

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF APRIL 17, 2024  
Brighton Town Hall  
2300 Elmwood Avenue

Written comments may be submitted to Jason Haremza, Executive Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to [jason.haremza@townofbrighton.org](mailto:jason.haremza@townofbrighton.org).

Applications subject to public hearings and the documents to be considered by the Board will be available for review on the town's website no later than twenty-four hours prior to the meeting to the extent practicable.

FINAL AGENDA

7PM

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members.

CHAIRPERSON: Approval of 3-20-2024 minutes

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 4-11-2024 will now be held.

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**Application Number: 4P-01-24**

*OpenGov reference no: PB-24-9*

1402 Blossom Road

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

**Application Number: 4P-02-24**

*OpenGov reference no: PB-24-8*

2341 Monroe Avenue

Application of Mark Teng, owner, and Huseyin Sula, lessee, for Conditional Use

Permit Approval to allow for a cafe/restaurant on property located at 2341 Monroe Avenue. All as described on application and plans on file.

**Application Number: 4P-03-24**

*OpenGov reference no: PB-24-7*  
2852 West Henrietta Road

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

**NEW BUSINESS:**

NONE

CHAIRPERSON:      Announce that public hearings are closed.

**OLD BUSINESS:**

NONE

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**PRESENTATIONS:**

NONE

**COMMUNICATIONS:**

NONE

**PETITIONS:**

NONE

**SIGNS:**

**No new sign applications**

**Application Number: [SN-24-4 \(1716\)](#)**

1905 South Clinton Avenue

TABLED IN PART

Building face signs and detached directional signs for 'Starbucks'. ARB recommended approval. *Note: At the 3-20-2024 meeting, Planning Board approved two code compliant signs and tabled the remaining signs that require variances.*

## PLANNING BOARD REPORT

**HEARING DATE:** 4-17-2024

**APPLICATION NO:** 4P-01-24  
*OpenGov reference no:* PB-24-9

**LOCATION:** 1402 Blossom Road

**APPLICATION SUMMARY:** Application of C and K Real Estate Ventures LLC, owner, and McMahon LaRue Associates, agent, for Preliminary/Final Site Plan Approval to construct a 2,415 +/- sf single family home on property located at 1402 Blossom Road.

### COMMENTS

*The Board may wish to consider the following comments when asking questions*

### BUILDING AND PLANNING:

1. The subject property is zoned Residential – Low Density B (RLB)
2. Full site, grading, utility, and landscaping plans have been submitted.
3. The project requires review by the Architectural Review Board (ARB). ARB reviewed and tabled the project on 3-26-2024. ARB review will continue on 4-23-2024.
4. The applicant shall address the Town Engineer's comments regarding stormwater.
5. The applicant is to confirm that rear yard pavement calculations have been completed and are accurate. If more than 30% of the rear yard is covered in pavement, an area variance must be obtained.
6. Applicant to confirm that the retaining wall in the front yard is not greater than 42 inches in height.
7. Blossom Road is under the jurisdiction of the New York State Department of Transportation (NYSDOT). The applicant is to provide information regarding the NYSDOT permit for a new driveway opening. NYSDOT may deny, approve, or modify the proposed driveway, which in turn will change the proposed site plan.

**TOWN ENGINEER:** See attached memo dated 4-16-2024. The memo includes eight items, all of which must be addressed in writing by the applicant.

### SEWER DEPARTMENT:

*The applicant should contact Tim Jason ([tim.jason@townofbrighton.org](mailto:tim.jason@townofbrighton.org) 585-784-5289) in the Sewer Department with any questions on these comments.*

1. Sewer permit is required.
2. Contractor must be a plumber registered in the Town of Brighton
3. Contractor shall remove a small section of 15" sanitary main, install new 15x4 wye including new 15" SDR 35 pipe and two 15x15 Strongback Fencos.
4. Cleanouts shall be provided within 5' outside right of way or easement line and a maximum spacing of 75' between cleanouts thereafter up to the building.

## **CONSERVATION BOARD:**

### *Advisory comments*

1. Per the Town of Brighton Code requirements, a minimum of one tree per 5,000 sf of lot area shall remain and/or be planted on the site. The tree(s) shall be a minimum two-inch diameter at a height of at least four feet above the ground.

## **ENVIRONMENTAL REVIEW/SEQR**

Town staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined this project is a Type 2 action, requiring no further environmental review.

