lot alone. You don't need to spend
15 those dollars. And if the fire -- the policemen are
16 fired through there, then put a speed hump.

17 MR. DiSTEFANO: All those things were
18 considered. All those things were talked about. This
19 is the plan that came out of it.

20 Again, any comments you have, we'll be more
21 than happy to take a look at. That's all I can really
22 offer you.

23 If you have other concerns, then maybe the
24 Town Board is the place that you have to voice those.

25 CHAIRPERSON PRICE: Thank you. That might

1 be, but I hope you take our plan and you give it some
2 serious consideration. I don't think this is going
3 anywhere real fast. Okay.

4 MR. OSOWSKI: I have some questions. You
5 mentioned that this is a conceptual plan. So this --

6 MR. DiSTEFANO: I wouldn't call it a
7 conceptual plan. It is a site plan that is not a
8 fully detailed site plan. We don't have tie lines in.
9 We don't have grading. We don't have -- but it is a
10 site plan.

11 MR. HURLEY: A site layout plan.

12 MR. OSOWSKI: Is that design -- does that
13 involve construction documents?

14 MR. DiSTEFANO: No.

15 MR. OSOWSKI: Okay. So I mean, basically
16 there's still plenty of opportunity to make revisions.
17 That's where I'm going with this. Because this has
18 not -- this is nowhere near going out to bid.

19 MR. DiSTEFANO: Not the site work. The Town
20 Hall project has gone out to bid. The site work is to
21 follow. So that has not gone out to bid yet.

22 MR. OSOWSKI: Thank you. Thank you.

23 CHAIRPERSON PRICE: Other questions or
24 comments?

25 MR. FADER: I have -- I'm not sure where to

1 go from here. I see your plan. I also agree that
2 there's some -- there's some changes that could be
3 made here that aren't that hard to do.

4 CHAIRPERSON PRICE: They wouldn't affect
5 anybody's interest.

6 MR. FADER: That's sort of why -- I'm kind
7 of repeating myself, but I think in retrospect, it
8 might have made sense to have at least one
9 representative from the Planning Board in your
10 meetings.

11 CHAIRPERSON PRICE: Okay. Guys, thank you.

12 MR. DiSTEFANO: Thank you.

13 CHAIRPERSON PRICE: Lauren, let's have a
14 discussion about SEQRA.

15 First off, your role as the Planning Board
16 attorney, are you really the Town attorney? Or are
17 you the Planning Board's attorney? When the interest
18 of the Planning Board is somewhat in conflict with the
19 interest of the Town -- I don't want to say the Town
20 Board, but I'll say the Town -- where do you --
21 where -- who are you advising?

22 MS. BARON: So our firm represents the Town
23 as a whole. We -- our firm is attorney to the Town as
24 a whole, if that answers your question. If you
25 have --

1 CHAIRPERSON PRICE: It doesn't really. My
2 point is, if I want to question -- and I do
3 question -- the advice of either you or your firm
4 advising the Town that this action is a Type II
5 action, that -- I question that. I don't believe that
6 adding pavement and increasing parking is not a Type
7 II action. All the other improvements are, but not
8 adding parking.

9 MS. BARON: So I think the response to that
10 is twofold. First, the attorney to the Town, my
11 colleague, worked with the Town staff on that
12 regarding the Town Board's SEQRA review of this
13 project.

16 CHAIRPERSON PRICE: No. What I'm asking --
17 what I want you to tell me, tell this board, that if
18 we question the determination that this is a Type II
19 action, we say we don't believe that's the case, that
20 this should be unlisted in a coordinated review, where
21 is your advice to this Board on that matter?

22 MS. BARON: I think that that type of
23 evaluation was already completed by the Town Board and
24 it's up to the attorney to the Town for the Town Board
25 to make that advice and recommendation for the Town

1 Board.

2 In terms of what this Board is responsible
3 for, this Board's not responsible for SEQRA. So I
4 guess -- in terms --

5 CHAIRPERSON PRICE: We're not --

6 MS. BARON: For this particular project.

7 CHAIRPERSON PRICE: Okay. The Town Board is
8 responsible for it.

9 MS. BARON: Yes.

10 CHAIRPERSON PRICE: But if the Town Board
11 determines the action is something that we don't agree
12 with, is that just a "look, it's not in your
13 jurisdiction. Tough luck"? Or does -- can the
14 Planning Board take its own SEQRA action and make our
15 own determination?

16 MS. BARON: No. This Board is not
17 responsible for any approval or oversight over this
18 project besides recommendations.

19 CHAIRPERSON PRICE: I understand.

20 MS. BARON: So because you're not taking any
21 action you would not be --

22 CHAIRPERSON PRICE: We're saving public
23 funds.

24 MS. BARON: Yes.

25 CHAIRPERSON PRICE: And the Town Board --

1 the action that they've recommended be taken is not
2 consistent with what we see the SEQRA action to be.
3 It should be a coordinated review. That's my
4 interpretation. This is not anybody else here.

5 MS. BARON: So I think that maybe that's a
6 conversation that you need to have with me and the --
7 and my colleague about your opinion, your particular
8 opinion.

9 CHAIRPERSON PRICE: But, you know, it would
10 be interesting to know whether the Town Board took --
11 determined that action fully knowing what the extent
12 of the site plan improvements were going to be.

13 If they took that action knowing there was
14 going to be an expansion of parking, that's one thing.
15 If they took that action not knowing and that came up
16 after the fact, that's something else. But that would
17 also require a modification to SEQRA.

18 MS. BARON: So also in response to your
19 question, I think in terms of adding or not adding
20 impervious surface, whether that falls under --

21 CHAIRPERSON PRICE: It's not impervious
22 surface. It's parking.

23 MS. BARON: Yes. So the most recent
24 iteration the plan only adds 10 parking spaces and a
25 10 percent increase in pavement is what's been

1 represented as far as the plans go.

2 CHAIRPERSON PRICE: We're going to have
3 to -- well, okay. We'll take this up further.

4 MS. BARON: Yeah. I think it's better to
5 talk about it off --

6 MR. FADER: Bill, I think maybe you or
7 someone should have the discussion with the Town
8 Board.

9 CHAIRPERSON PRICE: Well, find an
10 alternative to 10 parking spaces and make a sidewalk
11 for peds and bikes and all this goes away. Okay. And
12 a little bit of public input. Okay. Let's move on.

13 Okay we come to 8P-02-24.

14 **Application 8P-02-24**

15 Application of PGR, LLC, owner, and Matt
16 Tomlinson, Marathon Engineering, agent, for
17 Preliminary/Final Site Plan Approval,
18 Preliminary/Final Resubdivision Approval and EPOD
19 (woodlot) Permit Approval to acquire .25 +/- acres of
20 land from property at 1057 East Henrietta Road and
21 construct a 12,200 +/- square foot building addition
22 with associated parking on property located at 172
23 Metro Park. All as described on application and plans
24 on file. **TABLED 8-21-2024; PUBLIC HEARING REMAINS**

25 **OPEN**

1 MR. TOMLINSON: Good evening, my name is
2 Matt Tomlinson. I'm with Marathon Engineering. I'm
3 also joined by the ownership team and the
4 architectural team that can answer any questions if
5 there are some out there.

6 I noticed in your agenda review that Jason
7 shared where we were at as it related to review of the
8 project. And when we were here last, we were also
9 waiting for ARB approval, which we have obtained for
10 the building itself.

11 And just as a reminder to the Board -- I
12 know there's some questions as it related to some of
13 the woodlot/EPOD, the mitigation for that, the
14 location of the trees. Again, the owner has agreed to
15 plant several of those trees in the right-of-way of
16 Metro Park near the frontage for the parcel, which I
17 think would be a nice addition to the streetscape.
18 There are pretty limited locations for those to be
19 planted on-site due to some of the existing utilities.

20 We have a few minor comments as it relates
21 to the stormwater to address with the Town engineer,
22 but generally we have a plan in place. This is not
23 subject to a NOI being filed with the DEC, but because
24 the Town of Brighton has its own 20,000 square foot
25 rule versus the 1 acre rule, we are required to

1 prepare a SWPPP, which we're working through final
2 comments with the Town engineer.

3 So with that, I think we had previously
4 answered the majority of the Planning Board's comments
5 or questions, but I'd be happy to answer any others.

6 CHAIRPERSON PRICE: Your application
7 included a letter from Heinrich Fischer. Do you have
8 that with you? Because I think that he recommended
9 three or four street tree varieties that could be done
10 in the right-of-way. I wanted to pick one of them,
11 but I can't find it. That's in the staff report.

12 MR. TOMLINSON: I believe it's in the staff
13 report. I do not have a copy of it.

14 CHAIRPERSON PRICE: It may or may not --

15 MR. TOMLINSON: Final location -- and again,
16 if there is a recommendation, we'd be happy to
17 consider that as long as the species are available and
18 we can coordinate that with the Public Works
19 Department.

20 CHAIRPERSON PRICE: He had a couple that
21 could go and a couple that were too small that I'm
22 happy to just advise.

23 MR. TOMLINSON: Sure.

24 CHAIRPERSON PRICE: They are all good, but
25 some better than others.

1 MR. HAREMZA: Do you want them now, Bill?

2 CHAIRPERSON PRICE: You got them?

3 MR. HAREMZA: Yeah. Hedge maple.

4 CHAIRPERSON PRICE: Too small.

5 MR. HAREMZA: I looked these up at one
6 point. I forget what the Latin names are, but the
7 next one is *Platanus acerifolia* (Exclamation). Next
8 one is *Tilia americana*. And the fourth is *Tilia*
9 *tomentosa*.

10 CHAIRPERSON PRICE: Yeah. It's a silver --
11 that's a better one.

12 MR. TOMLINSON: Okay.

13 CHAIRPERSON PRICE: That's all I had.

14 Was the fire access easement worked through
15 on the adjacent parcel?

16 MR. TOMLINSON: No. We are sprinklering the
17 entire building, which addressed that comment.

18 CHAIRPERSON PRICE: Gotcha. Okay. Any
19 other questions? All right. Thank you.

20 This is a public hearing. Is there anyone
21 in the audience that cares to address this
22 application? Please.

23 MR. SMITH: Quick question.

24 CHAIRPERSON PRICE: Mind coming up real
25 quick?

1 MR. SMITH: Yeah. George Smith. I'm on the
2 Conservation Board. I was invited actually to comment
3 on the Town Hall process, but you didn't offer any
4 opportunity.

