

Proceedings held before the Planning Board
Brighton at 2300 Elmwood Avenue, Rochester, New York on July 18,
2018 commencing at approximately 7:30 p.m.

PRESENT: William Price
Justin Babcock Stiner
Laura Civiletti
Pamela Delaney
David Fader
John Osowski

NOT PRESENT: James Wentworth

Ramsey Boehner: Town Planner
David Dollinger, Dpty Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: Good evening
Ladies and Gentlemen, I would like to call to order the July 18, 2018
meeting of the Town of Brighton's Planning Board to order. We will
approve and review the minutes for the June 20, 2018 meeting at the
August meeting. At this time we would like to enter and file all of the
communications that we have received to date including correspondence
from Robert Bergdorf dated July 16, 2018. Can I have a motion to file
the communications that we have?

MS. CIVILETTI: I will move to file the
communications that we have.

MR. FADER: Second.

UPON ROLL CALL VOTE		MOTION UNANIMOUSLY PASSES
Mr. Price	Yes	Ms. Delaney Yes
Ms. Civiletti	Yes	Mr. Fader Yes
Mr. Osowski	Yes	Mr. Babcock Stiner Yes

MR. CHAIRMAN: Mr. Secretary
were the hearings properly advertised?

MR. BOEHNER: Yes, they were properly advertised in the Brighton Pittsford Post of July 12, 2018. 20

MR. CHAIRMAN: For everybody here we are going to some things . The first application for Whole Foods is 6P-01-18, this is the application for the access management plan. We ask if you do come up to address this application we ask that you focus your questions on the application that you are most interested in. The second application is going to be 6P-NB1-18 for Preliminary Site Plan, for which we will probably have the most people interested in and the third application if for demolition of Mamasan's at 2800 Monroe Avenue. I am going to combine two applications which will be 6P-NB2-18 and 7P-03-18 . Both applications are preliminary and final subdivision approval by the First Baptist Church. The sixth application is for 7P-04-18 which are five individual parcels for Preliminary and Final Subdivision/Resubdivision Approval to combine and reconfigure several lots into two properties so that is taking Mamasan's, Clover Lanes, Mario's, the RG& E and the First Baptist Church property and they will combine those and then resubdivide them into two parcels.

I do want to point out under Old Business Application 5P-06-18 there was a previous application for demolition of Mario's and Clover Lanes, that public hearing was held at a previous meeting and has been closed and we will adjourn the application for a hearing again in August. Some other housekeeping there are several applications that are being adjourned and will be heard at our August meeting. The first of those is 6P-05-18, application of Rufus Judson and Landtech Surveying and Planning for a single family residence at 3525 Elmwood Avenue. The second is the application of Tolivir, Inc. and Brian Mattiaccio was contacted and he will retain a dental office at 2087 Monroe Avenue and again with regard to the Rufus Judson and Landech, that would be the preliminary application and that is being tabled until August. So if you here for any of those, those won't be heard until August. We have heard the Daniele applications before so we are going to be hearing any changes since then. We do ask that you keep your comments concise and to the topic and if someone has stated your concern please state that you agree and not bring up the issue over and over again so we do get the chance to hear everybody. During the time the presenters are speaking I ask that there be no clapping and no cheering for any position or the other.

This is the opportunity for us to hear the applicant and also our opportunity to hear your opinions and we ask that you be professional and respectful. With that we will hear the first application 6P-01-18.

6P-01-18 Application of Daniel Family Companies, applicant, for Site Plan Modification to construct shared parking and access, known as the Access Management Plan, on and across 2835 Monroe Avenue 2815 Monroe Avenue, 2799 Monroe Avenue, 2787 Monroe Avenue, 2775 Monroe Avenue, 2735 Monroe Avenue, 2729 Monroe Avenue and 2717 Monroe Avenue. All as described on application and plans on file.
- TABLED AT THE JUNE 26, 2018 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. SUDOL: Good evening my name is Jess Sudol, a Civil Engineer with Passero Associates, I am here this evening on behalf of the Daniele Family Companies, who are applicant for the multiple agenda items and also with me is Mario Daniele, Anthony Daniele and Danny Danielle and also Jerry Goldman who is the counsel for the applicant. The access management plan as you mentioned has been reviewed previously by the Board, initially introduced at the concept plan back at your May meeting. And the first time we had review under the umbrella of Preliminary Site Plan review was last month, and there were several comments on that plan, which we are working at addressing and also some additional comments that are still outstanding at the technical level with the town engineer and other town staff.

I would like to address the access management plan quickly and start the introduction with the reasoning behind it. It was very much part of the overall Zoning Approval and Environmental Review for the Whole Foods plaza. It is offered as an amenity by the applicant to improve traffic conditions on the south side of Monroe Avenue. It does include eight properties and includes providing cross access between all those eight properties. Also by providing that cross access all those properties will then be able to access the proposed signal light that has been proposed as part of that project and will then allow those properties to safely turn left out of and into the properties on the south side of Monroe Avenue. So I know you have heard that before and some of the changes that I did want to point out is when we last

presented this plan there was some proposed improvements on the New York State DOT land which is down here on the south side of the City Mattress and the three properties in the western most part of the access management plan. Those proposed improvements have since been removed so that all the proposed pavement and connections now exist on the properties that are all applicants as part of this project. The good news is that scenario was considered as part of the improved FEIS so in no way are we deviating from the Environmental Review on that matter.

One of the things that had come up was how does this apply to the incentive zoning and various incentives that would be granted in return for the amenity and essentially although we think it is a huge benefit for the corridor the amount of physical work is not terribly intrusive because most of these lots are existing and the majority are all fully paved. So what we are simply doing is a lot of restriping and a lot of connection points in the back of these properties so we can now cross these properties to get over to the single road and it also includes a lot of restriping work.

One of the main items we are working through with the town engineer and constantly examining is displacement of some storm water management which exists behind the Dunkin Donut's parcel and now we are proposing some new drainage improvements for water quality, water volume and pre treatment that exists along the edge of the proposed management area which is how we are offsetting that previous improvement. The good news is we don't require a ton of storm water management because we are not adding a ton of new pavement but as I said we will be working through the details with the town engineer. We don't see anything that will impact our ability to complete that.

