
BRIGHTON

PLANNING

BOARD

May 21, 2025
At approximately 7 p.m.
Empire State University
680 Westfall Road, Room 159
Rochester, New York 14620

PRESENT:

JASON HAREMZA, EXECUTIVE SECRETARY

WILLIAM PRICE, CHAIRPERSON

SERGE TSVASMAN)	BOARD MEMBERS
DAVID FADER)	
CLARA SANGUINETTI)	
JASON BABCOCK-STINER)	

LAUREN BARON, ESQ.
Attorney for the Town

ABSENT:

KAREN ALTMAN

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

1 CHAIRPERSON PRICE: Good evening, everyone.

2 I would like to welcome everybody to the May 21st
3 meeting of the Town of Brighton Planning Board. In
4 the unlikely event of an emergency tonight there are
5 exits behind you and to your right, our left.

6 Tonight's public hearings -- if you find
7 that you have comments or questions as a result of any
8 of the presentations that you hear tonight, you're
9 welcome to submit comments, as well as come up and
10 talk to tonight, but if you'd rather submit them in
11 writing, you would send them to Jason Haremza, who is
12 our executive secretary for the Planning Board. He
13 can be reached at Jason.haremza, that is
14 H-A-R-E-M-Z-A, @townofbrighton.org.

15 We start the meeting off by having a meeting
16 with our staff and review the agenda for the night and
17 then we will call the meeting formally to order with
18 roll call and review of the minutes, as well as our
19 public hearings.

20 So we are going to start with staff now.
21 This is our discussion. This is not open for public
22 comment. So I want to welcome Anthony.

23 Good evening, how are you?

24 MR. VALLONE: Thank you. Very well.

25 CHAIRPERSON PRICE: This is Anthony Vallone.

1 Is Rick officially done?

2 MR. HAREMZA: No.

3 MR. VALLONE: Little bit of overlap.

4 CHAIRPERSON PRICE: Okay. Very good. Tell
5 us a little bit about yourself and where you're coming
6 from.

7 MR. VALLONE: It's a job that's not new for
8 me. I've been a planner for about 20 years and been
9 a --

10 (There was a discussion off the record.)

11 MR. VALLONE: I'm sorry. I have a habit of
12 speaking too softly. And you'll all discover that if
13 I ever have to go on the record for anything. Sorry
14 about that.

15 So as I was saying, I'm a urban planner. I
16 have about 20 years of experience. Hopefully, I can
17 bring some of the other experience, like transit
18 planning and transportation planning. Hopefully that
19 will help to form what we do here in Brighton,
20 especially with the streets and updates of your Zoning
21 Code.

22 CHAIRPERSON PRICE: Yeah. That's
23 interesting. We do have some opportunities here we
24 haven't had in, I guess, forever. Monroe Avenue would
25 probably be the biggest project where we actually get

1 to align a transportation project, hopefully, with
2 some land use decisions. This doesn't ever happen.

3 We've done a couple of design charrettes for
4 Monroe Avenue in 2000 -- 2010. So that's already
5 approaching 15 years old. During those times there
6 was -- you know, DOT showed up to the meetings to tell
7 us they wouldn't do anything. So that was -- it was
8 interesting. You know, they showed up, but it was
9 always just to say no to everything.

10 And so we hope that your input and
11 understanding of maybe some of the past charrette work
12 and the Comp Plan and principles of, you know, good
13 planning can be applied to the project that's coming
14 up. So look forward to your help with that.

15 MR. VALLONE: Thank you. I do as well.
16 Nice to meet you all.

17 MR. HAREMZA: As Anthony's already
18 discovered, one of my problems is not speaking too
19 softly. Usually my gums are flapping quite loudly.
20 But he is a Rochester native that has returned after
21 many years and brings a wealth of perspective from all
22 around the country. So I've been having a great time
23 so far and looking forward to working with him.

24 MS. SANGUINETTI: Thank you so much for
25 coming here, first of all, to like give us a chance to

1 meet you. And do you know if those DOT meetings have
2 begun yet? And are you in those meetings?

3 MR. VALLONE: I sometimes will spy on
4 peoples' calendars. And I did see a DOT meeting. I
5 believe it had to do with the 490 stuff.

6 I haven't lived here since 1987.

7 MS. SANGUINETTI: I did echo Chairman
8 Price's concerns because I did go to the Penfield DOT
9 feedback meeting. And I briefly spoke to them and
10 they weren't really taking that feedback that they
11 invited the residents to give.

12 I just want to make sure that doesn't happen
13 to the Monroe Avenue project so that if they do ask
14 for feedback, that they do take it into consideration.
15 I would appreciate it if you could get yourself into
16 those meetings and, you know, give us an update every
17 now and then. That would be very, very helpful.

18 MR. VALLONE: I get in a lot of trouble.

19 CHAIRPERSON PRICE: There is a local group
20 that's going to be working with -- trying to work with
21 DOT, Reconnect Rochester. They're a local
22 transportation nonprofit. And they'll -- if the Town
23 isn't represented by yourself or an informed
24 transportation engineer, then there'll be others to
25 pick it up. But I hope you're able to speak on behalf

1 of the Town and our residents. We look forward to
2 your input on things.

3 And just a little bit about your role in,
4 you know, development applications and the
5 applications we see.

6 MR. VALLONE: I've done current planning.
7 We call it current planning outside of New York. But
8 I've also done long-range planning.

9 So I think a lot of my current planning
10 experience, believe it or not, was in Alabama. I know
11 everybody looks and goes, whoa. Alabama. And you'd
12 be surprised how similar the process is from state to
13 state with slight tweaks. Just how -- I was just
14 discussing with our legal counsel about how we run our
15 meetings is quite, quite different here in New York
16 State. You know, we -- it's a little bit less formal
17 sometimes.

18 CHAIRPERSON PRICE: I think this Board would
19 be interested in giving you, you know, some of our
20 opinions on code, the necessary code updates, you
21 know, things that we find the Code restricts our
22 ability to do things that we want to see happen.
23 There's that. But -- I lost my train of thought.
24 Sorry.

25 But code updates would be one thing, I

1 guess. And then really we just look at these
2 applications through the lens of the Comp Plan, the
3 bike/ped plan and making sure that -- you know, that
4 some of the sustainability principles that are laid
5 out in all the plans the Town has paid for are being
6 adhered to, to the extent that we can.

7 And if you're doing long-range planning,
8 that would be great because we need more planning in
9 town, not less.

10 MR. VALLONE: Well the emphasis on your Comp
11 Plan is always helpful in your decision making.

12 CHAIRPERSON PRICE: Guys, any questions?
13 Thank you.

14 We're just going to quickly go through the
15 agenda. Are you ready to roll?

16 MR. TSVASMAN: I have one more question.
17 Are you going to be running the Zoning Board like Rick
18 was?

19 MR. VALLONE: Yeah. I am not going to make
20 too many changes right away.

21 MR. TSVASMAN: Okay. So you're going to
22 fill that.

23 MR. VALLONE: I'll be a mini-Rick for a
24 little while.

25 CHAIRPERSON PRICE: Okay. Let's take --

1 we're starting to call these "cases." Is this a new
2 terminology?

3 MR. HAREMZA: Yeah. It's -- so part of
4 this, as I mentioned, you'll notice some changes to
5 the agenda format. Brought some of my background
6 into, you know, sort of how I learned how to, you
7 know, put together meeting agendas.

8 As I said, welcome to any suggestion any of
9 you might have. I mean, you're the primary user of
10 this. So if there's any piece of information that
11 you'd like to see that you think would be helpful,
12 please let me know.

13 The other thing this is doing is -- as you
14 know, we have an online permitting system now. And so
15 Planning Board items are submitted through that. And
16 that does an automatic numbering.

17 So we're going to try not to duplicate two
18 different numbering systems and move towards using
19 that numbering system, as well as, hopefully sooner
20 rather than later, having that automatically generate
21 the agenda from the information that's input into the
22 system rather than me. I feel like I type and copy
23 and paste a lot of the same information over and over
24 again. So we're moving in a -- better utilizing the
25 online system we have.

1 MS. SANGUINETTI: Question on that online
2 permitting system. As someone that applies for the
3 permit, can you see the status or you -- who's in
4 charge of your permit at this stage in time, do you
5 get some more information like estimated time? Or
6 like if you need to follow up, on whose desk is it on
7 at this moment in time?

8 MR. HAREMZA: So internally, yes. So any of
9 the Town staff can see, you know, where a permit
10 stands, what the status is.

11 From the applicant's perspective, I'm less
12 familiar with that. Although, the way we test is, you
13 know, I have a sort of dummy account with my personal
14 email address. So I have submitted dummy permits.

15 Bill, I use your house sometimes as an
16 address.

17 CHAIRPERSON PRICE: Needs help.

18 MR. HAREMZA: So I'll have to go back and
19 see.

20 I do know that applicants tend to be
21 bombarded with automatically generated email
22 notifications. Applicants can choose how often
23 they're notified, but we -- there are -- it's an
24 off-the-shelf product and there are limitations to
25 what it can do.

1 We can't even turn off the notifications.
2 We brought that up with the company. So, you know,
3 they're saying, well, this is about transparency. And
4 I said, well, I think it might actually have the
5 opposite effect because when people get too many
6 emails, they tune out entirely.

7 So that's neither here nor there. But the
8 applicant can control the notifications they get and I
9 believe can see where -- what the status of their
10 permit is.

11 MS. SANGUINETTI: Thank you.

12 CHAIRPERSON PRICE: You're talking about
13 some kind of mechanism that the applicant can monitor
14 the status?

15 MS. SANGUINETTI: Yes. So if like three
16 months go by, do they know who to call that will know
17 about it?

18 MR. HAREMZA: Yeah. You can message right
19 through the system. So you get a message through the
20 portal. And then usually we try to include, you know,
21 phone number, email as well.

22 MS. SANGUINETTI: Do you have one person
23 that's triaging those messages? Or who they go to is
24 depending on where the permit is at a specific point
25 in time?

1 MR. HAREMZA: The point person is more
2 related to what the permit is and where it sits in the
3 status.

4 So like right now, all the Planning Board
5 cases, it's me. But then at some point when they move
6 to a building permit, you know, that transitions to my
7 colleague Patricia Hinckley, the Town Architect, and
8 then the building inspector.

9 And as Brighton residents, you all have your
10 own addresses you can experiment with. So if you're
11 curious, set up an account -- it's pretty easy -- and,
12 you know, propose a project at your house and see how
13 the process is. And, again, welcome feedback because
14 that's helpful for us to make it better.

15 MS. SANGUINETTI: Thank you.

16 CHAIRPERSON PRICE: Okay. Case 1, 1780
17 Monroe Avenue. This is the Sheffield's.

18 MR. HAREMZA: So I'm sure many of you are
19 familiar with Sheffield's. Since they opened, they've
20 expanded once in 2019. And I included that approval
21 in your packet, just for reference, and what --
22 they're proposing to expand again into the basement
23 this time for Dartsee as I understand it.

24 And the owner is here to give us a lot more
25 details about the -- how the operation and the details

1 of that will go. So I encourage you to have a
2 conversation about that.

3 And I've -- I drafted two versions of this
4 for your consideration; either an approval with
5 conditions or a table depending on whether you feel,
6 you know, you have enough information to approve it
7 and go forward or if you prefer to table.

8 You may also have seen the Fire Marshal
9 provided comments. Lauren, feel free to jump in, but,
10 you know, if -- again, it's up to you if you would
11 rather wait and have those addressed or, you know --
12 my thinking about the building code is you can always
13 solve a building code question. That should not
14 necessarily hold up a Planning Board approval.

15 MS. BARON: So the Fire Marshal letter is
16 from the 15th, I think, and he recommended tabling
17 because of the questions that he had. But that can
18 always be added as a condition if you don't think
19 that, you know, it's additional information that you
20 would want to see before considering whether or not to
21 approve it. But you can always table for the
22 additional information that the Fire Marshal
23 requested. Or make it condition that they satisfy all
24 of his requirements.

25 MR. HAREMZA: You know, that part of the

1 Town also is -- you know, there are concerns about
2 parking. I've not received any comments about
3 parking. I did reach out to the police department to
4 see if there's been any tickets or complaints about
5 on-street parking in that area. I've not heard back
6 yet from them. And we don't know what kind of
7 testimony may come up tonight in terms of neighbors,
8 but no communications regarding any concerns either
9 way from anyone.

10 CHAIRPERSON PRICE: Okay. Any other
11 questions? Okay. Case number 2, application
12 5P-02-25, 1057 East Henrietta Road. This is another
13 conditional use permit.

14 MR. HAREMZA: Very straightforward
15 multiple-tenant building. Really the only issue --
16 we've seen a lot of these in this general area -- you
17 know, just to make sure the applicant describes the
18 operations and that is primarily wholesale and
19 distribution and not a retail operation.

20 CHAIRPERSON PRICE: Okay. Case number 3 is
21 49 Southern Parkway, application 5P-03-25. I believe
22 this is a demolition review and approval for
23 preliminary and final site plan approval.
24 Single-family home demolished.

25 MR. HAREMZA: One coming down; new one going

1 up.

2 HPC did review this and they declined to
3 advance landmark designation. So you are free to
4 consider the demolition request as well as the site
5 plan.

6 As far as site plans go, it's a
7 single-family residential lot. You know, not much to
8 the site. So I think pretty straightforward. Lauren?

9 MS. BARON: Yeah. This one, just so you
10 know, does require some variances associated with it,
11 which is in your packet.

12 CHAIRPERSON PRICE: Did they apply for it?

13 MS. BARON: Yeah. They're going to the
14 first June 6th meeting.

15 CHAIRPERSON PRICE: Okay. And do we have --
16 were their architectural elevations in our packet?

17 MR. HAREMZA: No, not in your packet. They
18 did go to the ARB; so those do exist. And I can pull
19 those up and print off some copies.

20 CHAIRPERSON PRICE: If you could. Just one
21 and we'll pass it around. Get a sense of --

22 MR. HAREMZA: It's one of those --
23 unfortunately, you know, the process -- you know, one
24 consultant deals with the ARB and the other one is
25 dealing with the site work. And coordinating all that

1 is --

2 CHAIRPERSON PRICE: Yeah. Okay. Case
3 number 4. This is 5P-04-25. This is 3108 East
4 Avenue. This an application that had been previously
5 approved by this Board. John Hotto is here.
6 Everything is the same as before; correct?

7 MR. HAREMZA: And this has already gone to
8 ZBA and Historic Preservation Commission and they both
9 re-approved it. And HPC is very enthusiastic to see
10 this project moving forward. They would like this
11 building renovated.

12 MS. BARON: The only other thing I would
13 like to know about this one, which is kind of unique
14 in terms of the SEQRA, because there's no changes and
15 that was done back in 2023 when you first considered
16 it, so just -- it requires re-approval of that neg dec
17 from 2023.

18 CHAIRPERSON PRICE: Okay. You don't have to
19 do a new one.

20 MS. BARON: You don't have to do a new one
21 if there's been no new changes.

22 CHAIRPERSON PRICE: Okay. Case 5 has been
23 postponed to our June meeting.

24 We have -- has there been communication
25 received since -- we do have a handout that should

1 probably go in the record.

2 And no petitions and no signs tonight.

3 Okay.

4 Lauren, you all set?

5 MS. BARON: Yup.

6 MR. TSVASMAN: Was there any signage for the
7 East Avenue project?

8 CHAIRPERSON PRICE: For which project?

9 MR. TSVASMAN: For the gas station.

10 MS. BARON: The gas station.

11 MR. HAREMZA: If there is, that will be
12 separately approved.

13 CHAIRPERSON PRICE: I don't believe we did
14 approve it.

15 MR. TSVASMAN: Okay.

16 CHAIRPERSON PRICE: We approved some lights
17 that were directed at the sign, but I don't know if
18 the sign itself.

19 MR. TSVASMAN: That would be the canopy over
20 the pumps?

21 CHAIRPERSON PRICE: Canopy over the pumps.
22 Smaller, lower.

23 MR. TSVASMAN: They will have signage I
24 would imagine.

25 MR. HAREMZA: So signage was approved with

1 the previous application and there was no signage
2 proposed for the canopy.