5 CHAIRPERSON PRICE: It was on the agenda and
6 I guess it wasn't really a public hearing. You're
7 here. Could we get through our -- would you be
8 willing to stick around --

9 MR. SMITH: Sure.

10 CHAIRPERSON PRICE: So I can get through the
11 public hearings? And then I'd ask you to comment with
12 us on -- we're going to be putting together a comment
13 letter if you don't mind sticking around.

14 MR. SMITH: That sounds fine.

15 CHAIRPERSON PRICE: Thanks for coming out.
16 Okay. Back to 9P-01-24.

17 **Application 9P-01-24**

18 Application of Brighton Corners LLC, owner,
19 and Polo Padilla, lessee, for Conditional Use Permit
20 Approval to allow a take-out food establishment to be
21 on property located at 1924 Monroe Avenue (Twelve
22 Corners Plaza). All as described on application and
23 plans on file.

24 MR. BAKER: Good evening, everybody. Hello.
25 My name is Stuart Baker, landlord and property

1 management company for Brighton Corners LLC, also
2 known as Twelve Corners Plaza for most of you in this
3 room.

4 Next to me is Tanya Gupta, who is part of
5 the family, the Guptas, who own and manage several
6 franchises. And they have a deep history in franchise
7 history, particularly Subways. And she and her family
8 will be our tenant in this plaza. She will be running
9 this property. She is a resident of the area as well.

10 I'm here for the conditional use permit and
11 answer any questions you may have. But I can give you
12 a brief summary if you'd like as to what we are
13 proposing in the plaza.

14 And I should probably get the elephant out
15 of the room. We are going to take care of the time on
16 the time clock for all those who called my office.
17 And RG&E had a big, big power outage that kind of blew
18 out my -- so just so you understand, we're on top of
19 it. We finally trained our own staff to do it without
20 having to outsource, hundreds of dollars an hour. So
21 thank you for your patience.

22 The Auntie Anne's and Jamba Juice, for those
23 who haven't heard of the franchise, is a restaurant
24 use and it serves pretzels, soft pretzels, smoothies,
25 et cetera. We're proposing to put -- we do have a

1 signed lease agreement with a conditional, obviously,
2 approvals and the approval process.

3 And they're looking to go into the Brighton
4 Vision space, who was there for a very long time. And
5 it was vacant for a bit. We were trying to find the
6 right use for there.

7 It's about 1600 square feet, plus or minus.
8 Days and hours of operation, per our application, are
9 Monday through Saturday, 10 a.m. to 9 p.m., Sunday
10 noon to 6 p.m.

11 Number of employees on-site, as you know,
12 this is not a sit-down. We do not have chairs or
13 tables. At max it sits three. That's on the
14 application as well. Peak customers at a time, we're
15 saying four. You made a really good point. This is
16 Twelve Corners Plaza. You know, with foot traffic,
17 that could be more. But plus or minus four is the
18 franchise -- the average.

19 CHAIRPERSON PRICE: That's what it felt
20 like -- you know, maybe not at the eyeglass store, but
21 maybe Bagel Land.

22 MR. BAKER: Well, let's not say Bagel Land
23 on a Sunday morning, at 6:30 in the morning, but, yes,
24 Bagel Land.

25 CHAIRPERSON PRICE: Just from the parking

1 standpoint, it seems consistent.

2 MR. BAKER: Yes. We did provide the Board a
3 study I did extensively when previously we had a
4 noodle franchise that wanted to come in there. In
5 working closely with the Planning Department -- which
6 I always do on any of our Brighton projects. I work
7 closely with the Planning Department. I work closely
8 with the Fire Marshal looking at construction, et
9 cetera. We have provided you that detailed study as
10 parking is always a consideration at any plaza in any
11 suburb -- in a smaller suburb or condensed suburb like
12 Brighton and particularly through the Twelve Corners
13 Plaza area.

14 Trash. That was brought up. That's a
15 really good question. I can tell you my company, our
16 company, landlord, I send a person out every evening
17 emptying those garbage cans. We had a couple,
18 especially since the ice cream use has been there.

19 I don't want to put our problems or concerns
20 on other people, but our tenants -- we are constantly
21 on our tenants, specifically the larger tenants such
22 as Panera and Starbucks and the pizza shop, to have
23 their staff take care of their issues with pulling the
24 garbage, to close the dumpster. It's a constant --
25 it's almost like I'm a principal of a school. And I'm

1 constantly posting things and sending emails. And we
2 do have an excellent relationship with all of the
3 managers, the owners, for some of the private
4 companies who are not regionals or nationals.

5 So we are very clued into that. The trash
6 is always a concern. We do have our landscape
7 company -- you know, for fall and spring cleanup do
8 pick up when they're cutting grass. And we're doing
9 our best. Could it improve? Everything could
10 improve.

11 So it is costly. I do pass that cost onto
12 the tenant. So we bear some of it, but most of it
13 gets passed onto the tenant. Be we are conscious of
14 that. I believe Jason brought that up, which is a
15 good thing. If it comes up, I can address it in a
16 private conversation. My line is always open to
17 anybody on the Board.

18 We don't have any special events or anything
19 planned, unless the franchise kind of -- they want to
20 promote something. For example, Subway might want to
21 to do \$5 sub day so they might put a sandwich sign out
22 there, something like that. But we don't anticipate
23 anything, at least through the growth stage.

24 We are at a stage -- a critical stage where
25 we do have -- we do want to start construction. We

1 have obtained three bids to do the construction. We
2 did consult with Planning. We know what they're
3 looking for, informally. I came in to do that myself.

4 I also brought in -- the Fire Marshal out to
5 the site a couple times with a couple contractors to
6 get his feel for it.

7 So we're well prepared to go forward. We're
8 anxious to provide another amenity to the Town. We do
9 feel, to another point that was made by Jason -- I
10 think it was Jason -- is the amount of foot traffic
11 that is generated during the school season. And we do
12 have a lot of it. And that gets back to the garbage
13 thing too.

14 So part of our process is to talk to our
15 tenants and say, hey, have a staff member go out after
16 it's 3 o'clock and pick up bagels and pizzas and the
17 thrown stuff on the ground. It's working, but it can
18 always be better.

19 In general, unless Tanya wants to add
20 anything, I'm here for questions, clarification or
21 anything else that you need.

22 CHAIRPERSON PRICE: Just the -- just for the
23 record, what are the hours of operation and how many
24 employees.

25 MR. BAKER: I'll read them again.

1 MS. GUPTA: Monday through Saturday we were
2 thinking 10 a.m. to 9 p.m. and then Sunday is going to
3 be from 12 to 6.

4 MR. BAKER: Number of employees will be --

5 MS. GUPTA: Will be three max.

6 CHAIRPERSON PRICE: When someone comes into
7 buy, what would you say the turnover rate is? Is it
8 minutes?

9 MS. GUPTA: It's going to be minutes.

10 CHAIRPERSON PRICE: It's very quick.

11 Nobody's there for --

12 MS. GUPTA: No. Because it's only juice and
13 only pretzels. It's going to be more of grab-and-go.

14 MS. SANGUINETTI: Will you be able to order
15 like on an app?

16 MS. GUPTA: Yes. We are going to have
17 online orders. We're going to have all deliveries.
18 So that's going to be an app. And in the future we
19 might have also a computer system added so customers
20 can come and order in the store as well.

21 MS. SANGUINETTI: There's no seating
22 whatsoever?

23 MS. GUPTA: No seating at all.

24 MR. OSOWSKI: How about stand-up tables,
25 like the bar-height stand-up?

1 MR. BAKER: In the plan that we have now,
2 John, there's no stand-up. There's no stand-up
3 counters at all.

4 Kitchen takes up quite a bit of space, the
5 two ovens and the counter area that's there to order,
6 you go through your process. We have a long hallway
7 from the rear entranceway which was redesigned by the
8 plaza about 15, 20 years ago.

9 CHAIRPERSON PRICE: Do you have access from
10 both sides?

11 MR. BAKER: Correct.

12 MS. GUPTA: We have two kitchens; Jamba
13 Juice kitchen and Auntie Anne's kitchen.

14 MS. SANGUINETTI: Will those be separated?

15 MS. GUPTA: No. It's going to be -- inside
16 is going to be one kitchen. They just have the
17 separation of the wall. But it's going to be two
18 separate -- but still technically one kitchen.

19 MS. SANGUINETTI: Okay.

20 MR. BAKER: One kitchen; two uses.

21 MS. SANGUINETTI: How long is the lease?

22 MR. BAKER: Is that relevant? 10 years.
23 With conditions. I didn't mean to say -- it's an
24 interesting question. I'd like to make it 20.

25 MR. OSOWSKI: Is this a common joint

1 venture, the smoothies with the pretzels?

2 MR BAKER: Yeah. In fact, you know, one of
3 the things -- that's a good question too. We try our
4 hardest to bring retail into that plaza. Again, I can
5 sit in front of you and tell you who we've lost and
6 why we've lost those tenants.

7 But food use in that -- those Twelve Corners
8 is huge. It's what the public wants and what the
9 public demands. And as far as -- one of the things
10 that we went through with a couple franchises that we
11 decided we didn't want, we looked at the people who
12 were operating because that's huge. So that could be
13 more relevant to your question.

14 Professional operators. Can they handle it?
15 Do they know how to staff? Do they know how to
16 interview? Do they know how to manage? They do.
17 I've met Tanya's father. He's an excellent
18 individual. Now they're at that stage where they're
19 ready to go.

20 MS. GUPTA: And these two together, they're
21 opening everywhere. So this is just the first concept
22 store that they're opening in Rochester, but they do
23 have these two concept stores opening everywhere. The
24 closest one to here will be New York City. So these
25 two concepts are opening together.