I do want to point out one specific area as we do get down to City Mattress and the Comfort Inn we do get a little tight in that area in that building with that City Mattress turn coming around in there and that is a function of the available land that we have available in there so we are restricted to what is there but fortunately the Comfort Inn had been previously granted and received a use variance to allow that parking lot that exists over the property line so we were easily able to connect into their east and west side of their drive aisle and hopefully make our way out to the single light there. So there is

also a couple of minor improvements with a couple of additional curb cut closures and improvements right in front of Mamasan's property which were minor improvements that were requested by the property owners as we negotiated the easements with them. Of course the vast majority of those owners are in favor of this plan and ultimately it will be a lot safer for them, their families and people coming to their establishment.

MR. CHAIRMAN: Can you review some of the changes proposed over what is out there today? We know there is going to be a traffic signal at the entrance to Secora Homes which will line up with Whole Foods entrance. We have gone through several site plan applications over the past couple of years where we have had physical improvements made for City Mattress and Dunkin Donuts a couple of years ago. We had Mamasans related to the old Pizza hut property. For the audience can you tell us what is going to be different once these improvements are made to those curb cuts and access to those properties once this is done?

MR. SUDOL: I would be happy to. We will start from west to east if that is okay. We will start with City Mattress which received its entitlements through this Board and the Zoning Board approximately two years ago. And one of the conditions of the Site Plan Approval was that they would install a right in and right out rather than a full egress if or when the access management plan was implemented. So even though there is not a right in and right out there now if the access management plan is constructed the developer would be going and modifying that curb cut so people would no longer be taking that left into City Mattress. Continuing to move east onto the Comfort Inn property for starters I think you are all aware of the connectivity as far as it goes on the back of the properties but there is a proposed connectivity along the front of these properties so that we can easily move from City Mattress to Comfort Inn and it also allows us to make some more efficient Parking out in front of Comfort Inn and quite frankly that was a request of Comfort Inn and Mamasans.

Moving over to Mamasan's similarly to the City Mattress upon the execution of the access management plan they would then go from having full egress to a right in only. So you would only be able to come in and make a right into the site

and the reason why that change was or condition was that basically given by NYS DOT in conjunction with the Town because there eventual proximity to the signal light and not wanting people try to make a right or left out of that property. So those are the improvements you get over to the Secora Home. That is where the proposed signal light and entrance would be with the fairly lengthy opportunity for vehicles stacking south of the property. And of course the major change since this Board last saw last month is again the removal of any proposed improvements of the NYSDOT land and I think Mr. Boehner has some questions as to where the existing pavement line fell and it was unclear with the stickers but now it clearly show how it interacts with the proposed improvements.

MR. CHAIRMAN: I think the only difference is the only way you can get into Mamasan's future facility would be to make a right turn in or coming from the light and coming through the back where they are proposing the drive through. Do you see conflicts of vehicles coming into their property and crossing with vehicles coming from the hotel?

MR. SUDOL: No, I don't and just because there is very little traffic coming from the hotel and there is very little reason for the traffic from the hotel to make this connection more than likely or not people are going to be leaving because there is no curb cut at Mamasan's would travel to the back and then back to the signal light and one thing we were asked to look at by Mamasan's was to continue this access way along the frontage and the reason why we didn't like that from an engineering perspective is because then all of a sudden you would have this frontage road intercepting with the main access road of the signal light which would create areas with cuing. But in terms of a specific conflict point right here I don't see a whole lot of traffic traveling in this direction. Similarly with City Mattress most people exit out the back and also it is a mattress store so there isn't a lot of traffic with that.

MR. BOEHNER: Jess, did you run an auto turn for access?

MR. SUDOLF: Yes, we have.

MR. BOEHNER: And it seems to work okay.

MR. SUDOL: Yes, and we did not do one at Mamasan's but I believe they need one for their site plan so we have worked with their engineer and we will take the site plan that was approved by this Board and put it on that plan.

MR. CHAIRMAN: Any other questions?

MS. CIVILETTI: Are any of the curb cuts to the east of Dunkin Donuts proposed to be modified?

MR. SUDOL: Not at this time. They are not a part of the improvements associated with this project. The idea is as presented to the FEIS through the course of time as these individual properties are improved then this Board will be able to impose access restrictions knowing they would have access easements.

MR. BOEHNER: How is the Access management going to work ? How is the maintenance going to work?

MR. SUDOL: Maintenance will be subject to access and indigent agreement. All of the property owners have agreed to enter similar to an HOA and they would orchestrate the management, snowplowing and maintenance and each property owner based on the size of the lot will participate on a prorated basis and the applicant has agreed to offer all of those agreements to be submitted to the Town's satisfaction.

MR. BOEHNER: And all of the property owners who are part of the A & P have agreed to be part of this application?

MR. SUDOL: Yes.

MR. OSOWSKI: Have the traffic lights and access management plans been submitted to the NYS DOT?

MR. SUDOL: Yes, absolutely, the access management plan and the traffic light have all been reviewed in exhaustive detail by NYSDOT as well as the Town engineering consultant Stanteck as part of the FEIS process and we have not deviated from that as part of this plan.

MR. BOEHNER: Any new parking lot lighting?

MR. SUDOL: Not at this time. I am sure Mamasan's is putting in all new lights and City Mattress is putting in all new lights and as we develop we will be putting in new lights all through there.

MR. CHAIRMAN: All set, thank you. We have one person signed up for this application. Judy Van Houton and Tom Gillette is on deck.

MS. VAN HOUTON: Hopefully I am on the right application. I asked which sheet I should sign up for and was told it was this one. My name is Judy Van Houton and I live at 205 Shorehan Drive. I am interested in the landscape aspects of the plaza, trees, shrubs and berms etc. I have lived on Shore Drive for over 40 years and during that time I have enjoyed a graceful, peaceful entrance to my street off of Clover. During the day we have had no commercial sites

MR. CHAIRMAN: Judy, pardon me.

MS. VAN HOUTON: Am I in the wrong spot?

MR. CHAIRMAN: Yes.

MS. VAN HOUTON: Okay
thank you don't forget what I have said so far.

MR. CHAIRMAN: Is Tom
Gillette here?

MR. GILLETTE: My name
is Tom Gillette and my wife and I live at 105 Pickwick Drive. Previously
it has been characterized as a pitcher west from where the Bowling Alley
is so I am pretty close. Right now I am actually speaking on -- on the sign
up sheet downstairs it wasn't clear on the separate proposals. I signed up
on the first sheet which is actually for the south side of Monroe Avenue.