3 CHAIRPERSON PRICE: At that time.

4 MR. HAREMZA: At that time. It was all
5 building-mounted. But I can also look that up.

6 CHAIRPERSON PRICE: Okay. It is 7:25.
7 We're going to call the meeting to order.

8 Mr. Secretary, will you please call the roll.

9 MR. HAREMZA: Yes. Altman is absent.
10 (Roll was called.)

11 CHAIRPERSON PRICE: Okay. Meeting minutes
12 for the April 16th meeting. I don't recall seeing
13 them.

14 MR. HAREMZA: Those just came out. So I
15 don't believe they were distributed. So we'll hold
16 those until --

17 CHAIRPERSON PRICE: Hold those until June.
18 Okay.

19 Were tonight's public hearings properly
20 advertised?

21 MR. HAREMZA: They were advertised in the
22 Daily Record of May 15th, 2025.

23 CHAIRPERSON PRICE: We'll hold those public
24 hearings now. First one is case number 1.

25 **Case 1:**

1 Address/Location: 1780 Monroe Avenue
2 Type: Conditional Use Permit
3 Application: 5P-01-25
4 File: PB-25-13
5 Zoning: Neighborhood Commercial (BF-1)
6 Applicant: Christian Duerr
7 Description: Application of Christian Duerr, agent,
8 Sheffield's, lessee, and Jay Gelb - Rhinecliff Monroe
9 Corp., owner, for Conditional Use Permit Approval to
10 allow an existing restaurant to expand and use
11 basement area on property located at 1780 Monroe
12 Avenue.

13 CHAIRPERSON PRICE: Good evening, everybody.
14 MR. DUERR: Good evening. I'm Chris Duerr.
15 I prepared the plan and submitted the application.
16 And this is --

17 MR. MCBANE: My name's Joe McBane. I'm the
18 co-owner of the Sheffield's Tavern.

19 CHAIRPERSON PRICE: Welcome back.
20 MR. DUERR: Yes. Thank you. I thought we
21 would have Joe talk about what we're planning to do in
22 the basement with the dart room and then we can
23 discuss the parking and any design issues after that.

24 MR. MCBANE: Good evening. So I'm going to
25 describe a little bit about what we're hoping to do,

1 what we're planning to do, a little bit about how it
2 will flow on a day-to-day basis.

3 So I imagine a lot of you, maybe, been to
4 the Sheffield Tavern at some time or another. We've
5 been there about five years now. It's been terrific
6 to be in the neighborhood as a local pub. I
7 definitely think we've been an asset to the community.

8 And when we organically opened, we expanded
9 into what was the old martial arts studio. We built a
10 dining room and we put in handicap-accessible
11 bathrooms in the upstairs and, you know, a bunch of
12 other improvements to the space.

13 And now five years later, you know, business
14 is good. The community supports what we do and it
15 feels like the right time to expand a little bit.
16 Now, keep in mind everything I'm about to describe,
17 we're only talking the six additional tables. So I
18 just want you to keep that in mind.

19 So we'd love to expand to the downstairs
20 area. And there was a downstairs area, if you ever
21 went to the Otter Lodge. So frankly, everything that
22 preceded us previously existed. And there was that
23 downstairs bar. And you hear all the stories; right?
24 So -- I heard a chuckle.

25 So we're looking to remove the bar

1 completely. So there will be no bar down there. And
2 we're looking to put in six dart boards. And it's not
3 just darts, you know, in the sense that, you know,
4 it's not six electronic darts boards. It's a
5 technology we came across. It's a Hungarian company.

6 So you play traditional steel tip dart
7 boards. You have a little tablet at your table and
8 then you have a screen that displays the scores. It's
9 almost a little like bowling; right?

10 So we went to Chicago a few weeks ago and,
11 you know, we checked it out for ourselves. It's an
12 awesome technology. It's an experience. So, yeah.
13 Kind of think of it more like bowling in the way you
14 interact with that.

15 And you would -- Dartsee.com actually,
16 D-A-R-T-S-E-E, is the company that makes this
17 technology if you have any further interest.

18 So people -- they can reserve online, over
19 the phone, in person. Each board can accommodate a
20 maximum of six players at any one time. Time slots
21 would be an hour and a half and would cost around \$10
22 a player.

23 I think one of the concerns that a lot of
24 people would have would be how do we monitor this and
25 keep it a positive experience where there's no

1 trouble? So we wouldn't allow anyone under the age of
2 21 to be down there unless they were accompanied by an
3 adult and we wouldn't allow anyone under the age 14 at
4 all.

5 We would operate the darts club during the
6 times our kitchen is open. And you would be able to
7 order food. You couldn't order a shepherd's pie or
8 fish and chips. You could get sort of snacky finger
9 foods down there. We'd offer a full service bar down
10 there from our amazing bar upstairs.

11 And at all times we would have a minimum of
12 one person dedicated to that downstairs area at a
13 minimum.

14 I think it's a great fit for a British pub.
15 It's something that doesn't exist anywhere in our
16 area, not just Brighton, but anywhere in Upstate New
17 York. I haven't done it myself, but I think it would
18 be a huge draw. And I think it would be a really
19 welcome and popular addition to what we already have.

20 So that kind of hopefully paints a little
21 bit of a picture of what it is that we're proposing to
22 do. Do you guys have any questions about what I just
23 said?

24 CHAIRPERSON PRICE: There are six dart
25 boards. Chris, are their legal standards for how you

1 lay out a dart board? I mean, the separation, the
2 distance that you're throwing?

3 MR. DUERR: In terms of safety?

4 CHAIRPERSON PRICE: Yeah. Just --

5 MR. DUERR: I didn't come across anything
6 like that. We basically use the recommendations of
7 the dart companies, you know, in terms of separation,
8 you know, what have you.

9 CHAIRPERSON PRICE: Okay. So that's how --

10 MR. DUERR: We did design it so that the --

11 MR. MCBANE: Just real quick just to kind of
12 interject slightly, it would be on I think 7 or 8 foot
13 sensors. But importantly in terms of the safety
14 aspect, we would have a bar height 42-inch divider
15 running down each lane, which would kind of prevent
16 people mindlessly kind of accidentally wandering into
17 the line of fire if you will.

18 CHAIRPERSON PRICE: Yeah. Because you got
19 some columns that it's like, you know, between the
20 tables and the dart boards that people just trying to
21 get to the bathroom or get up to the bar --

22 MR. DUERR: Except we have the back service
23 lane. That's what we did here so that people can exit
24 and also food service can come in and not interrupt
25 the play.

1 CHAIRPERSON PRICE: So you can walk around
2 back. Okay.

3 MR. DUERR: So what Joe was talking about,
4 setting up, you know, removable barriers, you know, so
5 people don't walk through.

6 CHAIRPERSON PRICE: Do you have seating down
7 there today? There's no use of that space today?

8 MR. MCBANE: Currently it's just -- it's
9 just full of stuff that we should probably throw out.

10 MR. HAREMZA: Good answer. Because the last
11 approval had a condition that the basement just be
12 storage.

13 CHAIRPERSON PRICE: So you got six tables.
14 Looks like five had six seats and one had four seats.
15 That's 34 people. Then you have the bench seating.

16 What are you saying is the capacity of the
17 downstairs at any one time?

18 MR. DUERR: At any one time?

19 CHAIRPERSON PRICE: Is it really the six
20 per -- and are people allowed down there when you're
21 not playing darts or --

22 MR. MCBANE: So it will be a maximum
23 capacity of 34 people, which would be absolutely
24 tremendous if that was the case. You know, in
25 reality, that's not the case. That'd be the absolute

1 max; right?

2 And, no. It would be a situation where you
3 cannot go down there unless you have the reservation.
4 It's not free.

5 CHAIRPERSON PRICE: So this isn't regular
6 seating --

7 MR. MCBANE: No.

8 CHAIRPERSON PRICE: -- when it's not in the
9 dart league.

10 MR. MCBANE: No it's not. So if you walked
11 in off the street and we have an hour-and-a-half slot
12 available for you on the board, we can seat you and we
13 would charge you \$10 per person for the hour and a
14 half. It's not a situation where you can just go and
15 hang out down there unless you're participating in the
16 activity.

17 CHAIRPERSON PRICE: Okay. Anybody have any
18 questions about what's going on down there? I think
19 that's clear. I'll tell you --

20 MS. SANGUINETTI: Will you be able to rent
21 out the whole space for events?

22 MR. MCBANE: Yes. Absolutely. You know, I
23 really think that -- you know, people are always
24 looking for things to do; right? New experiences.
25 And this definitely offers that. And I think

1 certainly for parties and, you know, corporate events
2 or whatever, I think it would be an attractive thing.

3 So the way we would do that is we would open
4 up our reservations two weeks ahead. So general
5 public can book two weeks ahead of time. So if you
6 would like to book the entire space, it would have to
7 be more than two weeks out.

8 CHAIRPERSON PRICE: Okay.

9 MR. TSVASMAN: How about a dumbwaiter? Is
10 that something that was ever considered?

11 MR. MCBANE: Our waiters are very
12 intelligent. Apart from you, Mark.

13 I mean, it's a set of steps. So we'll bring
14 drinks and food up and down. The kitchen is at the
15 top of the stairs. You're not walking through the
16 entire restaurant. And, you know, the exit from the
17 bar for the wait staff is not far off either.

18 MR. TSVASMAN: Was it at all feasible to
19 bring food down like an elevator?

20 MR. MCBANE: No, not really.

21 MR. TSVASMAN: Looked like the kitchen was
22 right above that sort of area.

23 MR. MCBANE: No. You would -- you would
24 drop into a mechanical room.

25 CHAIRPERSON PRICE: So let's talk about the

1 parking. I looked at your -- all the sheets. The
2 only thing I know is I'll drive by and go, where are
3 these cars coming from? I don't know if it's the
4 Chinese restaurant. I don't know if it's Sheffield's.
5 I don't know if it's something else. It's hard to
6 know exactly where all the people are.

7 And are you getting -- your patrons coming
8 one person per car? Are we going to expect a need for
9 34 more parking spaces as a result of this? And so
10 far, what you've got next to you in the old -- is an
11 empty Dunkin Donuts spot that I don't know if you have
12 legal right to use that or not during.

13 MR. DUERR: No. No legal right to use that.

14 CHAIRPERSON PRICE: So I guess when you
15 describe the parking, I would say you probably
16 shouldn't count on that. But I think your patrons are
17 probably parking there. So give me the parking spiel.

18 MR. DUERR: I would suspect that most of the
19 parking there is from -- the Chen Garden has, you
20 know --

21 CHAIRPERSON PRICE: Man, I got to find out
22 how many seats are in there. Because I cannot --

23 MS. SANGUINETTI: There's a lot of seating.

24 CHAIRPERSON PRICE: Is there a lot? That's
25 our due diligence.

1 MR. DUERR: There's a lot of seating in the
2 Chen Garden.

3 CHAIRPERSON PRICE: And they're using that
4 parking as well?

5 MR. DUERR: Oh, yeah. Yup. Yup. I've used
6 it. Anyway.

7 But, yeah. So it's interesting -- and you
8 bring that up -- it's hard when we have, you know, the
9 ride share stuff and Uber stuff today and a local pub
10 where people walk to it and that demographic. Trying
11 to get -- I guess you'd have to have someone sit
12 outside and count, you know, what people are doing.

13 There is that busy time and on that
14 spreadsheet I tried to show you the overlap and along
15 with, you know, the serving -- you know, from the
16 point of sales of how that is. And I did -- off of
17 that, I kind of -- in the boxes you see on this
18 worksheet, I kind of did what was the percentage of
19 the business for that day. And --

20 CHAIRPERSON PRICE: That's how you did this.

21 MR. DUERR: Yeah.

22 CHAIRPERSON PRICE: That's why there are
23 dollar figures in here?

24 MR. DUERR: Yeah. It's the point of
25 sales --

1 MR. MCBANE: This stuff's real numbers.

2 CHAIRPERSON PRICE: So your -- I couldn't
3 figure out why there were dollars.

4 MR. DUERR: So it was like Joe's average
5 business in these boxes, which is where the major
6 overlap is in terms of parking, is what averaged out
7 to be like 40 percent of his business.

8 But when you look at that closely too, you
9 look at some of the last numbers in the boxes -- and,
10 you know, some of them are huge. You know, like the
11 second one was 37.5 percent. And the last number
12 which, you know, was only 1 tenant remaining, you
13 know, open and it was 16 percent of his business. So
14 it gives you kind of an idea, you know -- that
15 overlap, you know, is changing --

16 CHAIRPERSON PRICE: Okay.

17 MR. DUERR: -- in Joseph's case.

18 MS. BARON: One question. What's the
19 current capacity of the upstairs in terms of
20 occupancy? How many seats do you have?

21 MR. MCBANE: We have a legal occupancy of
22 95. And we have about that many seats.

23 CHAIRPERSON PRICE: Okay. So your Xs in
24 this box are comparing the hours that these other
25 businesses are open?

1 MR. DUERR: Yes, correct.

2 CHAIRPERSON PRICE: And you're, you know --
3 but for maybe a late afternoon, you're showing that
4 there is capacity during your busy time because it's
5 offset from the other hours that the other tenants are
6 open.

7 MR. DUERR: Yes.

8 MR. McBANE: It's a pretty complimentary
9 plaza.

10 CHAIRPERSON PRICE: In that respect.

11 MR. McBANE: Yeah.

12 MR. TSVASMAN: Was this an existing
13 condition before? Like the bar operated with a full
14 basement bar and an upstairs? Or was there issues
15 back then for parking?

16 CHAIRPERSON PRICE: So that would have been
17 like Green Streets' days and Otter Lodge days; and I
18 don't recall it ever being a huge issue.

19 But Chen Gardens has been there my whole
20 life. So I just don't know -- these days you will go
21 around 6, 6:30, 7 o'clock and from 7/11 all the way to
22 the end of the plaza is jammed with cars. And who is
23 it?

24 And then, you know, Brighton Donuts was open
25 then. Dunkin Donuts, they've been there in some

1 capacity for a long time.

2 MR. DUERR: Until COVID; right?

3 CHAIRPERSON PRICE: You know, so far I have
4 not seen it where you've ended up out on the street
5 parking. I haven't seen it. Over on -- what is it?
6 Warrington?

7 MR. MCBANE: Rhinecliff is --

8 CHAIRPERSON PRICE: Rhinecliff is the wide
9 street, but I've never seen cars there.

10 MR. MCBANE: We've never -- obviously, I'm
11 there a lot. I don't see anyone ever parking on the
12 street over there ever in the five years we've been
13 there.

14 MS. SANGUINETTI: I live a couple blocks
15 away. I've never seen --

16 MR. DUERR: When I go there and the parking
17 lot's full, I go do something and come back later.
18 It's -- really it's that jam with I think the main
19 eating for Chen Garden is when it gets really --

20 MR. HAREMZA: I make a point of parking on
21 the street because I know the neighbors love it.

22 CHAIRPERSON PRICE: That's you.

23 MS. SANGUINETTI: If there was ever like an
24 event, would there be a possibility of having shared
25 parking with, let's say, Chase?

1 CHAIRPERSON PRICE: Yeah. So this is where
2 we're going with this, I guess, is -- you know, it's
3 hard for anybody here to predict -- even with, you
4 know, the nice -- with the counts -- what's the
5 collective impact on the parking.

6 And now you're adding 34 to what you've
7 already got. I'm hoping you're adding 34 for your
8 sake, not just taking from the 95 and putting them
9 downstairs. So if you are, you know, we just can't
10 let this get to the point where your patrons are out
11 on the street parking and causing problems, emergency
12 vehicles, whatever extreme example you can think of.