1 MR. BAKER: We'd like to grow a little bit
2 in Rochester. That's our goal.

3 Our firm is buying the rest of their
4 operations to help them out.

5 CHAIRPERSON PRICE: Any other questions?

6 MS. SANGUINETTI: Just thinking, would it be
7 conducive to have it be kosher?

8 MR. BAKER: Great question.

9 MS. GUPTA: So we follow the franchise
10 rules. So everything is followed as per the
11 franchise, like what they provide.

12 So that's something if they come up with
13 something that only we can introduce that product --
14 because we do not choose the menu. We do not choose
15 everything. We have to follow all the restrictions
16 provided by the franchise. So it is franchisees, but
17 we follow all the restrictions, everything as per the
18 franchise.

19 MR. BAKER: I've tried in another property.
20 We've entertained -- we thought we had one. We had
21 one former famous/new famous place that was opening.
22 Another one we couldn't get. It's a good question.
23 But they are subject to the franchise, much like a
24 Subway, to follow their rules and regs and changes.

25 MS. SANGUINETTI: I'm very excited. So I'll

1 be showing up.

2 CHAIRPERSON PRICE: Thank you.

3 MR. BAKER: Thank you very much.

4 CHAIRPERSON PRICE: This is a public
5 hearing. Is there anyone that cares to address this
6 application? All right. Thank you.

7 Let's move to application 9P-02-24.

8 **Application 9P-02-24**

9 Application of 2144 BHTL RD, LLC, owner, and
10 Ome Oluikpe, lessee, for Conditional Use Permit
11 Approval to allow a wholesale drug compounding
12 facility to be on property located at 2144 Brighton
13 Henrietta Town Line Road. All as described on
14 application and plans submitted.

15 CHAIRPERSON PRICE: Please. How are you?

16 MR. OLUIKPE: I'm good. Thanks.

17 CHAIRPERSON PRICE: Introduce yourself and
18 state your name for the record.

19 MR. OLUIKPE: My name is Ome Oluikpe. I'm a
20 registered pharmacist in New York State.

21 CHAIRPERSON PRICE: Okay. Tell us a little
22 bit about the operations.

23 MR. OLUIKPE: Yes. So I'm a previous
24 pharmacy owner. I used to own a retail pharmacy
25 downtown, which I sold a couple years back. And now I

1 want to focus on doing a specialty in each form of
2 pharmacy practice, which is called compounding.

3 Essentially, I'll be catering to folks that
4 have special needs in the form of special doses for
5 individual patients. The State Board of Pharmacy --
6 well, actually nationally, has class -- two
7 classifications for compounding; one is 503A and the
8 other is 503B.

9 503B is more wholesale batch compounds. I
10 do hope -- aspire to become a 503B ultimately, but
11 we'll be launching as a 503A compound pharmacy. We'll
12 be making individual doses for individual patients
13 subject to a prescription for a doctor.

14 We typically will be serving -- the intended
15 source of these orders or the most common sources are
16 from med spa clinics. Dermatologists also have need
17 for us. And we find that most of the patients or
18 clients typically will have their orders shipped to
19 them is most commonly how these are handled.

20 The State Board does require that we provide
21 the option of having patients come pick up at the
22 location. So we will be offering that as well, but I
23 anticipate that at most we will have 5 or 10 percent
24 of our orders actually picked up physically at the
25 location. So in terms of visitors per day, we're

1 anticipating no more than five a day.

2 An average compounding pharmacy typically
3 dispenses anywhere from 30 to 50 orders a day. So if
4 you do the math, we don't expect that much traffic per
5 se.

6 We will have -- we do anticipate that we
7 will have courier visitors daily, either from FedEx,
8 UPS or whoever we have contracts with. And they will
9 pick up our batches at whatever designated time and
10 take them away for us.

11 In terms of waste, which was one of the
12 questions that was asked, we don't anticipate any
13 unusual waste per se. We are making specific doses of
14 product. We use analytical scales, measuring very
15 small quantities.

16 The products that are purchased provide a
17 trace from the distributor that are sent to the
18 medication to the final patient. So any unused
19 product has to be sent back to what's called a reserve
20 distributor to account for whatever we did not
21 dispense. So there's very little commercial waste per
22 se.

23 But that said, one of the questions was what
24 did we anticipate goes to the sewer. And just like
25 any -- you would find in a household, you would find

1 that there will be trace amounts of whatever we
2 prepare in the sewer, but it's going to be negligible.
3 It won't be more than what you have in your home, you
4 know. That was I think one point that needed to be
5 clarified.

6 So there isn't any -- typically, there isn't
7 any special concentration made for the waste per se.
8 Most of that will be handled by the reverse
9 distributor.

10 Do you have any questions for me?

11 CHAIRPERSON PRICE: Could you tell us how
12 many employees you have?

13 MR. OLUIKPE: So I will launch with just --
14 I intend to launch with two technicians, two helpers,
15 essentially. And I will have a pharmacist that will
16 be relieving me, but I am the primary pharmacist. So
17 it's essentially me and possibly a few other
18 individuals.

19 I do hope as part of the projection that by
20 the end of year one I would possibly have about half a
21 dozen employees.

22 CHAIRPERSON PRICE: Okay. And your hours of
23 operation?

24 MR. OLUIKPE: Proposed for the State Board,
25 Monday through Friday 10 a.m. to 6 p.m.

1 CHAIRPERSON PRICE: 10 a.m. Okay.

2 MS. ALTMAN: Is this an existing business or
3 is this a startup business or an offshoot of a
4 previous pharmacy?

5 MR. OLUIKPE: It is a startup.

6 MS. ALTMAN: Startup. Okay.

7 CHAIRPERSON PRICE: And you're not proposing
8 any improvements to the site.

9 MR. OLUIKPE: We are not. I mean, we will
10 need to modify the interior to have the dispensing
11 area and house my equipment I will purchase, but at
12 this time, we're not making any additional
13 modifications.

14 It's going to be limited to the flooring.
15 Currently -- the current floor is carpet. And by
16 State rules I can't have carpet on the floors. So we
17 will be redoing it to vinyl. We'll be painting walls
18 and shelves.

19 CHAIRPERSON PRICE: Okay. And you do have
20 an application for a sign as well; right?

21 MR. OLUIKPE: Yes, I do. Yes.

22 MS. SANGUINETTI: You'll be able to fill
23 prescriptions for off-label uses; is that right?
24 That's part of it?

25 MR. OLUIKPE: Yes. That is -- that's --

1 that's part of what compounding is.

2 So the doctor will send us a formulation
3 they think will be ideal for a specific patient.
4 Oftentimes it is off label, yes.

5 MS. SANGUINETTI: Will you be able to do
6 atropine drops for myopia?

7 MR. OLUIKPE: So that requires a sterile
8 lab, which is part of my future development plan.
9 I'll need to have a clean room and place to do that.

10 MS. SANGUINETTI: Let me know.

11 CHAIRPERSON PRICE: Thank you.

12 MS. BARON: I had one more question, sorry.

13 MR. OSOWSKI: Does it include fluids,
14 ointments in addition to powders, solvents?

15 MR. OLUIKPE: It does, yes.

16 MR. OSOWSKI: Okay. Like how do you clean
17 the scales? With some kind of alcohol wipes or
18 something?

19 MR. OLUIKPE: Yeah. They'll be disposable
20 wipes, which will be taken away by a -- by a medical
21 waste removal.

22 MR. OSOWSKI: All right. So that takes care
23 of most of the --

24 MR. OLUIKPE: Exactly.

25 MR. OSOWSKI: Will there be a locked safe

1 for overnight storage of narcotics or medicines?

2 MR. OLUIKPE: Yes. The State Board
3 requires -- it's not a requirement, but it's a part of
4 my plan, yes.

5 MS. BARON: Just a quick question about
6 customers coming. Would you say -- what's the
7 percentage that you would say is mainly you shipping
8 your product versus people coming in to fill their
9 prescriptions?

10 MR. OLUIKPE: So we're anticipating 90 to 95
11 percent shipped and 5 to 10 percent picked up at the
12 store.

13 CHAIRPERSON PRICE: All set, Lauren?

14 MS. BARON: All set.

15 MR. HAREMZA: And just to add on to that
16 point, that is similar to previous uses that the Board
17 has reviewed for this district like Grainger Tool
18 Rental and the flooring distribution.

19 CHAIRPERSON PRICE: Okay. Thank you for
20 coming in. Appreciate it.

21 MR. OLUIKPE: Thank you.

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

25 Let's move on to application 9P-03-24.

1 Application 9P-03-24

2 Application of Jewish Senior Life, owner,
3 and Matt Tomlinson, Marathon Engineering, agent, for
4 Final Site Plan Approval to construct a 4-story,
5 90,000 +/- square feet senior independent living
6 apartment building, consisting of 90 dwelling units,
7 with a 7,596 +/- square foot carport structure on
8 property located at 2021 Winton Road South. All as
9 described on application and plans on file.

10 MR. HAREMZA: Matt Tomlinson, you changed.

11 MR. GOLDMAN: I have. You know, a little
12 bit more hair. I've gotten substantially older from
13 coming to a lot of board meetings.

14 For the record, my name is Jerry Goldman.
15 I'm the attorney and agent for Jewish Senior Life
16 and/or Jewish Home. And I think perhaps first I'll
17 address the question, which was -- which was raised
18 earlier in the pre-discussion.

19 The property on which we are looking to
20 develop the moderate income housing is owned by Jewish
21 Home of Rochester Inc., a not-for-profit corporation.
22 The parent corporation of the entire Jewish Senior
23 Life campus is an operation of Jewish Senior Life
24 Inc., but they have rebranded in the last year to
25 adopt the name Jewish Home for all of their

1 operations. You may have seen the television
2 commercials, which say Jewish Home and everything else
3 and that is a conscious decision on their part. But
4 there's been no change in the corporate ownership
5 relative to the real property or the operation as a
6 part of -- as part of this entire process.

7 We're here tonight for final site plan
8 approval. Since the last time we were here, we had a
9 variance to obtain for the location of the canopy.
10 That variance was granted in September, at the
11 September Zoning Board meeting.