Specifically 6 NYCRR 617.5(c)(11):

Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections

## **BOARD ACTION/DECISION**

If the Planning Board entertains tabling, the following reasons are recommended by staff, along with any others added by the Board:

1. Submit additional information that addresses the topics raised in this staff report and the accompanying Town Engineer memo dated 4-16-2024.
2. Monroe County comments, if any, shall be addressed.



**Brighton**

## Public Works Department

Commissioner of Public Works – James P. Sprague, P.E.

**Ken Hurley, P.E.**  
Town Engineer

### MEMO

Date: April 16, 2024

From: Ken Hurley

To: Jason Haremza

Copy: File

Re: Application No. 4P-01-24  
1402 Blossom Road

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

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration:

#### Sheet 2 of 6: Site Grading & Erosion Control Plan

1. Along the western property line there is a proposed swale. Due to the slope, difficult location to access after construction, and the small amount of grassed area between the western driveway and eastern house/driveway, a geotechnical erosion control blanket should be installed across the swale for the entire length. This area will be difficult to establish grass coverage and the EC Blanket will assist in keeping the seed in place until establishment.
2. Inlet protection for the proposed Nyloplast Inlets is to be added to the ESC Plan or on the Utility Plan (that illustrates the inlet locations). Provide detail.
3. Rip-rap is to be provided at the end section of the stormwater discharge on the ESC Plan or on the Utility Plan (that illustrates the end section location). Provide detail.

#### Sheet 3 of 6: Utility Plan

4. It is unclear how the water service will be installed across Blossom Road. Please indicate on the plans what the proposed method of installation will be.

Sheet 4 of 6: Notes and Details

5. On the Sanitary System notes, please add a note that states: "Sump pump, if installed, shall be connected to the storm drainage system and not the sanitary sewer."
6. Please provide details for rip-rap apron and inlet protection as noted above

Sheet 5 of 6: Water and Sewer Details

7. Please provide details for the end section and nyloplast inlets.

Sheet 6 of 6: Wall Details

8. The typical wall section indicates that the proposed segmented wall sections are 3'-8" wide, require 12" aggregate behind the section and additional select fill as needed. The two walls along the eastern property line are illustrated at approximately 1.5' wide on the plan and are located immediately adjacent to the property line. It is unclear how these walls will be able to be installed on the property line without impacting or crossing onto the neighboring property. Please provide 2 sections through each of the two eastern walls to illustrate the full extent of excavation and construction impact for the installation of each of the eastern walls. If impact to the neighboring property is needed, a grading easement will be required to be obtained from the neighbor, prior to Town approval.

Additional and final comments will be provided after revised plans have been submitted.

## PLANNING BOARD REPORT

**HEARING DATE:** 4-17-2024

**APPLICATION NO:** 4P-02-24  
*OpenGov reference no:* PB-24-8

**LOCATION:** 2341 Monroe Avenue

**APPLICATION SUMMARY:** Application of Mark Teng, owner, and Huseyin Sula, lessee, for Conditional Use Permit Approval to allow for a cafe/restaurant on property located at 2341 Monroe Avenue.

### COMMENTS

*The Board may wish to consider the following comments when asking questions*

### BUILDING AND PLANNING:

1. 2341 Monroe Avenue currently contains a mixed use building. The rear portion is two stories, likely originally constructed as a residential structure. The front portion is single story, added at some point as a commercial component to the building.
2. The subject property is zoned Low Intensity Commercial (BE-F).
3. A survey map and floor plans have been submitted, as well as operational information relevant to the Conditional Use Permit request (attached).
4. Restaurants in Low Intensity Commercial Districts require Conditional Use Permit approval by the Planning Board.
5. Applicant to confirm that no exterior changes are proposed for the property at this time. Any outdoor seating or dining operations shall be reviewed separately.
6. Any signage shall be reviewed separately by the Architectural Review Board and the Planning Board.
7. The proposed change of use of the commercial portion of this building from retail (prior uses include a flooring store and specialty pharmacy) to restaurant changes the parking requirement. The site does not meet the required number of parking spaces per the Zoning Code and therefore the restaurant proposal required a variance application to waive the parking requirement. The ZBA denied without prejudice this variance application at the 4-3-2024 meeting. The applicant has made a new variance application for parking, in conjunction with the motel property next door at 2323 Monroe Avenue, as the two properties have proposed to share parking.
  - a. Applicant to confirm plan for additional off-site parking.
  - b. Applicant to describe any signage associated with directing patrons to additional

off-site parking.

- c. Any others that the Board determines to be worthy of consideration.