MR. CHAIRMAN: That is
what we are talking about.

MR. GILLETTE: I
understand that because I learned it when I was coming up stairs and my
comments are much more about the other side of Monroe.

MR. CHAIRMAN: Well we
asked Judy to wait and I think we will ask you to wait as well until we
hear the next application. There was one gentleman who wished to speak
on the access management, please come up.

MR. MALCOLM: Good
evening Mr. Chairman, and Members of the Board, my name is Charles
Malcolm and I am an attorney with Hodgson Russ representing Safe
Monroe Avenue. I have a question as it relates to the access management
plan and also with respect to the Planning Board procedures and also to
ask the Planning Board for some help on participating in this process in a
meaningful way. My understanding from looking at the agenda and
looking at the Board meetings there is a cut off where information has to
be submitted to the town within a certain amount of time before the
meeting and my question is all this new information on the access
management plan when did the Board receive that information, how long
has it been --

MR. CHAIRMAN: We will

take your comments and decide how to respond to all of the questions.

MR. MALCOLM: Here is the problem we are trying to participate in this process and we have outstanding foil requests and none of this information is posted on the website and new information is being presented for the first time and we have a whole room full of people and the overflows who want to comment on these items on the agenda and foil requests haven't been responded to and there is nothing on the website and this information is being presented for the first time right now. So people who want to think about this and be able to comment meaningfully don't have the opportunity to do that. Now I am not blaming the Board, -

MR. BOEHNER: I just want to say to you that the applications are available for public review in the Planning and Building Department and have been.

MR. MALCOLM: So we submit a formal request and if it is that easy why isn't anybody responding to our foil requests.

MR. BOEHNER: A foil request is different than coming into the department and reviewing the application.

MR. MALCOLM: So we can't look at it and review it and have it and it can't be posted on line like every other application is posted on line. There is a specific place on the Brighton website for this project and we can't put these materials on the website in advance of the hearing. Now I am not blaming the Board because you guys are volunteers and you are a staff member why isn't that stuff on there? That is my question. We want to participate in this process. We have been to every meeting, reviewed all the material and we are having a hard time participating in this process when we can't get the information we are talking about tonight. So I would ask the Board to talk to the staff, talk to the town clerk's office and say this stuff is coming to us and when it comes to us put it on line or respond to the foil requests. That is a right that community members have to look at this information before the meeting. Thank you.

MR. CHAIRMAN: Does anyone else care to speak to the access management plan? Yes, please thank you so much for coming out.

MS. BROWN: My name is Paula Brown and I live at 40 Corelle Way and I have a question. I don't understand how you can look at what the study has been done for the light in this particular area without looking at – I know you mentioned there was a traffic study about traffic coming out there from that plaza. However that light is also the same one across from Whole Foods and so it can't be independently studied in terms of traffic without looking at the relationship of the traffic coming from across the street. So you can't approve that without knowing what is happening on the other side of Monroe Avenue. That is one of my questions and the other one is I would like to see what kind of beautification they are going to be doing because that property is all owned by the Daniele's. So there is going to be a road and access and I would like to see what type of berms and plantings will be planted along Monroe Avenue. Thank you.

MR. CHAIRMAN: If you will come up and give your name and address.

MS. GOLDSTEIN: Bunny Goldstein. I was just curious the access into that plaza for delivery and garbage trucks going in and out, how are they going to deal with Monroe Avenue without any other egress and isn't that going to be a problem getting those big trucks in and out on Monroe Avenue.

MR. CHAIRMAN: Are you specifically talking about the traffic on the south side of the street.

MS. GOLDSTEIN: The property that they are going to develop. Is that the south side?

MR. CHAIRMAN: No that is the other side. So your question about the trucks and garbage into the Plaza, the lanes are all sufficient and the way the lane curbing is designed it will be easy for the trucks turning in –

MS. GOLDSTEIN: Trucks and cars and traffic going in and the traffic light and all of the confusion.

MR. CHAIRMAN: It will all be controlled by the same –

MS. GOLDSTEIN: It is going to be a disaster.

MR. CHAIRMAN: Thank you for coming out. Anyone else regarding the access management plan?

MS. CUSACK: Rose Cusack and I am a student at Bart (phonetic) College studying environmental studies. I have been studying constructive wetlands on my campus and you mentioned about storm water and drainage systems and I was wondering what kind of rain garden they will have and stuff like that and how committed you are to this.

MR. CHAIRMAN: Thank you for coming out and we appreciate your interest in the project and sustainability and we will tell you fairly quickly the drainage is being handled through a series of infiltration with rain gardens and sub surface storage so you don't see a huge retention pond on either the south side or Whole Foods Plaza itself. So you know none of the water that is discharged from the site will go off site without having been filtered. There is water quality and there is water storage capacity under the pavement, there is permeable pavement primarily under the parking spaces not the driveways but the parking spaces. Thank you for coming out we appreciate it. Any other questions?

MS. LIANO: My name is Beth Liano because he was holding the map towards you I was unable to see and understand what he was trying to indicate about entering into the plaza with right turn only. I would like a little more clarification about the traffic flow because I am concerned if there is an accident in the other direction how will you get into the businesses if there is only right lane entrances and how is that going to impact the neighborhoods of Warren and Edgewood, and people having to circle around those neighborhoods to get into the right lane to enter into that plaza.

MR. CHAIRMAN: You took this from a simple question to a much more complicated scenario. We are prepared to answer questions about right in and how you are getting out on the south side of the street but as far as how that impacts traffic away from the corridor on Warren and other locations I am not prepared to answer that.

MS. LIANO: Isn't that the whole business of this entry and your telling me all of these establishments on the south side are going to be right in entrances. Isn't that right?

MR. CHAIRMAN: No, the first two are right in and the City Mattress store will be a right lane out. We are trying to reduce and eliminate left hand turns out of those businesses which over the years has created a significant safety problem.

MS. LIANO: That is understandable. Will there be left lane entrances to that proposed traffic light?

MR. CHAIRMAN: Yes, there will. Any other questions on access management plan?

MR. FENDSTER: My name is Randy Fendster (phonetic) and I live at 59 Rolland Parkway, the engineer talked about there isn't going to be significant stacking. And right now it is 5:00 o'clock and there is significant stacking. How is it going to be any better with the current new plan?