12 We have received the staff comments. We've
13 reviewed all of them. And with us tonight --
14 hopefully I don't think there's any questions for them
15 to answer, but we have Carly Zecher, who is the chief
16 financial officer of Jewish Home, as well as Barry
17 Ingalsbe, who is the development consultant, Leticia
18 Fornataro, who is with SWBR Architects, the architect
19 for the project, and Matt Tomlinson who is our project
20 engineer.

21 So we're available to answer any questions
22 that you have, but I think we've pretty much -- we're
23 pretty much here as a wrap-up type of operation now
24 that preliminary has been granted.

25 I don't know if Matt had any additional

1 information that he wanted to provide. I never like
2 to foreclose someone from coming up to the microphone.

3 MR. TOMLINSON: There was an additional
4 question at the Conservation Board as it related to --
5 sorry, Matt Tomlinson, Marathon -- snow storage in the
6 center island and trees. And we anticipate that will
7 be occupied by vehicles most of the time. We don't
8 anticipate pushing a lot of snow there. So we'll
9 remove that label from the plans.

10 CHAIRPERSON PRICE: I saw that comment.

11 MR. TOMLINSON: I think that's the only
12 outstanding comment we haven't talked about.

13 MR. GOLDMAN: Other than the technical
14 engineering comment that the Town engineer indicated
15 that they can work out offline without the need for
16 the Board's involvement.

17 CHAIRPERSON PRICE: And Jerry and Matt,
18 there was a question -- the parking field that you're
19 developing for this is for the new building but also
20 to provide some parking for the adjacent building;
21 correct?

22 MR. GOLDMAN: That's correct. That's
23 correct. As a result of the reconfiguration of the
24 roadways to accommodate this use, the Green House 3,
25 the building which is closest to us, has a need for

1 additional parking.

2 So in order to keep our parking basically
3 static, we have -- we have that amount of parking
4 which is located within -- within the parking field,
5 which is adjacent to this building. But having --
6 this has been relative to building 3. I'm glad that
7 there's going to be additional parking available
8 because I have a challenge trying to find a place to
9 park.

10 CHAIRPERSON PRICE: Okay. Since the last
11 meeting, any changes in architecture or --

12 MR. GOLDMAN: No changes in design at all.

13 CHAIRPERSON PRICE: All right.

14 MR. OSOWSKI: I have one question for Matt I
15 believe. And it looks like the canopy doesn't go over
16 the entire -- it looks like it ends a little bit short
17 of the west end; is that correct?

18 MR. TOMLINSON: For parking spaces in the
19 interim?

20 MR. OSOWSKI: Yeah.

21 MR. TOMLINSON: That's correct. Several of
22 the ADA spaces are uncovered so that -- we don't want
23 to give the impressions that those are reserved for
24 residents. So those will be publicly available
25 visitor ADA spaces versus what's under the cover.

1 MR. OSOWSKI: All right. Thanks.

2 CHAIRPERSON PRICE: Any questions?

3 Everybody good? Lauren, questions?

4 MS. BARON: Yeah. I don't have any.

5 CHAIRPERSON PRICE: I guess we're good.

6 MR. GOLDMAN: Great. Thank you very much.

7 CHAIRPERSON PRICE: Thank you. This is a
8 public hearing. Does anyone care to address this
9 application? Thank you all for coming out.

10 Appreciate it.

11 Okay application 10P-01-24.

12 **Application 10P-01-24**

13 Application of BWZ, LLC, owner, and Robert
14 Sant, agent, for Conditional Use Permit Approval to
15 allow for a truck terminal facility to be on property
16 located at 190 Jefferson Road. All as described on
17 application and plans on file.

18 MR. SANT: Ladies and gentlemen, Rob Sant,
19 agent for BWZ, LLC. With me tonight is Bill Zamiara,
20 a principal of BWZ. We have proposed tenant, Steve
21 Andolina, running a truck care facility and then Chike
22 Cumberbatch, who is the manager of Valley Propane, a
23 subsidiary of Mirabito Fuels, which will also be a
24 tenant of the facility.

25 The proposed use -- we've submitted a letter

1 with the history of the project. Again, we're using
2 the project -- the property is ideally suited for the
3 proposed use put in my original letter, which I assume
4 the Board has.

5 It was operated by Ryder Truck Rental until
6 1988 and then DNS Truck Repair I think through 2010.
7 And after that, it was operated by BWZ following.
8 Again, Bill Zamiara is the principal and owner of BWZ.
9 He sold his business. The property is now vacant as
10 we speak.

11 We have submitted to the Monroe County
12 planning review. We did receive a response. I don't
13 know if the Planning Board has received their
14 response. I did bring extra copies.

15 MR. HAREMZA: Planning Board did not, but
16 staff did.

17 MR. SANT: So I'm not sure -- I'm sorry?

18 CHAIRPERSON PRICE: You did your job.

19 MR. SANT: Okay. So they do have some
20 comments. And frankly, it's a little hard to read.
21 And I don't think -- refer to attachment, project
22 review, which was not included in what I received by
23 email. So I --

24 CHAIRPERSON PRICE: It's not unusual.

25 MR. SANT: So I didn't receive it. So I

1 don't know if there's any questions that we need to
2 address. They did notably in the comments --

3 CHAIRPERSON PRICE: There's no wetlands out
4 there is there?

5 MR. SANT: I'm sorry?

6 CHAIRPERSON PRICE: There's wetlands out
7 there?

8 MR. SANT: Bill can speak to that. Those
9 were addressed years back. Bill's here to speak to
10 that.

11 MR. ZAMIARA: Yes. Way in the back by the
12 railroad tracks.

13 CHAIRPERSON PRICE: Yeah. We know we've got
14 a couple of adjacent properties back there that have
15 had wetland issues. I don't know if they touched on
16 that property or not. Thank you.

17 Would you just tell us a little about the
18 operation and like hours of operation? What's coming
19 and going?

20 MR. SANT: Deep Rock Diesel currently
21 operates a truck repair business at Deep Rock Road in
22 the Town of Gates. He wants to move the operation to
23 this facility. Again, his idea is suited for that
24 purpose.

25 And then to make use of the office space and

1 parking area, Valley Propane -- Mirabito Fuels, Valley
2 Propane as subsidiary would operate a truck terminal
3 for propane and fuel distribution, park his trucks in
4 and out and for office space. That's generally --
5 that would continue to operate as needed since parking
6 would be available for trucks and buses just for
7 additional revenue to support this property.

8 So that in a nutshell is what we're looking
9 to do. There's no change in egress or ingress, no
10 change in improvements whatsoever. So again, we're
11 looking to move forward on that basis.

12 The issue of fencing was raised earlier.
13 There is a gate. I did walk the property. I did take
14 pictures of the property. So there is limited
15 fencing. I guess this is something we need to address
16 with the landlord. I think Rick had pointed that out
17 to us. There is a gate that separates the truck
18 parking.

19 So it is insulated if you will. And the
20 adjoining properties have truck -- I think on both
21 sides have access by trucks in different properties.
22 So there's really no change in the use of the
23 property -- the use of property generally.

24 So I think with that, we certainly would
25 entertain any questions by the Board in terms of what

1 we're looking to do.

2 MR. FADER: What would your hours of
3 operation be?

4 MR. ANDOLINA: Well, the trucks would come
5 at all hours. That's -- the office generally -- the
6 office would be 9 to 5. The trucks could be coming
7 literally at any time, day or night. So that's just
8 the nature of the business.

9 CHAIRPERSON PRICE: Would you mind
10 introducing yourself?

11 MR. ANDOLINA: Yeah. Steve Andolina. And
12 I'm -- the Deep Rock Diesel does primary maintenance
13 for the trucks now. That's why it's suited-wise --
14 this would be perfect. We'd be onsite. Right now
15 we're in two different locations.

16 Generally the trucks, yes, they do go in and
17 out. Not a lot. Home base repairs, their hours
18 stagger. Some start at 6 in the morning. Some start
19 at 10. But most generally, it's a 12 hour day for
20 them out on the route. They don't come to the yard to
21 fill or anything. That's done at a, you know,
22 terminal. So unless they have a breakdown, they
23 wouldn't come back all day.

24 CHAIRPERSON PRICE: Okay. So this is not --
25 you're not loading a lot of product?

1 MR. ANDOLINA: There is no loading or
2 unloading on the site.

3 CHAIRPERSON PRICE: You're not getting stuff
4 in warehousing, shipping it back out.

5 MR. ANDOLINA: Basically parking and leaving
6 and coming and repairing the trucks.

7 The reason for an outside repair, like he
8 said, to help, you know, the revenue and we can do
9 inspections. If it's not my fleet, I can't get an
10 inspection. I have to be an outside repair shop in
11 order to get that New York State inspection and
12 everything. So we are registered repair shop now.

13 MR. SANT: There will be -- we have Chike
14 Cumberbatch with us. He's one of the managers at
15 Valley. He works for Mirabito. So he can speak to
16 the office use.

17 But so that's generally the office use.
18 Certainly he's here to answer any questions. The
19 truck repair and the truck terminal, again, I think we
20 sort of explained what goes on there.

21 CHAIRPERSON PRICE: Yeah. I have a better
22 idea of it. You know, we're just concerned if there's
23 going to be any kind of nuisances at all, a lot of
24 noise or -- and you're not really near a lot of
25 residence or anything, but what we're looking to

1 understand is, you know, what is it that the
2 operations are doing and is there anything that we
3 need to be concerned about, hazardous materials.

4 MR. ANDOLINA: All repairs are done
5 inside -- would be done inside the building.

6 CHAIRPERSON PRICE: Proper ventilation.

7 MR. ANDOLINA: Yup.

8 CHAIRPERSON PRICE: Materials, you know,
9 you're not generating a lot of waste. Any waste is in
10 dumpsters that are behind the fence.

11 MR. ANDOLINA: Right now, until the office
12 comes, we might have just a little more. I have two
13 household toters. That's my trash pickup for my shop.

14 CHAIRPERSON PRICE: Okay. Okay.

15 MR. SANT: So the property is -- I don't
16 know if you are familiar with the property. It's
17 insulated from most everything off the road. It is
18 gated. So the back parking is gated. It is
19 segregated.