13 But I think it is -- it's also -- we've got
14 to continue to consider what's going to come into that
15 old Dunkin Donuts. We did approve a Pizza Hut, which
16 was really a drive-up. There was drive-up in the
17 back. There was a few parking spots. I don't think
18 they had many seats inside that people were going to
19 stay there the length that your patrons stay. They
20 really just pick up and go, you know, like Pontillo's
21 next door.

22 But that's still parking spaces. And I
23 don't know what that arrangement would be like if that
24 became a restaurant also.

25 Any other parking-related questions, guys?

1 MR. TSVASMAN: Isn't it the goal to just get
2 people to share parking as opposed to trying to create
3 more parking?

4 CHAIRPERSON PRICE: Yeah, for sure. And,
5 you know, there's an example, Redd Wood, which was
6 Grinnell's, has an agreement with Brighton Securities
7 that works out. We don't have to create more asphalt
8 to do it. Not looking for you to buy Dunkin Donuts
9 and make parking out of it.

10 But I guess if it got to the point we would
11 want to ask you to consider some kind of shared
12 parking agreement with somebody else that's not open
13 at the same time you are and look at that kind of
14 arrangement.

15 But I guess, Chris, what's our max going to
16 be? Are we going to face some parking issues?

17 MR. DUERR: It's kind of -- you talk about
18 which came first, the chicken or the egg? If we don't
19 have any place to park, people will start Ubering.
20 You know? It's like if we build more parking spaces,
21 more people are going to, you know, choose to drive.

22 It's kind of Joe's risk to do this. And if
23 people try to show up and don't have parking, you
24 know, he spent money and they aren't in there, but --
25 I come back later, but -- anyway.

1 And I guess that's kind of the point, you
2 know the -- you know -- maybe, you know, an option is
3 you could give credits for people who Uber there, you
4 know, to kind of promote that kind of thing.

5 CHAIRPERSON PRICE: It's kind of, you
6 know --

7 MR. DUERR: An incentive.

8 CHAIRPERSON PRICE: You're right. We're not
9 going to encourage any more asphalt to be built
10 anywhere or something taken down. We do want to
11 see --

12 MR. DUERR: If you build the spots, they'll
13 come and if you take them away, they'll have to get
14 there -- somewhere else.

15 CHAIRPERSON PRICE: We don't want to
16 encourage people driving to and from bars.

17 MR. DUERR: You know, in terms of the
18 parking counts -- I'm sure you've seen this, but I'll
19 just state it again. You know, I realize that the
20 Napa -- the auto parts store is almost all warehouse
21 now in terms of retail space.

22 So you can see I adjusted the parking lot
23 where, you know, within the counts now, under your
24 code, it's only 2.1 spots short of meeting code.

25 Now, it's a special use. So you have the

1 prerogative to view it that way, but I wanted you to
2 be aware of that.

3 And I tried to give you an update just to
4 kind of get you a sample of, you know, the overlap and
5 how that works.

6 CHAIRPERSON PRICE: I thought it was put
7 together -- I just -- sorry. I couldn't figure out
8 the dollars, why they were there.

9 MR. DUERR: Sorry.

10 CHAIRPERSON PRICE: I get it.

11 Why don't we talk fire code and Fire
12 Marshal.

13 MR. DUERR: I'll gladly talk to that. I
14 think it's -- Chris is, you know, notoriously heavy on
15 sprinkler systems and what have you.

16 As an architect, my responsibility is, you
17 know, to try to save him money and do it per code, you
18 know, with or without a sprinkler system. In this
19 case, you know, Chris we had an initial email months
20 ago where, you know, we have to sit down and go over
21 this. And this latest email he really references the
22 new construction code and not existing building code.
23 And it's never easy, you know, both of them put
24 together.

25 But there is a possibility that we don't

1 have to do the sprinkler system. I mean, if I design
2 it with -- you know, under the existing building
3 code -- and there's going to be two-hour fire
4 separation between the main floor and the basement.
5 There's a common corridor that comes out from all the
6 other buildings that's already a two-hour fire
7 corridor. All right? He's worried about stuff
8 building up in there.

9 I mean, that has to be policed, you know?
10 And not by me, you know. And the -- if you see it in
11 the plan, there's a door between before they go
12 upstairs. That is called the horizontal exit. It's
13 on a hold-open. So if a fire alarm goes off, that
14 door automatically shuts. So the two fires have
15 separated. You can exit through the corridor or you
16 can exit through one horizontal exit.

17 So, you know, then I have two separate fire
18 exits with two maximum occupancies. You know, they
19 could have 99 people in each per code. That's not
20 necessarily what the Town would set in terms of that.
21 So in no way in shape should this hold up, you know,
22 what's happening here.

23 CHAIRPERSON PRICE: The conditional use
24 permit.

25 MR. DUERR: Yeah. I mean, if it's

1 conditioned -- it's all covered by New York State
2 Code. You know, I'm not even sure if you need a
3 condition because it's gonna be what it's gonna be.

4 MR. HAREMZA: It's not my area of expertise,
5 but just remember, Brighton does have its own
6 sprinkler requirement in addition to the State Code.

7 MR. DUERR: Correct. Correct. But that was
8 never brought up by Chris. And when we expanded this,
9 we didn't add sprinklers.

10 CHAIRPERSON PRICE: Okay. Any questions
11 from the Board?

12 MR. TSVASMAN: So I'm sorry. So are you
13 saying that you could exit -- in an emergency, you
14 exit through this hallway and up this dedicated
15 stairway?

16 MR. DUERR: Well, that door is not the exit
17 door. The exit door of that hallway is down here.
18 Then you go up a totally independent exit.

19 So there's one totally independent exit and
20 the other exit is up through the back of the bar now.

21 MR. TSVASMAN: So this could serve as egress
22 for the lower level and upstairs can independently
23 exit through upstairs.

24 MR. DUERR: Yes.

25 MR. TSVASMAN: Okay. I get it.

1 CHAIRPERSON PRICE: David? Jason? Guys?

2 MS. BARON: In terms of your ability to
3 store things now, do you have a secondary plan for
4 that since you wouldn't have a storage space anymore?

5 MR. MCBANE: So yeah. We got tons of
6 storage because, you know, as part of when we built
7 the Sheffield's, we kind of improved the
8 infrastructure of the entire place, you know, kitchen,
9 kitchen facilities, et cetera.

10 And when I say the stuff in there needs to
11 be thrown out, it's junk. Like, you know, when you do
12 a big construction job, it's just got all this kind of
13 tools and bits like that that can live in someone's
14 garage, you know. Most of it can just get thrown out.
15 There's nothing in there that we use. So that really
16 doesn't present any challenges.

17 CHAIRPERSON PRICE: Lauren, you all set?

18 MR. HAREMZA: I'm good, yeah.

19 CHAIRPERSON PRICE: Thank you, gentlemen.

20 MR. MCBANE: Thank you.

21 CHAIRPERSON PRICE: This is a public
22 hearing. Is there anyone that cares to address this?
23 And if it's about how much you love them, don't
24 bother.

25 UNIDENTIFIED SPEAKER: Come on.

1 CHAIRPERSON PRICE: I figured that's why
2 everyone's here. But if you do -- if there any
3 comments or concerns, neighbors... okay. Moving on.
4 Thank you very much.

5 MR. MCBANE: To the Sheffield's.

6 CHAIRPERSON PRICE: We'll be over later.
7 Make sure you stay open to 9.

8 Case number 2.

9 **Case Number 2:**

10 Address/Location: 1057 East Henrietta Road
11 Type: Conditional Use Permit
12 Application: 5P-02-25
13 File: PB-25-11
14 Zoning: Light Industrial (IG)
15 Applicant: Gerald Hitchcock
16 Description: Application of Gerald Hitchcock, agent,
17 and East Henrietta Road LLC, owner, for Conditional
18 Use Permit Approval to allow for a restaurant supply
19 distribution facility on property located at 1057 East
20 Henrietta Road.

21 MR. HITCHCOCK: Hello, everyone, I'm Gerald
22 Hitchcock, representing the property owner for 1057
23 East Henrietta Road.

24 CHAIRPERSON PRICE: Who is that?

25 MR. HITCHCOCK: Technically, it is an LLC

1 managed by Flaum Management. It is 1057 East
2 Henrietta Road LLC.

3 CHAIRPERSON PRICE: Okay. Thank you.

4 Tell us a little bit about what you're
5 asking to do.

6 MR. HITCHCOCK: Basically, we are trying to
7 propose a new tenant, Wesco, which is a wholesale
8 company for restaurants applying mainly packaging for
9 takeout containers, menus and things of that nature.
10 But they also sell food as well.

11 CHAIRPERSON PRICE: They do sell food?

12 MR. HITCHCOCK: Yes.

13 CHAIRPERSON PRICE: Wholesale? Retail?

14 MR. HITCHCOCK: Wholesale.

15 CHAIRPERSON PRICE: So all of the product
16 is -- it's a wholesale operation.

17 MR. HITCHCOCK: To my understanding, yes.
18 The owner of the business, who this is really for, has
19 another business, Hikari, I believe is the name of it.
20 And that is his retail store for that type of thing.
21 And that's over on Mount Hope.

22 CHAIRPERSON PRICE: Okay. Hours of
23 operation, do you know about --

24 MR. HITCHCOCK: Hours of operation, they
25 were just standard business hours. I don't remember

1 the exact -- I believe it was 7 to 5.

2 CHAIRPERSON PRICE: And I guess, again, the
3 question -- I guess our concern is really knowing are
4 people coming here to pick up and purchase or is this
5 kind of warehousing and his business distributes to
6 his buyers?

7 MR. HITCHCOCK: To my understanding, he is
8 going to have a -- I'm going to call it a retail
9 frontage or a store frontage, but it's still
10 wholesale, where his wholesale clients, restaurant
11 owners, people of that nature can come in and see his
12 product. Because like I said, it's -- container
13 packaging is primarily what he's selling, but he also
14 does have the walk-in freezer for food. So he does
15 have a display in the front for those people, but not
16 to the general public really. His primary clientele
17 is restaurant owners.

18 CHAIRPERSON PRICE: There's no prepared
19 food?

20 MR. HITCHCOCK: No.

21 CHAIRPERSON PRICE: Not preparing food.
22 This is all --

23 MR. HITCHCOCK: No.

24 CHAIRPERSON PRICE: And primarily dry goods
25 or cans?

1 MR. HITCHCOCK: No. He said it's going to
2 be -- it will be spices, things of that nature. But
3 it will also be fresh produce and frozen goods.

4 CHAIRPERSON PRICE: Okay. So mostly
5 wholesale. People are not staying there. They're not
6 eating there. They're not preparing food there.
7 There's not people taking out and you have napkins,
8 paper cups and garbage is getting all over the place.

9 MR. HITCHCOCK: Nothing of that nature.

10 CHAIRPERSON PRICE: Any proposed changes to
11 the site plan? Any additional parking needed?

12 MR. HITCHCOCK: No. He has three to five
13 employees he would be allowed. At his store frontage,
14 there's parking right there. You can pull up to the
15 building. So that would be designated for his
16 clientele. Any of his employees, we would ask them to
17 park in the auxiliary lot at the end of the property,
18 which is very large.

19 CHAIRPERSON PRICE: And is this tenant able
20 to use the dumpster that's there or does he have --

21 MR. HITCHCOCK: Yes. He would -- that would
22 be part of his lease agreement. He would use that
23 dumpster, yes.

24 CHAIRPERSON PRICE: Okay. So no other
25 exterior alterations to the building?

1 MR. HITCHCOCK: Nope. No. The only signage
2 would be on the glass on the storefront.

3 CHAIRPERSON PRICE: What am I not asking?

4 MS. SANGUINETTI: I was thinking like the
5 width of the entrance, if they -- you know, the trucks
6 delivering all the goods --

7 MR. HITCHCOCK: That property was basically
8 built for -- if you look at it, it's loading docks
9 along the whole rear end of it. It's pretty much set
10 up for freight delivery. It's all tractor trailer
11 docks.

12 So if you're asking about the front
13 entrance, the easement kind of thing, the entryway, I
14 don't have the exact specifications, but it's -- we've
15 never had a problem. I mean, if you think about it,
16 where you do get a lot of tractor trailers and things,
17 you tend to see them driving over the curbs. We don't
18 experience that at this property.

19 CHAIRPERSON PRICE: Okay. Hours of
20 operation, garbage, dumpsters, no hazardous materials,
21 no exhaust, hazardous materials.

22 MR. HITCHCOCK: No.

23 MR. TSVASMAN: What are other tenants in
24 that building like?

25 MR. HITCHCOCK: It's a variety. The

1 beginning is Maaco, which is essentially Ziebart. But
2 that's an executive office. There's no automotive or
3 anything like that.

4 What is next to them? There is also
5 Thelma's Boutique, which caters to women who have
6 dealt with breast cancer. There's also a children's
7 physical therapy business next to that. And at the
8 very end of the property is an engineering office.

9 MR. TSVASMAN: Okay.

10 CHAIRPERSON PRICE: Questions?

11 MS. BARON: Just one additional question.
12 Sorry. So in terms of the container portion,
13 wholesale portion, of the business versus spices,
14 fresh produce, frozen goods, how much of the space
15 within the store is dedicated to the container portion
16 versus the food sales portion? Do you have any
17 indication of that?

18 MR. HITCHCOCK: Unfortunately, I don't have
19 that information.

20 MS. BARON: Okay.

21 MS. SANGUINETTI: In terms of delivery of
22 the goods, are the trucks going to have a specific
23 time separate from open hours?

24 MR. HITCHCOCK: No, I don't believe so. No.
25 They wouldn't have any reason to. It's only one truck

1 a week is what was expressed.

2 MS. SANGUINETTI: One truck. Okay. You
3 said about five employees?

4 MR. HITCHCOCK: They said three to five,
5 yes.

6 MS. BARON: Just to clarify, one more
7 question. I know you've spoken about this a couple
8 times. So someone coming off the street isn't going
9 to be able to buy one container of spice; right? They
10 would have to buy a wholesale level?

11 MR. HITCHCOCK: Well, I think that's up to
12 you guys, but that's not the intention of the business
13 owner.

14 MS. BARON: Okay. The intention of the
15 business owner to operator wholesale, not --

16 MR. HITCHCOCK: Wholesale only.

17 MS. BARON: Okay.

18 CHAIRPERSON PRICE: Anybody else? Thank
19 you.

20 MR. HITCHCOCK: Yup. You're welcome.

21 CHAIRPERSON PRICE: This is a public
22 hearing. Is there anyone that cares to address this
23 application? Okay. Thank you.

24 MR. HITCHCOCK: Thank you. Have a good
25 night.

1 CHAIRPERSON PRICE: Case number 3 is 49
2 Southern Parkway.

3 **Case Number 3:**

4 Address/Location: 49 Southern Parkway

5 Type: Demolition Review, Site Plan Review (combined
6 Preliminary/Final)

7 Application: 5P-03-25

8 File: PB-25-12

9 Zoning: Residential - Low Density B (RLB)

10 Applicant: Gregory McMahon, McMahon LaRue Associates

11 Description: Application of Gregory McMahon, McMahon
12 LaRue Associates, agent, and Jason Cronberger and

13 Susan Hollister Cronberger, owners, for Demolition
14 Review and Approval and Preliminary/Final Site Plan

15 Approval to raze a single-family home and construct a
16 new 2,251 +/- square foot single-family home with a
17 1,078 +/- square foot attached garage on property

18 Located at 49 Southern Parkway.

19 CHAIRPERSON PRICE: We have somebody here.

20 You must be Jason?

21 MR. WHITE: My name is Brian White from
22 McMahon LaRue. Greg isn't available tonight.

23 CHAIRPERSON PRICE: All right. Good
24 evening.

25 MR. WHITE: Good evening. As I said, my

1 name is Brian White from McMahon LaRue Associates.
2 I'm here tonight with Susan Hollister, the applicant
3 for this application, 49 Southern Parkway.