MR. CHAIRMAN: Are you talking about the applicant's engineer?

MR. FENDSTER: Yes.

MR. CHAIRMAN: He was referring to stacking being available on private property in Secora Homes.

MR. FENDSTER: What about stacking of traffic on the south side of the street. That is what the issue is traffic on the south side of the street.

MR. CHAIRMAN: You are stating your concern is stacking on the south side of the street?

MR. FENDSTER: On the through lanes how is that going to be resolved?

MR. CHAIRMAN: We are taking your concerns so we can turn around and ask the same questions of the applicant and consultants. We want to know what your concern is and you have stated your concerns. Thank you for coming out. We are not here to answer some of these questions. We are taking your comments and acting as your representative so we can get good answers to these questions. Don't come up and ask to provide answers that you are looking for. We have the same questions.

MS. STEWART: My name is Pam Stewart and I have been a resident on Allen Creek Road for 57 years. I just want to express my concern already because of the commercial properties on Monroe Avenue. For which if you can only turn out in one direction you have to go all the way around the block and down residential streets to the egress and then return to your home. So for any of us outside of commercial properties for which there is only a right hand turn egress. I am not sure but you would have to go to Clover Street light, make a left there and go to the Allen Creek Road light and safely turn to 12 Corners and make a right there and go to Monroe and turn right at 12 Corners and go into Mamasans or you can make a U turn right on Monroe Avenue and then go left.

MR. CHAIRMAN: What is your concern?

MS. STEWART: If I come from 12 Corners to shop at City Mattress and I can only exit to the right how am I going to get home.

MR. CHAIRMAN: You are going through Secora Homes and turning at the light.

MS. STEWART: So how many lanes will you have to cross over.

MR. CHAIRMAN: It doesn't matter you have a light to do it and the time to do it. Today you don't.

MS. STEWART: All right.

MR. CHAIRMAN: Thank you for coming out. Last comment access management.

MR. JACOBSON: Howard Jacobson. I have a question right over here right onto Clover Street. When you get out of the south side onto Clover Street –

MR. CHAIRMAN: Not on this side –

MR. JACOBSON: You can't get out there.

MR. CHAIRMAN: No.

MR. JACOBSON: Thank you.

MR. CHAIRMAN: Thank you for coming out. We are going to proceed on the next application on the agenda.

6P-NB1-18 Application of Daniel Family Companies, applicant, for Preliminary Site Plan Approval to construct a five building retail plaza totaling 83,700 sf, which includes a 50,000 sf Whole Food Store and a 2,000 sf drive-thru coffee shop on properties located at 2740 Monroe

Avenue 2750 Monroe Avenue, 2800 Monroe Avenue , a portion of 175 Allen Creek Road and a portion of 2259 Clover Street. All as described on application and plans on file. TABLED AT THE JUNE 20, 2018 MEETING – PUBLIC HEARING – REMAINS OPEN.

MR. CHAIRMAN: This application was heard by this Board twice before, once in May and then the first public hearing was held on June 20, 2018 last month and this is a continuation of that public hearing which was tabled and held open.

MR. SUDOL: Good evening, Jessie Sudol from Passero Associates. I am here representing the applicant on the north side of Whole Foods Plaza and as it was previously stated this has been reviewed several times and has resulted in what we think are improvements to the site plan. But before I start outlining those improvements one of the requests made at the last meeting was to review some of the history of how this was developed as it is currently proposed. A package was submitted within the time frame with a litany of concepts to be considered over the last three or four years. I did bring those to show the evolution of that. Again there is nothing germane to any impacts we think are important to show how we arrived at where we did.

MR. CHAIRMAN: Just for everyone's information we asked the applicant to provide this information to us and that is why this information is being provided tonight.

MR. SUDOL: Lets go all the way back on some of the original proposals on how we arrived at the site plan and we started way back several years ago by looking at more traditional retail complex that you see throughout Monroe County and other areas. We had the large retail center at the back of the property where you potentially have Whole Foods all the way to the back with a large parking field as a pretty normal form of development and it was very common for the 80's, 90's and 2,000. I think the applicant as well as many people involved in various regions of development felt that this was not the optimum way to develop this area. So we quickly dismissed this plan with the large parking field along Monroe Avenue and the Whole Foods building all the way back on the property and making it closer to

the residential areas.

Continuing with our development we looked at moving the Whole Foods further up on the site and develop a retail plaza here in back with various configurations and there was a lot of areas for conflicts with access. We didn't have Starbucks worked out very well. At this time we were getting closer but there were a lot of things that would not work very well with the Monroe Avenue corridor. So at this point we were getting closer but there were a lot of things that did not work very well and we still had the Monroe Avenue corridor with pavement along the frontage. So with this plan we start to develop multiple access points with the right out and we started to establish this path site here and we still had the cue point off of this access point with a couple of buildings out in back and we did have buildings next to the residential properties and we didn't want everyone coming into the plaza with their head lights shining straight to the back. But at this point we started to have a better feel for where Whole Foods would fit the site and all this information has been filed and submitted to the Town.

Again we continued to evolve and at this point we started to realize that a singular building here in the back would be a lot more efficient and it would also block the headlights as they came in from Monroe Avenue. And we would have some appropriate employee parking back in this area which would reduce the amount of activity next to the residences.

Moving forward, with this plan here we begin to have more of an entrance with local access points and at this point we were working with DOT and knew we would need a single light there. So we are getting closer but we still didn't have the appropriate cue length there and there is still an issue with the Starbucks and we still hadn't gotten enough green space along Monroe Avenue. And as these plans continue to evolve at this point we introduce the idea of having access points come in and make a sweeping left turn. And what that does is significantly increase the amount of unimpeded access that you have getting into the plaza without having all the different access points to all the various drive lanes where you can get potential conflict points and back up. There were a couple of things it had a curb cut off of the main access point for Starbucks which we weren't too fond of and also the ability to exit building two straight into the main drive aisle that

goes out right into the light which creates some cuing problems.