20 So in terms of nuisance, any neighbors --
21 and I think -- who is it, Bill? O'Connell Electric is
22 the neighbor and Genesee Reserve is on the other side.

23 CHAIRPERSON PRICE: And you don't have any
24 kind of outdoor storage that they have. I think both
25 of them have racks of outdoor materials that are

1 stored.

2 MR. ANDOLINA: No.

3 CHAIRPERSON PRICE: Okay.

4 MS. SANGUINETTI: Will the driveway -- the
5 existing driveway, will that be modified at all?

6 MR. ANDOLINA: No.

7 MS. SANGUINETTI: Will the facility be
8 opened -- like trucks, will they be able to access
9 some sort of facility?

10 MR. ANDOLINA: As far as --

11 MS. SANGUINETTI: If the truck comes in at
12 midnight, will there be --

13 MR. ANDOLINA: Yes. There is access to get
14 in. You know, there'll be no -- we don't do
15 freight-type service trucks where they're -- you know,
16 coming off the road. They're not -- we don't do that
17 stuff at all. That's mostly what's here in the Town.

18 MR. SANT: The Mirabito office will use the
19 office space to do their paperwork and email that out,
20 consistent with what they do at 72 Brooks Avenue,
21 which is --

22 MS. ALTMAN: You wash the trucks there?

23 MR. ANDOLINA: No.

24 MS. ALTMAN: Or are they washed somewhere
25 else?

1 MR. ANDOLINA: No. They take them to a
2 truck stop and wash them.

3 MS. SANGUINETTI: You may have mentioned
4 this, but for fuel, will there be any fuel sales? Or
5 that's somewhere else?

6 MR. SANT: No.

7 MR. ANDOLINA: No. Basically just -- fleet
8 maintenance is what we provide for them. And then
9 like I say, in order to do inspections and make it
10 more better for them, we're doing that all in-house.

11 MR. SANT: Inside deal because Mirabito is
12 one of Deep Rock Diesel's major customers. So it's
13 sort of a symbiotic relationship.

14 CHAIRPERSON PRICE: Although they remain
15 independent businesses.

16 MR. SANT: Yes, they do. Correct.

17 CHAIRPERSON PRICE: Was there a
18 recommendation by the Town engineer on a grease trap
19 or oil separator of some kind that may or may not
20 exist already?

21 MR. HAREMZA: There was a comment from the
22 Sewer Department on that. So the applicant should
23 follow up with the Sewer Department on whether there's
24 one there or one needs to be installed.

25 MR. ZAMIARA: There is no sewer there. It's

1 a septic tank.

2 MR. OSOWSKI: For truck repairs where they
3 need to get to the chassis, is there a depressed well
4 in the building where the mechanics --

5 MR. ANDOLINA: No. There's no built --

6 MR. OSOWSKI: Is there a lift?

7 MR. ANDOLINA: No. Not at this time.

8 MR. SANT: Would you bring in portable
9 lifts?

10 MR. ANDOLINA: We would look at them, but it
11 would be nothing stationary. It wouldn't be in the
12 floor. It would be something you would roll up the
13 wheels. Probably the Town has them now too. A lot of
14 the truck shops are using them. You roll them into
15 the wheels and it lifts.

16 MR. OSOWSKI: Okay.

17 MR. ANDOLINA: Not so high that you could --
18 you know, obviously the building height regulates that
19 also because of the height of the truck.

20 MS. BARON: I have a couple questions.
21 There's -- truckers wouldn't be actually sleeping on
22 the site; correct?

23 MR. ANDOLINA: Nope.

24 MS. BARON: And as a follow-up to the fence
25 question -- this is also just for the Board's

1 consideration. So Section 203-93 of the Code, which
2 is the light industrial district, which permits truck
3 terminals pursuant to the conditional use permit,
4 requires that the operations be fully enclosed and
5 that area to be enclosed by a solid wall or fence.

6 So what kind of fence -- you mentioned
7 there's a fence. There's a gate. What is it? Is it
8 solid or.

9 MR. ANDOLINA: It's vinyl.

10 MS. BARON: It's vinyl. Okay.

11 MR. HAREMZA: Just a follow-up on that, it
12 appears from the aerial that's just along the front of
13 the site --

14 MR. ZAMIARA: We have a chain-link between
15 us and Genesee Reserve. We have a white vinyl fence
16 from Jefferson Road over. O'Connell Electric just put
17 up a new chain-link fence separating them for us.

18 MR. HAREMZA: So it sounds like they're
19 almost there in terms of being fully enclosed. That's
20 something we will have to assess.

21 CHAIRPERSON PRICE: And is that what the
22 terms are, "it's enclosed"? It doesn't have to be a
23 certain type of fence?

24 MR. HAREMZA: Within an area enclosed by
25 solid wall or fence. And the determination was made

1 by Mr. DiStefano that a chain-link with vinyl slats
2 does not count.

3 CHAIRPERSON PRICE: Does not count?

4 MR. HAREMZA: Correct.

5 CHAIRPERSON PRICE: Are you --

6 MR. ZAMIARA: So if you want a chain-link
7 fence up, we already have that. But in the front, we
8 have a solid white vinyl fence.

9 MR. HAREMZA: So that solid white vinyl,
10 what I was just referring to as a chain-link fence
11 with the vinyl slats --

12 MR. ANDOLINA: No. It's not that.

13 CHAIRPERSON PRICE: I think they're -- what
14 the Code is saying, an interpretation is that the
15 vinyl slats in chain-link is not acceptable.

16 MR. HAREMZA: Correct.

17 CHAIRPERSON PRICE: And that vinyl all the
18 way around is.

19 MR. FADER: What about chain-link without
20 the vinyl?

21 MR. HAREMZA: You know, the language of that
22 clause I think can be open to interpretation. So I
23 don't know.

24 MS. BARON: I think the use of the word
25 solid is kind of an indication of what the intent was,

1 which is that it be solid, not be able to be seen
2 during the use.

3 MR. HAREMZA: Reasonableness might say that
4 given the, you know, back and side is not adjacent to
5 anything really. But, you know, I think that issue
6 can be resolved with senior staff and a final decision
7 made.

8 CHAIRPERSON PRICE: That's being very vague
9 for you.

10 MS. BARON: And they also testified that all
11 the repairs will be done internally; correct? So no
12 repairs out in the yard, which is --

13 CHAIRPERSON PRICE: We're concerned from the
14 public perspective, public streets. So we'll talk
15 amongst ourselves. You're welcome to stay. Maybe we
16 find some recommendation. We may still leave it to
17 staff to interpret the Code. Probably. But we're
18 mostly concerned if the public's on the street. You
19 know, you've got similar uses adjacent to you. They
20 don't care. They don't care what you're looking at.
21 And you don't care what you're looking at.

22 MR. SANT: Yeah. The operations wouldn't be
23 visible. As it stands now they're not even visible
24 from the street. There's that solid gate that opens
25 and closes so it's not even visible from the -- back

1 operations is not visible from the street.

2 CHAIRPERSON PRICE: Okay. All right. Have
3 they addressed everybody's questions?

4 MR. HAREMZA: I just had a couple more and I
5 might have missed one. Did you say the size of the
6 trucks that will be served at this location?

7 MR. ANDOLINA: The majority of them are
8 ten-wheelers. There will be seven tractor trailers.
9 And that's --

10 MR. HAREMZA: So that was one of the
11 comments the Town Engineer made was, you know, whether
12 the site layout can accommodate the maneuvering of
13 tractor trailers and things like that. So submission
14 of a turning template kind of diagram to show that and
15 show that the parking spaces are big enough for the
16 size truck that will be serviced.

17 And then just from my understanding, so
18 drivers -- you know, will the trucks come at all hours
19 of the night potentially? The personal vehicles of
20 the drivers are there? Then they take them and go
21 home?

22 MR. SANT: Yes.

23 MR. HAREMZA: Okay.

24 CHAIRPERSON PRICE: Other questions?

25 MR. HAREMZA: I'm still flabbergasted

1 there's no sewers there.

2 CHAIRPERSON PRICE: Yeah.

3 MR. HAREMZA: Where's RIT's sewers?

4 CHAIRPERSON PRICE: We've had a lot of
5 applications up and down the road.

6 MR. ZAMIARA: RIT's on a sewer. That's
7 Henrietta. We're in Brighton. They go the other way.

8 CHAIRPERSON PRICE: Sewer districts do cross
9 the Town lines, but -- interesting. Thank you.

10 MR. FADER: Probably too far back from the
11 road is why.

12 CHAIRPERSON PRICE: I wonder if it's out of
13 the road.

14 MR. HAREMZA: No. I just looked at the map.
15 There's nothing --

16 CHAIRPERSON PRICE: Okay. All right. Thank
17 you. Appreciate it.

18 I'll take a guess nobody wants to comment on
19 this? I'll ask though. Is there anyone here in the
20 audience who cares to address this application? Okay.

21 Need a break? Let's reconvene at quarter
22 of. Thank you.

23 (Public hearings concluded at 8:41 p.m.)

24 (Deliberations and Decisions began at 8:51 p.m.;
25 appearances as before noted.)

1 CHAIRPERSON PRICE: Let's go back. Why
2 don't we -- we'll talk about Town Hall after we get
3 through the applications. And let's start out with
4 8P-02-24.

5 **Application 8P-02-24**

6 Application of PGR, LLC, owner, and Matt
7 Tomlinson, Marathon Engineering, agent, for
8 Preliminary/Final Site Plan Approval,
9 Preliminary/Final Resubdivision Approval and EPOD
10 (woodlot) Permit Approval to acquire .25 +/- acres of
11 land from property at 1057 East Henrietta Road and
12 construct a 12,200 +/- square foot building addition
13 with associated parking on property located at 172
14 Metro Park. All as described on application and plans
15 on file.

16 MR. HAREMZA: Bill, I didn't catch it. Did
17 you have a preferred tree amongst those four?

18 CHAIRPERSON PRICE: I personally did, but
19 George is here too. Okay. It's the Tilia tomentosa
20 Tom, the Sterling. I knew it as silver, but that's --
21 doesn't matter. Good tree? Okay. Thanks.