4 This property is located in an RLB zoning
5 district along the west side Southern Parkway, just
6 south of Edgemere Drive, predominantly a residential
7 neighborhood.

8 We're proposing to demolish the existing
9 single-family home on the property and reconstruct
10 with a new three-bedroom, approximately
11 2500-square-foot dwelling.

12 As it was disclosed early on, we have an
13 application to the Zoning Board. We are seeking two
14 variances for the property. And we are on the agenda
15 for the June 4th Zoning Board meeting following. If
16 successful, we'll be here for the June 18th Planning
17 Board.

18 We have received comments, engineering
19 comments and county DEC comments. Our engineers have
20 looked at them. We don't see anything alarming that
21 would change our trajectory for this application.

22 It is our intent to utilize the existing
23 lateral services, the storm sewer sanitary and water
24 service that exists now for the new dwelling.
25 Drainage is going to operate very similar to the

1 existing dwelling.

2 There was one Town comment pertaining to the
3 drainage on the south side. We don't see any issues
4 to comply with that request.

5 CHAIRPERSON PRICE: Brian, can you tell us
6 what the variances are for?

7 MR. WHITE: We are applying for an area
8 variance for the south side setback. By code, 15 feet
9 are required. We're proposing a side setback of 9.2
10 feet.

11 For context, this is on the garage side of
12 the structure. The existing structure has a current
13 side setback for the garage of 9.1 feet. So we're
14 within an inch of maintaining that existing setback.
15 The other side of the dwelling is just over 16 feet,
16 which would comply with the other setback.

17 The second variance that we are pursuing is
18 for the garage size. By code, we can't exceed 900
19 feet. We're proposing just over a thousand feet to
20 have more depth on the existing garage while
21 maintaining the existing house garage lawn. So we're
22 not moving any closer to that existing setback as it
23 is today. We're just increasing the depth ever so
24 slightly on the structure.

25 CHAIRPERSON PRICE: Would you consider that

1 a one-car garage or a two-car garage?

2 MR. WHITE: The architecturals indicate that
3 it's 22 feet wide. I would suspect that that'd be a
4 two-car garage. Sue could speak to that better than I
5 can.

6 CHAIRPERSON PRICE: Just introduce yourself.

7 MS. HOLLISTER: Hi, everybody. Sue
8 Hollister, currently over on Sonora Parkway. Can't
9 wait to get back over to Homemakers.

10 So we actually started this process back in
11 September. We went through the Architectural Review
12 Board. We went to the Zoning Board. We got the
13 variance approved for the addition to the garage.

14 My husband has an enclosed trailer that he
15 does like construction stuff from. So instead of
16 having it parked in the driveway, he wants to park it
17 in the garage so it's not going to be an eyesore for
18 the neighborhood.

19 So we already had this exact plan for the
20 garage approved previously through the Zoning Board,
21 but because we had to go back and do a demolition, now
22 it's a whole different process.

23 So the plans as they are were approved
24 already for the size. Now the setback is a new
25 variance, but it's literally being built on top of the

1 same foundation, original line, yeah.

2 CHAIRPERSON PRICE: Okay. So that's the
3 second reason. And it's deeper, so it means it's more
4 square footage.

5 Is there usable space above the garage? You
6 got a dormer there. Is there --

7 MS. HOLLISTER: Yeah. It's just storage
8 space.

9 CHAIRPERSON PRICE: Okay. So it's not high
10 enough to be a bedroom?

11 MS. HOLLISTER: Oh, God. No. It'll just be
12 storage.

13 CHAIRPERSON PRICE: Is it a two-story house?

14 MS. HOLLISTER: No. It's a ranch.

15 MR. WHITE: I do have a copy of the
16 architecturals here if you want.

17 CHAIRPERSON PRICE: We just got this. What
18 do you got?

19 MR. WHITE: I have a more complete set.

20 CHAIRPERSON PRICE: Are they colored?

21 MR. WHITE: No. Just more of the plan
22 sheets.

23 CHAIRPERSON PRICE: I know we're not the
24 Architectural Review Board, but we like to -- okay.
25 So two variances to go.

1 You say, with the exception of the second
2 one, you got the first one approved previously and you
3 were just gonna do the garage edition at that time and
4 not the --

5 MS. HOLLISTER: We were going to do a
6 renovation just to include the expansion off of the
7 back of the house. But then halfway through the
8 process the contractor and the architect decided that
9 it would make more sense to just tear down the walls
10 because we're moving windows and doors. So instead of
11 patching everything up, it would be better to just
12 build new walls on the existing foundation.

13 MR. HAREMZA: So just to clarify
14 procedurally, that previous variance is moot at this
15 point because it was for a project that is no longer
16 proposed. So it's a little bit semantic, but
17 essentially, you're starting from scratch. So you
18 need all the variances still.

19 CHAIRPERSON PRICE: Okay. I don't have
20 anything.

21 MR. FADER: The existing house, the
22 downspouts, do they go to pipes that go out to the
23 storm sewer?

24 MR. WHITE: That's a great question. That's
25 our understanding. There is -- if you look at the

1 existing conditions plan, there is a rear yard drain
2 located halfway between the rear lot line on the back
3 of the house. Our surveyors did investigate to see
4 where that went, but it wasn't determined. Speaking
5 with the office engineer, we anticipated that it's
6 connected into the storm sewer, but part of our
7 improvement is to rerun that line and --

8 MR. FADER: I understand the yard drain
9 going, but were the gutters connected to it?

10 MR. WHITE: I think they were connected as
11 well, yeah.

12 MS. HOLLISTER: As far as we can tell.

13 MR. FADER: Is that normal to run them
14 directly into the storm sewer?

15 MR. HAREMZA: It used to be.

16 I was actually wondering if this part of
17 Town has combined sewers or separate sewers.

18 MR. FADER: They're separate.

19 CHAIRPERSON PRICE: No. That's -- check out
20 State Building Code.

21 MR. FADER: Downspouts?

22 CHAIRPERSON PRICE: Direct to the street.

23 MR. HAREMZA: In the old days they wanted to
24 get water away quickly.

25 MR. FADER: Okay.

1 MS. SANGUINETTI: So some lawns in this
2 neighborhood are like you can't go too far into the
3 lawn.

4 MR. HAREMZA: Well, remember the plumbing
5 code was written with sort of an urban area in mind
6 where you might not even have a lawn.

7 MR. FADER: Nothing to do with the
8 application. I get it. I just don't understand where
9 they think that water went.

10 MR. WHITE: This section of the rear yard is
11 a low point. So we are proposing rear yard drainage
12 with the downspouts.

13 CHAIRPERSON PRICE: You get drainage from
14 the Cobs Hill -- or from the other hill, Pinnacle.

15 Okay. Is there any other questions?

16 MR. BABCOCK-STIENER: Just one. It doesn't
17 look like there's any trees there. You're not taking
18 out any trees or anything?

19 MR. WHITE: If you look on the survey, I
20 think we had shown there's a few trees over on the
21 northeast corner or along the west appropriate line.
22 So as of March 18th, we hadn't shown trees on here.
23 Now, there's a couple on the perimeter of the
24 property.

25 CHAIRPERSON PRICE: Your stabilized

1 construction pad comes out at the end? Top soil and
2 seed at the end?

3 MR. WHITE: Correct.

4 CHAIRPERSON PRICE: Any other questions?

5 MS. SANGUINETTI: Yeah. So I see there's a
6 step for the front entrance, but could you access --
7 like if you were in a wheelchair, could you access the
8 house from the garage into the first level of the home
9 without going through any steps?

10 MS. HOLLISTER: No. The way it is right now
11 I think it's one step up from the garage into the
12 house, I believe.

13 MR. TSVASMAN: Is there upstairs?

14 MS. HOLLISTER: No. Just in the garage.

15 MR. TSVASMAN: Because the plan says up.

16 MS. HOLLISTER: There's stairs in the garage
17 that go up.

18 MR. TSVASMAN: No. In the house.

19 MS. HOLLISTER: To the basement maybe.

20 MR. TSVASMAN: Well, it says down. And then
21 the other side says up.

22 MS. HOLLISTER: Can I look? Is it okay if I
23 look?

24 MR. TSVASMAN: Yeah. That side says down
25 and then this side says up.

1 MS. HOLLISTER: Those are the stairs that go
2 down. And then when you come up from the basement. I
3 don't know why he would do both.

4 MR. TSVASMAN: Anyways.

5 CHAIRPERSON PRICE: Okay, folks. Thank you.

6 MR. WHITE: Thank you for your time.

7 CHAIRPERSON PRICE: This is public hearing.
8 Is there anyone that cares to address this
9 application? Come join us.

10 MS. NEALON: So first of all, I just want to
11 say to whoever has a responsibility for taking over
12 the renovation of the Town, the building, it looks
13 great.

14 CHAIRPERSON PRICE: Not this Board.

15 MS. NEALON: Well, whoever did. Now that it
16 takes me five lights to get down to the center of
17 town, I have more time to look at it in one lane that
18 you put in. Anyways.

19 So I'm Claudia Nealon. We live north of the
20 project that was just discussed.

21 First, I want to ask why did we as neighbors
22 only have two days' notification of this?

23 UNIDENTIFIED SPEAKER: I'm also a neighbor.
24 I live down the street on the other side. I would
25 also ask why we only got two days' notification of

1 this.

2 CHAIRPERSON PRICE: Okay.

3 MR. HAREMZA: You're referring to the mailed
4 notification?

5 UNIDENTIFIED SPEAKER: If I got a mailed
6 notification, I'd like to see it, because I haven't
7 seen it.

8 MR. HAREMZA: So only immediately adjacent
9 properties get mailed notification. My question was
10 just what two days are you referring to?

11 MS. NEALON: I received it Monday at 2
12 o'clock.

13 MS. BARON: What -- he's asking if you
14 received the mailing or you received the agenda or --
15 what are you --

16 MS. NEALON: Whatever you sent out saying
17 that the hearing was going to be tonight.

18 MR. HAREMZA: And you're immediately
19 adjacent?

20 MS. NEALON: Right next door. I mean, I
21 didn't get an assessment letter. So why would
22 I get -- I mean, I understand -- and in the City --
23 and I addressed this with the Building Department
24 recently. I said, you know, the City gives you weeks.
25 And they said, well, we send out a letter. You don't

1 have to send out a letter. Let people have a
2 postcard.

3 But this is a lot different than just
4 somebody putting on a deck or somebody changing a
5 window. This is a demolition. A complete demolition
6 of a 1960 house.

7 And I don't know. I just think it was --
8 it's very poor communication.

9 MR. HAREMZA: May I ask, was the
10 2-foot-by-3-foot public notification sign posted and
11 visible?

12 MS. NEALON: It was, but let's talk about
13 that too. How many people are actually going to walk
14 up on somebody's front lawn and look in the window? I
15 wouldn't.

16 I think you need to change the Code. I
17 think it needs to be a street sign.

18 MR. HAREMZA: Well, we -- yeah. It needs --
19 it should be visible from the street. That's the
20 intent of that.

21 MS. NEALON: Well it is, but you can't see
22 what is on the sign. I mean, we all know, you know,
23 permit signs, okay, because we've all done things.
24 But you can't read the sign from the sidewalk.

25 MR. HAREMZA: Again, to me that means it's

1 not visible. I mean, if you can't read it, it's not
2 visible.

3 I'm interested in your feedback. Please
4 take an agenda -- and my email address is on there --
5 because we want -- you know, we want to make
6 notification better and more up-to-date for folks. So
7 I appreciate your thoughts.

8 MS. NEALON: I live next door and I wouldn't
9 walk up the street. So I went to the website, which
10 that's not real user-friendly either, but you know,
11 you got -- we got there and figured it out.

12 But so going back to the communication, this
13 is a big project and I'm really offended that it's
14 handled in the same way of somebody putting a deck on
15 or something like that. This is a demolition of a
16 whole house.

17 And you and I know as well there's tons of
18 toxic materials in that house, not per se, but, I
19 mean, you've got asbestos. You probably got lead.
20 And the other big thing is mold.

21 I was in that house when it was for sale.
22 And, as we say in real estate, there appeared to be a
23 mold-like substance in the basement. I can't say it's
24 mold because it has to be tested, but pretty black.

25 So if there's a scientist here, if you could

1 please tell me, when you're demolishing a house with
2 a mold-like substance what happens to that mold?

3 CHAIRPERSON PRICE: Well, our understanding
4 is it does have to be disposed of at a regulated
5 landfill.

6 MS. NEALON: Well, it's on cinder blocks.

7 CHAIRPERSON PRICE: So they're not proposing
8 to save the foundation. So that --

9 MS. NEALON: They are.

10 CHAIRPERSON PRICE: You're saving the
11 foundation?

12 MS. HOLLISTER: Yeah.

13 CHAIRPERSON PRICE: Okay. Is there
14 asbestos? And will there be remediation of anything
15 that's considered toxic?

16 MR. WHITE: That would be on -- an asbestos
17 survey is required for demolition.

18 MS. NEALON: So I don't know if there's
19 anything in the house presently, if there's any walls
20 or anything like that because there's been rubbish
21 going out onto the street for weeks. So I don't know
22 if there's walls. So I don't know if there's tape
23 that would be around a duct, if they have old tiles.
24 I don't know that. But you have to do an air quality
25 test for the asbestos.

1 MS. BARON: So as part of the application
2 they have to submit an asbestos report as part of
3 their application to the Town. So that was submitted
4 as part of the demolition package.

5 MS. NEALON: So -- okay. So -- right. So
6 that gets done. But I'm not sure that there is a lead
7 test done anywhere. Because all that paint on the
8 exterior of the house was at one point lead-based
9 paint.

10 CHAIRPERSON PRICE: I don't know that
11 answer.

12 MS. NEALON: Well I know that years ago
13 there was a house on Westland that was peeling pretty
14 badly and somebody went in and had a contractor try to
15 sandblast it. "Ew" was right. It stopped like within
16 10 minutes.

17 So I don't know -- we're still talking about
18 the same product being lead. Okay. So I'm more
19 concerned about the mold.

20 And there's no New York State regulations
21 that says a house has to have mold testing done if
22 they're demolitioning. So I don't know the answer. I
23 just know I live next door and I want to know about
24 the mold.

25 CHAIRPERSON PRICE: Okay. Well, this is

1 going to require variances. So this -- we will not be
2 giving this approval tonight.

3 MS. NEALON: Yeah.

4 CHAIRPERSON PRICE: And I think these
5 questions will be asked of the applicant and their
6 engineer. And we'll also want to know these things
7 are being resolved.

8 MS. NEALON: We've gone through demolitions
9 on the street before, you know. And, you know, I
10 don't mean to be the bad guy. I really don't, but --

11 CHAIRPERSON PRICE: We're glad you came out.

12 MS. NEALON: -- I think there's issues at
13 the house now that caused me to be concerned, one
14 being the trailer that's been in the driveway for
15 three months. So if you knew that it was going to be
16 an eyesore and he knew they couldn't do it anyways
17 back in September, why is the trailer in the driveway
18 for three months?

19 This is a family neighborhood. I mean, it's
20 got kids running around. They could climb on the
21 trailer. You got the ladder against the house.
22 That's been up there for three months. You took down
23 the chimney and all the construction material was
24 there.

25 The backyard -- you want to talk about wet?

1 It's wet. And the issue you were talking about with
2 the drain, many times people put in -- what do they
3 call it? The dry basin?

4 CHAIRPERSON PRICE: Dry well.

5 MS. NEALON: Because that wetness is
6 coming -- because there's no laterals in between
7 Westland and Southern Parkway. So it's wet.