As we began to develop it we began to relocate the Starbucks entrance over here creating a much less conflict point. We simplified the access point to the proposed building two, but then people exiting they had to go out to the single light without having to move directly into the access road and we provided 360 degree access around building two, which wasn't previously there. Continuing forward we move on to some of the plans that you are familiar with, here is where we reduce the amount of square footage in the plaza from 90,000 to 83,600 and to start to produce this large pedestrian court yard which exist in the middle of building two, which allow people to sit and congregate outside some of these stores. And by reducing the amount of square footage we increase the amount of green space and again decrease the amount of parking that we needed and we also as you see here it smoothes out this trail and we were also able to increase the amount of green space along Starbucks. This was the first plan this Board was able to review back in May to look at different concepts of and what we really lost was that concept of a central area but when you go into the site you were able to see a significant amount of landscaping in front of the buildings with pedestrian bike racks and everything else.

Fast forward to this current plan you see some of the things we have been working on and what we previously introduced at the last meeting in May where we were asked to look at some alternatives that were fairly significant changes to the layout which included reducing the size of building two, and reducing this new path site. And what that did was decrease the amount of parking that was up on Monroe Avenue and that increased our ability to provide a scenic street scape and it all added to the landscape on Monroe Avenue and reduced the overall square footage of this building and allow this to shift that seating area so it was really central instead of being set off to the side.

After that meeting and this is back in June there were some additional comments regarding traffic flow and circulation and that has since been updated. And I want to point that out now, for starters right here along Monroe Avenue we had

sidewalks close to Monroe Avenue and moved that back to have a tree lawn in there and gave us a lot safer walk along Monroe Avenue not having it right up to the curb line which was something requested by the Board which made a lot of sense. Continuing on with that sidewalk it goes over here and over to that east side entrance and with the suggestion of this Board we offset that sidewalk and gave some curvature to it to make it a little bit more interesting but again to establish that treed lawn and the pedestrian sidewalks. And I think it worked out pretty well.

We previously had a straight shot when you came off the exit going into building two, and that brought up the fact if somebody comes in quickly and doesn't hit there brakes fast enough there could be a problem but now instead of a straight shot in you have a bend to the right and a little curb to show people down and make that a much safer entrance location. And continuing around the curb to the left we did also increase the radius of that bend as much as we could without impeding the Starbucks pad and then we made that kind of a sweeping curve. One real change that we made like you see in almost all retail plazas you have your main drive aisle and then almost every single drive aisle through the parking has immediate access to that drive aisle and if you want to use Wegmans on East Avenue as an example the drive aisles can become pretty congested with cars coming from different areas. The change that we made was we eliminated several curb cuts to reduce the number of curb cuts onto the primary access way to keep some of that internal traffic flow through the parking lots that are out in front of Whole Foods and I think that simplifies this access way and makes it easier for stacking etc.

And it also eliminated the side by side four way intersections that we previously had and obviously you have that four way intersection when you first come in off that access drive we close one of those and we now have a three way intersection which was a fairly significant improvement. Some of the other minor improvements that we made had to do with Starbucks etc and one other major change that we did was the reconfiguration of the parking on the back side of the building two, and as you may recall the drive aisle used to go right along the side of the building instead we made parking up against the building and what that did was make traffic not point north up into the residential properties and they are now pointing back towards the

building and it also provides an exit unimpeded. The last time we appeared before this Board there was a request to look at what this area would look like in more detail and this is the detail I provided on the plan just for the sake of conversation.

I will pass this around and what it shows is two different sections occurring on the east side of building two, through the building, the parking area where the impervious pavement is, the fencing and very small retaining wall, the property line, and the landscaping on the residential properties which I think you can all see here quite well. Then on the upper section behind the Whole Foods building where you can see we have all of the proposed berming and landscaping in addition to our bio retention area and parking and our parking ends and the bio retention begins which is essentially a storm water treatment area and then we have the trail and the berm with the trees and then we move into the existing property. So this was not something that was included in our design plans but was asked of us to be shown in more detail.

In terms of architecture the architectural theme of this project has remained consistent through out. There have been some minor revisions to the elevations as a result of changes to the building. Obviously when we introduced that plaza area that changed the architecture a bit but again the theme has been extremely consistent but a completely separate application process has been initiated with the Architectural Review Board and I fully anticipate to be working with them over the upcoming months. So those were the major changes that were made as a result of our last meeting and in terms of traffic and circulation we continue to improve them. Obviously very exhaustive and comprehensive traffic study was completed over the course of the two and a half years and as I stated earlier those included not only the Whole Foods Plaza but also the access management plan collectively as a single project which again was reviewed with the State DOT and the town's engineering consultant. And I think it is important for the audience to understand even the numbers in the traffic study we later verified or over estimated the traffic that Whole Foods Plaza would be generating. And the way we understood that is finally we had a Whole Foods Plaza in western New York in Buffalo that had a similar neighborhood and we monitored traffic and everything was quite impacted when it first opened

but then it settled down over time and I don't want to get into the technical details because there are hundreds of pages of the final impact statement that have been submitted .

MR. CHAIRMAN: Okay,
thank you. Any questions?

MR. BOEHNER: Thanks for the section drawing, showing what you are planning to do along the northern property line and when you look at the eastern property line, east of building two, could you describe the landscaping that you are proposing and the ability to possibly put additional landscaping to help soften seeing that building from Clover Street.

MR. SUDOL: I don't think I understand the question.

MR. BOEHNER: On building two, at the end of building two, the parking lot on the east boundary of the project

MR. CHAIRMAN: Ramsey question is the area that is green space between the parking lot and the Pittsford Animal Hospital there is a dumpster back there before we get to a screening fence can we use that green space to add landscape?

MR. SUDOL: Absolutely there is some proposed there now and we certainly can add to it if the town feels it is not sufficient, just about landscaping one of the conditions of the FEIS was to install around 194 new trees. And if you review the landscaping plan there is a significant new amount of proposed trees throughout the entire project, inside the parking lots and along the perimeter pretty much all over the project whether is it the east side or the north side. We have really littered the trees all over this entire project. And if you go out there today I challenge you to walk through the parking lot of Mario's it is a complete sea of asphalt compared to all the landscaping that is being proposed.

MR. CHAIRMAN: All of

the lighting that you have proposed is dark sky compliant?

MR. SUDOL: Absolutely,
the LED's are sustainable.

MR. BOEHNER: How many
parking spaces are you providing and how many is required?

MR. SUDOL: 450 and 450.

MR. BOEHNER: You are
right on?