22 Okay. So let's talk about closing the
23 public hearing. Is there a motion to close the
24 hearing?

25 MR. FADER: I'll move we close the public

1 hearing.

2 CHAIRPERSON PRICE: Is there a second?

3 MS. SANGUINETTI: Second.

4 CHAIRPERSON PRICE: Moved and seconded. Can
5 we just -- would you call the roll.

6 MR. HAREMZA: Yes.

7 (Ms. Altman, aye; Mr. Fader, aye;

8 Mr. Osowski, aye; Mr. Price, aye;

9 Ms. Sanguinetti, aye.)

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

12 CHAIRPERSON PRICE: Great. Thank you.

13 Okay. Is there a motion for an action on this
14 application?

15 MR. FADER: I can take a try at that.

16 CHAIRPERSON PRICE: Thank you.

17 MR. FADER: I move that the Planning Board
18 finds that the proposed action will not have a
19 significant impact on the environment and adopts the
20 negative declaration prepared by the Town staff and
21 that the Planning Board approves the woodlot/EPOD
22 permit and the Planning Board approves preliminary and
23 final site plan approval and preliminary and final
24 resubdivision approval for application 8P-02-24 based
25 on the testimony given, plans submitted and the six

1 conditions outlined in the Planning Board Report.

2 CHAIRPERSON PRICE: Second?

3 MS. ALTMAN: Second.

4 CHAIRPERSON PRICE: Moved and seconded. Any
5 questions or conversation? All right. Please call
6 the roll.

7 **Conditions:**

8 1. The applicant shall respond in writing to all
9 comments of the Planning Board, Department of Public
10 Works (including the Sewer Department and Town
11 Engineer), Building and Planning Department, and Fire
12 Marshal.

13 2. The applicant shall submit any additional
14 information required by the Town Engineer.

15 3. The applicant shall install the four street trees
16 in coordination with the Town of Brighton Highway
17 Department. The final location of these trees shall
18 be determined by the Town.

19 4. 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 5. All Town codes that relate directly or indirectly
23 to the applicant's request shall be met.

24 6. The project shall be constructed in accordance
25 with the design approved by the ARB and the final site

1 plan drawing set.

2 (Ms. Altman, aye; Mr. Fader, aye;
3 Mr. Osowski, aye; Mr. Price, aye;
4 Ms. Sanguinetti, aye.)

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

7 CHAIRPERSON PRICE: Okay. Let's go with
8 application 9P-01-24.

9 **Application 9P-01-24**

10 Application of Brighton Corners LLC, owner,
11 and Polo Padilla, lessee, for Conditional Use Permit
12 Approval to allow a take-out food establishment to be
13 on property located at 1924 Monroe Avenue (Twelve
14 Corners Plaza). All as described on application and
15 plans on file.

16 CHAIRPERSON PRICE: Do we want to close the
17 public hearing?

18 MR. HAREMZA: I would just -- for the
19 Board's information, I distributed a sheet with a
20 fourth condition that Lauren and I are proposing
21 regarding -- it has the pink -- has the letters in
22 pink regarding obtaining -- or complying with any
23 requirements of the Sewer Department.

24 CHAIRPERSON PRICE: And that's mostly with
25 the any grease traps --

1 MR. HAREMZA: Correct.

2 CHAIRPERSON PRICE: You had it in your
3 report though; right?

4 MS. BARON: The question on grease -- the
5 Town's sewer comment that the grease trap is in the
6 report, but just to add it as a condition.

7 CHAIRPERSON PRICE: Gotcha. All right.

8 Moved and seconded -- wait a second. No it's not.

9 MR. FADER: I move to close the public
10 hearing.

11 MS. SANGUINETTI: Second.

12 CHAIRPERSON PRICE: Moved and second to
13 close the hearing. Please call the roll.

14 (Ms. Altman, aye; Mr. Fader, aye;
15 Mr. Osowski, aye; Mr. Price, aye;
16 Ms. Sanguinetti, aye.)

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

19 CHAIRPERSON PRICE: Want to try another one?

20 MR. FADER: Okay. I move the Planning Board
21 grants conditional use approval and adopts the eight
22 conditional use findings outlined in the Planning
23 Board Report for application 9P-01-24 based on the
24 testimony given, plans submitted and with the four
25 conditions outlined in the Planning Board Report.

1 CHAIRPERSON PRICE: I'll second. Moved and
2 seconded. Is there any further discussion on the
3 application?

4 **Conditional Use Findings:**

5 1. The Planning Board finds that the proposed
6 specialty food store complies with the standards of
7 the Neighborhood Commercial (BF-1) district.

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

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

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

23 5. The Planning Board finds that the establishment of
24 a specialty food store will not create excessive
25 additional requirements for public facilities and

1 services and will not be detrimental to the economic
2 welfare of the community.

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

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

9 8. The Planning Board finds that the establishment of
10 a specialty food store in this location essentially
11 conforms to the Town's Comprehensive Plan: *Envision*
12 Brighton 2028. Specifically Volume 2, Pages 16, the
13 Economic Vitality Policy Objectives [emphasis
14 added]:

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

22 E. *Provide support for local businesses,*
23 *entrepreneurs*, institutions, and enterprises to
24 attract and retain local talent and increase access to
25 local goods.

1 *G. Enhance the village feel of the Twelve*
2 *Corners area and extend that concept to other*
3 *commercial areas of the Town wherever practicable.*

4 **Conditions:**

5 1. The applicant shall respond in writing to all
6 comments of the Planning Board, Department of Public
7 Works, Building and Planning Department, and Fire
8 Marshal.

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

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

14 4. Comply with any requirements of the Sewer
15 Department.

16 (Ms. Altman, aye; Mr. Fader, aye;
17 Mr. Osowski, aye; Mr. Price, aye;
18 Ms. Sanguinetti, aye.)

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

21 CHAIRPERSON PRICE: Application 9P-02-24.

22 **Application 9P-02-24**

23 Application of 2144 BHTL RD, LLC, owner, and
24 Ome Oluikpe, lessee, for Conditional Use Permit
25 Approval to allow a wholesale drug compounding

1 facility to be on property located at 2144 Brighton
2 Henrietta Town Line Road. All as described on
3 application and plans submitted.

4 CHAIRPERSON PRICE: Want to close the public
5 hearing?

6 MS. ALTMAN: I move we close the public
7 hearing.

8 MR. FADER: I would second.

9 CHAIRPERSON PRICE: Moved and seconded.
10 Fader seconded. Please call the roll.

11 (Ms. Altman, aye; Mr. Fader, aye;
12 Mr. Osowski, aye; Mr. Price, aye;
13 Ms. Sanguinetti, aye.)

14 (Upon roll motion to close the public
15 hearing carries.)

16 CHAIRPERSON PRICE: Do we have a motion on
17 the application?

18 MR. FADER: I move that the Planning Board
19 grants conditional use approval and adopts the eight
20 conditional use findings outlined in the Planning
21 Board Report for application 9P-02-24 based on plans
22 given -- or testimony given, the plans submitted and
23 with the three conditions outlined in the Planning
24 Board Report.

25 CHAIRPERSON PRICE: I'll second that. All

1 right. Moved and seconded. Any further discussion?
2 Lauren, are you happy?

3 MS. BARON: Yup.

4 CHAIRPERSON PRICE: Jason.

5 **Conditional Use Findings:**

- 6 1. The Planning Board finds that the proposed
7 compounding pharmacy complies with the standards of
8 the Light Industrial (IG) district.
- 9 2. The Planning Board finds that the proposed use is
10 in harmony with the purpose and intent of Code
11 Sections 217-3 through 217-7.2 (Conditional Uses).
12 The location and size of the proposed compounding
13 pharmacy, the intensity, size of the site and access
14 have all been considered in the Board's review.
- 15 3. The Planning Board finds that the establishment of
16 a compounding pharmacy use in this location, will not
17 be detrimental to persons, detrimental or injurious to
18 the property and improvements in the neighborhood, or
19 to the general welfare of the Town.
- 20 4. The compounding pharmacy use will be developed
21 within an existing structure on a developed site and
22 not result in the destruction, loss or damage of any
23 natural, scenic or significant historical resource.
- 24 5. The Planning Board finds that the establishment of
25 a compounding pharmacy will not create excessive

1 additional requirements for public facilities and
2 services and will not be detrimental to the economic
3 welfare of the community.

4 6. The Planning Board finds that the establishment of
5 a compounding pharmacy will be adequately served by
6 essential public facilities.

7 7. The Planning Board finds that the establishment of
8 a compounding pharmacy will not result in the loss or
9 damage to trees.

10 8. The Planning Board finds that the establishment of
11 a compounding pharmacy in this location essentially
12 conforms to the Town's Comprehensive Plan: *Envision*
13 *Brighton 2028*. Specifically Volume 2, Pages 16, the
14 Economic Vitality Policy Objectives [emphasis added]:

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

22 E. *Provide support for local businesses,*
23 *entrepreneurs, institutions, and enterprises to*
24 *attract and retain local talent and increase access to*
25 *local goods.*

1 **Conditions:**

2 1. The applicant shall respond in writing to all
3 comments of the Planning Board, Department of
4 Public Works, Building and Planning Department, and
5 Fire Marshal.
6 2. The entire project shall comply with the most
7 current New York State Fire Prevention and Building
8 Code and the Town of Brighton sprinkler requirements.
9 3. All Town codes shall be met that relate directly
10 or indirectly to the applicant's request.

11 (Ms. Altman, aye; Mr. Fader, aye;
12 Mr. Osowski, aye; Mr. Price, aye;
13 Ms. Sanguinetti, aye.)

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

16 CHAIRPERSON PRICE: All right. Application
17 9P-03-24.

18 **Application 9P-03-24**

19 Application of Jewish Senior Life, owner,
20 and Matt Tomlinson, Marathon Engineering, agent, for
21 Final Site Plan Approval to construct a 4-story,
22 90,000 +/- square feet senior independent living
23 apartment building, consisting of 90 dwelling units,
24 with a 7,596 +/- square foot carport structure on
25 property located at 2021 Winton Road South. All as

1 described on application and plans on file.