8 And it's real wet now because all the trees
9 were taken down. So what did you take down? 20
10 trees?

11 MS. HOLLISTER: I don't know. It was quite
12 messy back there. But it's been cleaned. It dries up
13 a lot quicker now.

14 MS. NEALON: So anyways. Aside from that
15 one, when you do the demo -- and again, I don't know
16 if I'm in the right meeting for this. I might have to
17 come to another. Do you get -- do you have a start
18 date and an end date? I realize the permit's only
19 good for one year.

20 CHAIRPERSON PRICE: We -- our approvals are
21 good for one year from the date of the approval.

22 And Claudia, just so you know, the good news
23 about this is this is going through site plan review.
24 This is not something -- this is an opportunity for
25 the public to hear what is being proposed.

1 That wasn't always the case. This came into
2 play maybe 10 or 15 years ago.

3 MS. NEALON: Look, I'm very happy -- I mean,
4 a lot of people complain that Brighton is so tough to
5 have anything done. I'm kind of happy you are.

6 CHAIRPERSON PRICE: There's time where it
7 works. You know, this isn't something that, you know,
8 the applicant is able to just walk into the Building
9 Department and walk out with a building permit. There
10 is this step that does allow you the period or the
11 opportunity to comment.

12 The issue of notification is an age-old
13 question and concern. Your concern and the
14 gentleman's concern is the first time we've heard this
15 in maybe about a year, but we do hear it. We hear,
16 hey, I didn't know about it. Well, how are you
17 sitting here then?

18 MS. NEALON: So that leads me to a really
19 good question. If you've heard these complaints or --
20 complaints before, why wasn't there any
21 modification --

22 CHAIRPERSON PRICE: There has been. There's
23 been massive amount of modification to our --

24 MS. NEALON: I trust you.

25 CHAIRPERSON PRICE: -- our standards. And

1 we can always get better.

2 And that's why if you don't mind letting
3 Jason know you didn't hear about it and you're an
4 immediate neighbor, immediately abutting. That will
5 help us. Made a mistake or something.

6 MS. NEALON: If you're a resident, it's kind
7 of suspicious. Well, we only had two days of a
8 notification. Think about it. I mean, I didn't get
9 suspicious, but I'm just saying.

10 So anyways. To go back to the demolition.
11 And then you have to wait for the zoning -- until
12 you --

13 CHAIRPERSON PRICE: So we have to wait for a
14 June 4th meet of the Zoning Board of Appeals to hear
15 their arguments for relief on the setback and size of
16 the garage issue. And then they'll come back to our
17 meeting in June.

18 Once -- we don't make an approval until all
19 of the variances are granted. And very typically,
20 Architectural Review Board has reviewed and approved.

21 MR. TSVASMAN: I think to your point, post
22 this process, there's the Town engineer, the Planning
23 Department, that take it from there. And they have
24 bonds and all of that to make sure construction
25 continues on schedule and they meet all those

1 benchmarks that would, obviously, inconvenience a
2 neighbor, you know, if you decided to not finish the
3 project or those sorts of things are put to task.

4 MS. NEALON: Well, there's been many houses
5 in the neighborhood that have had problems with
6 contractors. You know you do. They didn't estimate
7 it right. They don't have enough money. They bellied
8 up. We all know those -- we've all had those
9 problems.

10 But I just want to know that it keeps on
11 moving. Okay? Keep on moving. Because we're not
12 moving now. All right? And we've got violations
13 there that haven't been paid attention to.

14 And am I wrong to understand this, did we
15 not hire a full-time violation officer in the Town?

16 CHAIRPERSON PRICE: We have a code
17 enforcement guy?

18 MR. HAREMZA: Yes. And I believe the second
19 code enforcement officer is full time now as of last
20 fall, yes.

21 MS. NEALON: Okay. So my question to you
22 is, if we have a full time officer that is supposed to
23 be looking for violations, why is it the residents --
24 why is it our obligation to call and say we have a
25 violation here, here, here? If you're going down the

1 street and you see there's a problem, why wouldn't it
2 become an automatic complaint?

3 MS. BARON: So I can speak to a little bit
4 about -- Jason may want to speak to that. In terms of
5 what their job duties are, it's not just to patrol.
6 They're not like police officers that are patrolling
7 the streets and searching for violations.

8 We do -- as a town, we do rely a lot on
9 citizens to report if there's an issue going on with
10 their neighbor's house or if they do see -- that's how
11 it works across the Board in any municipality. We do
12 rely on just hearing from citizens if there's an
13 issue.

14 And the code enforcement officer also just
15 from, you know, going on the street might not even be
16 able to see a violation. For example, if there's
17 something going on in someone's backyard that a
18 neighbor could see maybe, but how could they see it
19 without walking on the property and inspecting it?
20 They need to have a reason to do that. And the reason
21 would be that they retrieved a complaint from a
22 neighboring property owner.

23 MS. NEALON: Nobody's saying that Brighton
24 has to be a nanny state. Okay? But let's face it.
25 There's a lot of old houses in Brighton. A lot. And

1 a lot are crumbling down for whatever reason. But,
2 you know, it doesn't seem like many times these
3 violations are addressed.

4 Oh, it's been like that for so long. Oh,
5 it's been like that for so long. You know, the Town
6 needs to get cleaned up. I'm sorry.

7 Now we got these trash bins that are huge
8 and people are just leaving them out at the street.
9 Why don't we have a toter fine like they do in the
10 City. Hate to say it.

11 MS. SANGUINETTI: Lauren, let me ask you a
12 question. To your point, could the concerned
13 neighbors, you know, demand the Town do an
14 interpretation of their own code?

15 MS. BARON: I'm sorry. What was the
16 question?

17 MS. SANGUINETTI: Can a neighbor seeing a
18 violation, could they demand the Town to do an
19 interpretation of the Code? Which means that they
20 have to interpret and recognize the violation.

21 MS. BARON: So that's not typically how it
22 works. So what would happen is they submit a
23 complaint and the building inspector make a
24 determination at that time. And that determination
25 would be able to be appealed to the Zoning Board. And

1 then the Zoning Board would make a determination of
2 what's in the code. If they disagree -- if a person
3 doesn't agree with the building inspector's
4 determination, but -- they'd have to dispute it within
5 a specific amount of time.

6 MR. HAREMZA: So yes. The way I interpreted
7 your question is sort of like, you know, if a
8 complaint comes in on a property, you know, the
9 inspectors always look at it. And they will go out to
10 the property and determine, you know, is the complaint
11 reasonable? Is it a real thing?

12 You know, unfortunately -- and by no means
13 am I saying this is the case here -- that, you know,
14 neighbors will use the Code to -- as a vendetta
15 against each other and weaponize the Code.

16 So the building inspector is a referee of
17 sorts to say, oh, yeah. There is a violation here.
18 And then there's a process to that.

19 You know, we start with what's called a good
20 neighbor letter. You know, that's just pointing out
21 to the property owner, hey, we notice this. Could you
22 correct it?

23 And then it can progress to the legal
24 system. Unfortunately, the legal system does
25 sometimes take a long, long time and not fast enough

1 for folks who live nearby. I sympathize with that. I
2 can't speak to the court system.

3 MS. NEALON: Well, I mean, getting back to
4 this particular situation, don't we all as neighbors
5 think, oh, it will get taken care of. Oh, it will be
6 fine.

7 But when you're talking about the whole
8 demolition of a house, I'm concerned about air
9 particles going up. I want to know how it's going to
10 be encapsulated, things like that. And again, I don't
11 know if I'm at the right meeting for this.

12 MR. HAREMZA: You are.

13 MS. BARON: You definitely are. So to speak
14 to some of your concerns and for the Board's
15 information, so under Town Code, Section 73-62, the
16 Planning Board, in considering demolition, takes into
17 account whether the project is going to comply with
18 all asbestos removal requirements, lead-based paint
19 removal requirements, whether or not the demolition
20 would have an impact -- a detrimental impact on the
21 health, safety or general welfare of persons residing.

22 So you coming out to the meeting is voicing
23 those concerns that this Board is responsible for
24 taking into account as part of their determination.

25 MS. NEALON: So the Code on tree removal is

1 a little iffy because it states -- there's a lot of --
2 it talks a lot about the Town owned trees.

3 But in one portion of it it says
4 something like it's an issue if it has done something
5 to the topography, if the grading and drainage aren't
6 proper. So I don't know if that's applicable to
7 residential houses. Because that lot is going to be a
8 real problem for drainage.

9 I remember when we put the pool in, Shrader
10 couldn't get out of the house fast enough, worried
11 about the water from where we were taking, you know,
12 the hole in the ground for the pool was going to go
13 into his lot. And I can see his concern.

14 But so it is a problem with all the water.
15 But with the removal of all the trees, it didn't help.

16 CHAIRPERSON PRICE: When did that happen
17 exactly? Few years ago?

18 MS. NEALON: So the Buffalo Bills were
19 playing. I know -- in the fall.

20 CHAIRPERSON PRICE: Okay.

21 MS. NEALON: So being encapsulated.

22 So you're telling me or us that you will
23 have -- we will have information about demolition and
24 what we -- I mean, listen. Nothing would make me
25 happier than seeing a pretty house next door. I mean,

1 I won't make comment, but -- you know, we're very
2 happy about it.

3 But on the same token, there's a lot of
4 environmental. I'm really worried about that
5 mold-like substance.

6 CHAIRPERSON PRICE: All right. Well, we'll
7 discuss that in the writing of our conditions back to
8 the applicant.

9 And know that there is another meeting in
10 June where hopefully they've heard it as well and
11 might be able to address how these things get
12 remediated during the demolition process and how fast
13 that demolition process will be.

14 MS. NEALON: I don't think they picked out a
15 builder yet.

16 MS. HOLLISTER: Yeah. We got one.

17 MS. NEALON: So wouldn't that be on the
18 plans tonight to know who the builder was?

19 CHAIRPERSON PRICE: We never ask that.

20 MS. NEALON: You don't?

21 CHAIRPERSON PRICE: No.

22 MS. NEALON: Maybe you can change that.

23 MR. TSVASMAN: Yeah. But they need to file
24 for a permit. So they're known and they're a direct
25 liaison to the process after this process.

1 MS. NEALON: I mean, I've just seen it too
2 many times. All of a sudden, you've got a project
3 going -- my own kitchen 35 years ago -- and the
4 company bellied up.

5 MR. TSVASMAN: Right. Well, then there's a
6 bond, which would restore the property in the case
7 something like that happened.

8 MS. NEALON: We just don't want it going on.
9 And I'm sure they wouldn't want it either.

10 MR. HAREMZA: Please follow up with me if
11 you have other questions or you're looking for a
12 document you can't find. Email is preferable, please.

13 MR. TROUT: I'm just speaking -- I live a
14 couple doors down. I know Sue. I'm just concerned
15 about the variance for the garage.

16 CHAIRPERSON PRICE: Please give us your
17 name.

18 MR. TROUT: Oh, sorry. My name is Dan
19 Trout. I live at 69 Southern.

20 I'm just concerned about the variance on the
21 garage. As you guys stated, it's a very residential
22 neighborhood. She said that there's going to be a
23 construction business out of there. I just want to
24 make sure that's taken into account that we don't --
25 there's not a lot of construction business run out of

1 a residential home in Brighton, if there's a variance
2 for the garage and that's the reason for the variance
3 of the garage.

4 As for the house, I looked at the plans. I
5 think they're beautiful. I fully support that. But I
6 was concerned about the variance for the garage and,
7 as Claudia mentioned, the mold issue.

8 We went through the house as well, as we are
9 all nosey neighbors and like to go through real estate
10 listings in the neighborhood. That's also a concern
11 of mine.

12 So I'm concerned about the variance of the
13 garage is really one of my issues.

14 CHAIRPERSON PRICE: Okay. We'll know the
15 answer to that at our next meeting. That meeting with
16 the Zoning Board of Appeals is June 4th.

17 MS. BARON: Yup.

18 MR. TROUT: So that's another time to come
19 and speak to that?

20 CHAIRPERSON PRICE: Yeah. You're welcome to
21 speak.

22 MR. TSVASMAN: Yeah. You're welcome to
23 speak. That's a public hearing.

24 MR. TROUT: All right. Awesome.

25 CHAIRPERSON PRICE: That will be posted.

1 For the ZBA schedule, there should be an agenda posted
2 for that as well.

3 MR. TROUT: Thank you so much.

4 CHAIRPERSON PRICE: Thank you for coming
5 out.

6 Okay. Anyone else care to address this
7 application? All right. Thank you. Thank you for
8 coming out.

9 MS. NEALON: Did anyone email questions?

10 CHAIRPERSON PRICE: Yes, please.

11 MS. NEALON: No, no. I think neighbors
12 emailed you questions.

13 MR. HAREMZA: No. There was a woman who
14 stopped by today and my email address was provided,
15 but I received nothing as of 6 p.m.

16 CHAIRPERSON PRICE: That doesn't mean it
17 won't come in for the next meeting.

18 All right. Our last application is case 4.
19 This is application 5P-04-25.

20 **Case Number 4:**

21 Address/Location: 3108 East Avenue

22 Type: Site Plan Review (combined Preliminary/Final)

23 [Resubmittal of previously approved Site Plan]

24 Application: 5P-04-25

25 File: PB-25-15

1 Zoning: Office & Office Park (BE-1)
2 Applicant: John Hotto, Landtech
3 Description: Application of John Hotto, Landtech,
4 agent, and 3108 East Avenue LLC, owner, for
5 Preliminary/Final Site Plan Approval to construct a
6 968+/- square foot gas pump canopy, renovate an
7 existing 1,278 square foot building, install two gas
8 pump islands, and make additional site improvements
9 for the purpose of operating a Quickee's gas station
10 and convenience store on property located at 3108 East
11 Avenue. [Note: This is a re-submittal of previously
12 approved site plan that has expired. No changes to
13 project.]

14 CHAIRPERSON PRICE: Good evening.

15 MR. GOLDMAN: Good evening, Mr. Chairman,
16 members of the Board. My name is Jerry Goldman. I'm
17 attorney and agent for PEMM, LLC, who is the owner of
18 the property adjacent to the firehouse, next to --
19 between the firehouse and the Friendly Home on East
20 Avenue.

21 As Jason pointed out, we're here this
22 evening for basically a re-approval of an approval,
23 which occurred two years ago. As part of the overall
24 approval process, we started out with the Historic
25 Preservation Commission because, in fact, this is a

1 historic property. And as Jason pointed out, the
2 Historic Preservation Commission is very anxious to
3 see this application come forward.

4 I've had a number of people that have
5 approached me relative to representing them on
6 redeveloping this property, but for the most part,
7 they dealt with modifications of the building itself.
8 And HPC was not very happy with that. Those did not
9 go forward.

10 This really proposes to have the integrity
11 of the structure be maintained. And Quickle's is
12 doing yeoman effort to do that.

13 There's no real change to the building
14 itself. There is no change to our site plan, which
15 was approved two years ago as well. So to that
16 extent, we're here solely for this re-approval.

17 Here this evening, John Hotto to my right,
18 is the project engineer from Landtech. Ken Perelli is
19 vice president of PEMM, Quickle's, who is also here
20 and able to answer any questions.

21 We have all reviewed the staff report and
22 the proposed conditions of approval. Have no problem
23 with those conditions and we're prepared to go
24 forward.

25 And you've already had a fair amount of

1 discussion on a number of applications. So I'll leave
2 it to your questions with regard to this application.

3 CHAIRPERSON PRICE: I would just say,
4 gentlemen, that we have two new Board members since
5 that prior approval. If you tell us that this
6 application is the same set of plans, change the date,
7 then I don't have any questions.

8 MR. GOLDMAN: Yeah.

9 CHAIRPERSON PRICE: Serge or Clara, you
10 haven't been here. Don't want to short change your --

11 MS. SANGUINETTI: Can we talk about the
12 signage?

13 MR. TSVASMAN: So this was brought around.
14 We were wondering about signage. Is there going to be
15 something on the canopy?