MR. SUDOL: Yes, sir. We
didn't find any need to provide any more asphalt than we had to since we
met the requirements.

MR. BOEHNER: And are
you proposing to file a cross access and cross parking easements.

MR. SUDOL: Yes, and we
can talk about that a little bit more in the subdivision application and
because there are two lots there will be a reciprocal need agreement that
handles not just access parking but also storm water management, and
storm sewers and sanitary sewers, and water lines etc. but yes absolutely.

MR. BABCOCK STINER:
Are you still working with RTS on the bus shelter.

MR. SUDOL: Yes, there is a
detailed drawing on the most recent submission. They provided to us
what they wanted to see and that is what we are doing.

MR. OSOWSKI: Are you
proposing any electric car charging stations?

MR. SUDOL: Yes, we are
proposing a minimum of three in front of Whole Foods.

MS. CIVILETTI: What are the waste handling provisions for the Whole Foods?

MR. SUDOL: It is all in the back loading area.

MR. BOEHNER: During construction how are you proposing to protect the Conservation Easement?

MR. SUDOL: One of the first things we will do on the onset of construction we will install fencing, orange fencing as well as silt fencing, to make that know from day one that that is a no go zone.

MR. CHAIRMAN: Would you point out for everybody the location and area of the land that is going to be left in the Conservation Easement?

MR. SUDOL: That will be one acre of green space that is located here with frontage on Clover Street. This is Monroe Avenue and this is Clover Street and it will all be back here.

MR. CHAIRMAN: There are no improvements proposed for that?

MR. SUDOL: No.

MR. BOEHNER: Jess, did you do a turning radius analysis for the fire trucks?

MR. SUDOL: Yes.

MR. CHAIRMAN: Okay, any other questions from the Board? Okay, thank you. We have a number of folks signed up for this application. I am going to bring Judy and Tom as the first and second speakers and then we go to Howard Jacobson and Betsy Liano. So we will start with Judy, please?

MS. LIANO: Beth Liano, I live at 205 Shoreham Street and I am interested in the extent of landscaping regarding the Clover Street which adjoins my neighborhood and I think where I left off was. I have lived there for 40 years and for all these years there have been no street lights. There are huge trees. During the day we have had no commercial sights, sounds or fumes from the plaza and at night there have been no bright lights or traffic to disrupt our peacefulness of our neighborhood. And I am wondering what to do with the landscaping to maintain that integrity. I am wondering what can be done to protect us from driving fumes and the daily product trucks delivering and the sounds and fumes associated with that. I am wondering if most of the garbage from these places is going to be in the rear of the plaza and I am wondering about odors and noises and whether most of the employee parking will be in the back. Will the berm hide things as nicely as Wegman's has done and camouflage the delivery area.

So mainly I am interested in – at the last meeting the Daniele's mentioned the planting of 250 trees but there was no mention of the size and I am just wondering if anybody here drives down Clover Street now if you would look at it and the way that it is and I am wondering how much like that it is supposed to look when this project is finished. And I am wondering in reality is this the size of the buildings that are basically going up there.

MR. CHAIRMAN: They are all to scale so if you are pointing to the ones on the south side. I believe that is building number two, which is the longer building back off of Monroe. And the back of that building would be on the Clover side.

MS. LIANO: is such a shock because I have been looking at so much less dense area and it is a shock the size of that area. Anyway I was hopeful before any of the current trees are touched that we have some idea of what the plan is and the depth of the plan and like I said I am interested in how we are going to be protected from the fumes, by the lights, by the sounds, by the noise because we have never had this before. Thank you.

MR. CHAIRMAN: Tom
could you come up.

MR. GILLETTE: Tom Gillette. A couple of comments before I begin. My wife and I drove up to Amherst in Buffalo to see the Whole Foods store there and I look forward to a store like that. With all due respect that "neighborhood" looks absolutely nothing like what we are talking about. It is a totally different neighborhood. It is very developed commercial area. I want to just look at the traffic study and it has occurred to me very recently that traffic studies since they are very foreign to most of us we say that can't be right but there is a science to it. And I am just curious whether anybody in the Brighton Town compared notes with the Town of Greece who must have done traffic studies in relationship to Chic file and I am guessing somebody said "no problem" but it has turned out not to be so great out there. I am just wondering if there has been any comparison that has been made because it may even be the same person who did the study out here. I think it is worth looking at. Any way I am not going to take you through our entire comments but what I consider the highlights.

The illustrations up here are interesting and my wife spent a couple of hours here at the town this week and the staff were providing her with the ability to look at things even though she wasn't able to walk away with them. But during her stay here she didn't renderings of the five buildings which puts at a disadvantage in addressing some of our concerns. Well here they are and first of all placement of buildings four and five are closer to Monroe Avenue and if traffic is problematic on Monroe Avenue once the buildings are there it is going to be hard to move them away from Monroe Avenue. They have been moved somewhat away from Monroe Avenue and as we went through the different configurations and the plans if they were moved back even further there would be a place for dedicating a turn lane if that was needed in the future similar to what is on the east bound side when you get up to the traffic light at Wegmans which is helpful with the buses and it does take some of the pressure off the Monroe Avenue traffic.

Already mentioned the buffering on Shorelan, according to the plans we have this 10 acre commercial shopping center and the buffering for the across the street neighborhood I have heard the number of 240 trees but according to the plans that we reviewed between building two, which somebody asked about and Clover and Shorelan and the other neighborhood streets, there are two Cleveland Pear trees, 3

Hornbee trees and a length of a six foot high fence. There is very little buffer there

MR. CHAIRMAN: Please
be accurate about how long the fence is.

MR. GILLETTE: It is six
feet high, -

MR. CHAIRMAN: 6 feet
high but it runs the entire back in terms of buffering.

MR. GILLETTE: I am just
saying a fence this high is minimum.

MR. CHAIRMAN: Okay.

MR. GILLETTE: It is my
observation you don't have to agree of course. We think there is a way to increase the buffering on that side ironically it is unusual for us to make a suggestion like this but by reducing the number of parking spaces. Again to according to information we received from the town with elimination of the 6300 square feet there are actually more parking spaces on site than are required by the Town. If some of those parking spaces were cashed in and dedicated to buffering that would be an improvement in buffering for out neighborhood.