8. The restaurant proposal also required a variance application to waive the 50 foot distance separation between restaurants and residential uses. The ZBA tabled this variance on 4-3-2024 pending Planning Board review of potential impacts of the restaurant. It should be noted that the parcel is 150 feet deep and the proposed restaurant operation is towards the center of the property, away from residential properties abutting to the rear. However, the Planning Board should consider impacts such as:

- a. Kitchen exhaust, odor and noise. Applicant to confirm that no deep fryer will be utilized by the restaurant operation
- b. Trash logistics, storage location (toters, dumpster), and removal (how often, times of day).
- c. Hours of operation and potential noise impacts.
- d. Any others that the Board determines to be worthy of consideration.

**TOWN ENGINEER: NONE**

**SEWER DEPARTMENT:**

*The applicant should contact Tim Jason ([tim.jason@townofbrighton.org](mailto:tim.jason@townofbrighton.org) 585-784-5289) in the Sewer Department with any questions on these comments.*

- 1. A grease trap is required.
- 2. Applicant must adhere to NYS Plumbing Code as well as Town of Brighton Code.

**CONSERVATION BOARD: NONE**

**CONDITIONAL USE PERMIT FINDINGS  
OPTION A (APPROVE WITH CONDITIONS)**

The following findings, based on the standards found in [Town of Brighton Code Section 217-7](#), are suggested for the Planning Board's consideration and discussion.

- 1. The Planning Board finds that the proposed restaurant complies with the standards of the Low Intensity Commercial (BE-F) District.
- 2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the proposed restaurant, the intensity, size of the site and access have all been considered in the Board's review.
- 3. The Planning Board finds that the establishment of a restaurant use in this location, will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
- 4. The restaurant use will be developed within an existing structure on a developed site and not result in the destruction, loss or damage of any natural, scenic or significant historical

resource.

5. The Planning Board finds that the establishment of a restaurant will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the establishment of a restaurant will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of a restaurant will not result in the loss or damage to trees.
8. The establishment of a restaurant in this location essentially conforms to the Town's Comprehensive Plan: Envision Brighton 2028. Specifically:

Volume 2, Page 16, Economic Vitality [emphasis added]:

- A. Attract and *promote the sustainable development of quality office, retail,* commercial, medical, light industrial, and residential uses in areas with existing critical infrastructure, in an effort to expand the Town's local tax base while providing needed and desired goods and services, and without compromising other community goals.
- B. *Foster a mix of residential and commercial investment that promotes the vitality, density, and walkability of local activity centers.*
- F. Conserve existing open space by *promoting redevelopment of vacant, underutilized and obsolete commercial properties to enhance the Monroe Avenue and West Henrietta Road corridors.*
- G. *Enhance the village feel of the Twelve Corners area and extend that concept to other commercial areas of the town wherever practicable.*

Volume 2, Page 32, Monroe Avenue Subarea [emphasis added]:

Intent: Monroe Avenue is a key commercial and mixed use corridor with Twelve Corners at its center. *The focus area is characterized by mixed use, village scale design, and pedestrian and bicycle connectivity.* Together, these attributes make Monroe Avenue a bustling community center. Any developments within this area should reinforce this identity.

Volume 2, Page 34, Monroe Avenue Subarea [emphasis added]:

Diverse types of mixed-use development should continue to be encouraged along all segments of Monroe Avenue, *with proper buffers and screening between commercial or mixed uses and adjacent residential neighborhoods.*

## **CONDITIONAL USE PERMIT FINDINGS OPTION B (TABLE)**

If the Planning Board entertains tabling, additional information is necessary in order to complete and adopt Conditional Use Permit findings. Due to concerns over impacts of the proposed restaurant, the following points based on the standards found in [Town of Brighton Code Section 217-7](#), are offered for consideration and discussion in lieu of findings:

1. The Planning Board *cannot find at this time* that the proposed restaurant complies with the standards of the Low Intensity Commercial (BE-F) District because a combined site plan/floor plan clearly showing the restaurant operation and available parking has not been submitted.
2. It is unknown whether the proposed use is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses) because a combined site plan/floor plan clearly showing the restaurant operation and available parking has not been submitted.

## **ENVIRONMENTAL REVIEW/SEQR**

Staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined the proposed change of use from retail to restaurant is a Type 2 action, requiring no further environmental review.