16 MR. GOLDMAN: We have no proposed signage on
17 the canopy at all.

18 MR. PERELLI: Just the single building sign,
19 which is on that elevation and part of the original
20 approval.

21 MR. TSVASMAN: And do you think that scale
22 is a little small for -- I mean --

23 MR. HAREMZA: Serge, I'll say it's highly
24 unusual for the Planning Board to want a larger sign.
25 (Simultaneous conversation.)

1 MS. SANGUINETTI: -- sign has to be
2 different dimensions?

3 CHAIRPERSON PRICE: They took control over
4 the architecture on this versus Architecture Review
5 Board.

6 MR. GOLDMAN: In terms of the signage, the
7 signage process goes, we file a sign permit, the
8 Architectural Review Board reviews it and the final
9 approval really comes back to the Planning Board. We
10 went through that process.

11 MR. HAREMZA: In this case, HPC instead of
12 ARB.

13 MR. GOLDMAN: True. True. And we went
14 through that process two years ago.

15 Interestingly enough -- and Lauren can speak
16 to that perhaps -- in the sign process, unlike site
17 plan approval and variance approval, there does not
18 appear to be an expiration date on the sign.

19 So we don't have to revisit the signage
20 approval, but it is part of the -- it is part of the
21 elevations and site plans that you're looking at.

22 MS. SANGUINETTI: This is going to be a lit
23 sign?

24 MR. PERELLI: No. Part of working with the
25 HPC was, you know, coming up with a sign that worked

1 within the other architectural details. Right? You
2 know, a typical sign, maybe like what we're doing at
3 Twelve Corners, would be larger. You know, we would
4 be looking to maximize the signage by what's allowed
5 in square footage.

6 In this case, we weren't really pressing for
7 a lot of extra signage. I mean, some signage on the
8 building within the framework of the architectural
9 features. You know, the beam looks -- we were
10 satisfied with having some -- you know, Quicklee's
11 representation on the building, but -- even if it's
12 minimal.

13 You know, we'll use our interior decor
14 package to enhance our brand like we do in our other
15 locations, our other new builds.

16 But really, this is about preserving that
17 building and adding, you know, a business to an
18 otherwise, you know, unusable location.

19 MR. TSVASMAN: Yeah. I guess my comment was
20 more the scale of it is like to a point where it's --
21 you can't even --

22 MR. PERELLI: Unless you're on property.

23 MR. TSVASMAN: You can't even read it unless
24 you're standing --

25 MR. PERELLI: Yeah.

1 MR. TSVASMAN: So, you know, is it useful, I
2 guess, is the question.

3 MR. PERELLI: Well, it's still an identifier
4 to our business. So I mean, I think some sort of
5 signage is necessary working within the framework of
6 the available space.

7 I mean, the only other option would be to go
8 to like a roof mount. Again, HPC isn't going to go
9 for any type of modification. It's a slate roof.
10 That is going to take a lot to preserve anyhow.

11 So when you look at where the availability
12 is, there really isn't a lot of availability. It's a
13 concession of ours to put such a small -- but, you
14 know, it's a concession we were willing to make.

15 I don't know -- I'd be hard pressed to say
16 that we could have an entire site without some sort of
17 an identifier. If we were taking it off the building,
18 I'd probably ask for something on the canopy. But in
19 HPC, this seemed to be something that everyone was
20 agreeable to.

21 MR. GOLDMAN: This really was worked through
22 substantially a couple of years ago when we went
23 through. HPC had very strong opinions on things. The
24 Zoning Board also on the canopy.

25 MR. TSVASMAN: What was the name of the --

1 was it Quickle's back then too?

2 MR. GOLDMAN: Yes.

3 MR. PERELLI: So some history on that for
4 the new members, the reason this is back in for
5 re-approval is only because it took beyond the year
6 approval process to secure the DOT highway permits to
7 make -- to work within the DOT right-of-way and the
8 utility easements for the utility lines that run
9 across East Avenue there.

10 So nothing changed on our part or our
11 commitment. The only thing that changed in the
12 process was the fact that we had to close on the
13 property. We became the property owner in the interim
14 versus being under contract when we made the first
15 application. But it was really just a -- we ran out
16 of time waiting for the other approvals, other
17 municipal approvals. That's it.

18 MR. TSVASMAN: I don't mean to hold you up.
19 I just -- I'm seeing this for the first time.

20 MR. PERELLI: Sure.

21 MR. TSVASMAN: And my other question --
22 which may be more for Bill, for you -- is, is the
23 grading plan -- I was wondering about the like the
24 check basin at the south --

25 CHAIRPERSON PRICE: Yeah. It was reviewed

1 extensively at a couple meetings here with the Town
2 engineer. At the time it was Evert Garcia. And I
3 think the engineers went through a very detailed
4 review because of where it is and where it's
5 discharging to. So that was --

6 MR. TSVASMAN: So it becomes like a
7 depression.

8 CHAIRPERSON PRICE: It becomes a depression
9 and there's a Stoleway on the backside.

10 MR. TSVASMAN: And then where does it go
11 from there?

12 CHAIRPERSON PRICE: Well, it discharges to
13 the adjacent property, but I believe -- do you own the
14 adjacent property? No. The fire department does.

15 MR. HOTTO: Ultimately, it drains to
16 Irondequoit Creek. So there was some pretty severe
17 restrictions on how we treated that runoff. So we
18 complied with those requirements.

19 We've got a stormwater basin in the back
20 with a controlled outfall. There's a level spreader
21 to kind of mitigate erosion. So yeah. We went
22 through a lot of --

23 MR. TSVASMAN: So it drains north.

24 CHAIRPERSON PRICE: Yeah. Toward the creek,
25 but it's not a point of discharge.

1 MR. HOTTO: Exactly.

2 CHAIRPERSON PRICE: It mimics the current
3 condition where there is no retention basin. There is
4 no water quality basin at all. Just runs off.

5 MR. GOLDMAN: It's regulated sheet drainage
6 really. In a way -- well, what it does is it has very
7 much the same effect of having a retention pond on an
8 outflow. But instead of having a point source, has a
9 leveler so there -- the amount of water is not
10 excessive coming out.

11 MR. TSVASMAN: It's more like a swale to
12 keep the water on the property as opposed to
13 discharging it to the adjacent property.

14 MR. GOLDMAN: I can nod my head yes, but
15 he'll have the answer on that.

16 MR. HOTTO: Well, currently the site
17 discharges to the neighboring property unmitigated.
18 So we've introduced this system of stormwater
19 mitigation, which is a volume and a quality concern.
20 So we've addressed both of those, whereas before,
21 there was nothing.

22 We're allowed to discharge how it discharges
23 now, but we're mitigating it in terms of volume based
24 on regulations set forth by the New York State
25 Department of Environmental Conservation. So we've

1 gone above and beyond even their requirements on this
2 project to comply with stormwater management.

3 MR. GOLDMAN: That was the main concern of
4 the Town engineer the first time around.

5 MR. TSVASMAN: I'm satisfied. I'm not a
6 civil engineer.

7 MR. GOLDMAN: There you go.

8 CHAIRPERSON PRICE: John, I got two minor
9 questions. There are two utility poles that exist out
10 there that have floodlights on them. I don't know if
11 you guys know that, but there are -- the site was lit
12 before. And I know some neighbors made some comments
13 about all you're lighting.

14 The problem was, there was lighting there.
15 They're on the utility poles on both the north and
16 south side. I would just ask you consider taking them
17 down.

18 MR. PERELLI: I don't think they -- they're
19 not our poles. I mean, RG&E -- especially since we've
20 had them out there surveying the line heights for this
21 project, if -- I mean, just like if you have an RG&E
22 pole in your backyard and you run a dog leash to it,
23 they come and cut it off. I can't believe that
24 there's any way to pull power from your building to a
25 light on a light pole.

1 CHAIRPERSON PRICE: I don't know how they're
2 doing it.

3 MR. PERELLI: Yeah. It might not be
4 associated with -- it could just be --

5 MR. GOLDMAN: It might have something to do
6 with the fire department.

7 MR. PERELLI: We wouldn't have them. We're
8 not going to invest, you know, the amount into this
9 project to have some random light on a RG&E pole.

10 MR. HAREMZA: So they're still there in
11 September 2023. And there appears to be a meter box
12 on the pole leading to that floodlight. So I might
13 investigate it.

14 CHAIRPERSON PRICE: So both sides of the
15 property.

16 MS. SANGUINETTI: Will there be any
17 considerations for construction if it's going to be
18 during the school year in terms of school buses,
19 school release times?

20 MR. HOTTO: That's a good question. We've
21 gone through an extensive permitting process with the
22 New York State Department of Transportation for this
23 project. Both driveways have been permitted by the
24 DOT. And they do interject the pedestrian circulation
25 patterns. So we've been through an extensive

1 permitting process with them. So we've covered a lot
2 of bases.

3 And in conjunction with the fire department,
4 there's a path in the back that we've developed
5 easements for them to access their training facility
6 down the hill. So there's been quite a bit of
7 activity in that regard.

8 MR. PERELLI: I would say, you know, similar
9 to Twelve Corners, we built that entire station on
10 Monroe Avenue with schools in session. We use
11 security fences. We use all the security measures,
12 had no issues. In fact, from what I can see on
13 Facebook, there's a lot of other security issues with
14 traffic, not related to our site, but going on.

15 So we'll have all the same safety
16 mitigations. That will be part of the
17 pre-construction meeting, typically, you know, how we
18 fence, how we survey the site, how we maintain -- I
19 mean, we were able to maintain sidewalk use as we
20 re-poured the entire sidewalk along the Monroe Avenue
21 property.

22 There actually is not -- I don't believe
23 there's any proposed work in these sidewalks, which is
24 nice. Everything would be back off the property line,
25 but, again, we have temporary procedures that would be

1 discussed in the pre-construction meeting, you know,
2 to -- but it would go on during the school year. I
3 mean, there's no way to limit it to the three months
4 of summer break.

5 CHAIRPERSON PRICE: Assuming approvals, do
6 you plan to get started right away?

7 MR. PERELLI: I would say that, originally,
8 we had hoped to go right from the completion of this
9 project to that one, but we won't -- it won't line up
10 that well. Yeah. We'll still have to go through the
11 building plans, code enforcement, you know, all the
12 building review. And so we'll still be a few months
13 away.

14 But on the plus side, we have all the
15 permits. The DOT and utilities all extended. Again,
16 they have one-year limits, but we went back to them.
17 They were able to extend for an additional year
18 without reapplication. So we don't have to wait for
19 any of those permits that we were waiting for last
20 time.

21 So once we go to -- once we get re-approval,
22 we'll be able to go to architectural plans submittal
23 and move forward. I would imagine, you know, probably
24 be around the fall.

25 MR. HAREMZA: Not another 12 months though;

1 right?

2 MR. PERELLI: Not another 12 months.

3 MR. HAREMZA: We love you, but we don't want
4 to see you again.

5 MR. PERELLI: I'm sure. I'm getting the
6 hint because I'm always at the end of the agenda.

7 CHAIRPERSON PRICE: John, there is a wall
8 out front between the sidewalk and the pumps.

9 MR. HOTTO: We're proposing a decorative
10 landscape wall.

11 CHAIRPERSON PRICE: And do you have a sense
12 of the materials on that?

13 MR. HOTTO: Yeah. It's gonna -- kind of
14 taking off from the slate roofs. It's going to have
15 like a veneer. It will be concrete block but with a
16 veneer that's going to match the slate roof,
17 basically.

18 CHAIRPERSON PRICE: Okay. Okay. Would it
19 give anybody heartburn to talk about a different light
20 pole? Would that give anybody --

21 MR. HOTTO: The lighting for the site is
22 very minimal. It's basically two floodlights on the
23 canopy, proposed canopy, directed towards the
24 building. That's it. I'm -- I'm going to check on
25 your lighting situation.

1 CHAIRPERSON PRICE: This is the post-mounted
2 lights. There's a -- it's a gooseneck thing.

3 MR. HOTTO: Is it out there now?

4 CHAIRPERSON PRICE: No. On the plans. I
5 just don't love it anymore.

6 MR. HAREMZA: On the building?

7 CHAIRPERSON PRICE: It's overused.

8 No page 5 of 14, upper left corner. I
9 just -- it's only me guys. So if you disagree --

10 MR. HOTTO: Is that your spec?

11 MR. PERELLI: We didn't pick it out, if we
12 need to change it. We're not -- we have no emotional
13 connection to that light. If you want the Brighton
14 signature street -- I mean, typically, we put a LED
15 down light, you know, no emission. This is --
16 actually is not a typical light.

17 CHAIRPERSON PRICE: I saw at least two
18 locations.

19 MR. PERELLI: There's one at each driveway,
20 basically.

21 CHAIRPERSON PRICE: Yeah I got three. I can
22 find three. No. Four.

23 MR. HAREMZA: The only thing giving me pause
24 is whether that would trigger anything going back to
25 HPC.

1 CHAIRPERSON PRICE: I don't want you to do
2 that.

3 MR. PERELLI: Please.

4 MS. BARON: Is your proposal to get rid of
5 it? Or change the fixture.

6 CHAIRPERSON PRICE: No, no. Change the
7 fixture. There's eight billion other fixtures.

8 MR. HAREMZA: If it gives you any comfort,
9 there was a condition on the last approval, which will
10 carry forward regarding the temperature of the lights.
11 So it's going --

12 MR. PERELLI: 3,000K.

13 CHAIRPERSON PRICE: If nobody cares, I might
14 email them some suggestions.

15 MR. TSVASMAN: If those are other parking
16 spaces, those make sense; right?

17 CHAIRPERSON PRICE: More the entrance and --

18 MR. TSVASMAN: The one I found --

19 CHAIRPERSON PRICE: There is over parking,
20 yeah. And then one on the -- I guess that's the south
21 entrance. One on the north entrance and the middle
22 aisle -- or the middle island.

23 MR. TSVASMAN: There's where the air pump
24 is.

25 CHAIRPERSON PRICE: I'm just saying change

1 the fixture, the style. Something simple.

2 MR. HAREMZA: I think suggestions would be
3 fine, Bill.

4 MS. BARON: Yeah. I think suggestions would
5 be fine.

6 CHAIRPERSON PRICE: Okay. Thank you. If
7 you want to ignore me, fine.

8 MR. PERELLI: It's okay.

9 MR. TSVASMAN: Can I ask one last question.
10 I am just curious, do gas stations -- do they promote
11 or do they have any like electric fueling stations
12 like as part of their model or --

13 MR. PERELLI: I mean, our -- it's not part
14 of our standard model. It's site specific.

15 I have five locations currently with EV,
16 soon to be six. Twelve Corners will have two.

17 This site is not -- it was part of the
18 incentive zoning for the Twelve Corners, which is why
19 we went off standard. Really, right now, we only put
20 them off highway. So we have them off major
21 interstates, locations, not residential. Typically,
22 people will go home and plug them in if they're that
23 close.

24 But for Twelve Corners, given the
25 walkability, we thought that that was an opportunity

1 to add EV charging. We might get people who come in
2 and park and then walk across the street to the
3 Starbucks or Panera where they don't have EV chargers
4 currently. So that was something that we did.

5 But here, we're doing some infrastructure
6 for future. And that would be it. And that's
7 typically what we do at a lot of community,
8 residential sites or highly dense residential sites.
9 We'll put the infrastructure in as part of this and
10 then have the ability to go back without tearing out
11 parking lots down the road.

12 But if it becomes -- to be quite frank, in
13 our five locations that currently have them, in the
14 last six months, I've seen a decrease in the usage,
15 not an increase oddly.

16 MR. GOLDMAN: Technology is changing too
17 relative to -- we're trying to get to faster chargers
18 and things like that. You don't want to install
19 something you got to pull out. And that's why it's
20 important to have the infrastructure in place.