We think the improvement
behind building two, moving the parking spaces against that building that is a big improvement and we like that. And another suggestion instead of making that a two way through fare behind that building make it one way and that would again permit some additional space for buffering if the developer and the town chose to do that. We are concerned about buffering especially between building two, and the neighborhood and we take note of a request from the Architectural Review Board in April of this year asking the developer to be cognizant of the importance of all sides of the building in relationship to view sheds from Monroe Avenue and the expressway. We, as you might understand our concern about the view

shed, which I just learned that word, for Clover, Shorehan and Whitestone. And right now our view shed is going to be looking at 324 feet of the back wall of building two. And it would be nice as Judy mentioned to have some vegetative buffering there and what is being planned there right now is insufficient.

Also one of Brighton's historic brick homes is right across the street from the development and it has a clear view of the bowling alley right now and it is going to have a nice view of building two, the back of building two. We have some concerns about drainage because this area when we get the rain although we apparently aren't going to get any more rain so we shouldn't worry about it. The drainage plans address certain part of the property but its not clear what the effect will be on Pickwick, Shorelan and Whitestone . So we would like that to be addressed. Again if buffering and some type of berm is in place there that might address some of it. We suggest and it is not clear from the plans but to review what the barrier will be between the trail and the development. There is a low wood fence that has been used on the east side of Clover Street by those properties and in our comments we have included some photographs to show some of these points that we are making. We have a picture of the fencing and we think that would be an option to be included. We would also like to ask the Board to require that the sidewalk extension from Shorelan up to wherever the sidewalk ends up to the Clover Commons area, put a sidewalk in there so it links up with what is going to be a cross walk for the trail on Clover Street. Right now there are photographs of this area also included.

So there are a couple of things we are suggesting and we hope that in particular the buffering and the protection of the neighborhood is going to be considered by the Planning Board. Thank you.

MR. CHAIRMAN: Thank you , Tom. Next we have Howard Jacobson and then Betsy Iiano.

MR. JACOBSON: Good evening, my name is Howard Jacobson, the founding member of

Brighton's Grass Roots, LLC and Brighton's Grass Roots. Org and I represent hundreds of Brighton residents and 78 percent of those polled who are against the proposed Whole Foods Plaza as it is currently proposed. If I may I would like to ask those who live in Brighton to raise your hands and we have a whole room full of people downstairs. We have a lot of people here from Brighton.

MR. BOEHNER: Could you address your comments to the Board please?

MR. JACOBSON: Yes.

MR. BOEHNER: Thank you.

MR. JACOBSON: I would also like to ask the audience is anybody here being paid by Wegman's. Did anybody raise their hands? For the record I am not being paid by Wegman's which I have been accused publicly by the developer. Let's stop worrying about Wegmans and focus on the compelling reasons why this oversized development needs to be right sized. I am appreciative of all the comments and hard work that this developer has done but they need to move off the dime and stop the oversized development.

Thank you Planning Board members for the opportunity to share with you the compelling reasons to reject the current proposal of the Whole Foods Plaza and to require a true redesign and a properly scaled plaza at this location. To be clear Brighton Grass Roots. Org does not object to Whole Foods market coming to Brighton. They should come to Brighton. The developer and many people in their group who do not live in Brighton will tell you over and over again that they want a Whole Foods store in Brighton. We want it in Brighton and I will do whatever you want to help make that happen, just not in an over sized plaza. We are not against Whole Foods markets but what we are against is the reckless oversize of this plaza that will result in serious traffic safety and congestion issues.

We are also against the misuse of incentive zoning and the lack of transparency and

responsiveness that the Town Board used to approve this project. You the Planning Board are the last line of defense. You are it. You get to decide. You are the protector of our community and I would ask that you reject this current proposal as designed and require the developer to go back and really work on redesigning this plaza. We deserve that as a town and the Town Board sidestepped a very capable ZBA and town zoning process to push through an oversized plaza by misusing incentive zoning to grossly benefit the developer who is giving less reciprocal benefits back to our community. The Town Board decided the developer did not have to provide millions of dollars in amenities. It's a mystery why that is. The Town Board has not done their job. The job that we the Brighton residents expect. We know the Town Board's actions are not yours and we understand the pressure you must be feeling from the Town Board to tow the line and essentially accept the size this Town Board approved. However, your authority, role, your duty is to be independent and review this for appropriate land use principles. You have the last say. Don't do anything for political reasons to accommodate the developer at the expense of our community.

So Brighton residents

want four things. It is very simple, number one, proper review. We expect a thorough review based on sound zoning principles as to proper size and use density. This has not been done. You our Planning Board can require this thorough review. For instance based on sound zoning principles not politics the Board needs to analyze why this project should be allowed to so significantly ignore the code limits. Why should this project get a 50,000 square foot grocery store when the code says 20,000 sf is just right. Grocery stores are high traffic generators. It's different if you are putting in an extra 30,000 sf store for a mattress store or a vitamin shop but this is a grocery store. There is a reason the code says this. Why should this project get a high traffic generating Starbucks drive through right on Monroe Avenue when they are not permitted in our code as of right now, no zoning analysis was done on this. It was all sidestepped. Why should this project have more pavement and less green space than code allows. Why should one third of the land, three acres of the 10 acres get to be in a residential zone and you saw how much green space there is going to be. What happened to us. This is not okay. And why should this project be allowed to get so oversized and dump massive amounts of

traffic on Monroe Avenue. When the New York State Department of Transportation says it will cause grid lock and safety issues and they warned against it. And yet the Town Board struggles and gives into the developer and lets not forget it is not just Monroe Avenue, it's Allen's Creek, Clover Street, Edgewood and Westfall and dozens of other neighborhood streets. None of these issues have been properly analyzed from land use and zoning standpoint. The Town Board essentially made a political decision. Waived it's magic incentive zoning wand and turned its back on the ZBA.

Now look at what we have, unfortunately the code allows you, our Planning Board, to take a second bit of the apple, do the right thing carefully analyze this project, take a little time. There is a lot of us who can help do this to really analyze this and make this work. Analyzing the project and the design require what makes good land use not a political decision because the developer says it has to be this big. He is probably doing his analysis based on the return of his investment. That is not our problem.