Specifically 6 NYCRR 617.5(c)(18):

Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special [conditional] use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

## **BOARD ACTION/DECISION**

### **OPTION A (APPROVE WITH CONDITIONS)**

If the Planning Board entertains approval, the following conditions are recommended by staff, along with any others added by the Board:

1. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, Building and Planning Department, and Fire Marshal.
2. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. The applicant shall obtain all necessary variances from the ZBA.
5. No outdoor storage, operations, seating, or dining shall be allowed without further review.

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

**BOARD ACTION/DECISION**  
**OPTION B (TABLE)**

If the Planning Board entertains tabling, the following reasons are recommended by staff, along with any others added by the Board:

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

## PLANNING BOARD REPORT

**HEARING DATE:** 4-17-2024

**APPLICATION NO:** 4P-03-24  
*OpenGov reference no:* PB-24-7

**LOCATION:** 2852 West Henrietta Road

**APPLICATION SUMMARY:** Application of Greece Landing Properties LLC, owner, and Jaber Saidi, lessee, for Conditional Use Permit Approval to allow for a specialty food store with internet sales to be located at 2852 West Henrietta Road.

### COMMENTS

*The Board may wish to consider the following comments when asking questions*

### BUILDING AND PLANNING:

1. 2852 West Henrietta Road currently contains a single story, multi-tenant, commercial building.
2. The subject property is zoned General Commercial District (BF-2)
3. Floor plans and a site diagram have been submitted, as well as operational information relevant to the Conditional Use Permit request (attached).
4. The space under consideration is approximately 5,950 square feet and was most recently occupied by an auto parts store. The proposed specialty food store with internet sales will utilize approximately 2,000 square feet for traditional retail use and approximately 4,000 square feet for storage and other ‘back of house’ areas for the internet sales part of the business.
5. The proposed use is something of a unique business model and does not fit neatly into zoning use classifications, especially related to parking. The prior use, traditional retail, had a parking requirement of 1 space per 300 sf or 20 spaces. Upon thorough review of the proposed business model, staff recommends that parking be calculated the same as traditional retail. Thus there is no change in the parking requirement.

For purposes of comparison, the next closest use category for parking calculation is grocery store at 1 space per 200 sf or 30 spaces. This seems excessive for what is niche retail, not a traditional grocery store, nor even a traditional convenience store.

Furthermore, a substantial amount of the space is devoted to storage to support the internet sales part of the business. As such, this space will not be occupied by customers.

6. The applicant is to confirm a complete understanding of the [Town of Brighton Code Chapter 202](#): Adult Use and Entertainment Establishments and E-Cigarette and/or Vapor

Sales Establishments and Cannabis Establishments Regulation Law.

**TOWN ENGINEER:** NONE

**SEWER DEPARTMENT:** NONE (Note: there is no food preparation proposed)

**CONSERVATION BOARD:** NONE

## **CONDITIONAL USE PERMIT FINDINGS**

The following findings, based on the standards found in [Town of Brighton Code Section 217-7](#), are suggested for the Planning Board's consideration and discussion.

1. The Planning Board finds that the proposed specialty food store with internet sales complies with the standards of the General Commercial District (BF-2) district.
2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the proposed specialty food store with internet sales, the intensity, size of the site and access have all been considered in the Board's review.
3. The Planning Board finds that the establishment of a specialty food store with internet sales use in this location, will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The specialty food store with internet sales use will be developed within an existing structure on a developed site and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of a specialty food store with internet sales will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the establishment of a specialty food store with internet sales will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of a specialty food store with internet sales will not result in the loss or damage to trees.
8. The Planning Board finds that the establishment a specialty food store with internet sales in this location essentially conforms to the Town Master Plan: Envision Brighton 2028.
  - a. Specifically Volume 2, Pages 47-47, the West Henrietta Road Land Use Focus Area. Although small, the redevelopment of this tenant space will improve the West Henrietta Road corridor.
  - b. Further, the Planning Board finds that the establishment of a specialty food store with internet sales in this location essentially conforms to the Town's

Comprehensive Plan: Envision Brighton 2028. Specifically Volume 2, Pages 16, the Economic Vitality Policy Objectives [emphasis added]:

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

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

## **ENVIRONMENTAL REVIEW/SEQR**

Staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined the proposed change of use from retail to specialty food store with internet sales is a Type 2 action, requiring no further environmental review.

Specifically 6 NYCRR 617.5(c)(18):

Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

## **BOARD ACTION/DECISION**

If the Planning Board entertains approval, the following conditions are recommended by staff, along with any others added by the Board:

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