21 MR. TSVASMAN: Yeah.

22 MR. PERELLI: But, yes. We do look at them.
23 At every site, we do look at the opportunity if it
24 makes sense.

25 MR. TSVASMAN: Thank you.

1 CHAIRPERSON PRICE: All right. Thank you.

2 I'm sorry. You guys all set?

3 MS. BARON: Yeah. I have no additional
4 questions.

5 CHAIRPERSON PRICE: Okay. Thank you, guys.

6 MR. GOLDMAN: You're not going to ask if
7 anybody --

8 CHAIRPERSON PRICE: I know how to read the
9 room.

10 Five minutes. Reconvene at nine.

11 (The public hearings concluded at 8:56 p.m.).

12 (The proceeding reconvened at 9:06 p.m.; appearances
13 as before noted.)

14 CHAIRPERSON PRICE: All right, folks. Let's
15 see if we can push to the finish line.

16 Does anybody mind if we proceed to discuss
17 application -- case number 4, application 5P-04-25,
18 3108 East Avenue? The applicant is here. I'm not
19 hearing loud objections.

20 Is there a motion to close the public
21 hearing?

22 **Case Number 4:**

23 Address/Location: 3108 East Avenue

24 Type: Site Plan Review (combined Preliminary/Final)
25 [Resubmittal of previously approved Site Plan]

1 Application: 5P-04-25
2 File: PB-25-15
3 Zoning: Office & Office Park (BE-1)
4 Applicant: John Hotto, Landtech
5 Description: Application of John Hotto, Landtech,
6 agent, and 3108 East Avenue LLC, owner, for
7 Preliminary/Final Site Plan Approval to construct a
8 968+/- square foot gas pump canopy, renovate an
9 existing 1,278 square foot building, install two gas
10 pump islands, and make additional site improvements
11 for the purpose of operating a Quickee's gas station
12 and convenience store on property located at 3108 East
13 Avenue. [Note: This is a re-submittal of previously
14 approved site plan that has expired. No changes to
15 project.]

16 MR. TSVASMAN: I move to close the public
17 hearing.

18 MS. SANGUINETTI: Second.

19 CHAIRPERSON PRICE: Moved and seconded.

20 (Mr. Babcock-Stiner, yes; Mr. Fader, yes;
21 Mr. Price, yes; Ms. Sanguinetti, aye;
22 Mr. Tsvasman, aye.)

23 (Upon roll hearing closed.)

24 CHAIRPERSON PRICE: Okay. Thank you. Let's
25 see. This is on for an approval.

1 MR. HAREMZA: Reminder, whoever makes the
2 motion to include -- adopt, again, the previous
3 environmental survey.

4 CHAIRPERSON PRICE: Give it a go.

5 MR. BABCOCK-STIENER: I move the Planning
6 Board approves application 5P-04-25 for preliminary
7 and final site plan approval and adopts the 2023
8 negative declaration based on the testimony given,
9 plans submitted and the eight conditions outlined in
10 the Planning Board report.

11 CHAIRPERSON PRICE: I will second. Moved
12 and seconded.

13 I just had one question. Is the applicant
14 PEMM, LLC, or is it 3108 East Avenue LLC?

15 MR. GOLDMAN: 3108 East Avenue LLC is the
16 property owner. It's pretty much interchangeable.

17 CHAIRPERSON PRICE: Okay.

18 MR. PERELLI: PEMM, LLC, is the sole owner
19 of the 3108.

20 CHAIRPERSON PRICE: Okay. That was just a
21 question. It's not changing anything.

22 Okay. Moved and seconded for the
23 discussion. Please call the roll.

24 (Mr. Babcock-Stiner, yes; Mr. Fader, yes;
25 Mr. Price, yes; Ms. Sanguinetti, aye;

1 Mr. Tsvasman, aye.)

2 (Upon roll approved with conditions.)

3 CHAIRPERSON PRICE: Good luck.

4 MR. GOLDMAN: Thank you very much.

5 CHAIRPERSON PRICE: Okay. Let's go back to
6 the first application, which is -- I'm sorry. First
7 case, 5P-01-25.

8 Case Number 1:

9 | Address/Location: 1780 Monroe Avenue

10 | Type: Conditional Use Permit

11 Application: 5P-01-25

12 File: PB-25-13

13 | Zoning: Neighborhood Commercial (BF-1)

14 Applicant: Christian Duerr

15 | Description: Application of Christian Duerr, agent

16 Sheffield's, lessee, and Jay Gelb - Rhinecliff Monroe
17 Corp., owner, for Conditional Use Permit Approval to
18 allow an existing restaurant to expand and use
19 basement area on property located at 1780 Monroe

21 MR. FADER: I move we close the public
22 hearing.

23 MS. SANGUINETTI: Second

24 CHAIRPERSON PRICE: Moved and seconded to
25 close the public hearing.

1 MR. HAREMZA: Well, who was the second?

2 MS. SANGUINETTI: I was.

3 MR. HAREMZA: Thank you.

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

5 Mr. Price, yes; Ms. Sanguinetti, aye;

6 Mr. Tsvasman, aye.)

7 (AUpon roll hearing closed.)

8 MR. FADER: I move that the Planning Board
9 grants conditional use approval and adopts the eight
10 conditional use findings outlined in the Planning
11 Board report for application 5P-01-25 based on the
12 testimony given, plans submitted and with the four
13 conditions outlined in the Planning Board report.

14 CHAIRPERSON PRICE: I'll second. Help me
15 with the conditions. What page are we on?

16 MS. BARON: On the PDF, it's page 6.

17 MR. HAREMZA: If you're on the paper, it's
18 page 3 of 4. Option A, approval with the conditions.

19 CHAIRPERSON PRICE: Regarding the Fire
20 Marshal's concerns, does this Board's approval affect
21 him working with the applicant?

22 MS. BARON: Not at all. The first condition
23 recommended as part of the approval is they -- the
24 applicant address the comments of the Fire Marshal.
25 And that's perfectly fine for this Board to require

1 they work with the Fire Marshal.

2 CHAIRPERSON PRICE: Okay. Any other
3 discussion?

4 MR. TSVASMAN: I mean, it feels like they
5 have means of egress on both floors that can
6 accommodate less than a hundred people.

7 MS. BARON: Yeah. I mean, again, that's --
8 the Fire Marshal is really going to make a requirement
9 that they need -- you know, what they need to do to
10 improve the property to comply with code, if they need
11 to make any improvements at all. That's something
12 they can deal with him.

13 MS. SANGUINETTI: Can you remind us real
14 quick the sprinkler requirements -- the Town ones.

15 MS. BARON: So the -- in terms of the Town
16 requirements, the Town has specific sprinkler
17 requirements for new constructions related to a
18 particular type of building that's separate and apart
19 from the New York State Building Code requirements.
20 That said -- and this is, of course, within the
21 jurisdiction of the Fire Marshal and he should be the
22 one making that determination. So I can't really
23 speak to that.

24 But in terms of what the applicant was
25 talking about for when sprinklering is required,

1 typically that is something that is required for newer
2 construction. That's not usually something that would
3 be required by New York State Code for an existing
4 building unless like there's some type of use that
5 would require sprinklers or some type of extraneous
6 thing that would require it.

7 That said, if the Fire Marshal is requiring
8 sprinklering and they have an issue with that, that's
9 something the applicant could always appeal.

10 CHAIRPERSON PRICE: Zoning Board.

11 MS. BARON: So it depends. If it's part of
12 the Town Code sprinklering requirement, that would be
13 an appeal to the Zoning Board of Appeals. If it's a
14 requirement that the Fire Marshal is requiring under
15 New York State Building Code, that's something that
16 goes to the State Board of Review, which is a separate
17 fire board that's unrelated to the municipality. It's
18 a state review board that's a council of various
19 people from multiple counties that review fire and
20 building code appeals.

21 MR. HAREMZA: And I think too, part of your
22 question -- and this is where I think it's not clear
23 in the Code and leads to these conversations between
24 Chris Roth and the applicant -- any alterations, with
25 the exception of one- or two-family dwellings, when

1 the cost of the alteration within any six month period
2 exceeds 50 percent of the value of replacement of any
3 existing structure. So that triggers the -- it's Town
4 Code that triggers sprinklers.

5 How they determine 50 percent of replacement
6 value in a multi-tenant building? I don't know.

7 MR. TSVASMAN: So same wordage for
8 accessibility?

9 MR. HAREMZA: No. Remember that's all
10 state. The only thing Town Code goes above and beyond
11 State Code with is sprinklers.

12 CHAIRPERSON PRICE: But we know that the two
13 are connected. It's just how you interpret it. Okay.

14 Is everybody -- I think we've had our
15 conversation. Moved and seconded. Please call the
16 roll.

17 **Conditional Use Findings:**

- 18 1. The Planning Board finds that the proposed
19 restaurant expansion complies with the standards of
20 the Neighborhood Commercial (BF-1) District.
- 21 2. The Planning Board finds that the proposed use is
22 in harmony with the purpose and intent of Code
23 Sections 217-3 through 217-7.2 (Conditional Uses).
24 The location and size of the proposed restaurant
25 expansion, the intensity, size of the site and access

1 Have all been considered in the Board's review.

2 3. The Planning Board finds that the expansion of an
3 existing restaurant in this location, will not be
4 detrimental to persons, detrimental or injurious to
5 the property and improvements in the neighborhood, or
6 to the general welfare of the Town.

7 4. The restaurant expansion will be developed within
8 an existing structure on a developed site and not
9 result in the destruction, loss or damage of any
10 natural, scenic or significant historical resource.

11 5. The Planning Board finds that the expansion of an
12 existing restaurant will not create excessive
13 additional requirements for public facilities and
14 services and will not be detrimental to the economic
15 welfare of the community.

16 6. The Planning Board finds that the expansion of an
17 existing restaurant will be adequately served by
18 essential public facilities.

19 7. The Planning Board finds that the expansion of an
20 existing restaurant will not result in the loss or
21 damage to trees.

22 8. The Planning Board finds that the expansion of an
23 existing restaurant in this location essentially
24 conforms to the Town's Comprehensive Plan: Envision
25 Brighton 2028. Specifically Volume 2, Pages 16, the

1 Economic Vitality Policy Objectives [emphasis
2 Added]:

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

10 E. Provide support for local businesses,
11 entrepreneurs, institutions, and enterprises to
12 attract and retain local talent and increase access to
13 local goods.

14 **Conditions:**

15 1. The applicant shall address the comments and
16 comply with the requirements of:

17 A. The Fire Marshal
18 2. All Town codes shall be met that relate directly
19 or indirectly to the applicant's request.

20 3. A building permit is required. Building Permits
21 are submitted online:

22 [Https://www.townofbrighton.org/970/Building-Permit-](https://www.townofbrighton.org/970/Building-Permit-)
23 Applications. However, two full sized sets of paper
24 construction drawings are required for projects of
25 this size and scope. The entire project shall comply

1 with the current New York State Fire Prevention and
2 Building Code and the Town of Brighton sprinkler
3 requirements.

4 4. Any unresolved or deficient site improvements or
5 other conditions of prior approvals shall be
6 corrected.

7 (Mr. Babcock-Stiner, yes; Mr. Fader, yes;
8 Mr. Price, yes; Ms. Sanguinetti, aye;
9 Mr. Tsvasman, aye.)

10 (Upon roll motion to approve with
11 conditions carries.)

12 CHAIRPERSON PRICE: Third case is -- second
13 case is 1057 East Henrietta Road.

14 **Case Number 2:**

15 Address/Location: 1057 East Henrietta Road

16 Type: Conditional Use Permit

17 Application: 5P-02-25

18 File: PB-25-11

19 Zoning: Light Industrial (IG)

20 Applicant: Gerald Hitchcock

21 Description: Application of Gerald Hitchcock, agent,
22 and East Henrietta Road LLC, owner, for Conditional
23 Use Permit Approval to allow for a restaurant supply
24 distribution facility on property located at 1057 East
25 Henrietta Road.

1 MR. FADER: I move we close the public
2 hearing.

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

4 CHAIRPERSON PRICE: Motion to close the
5 public hearing, moved and seconded.

6 (Mr. Babcock-Stiner, yes; Mr. Fader, yes;
7 Mr. Price, yes; Ms. Sanguinetti, aye;
8 Mr. Tsvasman, aye.)

9 (AUpon roll Hearing closed.)

10 MR. FADER: I move the Planning Board grants
11 conditional use permit approval and adopts the
12 conditional use permit findings outlined in the
13 Planning Board Report for application 5P-02-25 based
14 on the testimony given, plans submitted, with the
15 three conditions outlined in the Planning Board
16 report.

17 MS. SANGUINETTI: Second.

18 CHAIRPERSON PRICE: Moved and seconded. Any
19 discussion? Lauren, okay with this?

20 MS. BARON: Yeah I think the applicant
21 answered my question. Was really trying to get down
22 to whether or not this particular use falls within the
23 definition of wholesale. That's typically what I'm
24 concerned with for this type of an application, which
25 we've gotten a couple other ones, like the school

1 store and a few others where they have minor retail
2 uses. But it seems like even the retail use here,
3 people can't just come in off the street and buy a
4 one-off thing of spice.

5 MR. HAREMZA: It's hilarious they put it
6 back on us like we're going to police whether somebody
7 can go in and buy an individual container. Come on
8 dude. But like also, I don't care.

9 MS. BARON: We're on the record.

10 MR. HAREMZA: Also, I don't care.

11 Compounding pharmacy was another example.

12 MS. BARON: Oh, yes.

13 MS. SANGUINETTI: Did that ever open?

14 MR. HAREMZA: I don't know.

15 CHAIRPERSON PRICE: Okay. Where are we?

16 MR. FADER: Case 3.

17 CHAIRPERSON PRICE: Any more discussion?

18 No further discussion. Please call the
19 roll.

20 **Conditional Use Findings:**

21 1. The Planning Board finds that the proposed
22 restaurant supply distribution facility complies with
23 the standards of the Light Industrial (IG) District.
24 2. The Planning Board finds that the proposed use is
25 in harmony with the purpose and intent of Code

1 Sections 217-3 through 217-7.2 (Conditional Uses).
2 The location and size of the proposed restaurant
3 supply distribution facility, the intensity, size of
4 the site and access have all been considered in the
5 Board's review.

6 3. The Planning Board finds that a restaurant supply
7 distribution facility in this location, will not be
8 detrimental to persons, detrimental or injurious to
9 the property and improvements in the neighborhood, or
10 to the general welfare of the Town.

11 4. The restaurant supply distribution facility will
12 be developed within an existing structure on a
13 developed site and not result in the destruction, loss
14 or damage of any natural, scenic or significant
15 historical resource.

16 5. The Planning Board finds that the restaurant
17 supply distribution facility will not create excessive
18 additional requirements for public facilities and
19 services and will not be detrimental to the economic
20 welfare of the community.

21 6. The Planning Board finds that the restaurant
22 supply distribution facility will be adequately served
23 by essential public facilities.

24 7. The Planning Board finds that the restaurant
25 supply distribution facility will not result in the

1 loss or damage to trees.

2 8. The Planning Board finds that a restaurant supply
3 distribution facility in this location essentially
4 conforms to the Town's Comprehensive Plan: *Envision*
5 *Brighton 2028*, Specifically Volume 2, Pages 16, the
6 Economic Vitality Policy Objectives [emphasis
7 Added]:

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

15 E. Provide support for local businesses,
16 entrepreneurs, institutions, and enterprises to
17 attract and retain local talent and increase access to
18 local goods.

19 **Conditions:**

20 1. Any exterior changes, fencing, signage, or outdoor
21 installations shall require separate review by the
22 Town of Brighton staff and/or the Town of Brighton
23 Planning Board.

24 2. A building permit is required. Building Permits
25 are submitted online:

1 [Https://www.townofbrighton.org/970/Building-Permit-](https://www.townofbrighton.org/970/Building-Permit-)
2 Applications. However, two full-sized sets of paper
3 construction drawings are required for projects of
4 this size and scope. The entire project shall comply
5 with the current New York State Fire Prevention and
6 Building Code and the Town of Brighton sprinkler
7 requirements.