2 CHAIRPERSON PRICE: Close the public
3 hearing.

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

6 MS. SANGUINETTI: I second.

7 CHAIRPERSON PRICE: Moved and second to
8 close the public hearing. Please call the roll.

9 (Ms. Altman, aye; Mr. Fader, aye;
10 Mr. Osowski, aye; Mr. Price, aye;
11 Ms. Sanguinetti, aye.)

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

14 CHAIRPERSON PRICE: Thank you.

15 MR. FADER: I move the Planning Board grants
16 final site plan approval for application 9P-03-24
17 based on the testimony given, plans submitted and with
18 the 8 conditions outlined in the Planning Board
19 Report.

20 MS. SANGUINETTI: I second.

21 CHAIRPERSON PRICE: Moved and seconded. Is
22 there any further discussion on the motion? All
23 right. Please call the roll.

24 **Conditions:**

1. The applicant shall respond in writing to all
2 comments of the Planning Board, Department of Public
3 Works (including the Sewer Department and Town
4 Engineer), Building and Planning Department, and Fire
5 Marshal.
6. The applicant shall submit a modified SWPPP and
7 any other information required by the Town Engineer.
8. The applicant shall obtain all necessary permits
9 from the Town of Brighton Sewer Department.
10. Applicant shall ensure that the details of the
11 landscaping plans and site plans match.
12. Address the comments provided by Monroe County
13 dated 4-3-2024.
14. The entire project shall comply with the most
15 current New York State Fire Prevention and Building
16 Code and the Town of Brighton sprinkler requirements.
17. All Town codes that relate directly or indirectly
18 to the applicant's request shall be met.
19. The project shall be constructed in accordance
20 with the design approved by the ARB and the final site
21 plan drawing set.

1 | carries.)

2 CHAIRPERSON PRICE: Application 10P-01-24.

3 | Application 10P-01-24

4 Application of BWZ, LLC, owner, and Robert
5 Sant, agent, for Conditional Use Permit Approval to
6 allow for a truck terminal facility to be on property
7 located at 190 Jefferson Road. All as described on
8 application and plans on file.

9 MS. ALTMAN: I move to close the public
10 hearing.

11 MS. SANGUINETTI: Second.

12 CHAIRPERSON PRICE: Moved and seconded.

13 (Ms. Altman, aye; Mr. Fader, aye;

14 | Mr. Osowski, aye; Mr. Price, aye;

15 | Ms. Sanguinetti, aye.)

16 (Upon roll motion to close the public
17 hearing carries.)

18 CHAIRPERSON PRICE: Thank you. Is there a
19 motion on the application?

20 MR. FADER: I move that the Planning Board
21 grants conditional use approval and adopts the
22 conditional use findings outlined in the Planning
23 Board Report for application 10P-01-24 based on the
24 testimony given, plans submitted and with the seven
25 conditions outlined in the Planning Board Report.

1 Except I don't think we need the seven
2 because it specifies hours and there are none.

3 MS. BARON: Yeah. So this one -- just for
4 the Board's information, many of the other districts
5 have very specific hour requirements that they're
6 conditioned to adhere to. The light industrial does
7 not have any hour requirements.

8 That said, it is within your power under the
9 conditional use permit criteria to consider hours of
10 operation. So if the 24/7 is something that you have
11 an issue with, that's something you can discuss as
12 part of this.

13 CHAIRPERSON PRICE: Yeah.

14 MR. FADER: So I move it with the six
15 conditions, assuming that the seventh is dropped.

16 CHAIRPERSON PRICE: Is that the way you --

17 MS. BARON: If that -- that's up to the
18 Board. So if you're fine with the 24/7 hour
19 operation, I mean, again, that's not a limitation
20 that's in this particular use district. So they could
21 be permitted to operate for those hours.

22 CHAIRPERSON PRICE: Okay. I'm fine with
23 that. Dropping condition number 7. So who moved and
24 seconded?

25 MR. FADER: I moved it.

1 MS. SANGUINETTI: And I second.

2 CHAIRPERSON PRICE: You guys both good with
3 it?

4 MS. SANGUINETTI: Yes.

5 MR. OSOWSKI: I want to make a correction on
6 conditional use permit findings because number 1 it
7 says the proposed specialty food store. We should
8 call it what it is, a truck terminal.

9 CHAIRPERSON PRICE: Somebody reads this
10 stuff.

11 MR. FADER: I'm okay with that change.

12 MS. BARON: I also want to recommend one
13 additional change, just perhaps an additional
14 condition that the applicant comply with any staff
15 requirement related to fencing since that is an issue
16 that did come up. The applicant should work with
17 staff regarding that.

18 MR. FADER: Okay. Do you want me to put
19 that on and make it seven conditions?

20 MS. BARON: Yes.

21 MR. FADER: Okay. So I will amend my motion
22 to have seven conditions, the seventh being the
23 fencing --

24 CHAIRPERSON PRICE: That they work with
25 staff. Okay. Yeah. If you guys don't mind sharing

1 with staff our primary concern is from the
2 right-of-way.

3 MS. BARON: Okay.

4 CHAIRPERSON PRICE: If one of you guys goes
5 out there and says, well, I can see it from here.
6 Make sure you can't see it. But it's really from the
7 public right-of-way.

8 MS. BARON: Which makes sense on the
9 uniqueness of the site.

10 CHAIRPERSON PRICE: All right. We're moved
11 and seconded with proposed amendments. Please call
12 the roll.

13 **Conditional Use Findings:**

14 1. The Planning Board finds that the proposed truck
15 terminal complies with the standards of the Light
16 Industrial (IG) district.

17 2. The Planning Board finds that the proposed use is
18 in harmony with the purpose and intent of Code
19 Sections 217-3 through 217-7.2 (Conditional Uses).
20 The location and size of the proposed truck terminal,
21 the intensity, size of the site and access have all
22 been considered in the Board's review.

23 3. The Planning Board finds that the establishment of
24 a truck terminal use in this location, will not be
25 detrimental to persons, detrimental or injurious to

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

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

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

12 6. The Planning Board finds that the establishment of
13 a truck terminal will be adequately served by
14 essential public facilities.

15 7. The Planning Board finds that the establishment of
16 a truck terminal will not result in the loss or damage
17 to trees.

18 8. The Planning Board finds that the establishment of
19 a truck terminal in this location essentially conforms
20 to the Town's Comprehensive Plan: *Envision Brighton*
21 *2028*, Specifically Volume 2, Pages 16, the Economic
22 Vitality Policy Objectives [emphasis
23 added]:

24 A. Attract and promote the sustainable
25 development of quality office, retail, commercial,

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

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

10 **Conditions:**

- 11 1. The applicant shall respond in writing to all
12 comments of the Planning Board, Department of
13 Public Works, Building and Planning Department, and
14 Fire Marshal.
- 15 2. The applicant shall submit a site diagram, drawn
16 to scale, with vehicle size information, turning and
17 maneuvering templates, parking spaces, and any other
18 related information required by the Town Engineer.
- 19 3. 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 4. All Town codes shall be met that relate directly
23 or indirectly to the applicant's request.
- 24 5. Monroe County comments, if any, shall be
25 addressed.

1 6. The applicant shall obtain any required NYS
2 Department of Transportation permits.

3 7. Follow staff recommendations regarding fencing.

4 (Ms. Altman, aye; Mr. Fader, aye;

5 Mr. Osowski, aye; Mr. Price, aye;

6 | Ms. Sanguinetti, aye.)

9 CHAIRPERSON PRICE: All right. George,
10 you've waited a long time. Thank you. Let George
11 talk and then we'll -- did you have some comments on
12 Town Hall.

13 MR. SMITH: Yes.

14 CHAIRPERSON PRICE: Please come on up.

15 We're done with our public hearings. We got some
16 signs to review, but please.

17 MR. SMITH: George Smith, Conservation
18 Board. I was encouraged to bring comments directly to
19 you because we briefly discussed Town Hall renovations
20 at the October 8th Conservation Board meeting, but we
21 didn't have the plans at that point. So we weren't --

22 CHAIRPERSON PRICE: You didn't have plans?

23 MR. SMITH: No. We weren't shown the plans
24 at that point. And then I had seen the plans.

25 But we had very brief discussions that was

1 fairly inconsequential. So we got the plans by email.
2 It was an email chain that doesn't -- although Jason
3 is in on part of it, it doesn't include him. And I
4 can forward that along with whatever else.

5 CHAIRPERSON PRICE: Who's the staff
6 representative to your Board?

7 MR. SMITH: Rick.

8 CHAIRPERSON PRICE: Rick. Okay.

9 MR. SMITH: Christine Corrado --

10 CHAIRPERSON PRICE: Is the Town Board --

11 MR. SMITH: Rep.

12 CHAIRPERSON PRICE: -- liaison.

13 MR. SMITH: Yup.

14 CHAIRPERSON PRICE: Okay.

15 MR. SMITH: So I wasn't sure how my -- well,
16 the best way to deliver the comments. So I emailed
17 her and she said bring them --

18 CHAIRPERSON PRICE: Bring them to us.

19 MR. SMITH: So here's a brief synopsis of my
20 comments. They can also be written to you as well. I
21 can email you as well.

22 Modifications 15, 16, and 32, these are the
23 three modifications that are on the plans that were
24 emailed to me or the link that I was provided with.
25 They're along Elmwood Avenue. All increase pavement

1 and decrease greenspace between the buildings and
2 Elmwood Avenue. Although the addition of ADA
3 accessible parking is necessary, for instance, in
4 front of the library -- maybe those are gone now.
5 Wasn't clear about that. The increased pavement and
6 decreased tree and lawn coverage will change the
7 appearance and overall first impression of the Town
8 buildings to passers-by.

9 My question -- one of my questions is do we
10 really want to harden a representation of the Town
11 that way?

12 More pertinent to the charge of the
13 Conservation Board, in addition to reducing screening
14 of the building from the road and vice versa, removal
15 of these lawns and trees will increase heat island
16 effects along the south-facing side of the building.
17 What is the justification for this series of changes?

18 As for area 31, so this is the northeast
19 corner of the area, contains a patch of trees that is
20 planned to become a stormwater retention area. There
21 are two potential problems with this. This represents
22 a large collection of trees on the property that
23 provides screening behind Seminole Way. Removing
24 these trees will reduce screening and increase heat
25 island effects along Seminole Way.

1 Then second, also related to this patch of
2 trees and stormwater retention, how will this and
3 other stormwater retention projects on this campus
4 property be constructed and maintained? The Town has
5 a nuisance Canada goose problem and program that I was
6 involved in when it was set up by Sandra Franklin.
7 During her time at least. But recent construction of
8 the Winter Market parking area suggests a disregard
9 for best practices and for the Town's commitment to
10 humanely reducing its nuisance Canada goose problem.

11 For reference, the Winter Market parking lot
12 and stormwater retention pond provided new habitat for
13 30 Canada Geese this past summer.

14 By my calculation, I got a 13 percent
15 increase in impervious surfaces from 40 to 46 percent.
16 That's troubling. The overall reduction in tree cover
17 is not justified. Tree islands in parking lots and
18 trees along buildings are generally smaller ornamental
19 species that do not fully replace the function of
20 larger trees growing in larger, more open spaces.
21 They're removing large trees, putting in small trees
22 and increasing impervious area. Large trees need to
23 be added to locations not being preserved as athletic
24 fields.

25 That's the gist of it.

1 CHAIRPERSON PRICE: Yeah.

2 MR. SMITH: So thanks for --

3 CHAIRPERSON PRICE: Do you have those in
4 writing? Thank you.

5 MR. FADER: I think it's nice to know that
6 you guys weren't consulted either.

7 MR. SMITH: No. This was part of a
8 conversation related to -- we've had a couple within
9 the last several months related to why -- what's the
10 Conservation Board's role as far as any sort of
11 oversight? Even to the extent of being able to see
12 and comment on Town projects. And the other thing was
13 school district projects.

14 CHAIRPERSON PRICE: Thank Lord, yes.

15 MR. SMITH: And we've been told that -- I
16 haven't seen, and I'd be interested in seeing if it is
17 true that we are not supposed to have an eye on any of
18 these things or comment on these things, where it says
19 that.

20 CHAIRPERSON PRICE: It does say it. I've --
21 you may be thinking the same thing that I am with the
22 high school improvements for new baseball field and
23 additional parking. And I got a legal friend help me
24 find the language where the Town and the School
25 District are not obligated to comply with local zoning

1 laws. And I'm not sure it's said quite that way. But
2 they're not under the same obligation that other
3 applicants are.

4 And this is where, you know, the Town has
5 been holding themselves out as environmentally
6 sustainable, resilient and with all kinds of policies
7 applicable to everybody else except to the Town School
8 Board, the Fire Department and the Town itself.

9 And frankly, I'm -- I'm apoplectic about the
10 whole thing. I tried to get the Town -- what do we
11 got? A Sustainability Board? Sustainability
12 Committee? They did nothing. You know, that's Robin
13 Wilt. You know, I sat in there -- they said, "Oh,
14 yeah. We'll write a letter. Send it over to the
15 school board about it."

16 You know, because we're teaching our kids go
17 ahead and put more pavement so more kids can drive to
18 school. Totally wrong message. You know, and "We
19 need parking." No you don't.

20 So you know -- so your Board is facing the
21 same. So that's why we -- we meaning me -- blew up
22 tonight is we tried to have these conversations in a
23 civil way behind closed doors with staff, with the
24 Supervisor and it's ignored. It's totally ignored.
25 And that's it. I've had it.

1 And you bring up points that I hadn't even
2 thought of. You know, they hold out that they've got
3 professional engineers. We got professional staff.
4 Yet these professionals can't see these issues that
5 are basic principles of engineering and
6 sustainability?

7 I mean, Clara's point was spot on. You're
8 asking a handicap person or any person to walk down a
9 4-foot wide sidewalk, cross a parking lot and then
10 walk in between cars.

11 MS. ALTMAN: Or with a stroller.

12 CHAIRPERSON PRICE: What is -- and then over
13 here by the -- what's this called? The library,
14 they're asking you to walk down the green space that's
15 now paved and it's got light poles that nobody can get
16 around. I mean, they're just not thinking.

17 So, no. You know, like any applicant, you
18 got to have some collaboration. Because obviously
19 they can't think of everything themselves.

20 MR. SMITH: Yeah. No.

21 MR. FADER: Are you a member of the
22 Conservation Board or are you the Chair?

23 MR. SMITH: No. I'm a member of the
24 Conservation Board, not a chair.

25 CHAIRPERSON PRICE: We appreciate -- we

1 appreciate this very much. And I'm pretty sure the
2 message is going to get back. We'll make sure that it
3 does.

4 MR. SMITH: Yeah. Thanks.

5 CHAIRPERSON PRICE: We welcome you to any of
6 our meetings to contribute because it's obvious that
7 you guys are looking at these in the appropriate
8 manner.

9 MR. SMITH: Yeah. I think we are. And
10 that's been the question, communication to and from us
11 has been a bit of a question.

12 CHAIRPERSON PRICE: Yeah. Yeah. I can
13 understand.

14 MR. OSOWSKI: And the reason why I asked --
15 they stated it was a conceptual plan. The reason why
16 I asked basically how far along it is, in my opinion
17 of having done projects for 40 years in my
18 professional life, there's still plenty of time to fix
19 this crappy design. There's plenty of time. They
20 haven't even gone to design and development. They
21 haven't even gone to construction documents. It's
22 nowhere near being bid.

23 The only money and time that's been spent is
24 some landscape architect --

25 CHAIRPERSON PRICE: Careful. Careful.

1 MR. OSOWSKI: -- doing a design that, in my
2 opinion, has ignored pedestrian friendliness to the
3 betterment of vehicle traffic improvement. The Whole
4 Foods Plaza is more pedestrian friendly than the Town
5 Hall complex.

6 MR. SMITH: Pedestrian and bike friendliness
7 is one of the things the Conservation Board also does.
8 I didn't capture -- to increase traffic flow across
9 the north side of the parking lot is a problem.

10 MS. SANGUINETTI: I've had trouble myself
11 walking with my kids from the playground into the
12 library.

13 CHAIRPERSON PRICE: And they provide traffic
14 calming on the police side, but nothing to the library
15 side.

16 MS. SANGUINETTI: Nothing where kids are
17 running back and forth.

18 CHAIRPERSON PRICE: Yeah. Mixed messages
19 here. Mixed philosophies being employed.

20 MR. SMITH: Thank you.

21 CHAIRPERSON PRICE: Thank you. Appreciate
22 you coming out.

23 MR. SMITH: Let me know if you need
24 anything.

25 CHAIRPERSON PRICE: Okay. Thank you. Do we

1 want to do signs?

2 **Signs:**

3 **Application Number: SN-24-22 (1728)**

4 749 E. Henrietta Rd

5 Gemini 3/8" acrylic letters painted pantone 300C, stud
6 mounted to exterior wall for *Laundromat*

7 **Application Number: SN-24-24 (1729)**

8 2400 S. Clinton Ave

9 An aluminum / FlexFace sign *Fresenius Kidney Care*

10 **Application Number: SN-24-25 (1730)**

11 2144 Brighton-Henrietta Town Line Rd

12 Molded Plastic Brushed Bronze Building Lettering for
13 *Brighton Apothecary*

14 **Application Number: SN-24-26 (1731)**

15 1571 Monroe Ave

16 Aluminum pan sign with vinyl logo with 3/8" stud
17 acrylic letters and mounted with stud stand-offs for
18 *Thorley Wealth Management*

19 **Application Number: SN-24-27 (1732)**

20 1835 Monroe Ave

21 Aluminum, individual channel letters with plastic
22 faces and internal LED illumination for *Oxygen Yoga &*
23 *Fitness*

24 **Application Number: SN-24-28 (1733)**

25 2775 Monroe Ave

1 Non-illuminated 32 square foot aluminum sign printed
2 with 3mm Jbond material with a black core in the
3 middle for *Spin and Savor*

4 CHAIRPERSON PRICE: I'll make a motion to
5 approve sign applications 1729, 1730, 1731, 1732, and
6 1733 as recommended by -- and 1728 as recommended by
7 the ARB.

8 MR. FADER: I'll second.

9 CHAIRPERSON PRICE: All in favor?

10 ALL BOARD MEMBERS: Aye.

11 **Application Number: SN-24-29 (1734)**

12 2253 S Clinton Ave

13 An internally illuminated 3" deep aluminum channel
14 letters with a translucent white acrylic 3/16" T and
15 blue translucent 79 square foot sign for *Planned
16 Parenthood*

17 **Application Number: SN-24-30 (1735)**

18 1880-1882 S Winton Rd

19 An 18 square foot sign with $\frac{3}{4}$ " thick-formed plastic
20 letters stud mounted to a brick facade for *GAMEDAY
21 MEN'S HEALTH*

22 CHAIRPERSON PRICE: I move approval of
23 application 1734 and application 1735 as recommended
24 by the ARB.

25 MS. ALTMAN: Second.

1 CHAIRPERSON PRICE: Moved and seconded. All
2 in favor.

3 ALL BOARD MEMBERS: Aye.

4 **Application Number: SN-24-31 (1736)**

5 1468 (1478) Monroe Ave
6 A 22.5 square foot aluminum sign with vinyl graphics
7 for *Nail Design 2* NOTE: Designated Landmark. HPC
8 review of Certificate of Appropriateness (C of A)
9 scheduled for 10-24-2024.

10 CHAIRPERSON PRICE: I move application 1736
11 be approved with the condition that they secure
12 approval of the Historic Preservation Commission.

13 MR. OSOWSKI: I'll second.

14 CHAIRPERSON PRICE: Moved and seconded. All
15 in favor?

16 ALL BOARD MEMBERS: Aye.

17 (Proceedings concluded at 9:30 p.m.)

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REPORTER CERTIFICATE

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

8

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

12

Dated this 16th day of October, 2024
at Brighton, New York.

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Holly E. Castleman ACR,
Official Court Reporter

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