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

10 (Mr. Babcock-Stiner, yes; Mr. Fader, yes;
11 Mr. Price, yes; Ms. Sanguinetti, aye;
12 Mr. Tsvasman, aye.)

13 (Upon roll approved with conditions.)

14 CHAIRPERSON PRICE: Case number 3.

15 Case Number 3:

16 Address/Location: 49 Southern Parkway

17 Type: Demolition Review, Site Plan Review (combined
18 Preliminary/Final)

19 Application: 5P-03-25

20 File: PB-25-12

21 | Zoning: Residential - Low Density B (RLB)

22 Applicant: Gregory McMahon, McMahon LaRue Associates

23 Description: Application of Gregory McMahon, McMahon
24 LaRue Associates, agent, and Jason Cronberger and
25 Susan Hollister Cronberger, owners, for Demolition

1 Review and Approval and Preliminary/Final Site Plan
2 Approval to raze a single-family home and construct a
3 new 2,251 +/- square foot single-family home with a
4 1,078 +/- square foot attached garage on property
5 Located at 49 Southern Parkway.

6 MR. FADER: This one I have a question. We
7 could just table it, but I would think we would table
8 it with like maybe two conditions --

9 MR. BABCOCK-STIENER: Why would we table it?
10 We asked this one -- this one seems pretty --

11 MR. FADER: I thought we had to table.

12 MR. BABCOCK-STIENER: No.

13 CHAIRPERSON PRICE: You want to proceed?

14 MR. BABCOCK-STINER: Yeah. It's within
15 their -- they're staying within the -- they're using
16 the existing driveway.

17 (Simultaneous conversation.)

18 MR. TSVASMAN: What about the drains? The
19 leaders for the Town --

20 MR. BABCOCK-STIENER: I mean, isn't that
21 something --

22 CHAIRPERSON PRICE: That's -- go ahead.

23 MS. BARON: So, yeah. A couple of things.
24 If you -- if this Board feels you need additional
25 information, for example, you want to require that

1 they submit more information on the asbestos or lead
2 or anything like that, those are particular criteria
3 that you're required to consider as part of demolition
4 review just based on the discussion. Or if you feel
5 like you need more information regarding the drainage
6 or some of the other aspects of the project in
7 particular, then you could certainly table.

8 But conditions can always be modified
9 regarding obtaining variances or complying with all --
10 any and all applicable codes related to some of those.

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

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

14 (Mr. Babcock-Stiner, yes; Mr. Fader, yes;

15 Mr. Price, yes; Ms. Sanguinetti, aye;

16 Mr. Tsvasman, aye.)

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

19 MS. BARON: If you want to discuss and then
20 if you do end up tabling, you can vote to reopen and
21 table.

22 MR. FADER: So then I will move that the
23 proposed -- I will move that the Planning Board find
24 that the proposed action will not have a significant
25 impact on the environment and adopts the negative

1 declaration prepared by Town staff and that the
2 Planning Board grant demolition approval and
3 preliminary and final site approval for application
4 5P-03-25 based on the testimony given, plans submitted
5 and with the seven conditions outlined in the Planning
6 Board report.

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

8 MR. FADER: And then I raise the question if
9 we need one more condition.

10 MR. BABCOCK-STIENER: I have a question
11 about a condition too.

12 MR. FADER: Okay.

13 MR. HAREMZA: And perhaps related to that
14 question I will add that, unless I missed it, there
15 was no asbestos report submitted. And the Board
16 looked at a very similar project just a couple months
17 ago, 41 French Road, demolition of the existing house
18 and the construction of a new house. It's actually
19 the same engineering firm that's doing that. And they
20 included a pretty expansive asbestos report for that
21 structure.

22 MR. BABCOCK-STIENER: Was that required?

23 MR. HAREMZA: It typically is.

24 MS. BARON: It typically is. And as I
25 mentioned earlier when we were discussing this, that

1 is a requirement that this Board considers that it
2 complies with all Department of Labor asbestos
3 requirements and lead abatement and all of that.

4 MR. BABCOCK-STIENER: Is that covered under
5 like the building permit part of these conditions? Is
6 that -- or is that something we need --

7 MR. FADER: We can spell it out again.

8 MS. BARON: Yeah. You can condition
9 approval on receipt of any and all asbestos reports
10 and lead abatement as required by New York State law.

11 MR. BABCOCK-STIENER: Yeah.

12 CHAIRPERSON PRICE: I'd be comfortable with
13 that. I wouldn't be comfortable without.

14 MR. BABCOCK-STIENER: Will the number 1B,
15 the condition 1B, does that cover stormwater?

16 MR. HAREMZA: 1A, town engineer. Probably
17 more so than B, but --

18 MS. BARON: If you have a specific concern
19 about stormwater on the site, then that could also be
20 a separate condition.

21 MR. BABCOCK-STIENER: Serge had raised it.

22 MR. TSVASMAN: Only because the neighbor
23 mentioned, you know, a number of trees were taken
24 down. The site was cleared. So now what's absorbing
25 the groundwater?

1 MR. FADER: Trees actually pick water up.

2 MS. BARON: The other thing about that is --
3 and this is something Jason and I need to look into,
4 whether or not they received permitting for removal.
5 It sounds like they removed a significant amount of
6 trees. Just because it's not a Town tree doesn't mean
7 they didn't need a permit. But the Tree Code's rather
8 extensive, as you know. So it doesn't mean they
9 didn't permitting and approval to remove the trees
10 that they did.

11 So if they conducted that work without
12 proper approval, that also might be a consideration to
13 obtain more information about that and what exactly
14 happened there that you might want and -- consider to
15 table it.

16 MR. HAREMZA: Without researching the Code,
17 if it's not a woodlot and you use a registered tree
18 service, you can do it.

19 MS. BARON: Okay.

20 MR. HAREMZA: 90 percent sure.

21 MR. FADER: I think the Tree Code says that
22 no matter what, if you cut a tree down, you gotta pay
23 the Town money.

24 MR. HAREMZA: Bill Moehle himself has to go
25 out and look at the tree.

1 MS. BARON: It was just something that I
2 flagged as something that Jason and I need to look
3 into, not something that --

4 MR. FADER: It's okay to take a tree down as
5 long as you pay some money.

6 MR. HAREMZA: If a tree falls in Brighton,
7 does anyone not hear it?

8 MR. BABCOCK-STIENER: So I guess that --
9 does that raise to the level of tabling?

10 CHAIRPERSON PRICE: To me, the tree issue
11 doesn't. I'm not sure where the ZBA's going to fall
12 on the size of the garage.

13 MS. BARON: So as the applicant mentioned --
14 so the history of this one is kind of weird, which the
15 applicant kind of spoke about too.

16 So when they originally applied for this
17 project, it came through as just a site plan. They
18 did not apply for a demo.

19 And as the project is moving to the ZBA for
20 the variance for the garage, it was realized by staff
21 through communications with the applicant that it
22 would -- they were, in fact, demoing the entire house
23 and that they were only reusing the foundation. So it
24 is considered a full demo and a new construction.

25 So then they had to restart the process over

1 again essentially and come back through the demo, go
2 to HPC and then come back to this Board. And they
3 have to go back to the ZBA.

4 But ZBA did approve the garage variance. I
5 don't think they approved -- at that time there wasn't
6 an application for the setback variance. So plans
7 changed since then. So it needs to go back.

8 CHAIRPERSON PRICE: But does it beg the
9 question, operating a business out of your residence
10 or is it part of your work and you just are storing it
11 there, I'd rather it be enclosed.

12 MR. HAREMZA: There is a provision for home
13 occupations in Brighton. I don't recall if this would
14 meet it.

15 MS. BARON: That's certainly something that
16 the ZBA usually discusses with applicants when they
17 propose that type of storage.

18 CHAIRPERSON PRICE: Okay. All right. So we
19 have a condition that -- remember, Lauren, the demo at
20 the top of the hill -- I forget the name of the
21 street -- right next to the Country Club of Rochester.
22 Opposite street. I think top of that hill there's a
23 cul-de-sac up there.

24 MS. BARON: Yes.

25 CHAIRPERSON PRICE: Big brick house. Right

1 at the end of the street overlooking ninth green or
2 whatever. So that had asbestos.

3 MS. BARON: Everybody who submits a -- I
4 thought there was an asbestos report and that might
5 have -- that's my mistake. I thought that they had
6 submitted that. Typically, that is a general
7 condition of any demo application.

8 MR. HAREMZA: Thank you. My mistake too.

9 MS. BARON: Yeah. They usually do submit.

10 CHAIRPERSON PRICE: Does the Town play any
11 role in monitoring the demolition process? Is
12 there -- she's not wrong about, you know, a contractor
13 showing up, starting the job and then leaving. But
14 the demo is usually a very quick, two, three days.

15 MS. BARON: Yeah.

16 MR. HAREMZA: Right. That's how I drafted
17 the neg dec is the impacts are not substantial because
18 it's such a limited amount of time.

19 MS. BARON: Typically for a building like
20 that, a single-family residential, it's not going to
21 take an extended time to demo.

22 MR. HAREMZA: And in terms of like air
23 monitoring, our building inspectors don't have that
24 equipment.

25 CHAIRPERSON PRICE: I get it.

1 MR. FADER: So are we adding another
2 condition, more specifically about asbestos? Or is it
3 already included?

4 MS. BARON: Yup. I would just recommend
5 that you add a condition that specifically mentions
6 the applicant shall comply with all New York State
7 requirements associated with asbestos and lead
8 abatement and removal.

9 MR. FADER: Okay. Somebody have the
10 wording?

11 CHAIRPERSON PRICE: She just read it.

12 MS. BARON: I can write it down.

13 MR. FADER: I don't want to have to repeat
14 it.

15 MR. HAREMZA: The condition is: Applicant
16 to submit lead and asbestos abatement report as
17 required by Town of Brighton and New York State Code
18 and comply with all New York State requirements
19 pertaining to such.

20 MR. FADER: Okay. Good.

21 So here's the final question. I don't know
22 if it's necessary, but do we want to say anything
23 about having the original foundation inspected and
24 make sure there's no toxic mold? Or is that just --

25 MR. TSVASMAN: You have to say something

1 about lead paint too.

2 CHAIRPERSON PRICE: Lead paint is the last
3 one.

4 MS. BARON: So there's the general
5 requirement in the Code that the demo won't negatively
6 impact the health, safety and welfare of the
7 neighboring properties.

8 If you think that mold could or could not be
9 an issue that impacts, that's up to the Board whether
10 you want to condition -- so backing up. This kind of
11 makes me want to recommended that you table it because
12 I feel like you should get more information from the
13 applicant on things like that where they could provide
14 information to you about the about asbestos, the lead,
15 the -- if there is or is not mold or if they've had
16 testing done in order to build on the existing
17 foundation.

18 MR. BABCOCK-STIENER: But again, if we don't
19 do monitoring, what is the -- if we can't monitor if
20 there's mold there, they're not --

21 MR. HAREMZA: On the one hand, yes.

22 (Simultaneous conversation.)

23 MR. BABCOCK-STIENER: What I'm having a
24 problem with is one person coming in and holding up a
25 pretty good project here. I am not necessarily taking

1 what she says at face value, to be honest. That's
2 where I'm sitting.

3 MS. BARON: It's up to you. I mean, I feel
4 like in other demolition considerations, you have --
5 I'm sorry. You haven't been as concerned about
6 something like that. And I feel like this is coming
7 up as a concern because one person came out and
8 commented.

9 MR. FADER: Never mind. Forget it.

10 MR. HAREMZA: You also don't need to be
11 unanimous.

12 CHAIRPERSON PRICE: Yeah. But it is what
13 she might have seen in walking through one time and
14 it's like --

15 MR. FADER: The other thing is too, even if
16 there is mold in the foundation, it's not going to
17 get --

18 MR. BABCOCK-STIENER: That's the other
19 thing. I just -- I --

20 MR. TSVASMAN: If this was a renovation
21 project, this wouldn't be a conversation.

22 MS. BARON: No. Yeah. And like I said,
23 they have to comply -- regarding asbestos and lead,
24 they have to comply with the New York State
25 requirements anyway. There's just specific

1 requirements.

2 MR. FADER: I'm content with just the one
3 updated condition.

4 MR. BABCOCK-STIENER: Yeah. Same here.

5 CHAIRPERSON PRICE: Okay.

6 MR. TSVASMAN: What about the neighbors not
7 getting notifications timely?

8 MR. VALLONE: We're going to look at that.

9 MR. FADER: That wouldn't be part of this.

10 CHAIRPERSON PRICE: Serge, we hear it all
11 the time.

12 MR. TSVASMAN: Yeah. It's pretty bad-faith
13 not to tell your neighbor that you're doing a brand
14 new house.

15 MR. HAREMZA: Yeah. We can't legislate
16 courtesy.

17 MS. SANGUINETTI: Because I have known about
18 this for a long time. So I'm not sure.

19 MR. HAREMZA: I think this is worthy of, you
20 know, maybe a whole separate workshop. And you know,
21 ultimately, it requires a Town Board action.

22 So you know, at best, Planning Board could
23 make a recommendation on notification changes to the
24 Town Board. And you know, Anthony and I have had some
25 conversations about, you know, changes, updates to the

1 Code.

2 MR. VALLONE: He's got some ideas.

3 CHAIRPERSON PRICE: We are moved and
4 approved based on the added condition. Both of you
5 good with the added condition?

6 MS. BARON: Sorry. I did make some changes.
7 So now it says, applicant to submit any lead and
8 asbestos abatement reports as required by Town of
9 Brighton and New York State law and comply with all
10 New York State requirements pertaining to such.

11 CHAIRPERSON PRICE: Again, you guys are
12 good?

13 MR. BABCOCK-STINER: Yes.

14 MR. HAREMZA: Who was first and second?

15 MR. BABCOCK-STIENER: David made the motion.

16 MR. HAREMZA: And you seconded.

17 **Conditions:**

- 18 1. The 16 conditions of the 2023 Planning Board
19 approval.
- 20 2. The applicant shall address any new, revised, or
21 updated comments and comply with the requirements of:
 - 22 A. The Town Engineer
 - 23 B. The Sewer Department
 - 24 C. The Fire Marshal
- 25 3. Monroe County comments, if any, shall be

1 addressed.

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

4 5. Three sets of paper final site plan drawings shall
5 be submitted to the Building and Planning Office to
6 the attention of Jason Haremza. A signature block for
7 the Commissioner of Public Works and the Town Engineer
8 shall be included on the utility sheet only.

9 6. A building permit is required. Building Permits
10 are submitted online:

11 [Https://www.townofbrighton.org/970/Building-Permit-](https://www.townofbrighton.org/970/Building-Permit-)
12 Applications. However, two full-sized sets of paper
13 construction drawings are required for projects of
14 this size and scope. The entire project shall comply
15 with the current New York State Fire Prevention and
16 Building Code and the Town of Brighton sprinkler
17 requirements.

18 7. A pre-construction meeting is required. It is the
19 applicant's responsibility to schedule this with the
20 Town Engineer.

21 8. The project shall be constructed in accordance
22 with the design approved by the Historic Preservation
23 Commission (HPC) and the site plan drawing set
24 approved by the Planning Board.

25 9. Applicant to submit any lead and asbestos

1 abatement reports as required by Town of Brighton and
2 New York State law and comply with all New York State
3 requirements pertaining to such.

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

5 Mr. Price, yes; Ms. Sanguinetti, aye;

6 Mr. Tsvasman, aye.)

7 (Upon roll motion to approve with conditions
8 carries.)

9 (Proceedings concluded at 9:32 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 21st day of May, 2025
at Brighton, New York.

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Holly E. Castleman ACR,
Official Court Reporter

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