Number 2, traffic study, we asked this Board to make the developer supplement an inadequate traffic study with a number of items to give a true impact of this project. You don't do a traffic study on square footage. I am not an engineer but you don't do a traffic study on square footage you do it on use. That's what they did including truck traffic. People think there is going to be a worry of cars. I love it. That they do turns in and out and I wonder how tractor trailers are going to do in there all the time. So it is very misleading to do square footage traffic studies and also not include everything. So their engineer got up here the last meeting and said Whole Foods they are only going to have two deliveries a day and I think they are going to come before 6 in the morning. I am going to tell you something it is so outrageous it is a joke. They should be embarrassed it's outrageous. Our traffic engineers found it easy to obtain data and we submitted it to you in your notes. The truth is the developer has no idea.

They are not operating a store. They are building a building for somebody. We need to get facts on deliveries. In addition the truck traffic review has to take into account not just Whole Foods market but the fourteen other retailers that are going

to be in this oversized strip plaza. That we just identified that is massive in the back. Fourteen retailers are going to be in there and you don't think they get deliveries every day going into this S turn or whatever.

MR. CHAIRMAN: Please keep your comments focused.

MR. JACOBSON: Okay. See this right here, this is going to be very difficult for delivery trucks. And there is not only fourteen other retailers in the back but there is two or three other retailers that are going to be in this building here. I don't really know it could be five retailers who knows. And I almost forgot Starbucks with the drive-through and outdoor dining, and also garbage with recycling that was all done in the traffic study. It's incredible and lets not forget the internal traffic, we are going to be driving our cars in there. And they are going to be encouraging people to walk around and people to ride bikes and there is going to be a bus dropping off people so people are going to be walking around and what about the other ten to twelve retailers on the south side, don't they get included in the traffic study. They are part of the whole incentive zoning. They got it all these guys that's the incentive zoning.

Make the traffic study cover what is going on in there. Let's also factor in the Amazon prime lockers and the Amazon pick up and deliveries use. You probably all know about that assuming you do but if not I have a great handout right here for you and others. Also in the traffic study do a base line as of right now, it's never been done I saw all the documents here, they are all here. There is no base line. There is not a 20,000 sf grocery store there is not the green space you are supposed to have, what happened to that? Any traffic study, any study needs to have a base line. They have seven acres of property they don't need to go into the residential property. Show us what this looks like as a base line. Remember they are sidestepping 22 permits and all these extra approvals that didn't go through Zoning. So I am not saying they have to build exactly to code. They can build 70,000 square feet, build 71, they don't have to build 83, 725 or whatever it is. Let them figure it out but the Town Board problem is they can't show us what it will look like as a base line. They were afraid to show us and they never

did. The developer can get up here and say we did a lot of these studies and nothing has a base line of a 20,000 sf grocery store. Everything has a 50,000 sf building that is not right.

Now what about the second traffic light, how does that affect traffic. I am not going to go into the Chic Filet thing. Just go on U tube and you can look at the video and you can decide on your own. Okay point number 3, the true use of this Whole Foods building that is going up requires an evaluation of what is going on in this 50,000 sf building and I don't mean groceries because this is not going to be a grocery store, and I am not telling tales about anything other than fact. I have a handout for you folks and hopefully you read this because the Town Board did not. Whole Foods is going to be working with Amazon prime and they care about one thing selling packages and delivering packages. You are going to see Amazon lockers here. This is going to be a pick up site. This is going to be a FEDEX, UPS and Post Office right in that plaza. And we need to know about this ahead of time. The Planning Board members need to investigate this because the Town Board did not. I find this quite odd since this information was available many months before the March 2018 approval but it wasn't presented. It wasn't presented by the developers, by the engineers, by the traffic study people, by the team that was guiding your Town Board and whoever did the incentive zoning evaluation.

This is all common knowledge and I am glad you all think the Buffalo store is so great. Is it going to be so great in Rochester. They haven't any idea what is there. I went into that store just like Mr. Gillette did and it is nothing like what is going to happen here. Plus you have no idea because nobody has asked them are they putting a delivery and pick up site here because they want that store to be a convenience store. They don't care about food. These people are in the delivery business. The developer has told us it will never happen here. Are they willing to give us that in writing from Amazon and Whole Foods. I sat and had a chat with the Whole Foods people and they said it's not going to happen but research shows Amazon lockers are encouraging shoppers to make quick frequent trips with 11 percent increase in visits not revenue. They are increasing traffic that is what is going to happen and you think traffic is bad now or maybe you don't think

it is going to be bad. So we need to find out what is really going on here. This really affects the integrity of the traffic study and this new Amazon prime and Whole Foods store that is being built we really need to find out because it is not being disclosed. So somebody is not disclosing information.

Now as a side note Amazon is building a very large distribution center in Henrietta. I don't want to confuse anybody but I will say it is really important that this Board makes sure we are not confused. I would just double check. Number 4 and the last one, is designs, they need to have new designs, require alternative designs, not the same size buildings. I do a lot of this and I go to these Charest, and you take these buildings apart and say what about a 70,000 square foot design or what about a 72,000 square foot design, what about a 74,000 square foot design, it doesn't exist. I can tell you right now ask them to do two or three options. Plans you have asked them before and they keep coming back with the same stuff. This project is too important and we deserve proper review.

So in summary, proper zoning review, a full traffic study, including all the retailers, and all the traffic, not just cars, trucks, delivery trucks, I am happy to help them. I am happy to give them the information and if you want it done it's easy to get. We are going to be driving around with trucks inside this place and is that what is going to be going on in this 50,000 sf Amazon Prime and Whole Foods market and that is not what it is going to be there but that is what it is going to be called. Ask them to make two or three new proposals. We need you to communicate openly and honestly with us. Do better than what the Town Board has been doing. We live in this Town so do you and we are going to live here for a long time. So I ask you please on behalf of hundreds of people that live in Brighton and they use our community, they love our community, give them the opportunity to have a beautiful plaza there that is the right size. Thank you.

MR. CHAIRMAN: Betsy

Liano and then Robert Frays.

MS. LIANO: I was also concerned regarding the delivery trucks and that was my question are they

going to be coming in the front entrance also or are they going to make an entrance from the back which they said they weren't going to do. The other thing is in relationship to what Tom said I was also concerned with the height of the poles that are proposed in the plaza and whether that ambient light is going to affect the neighborhood. I was also really concerned about traffic coming from Brighton into Pittsford because I have been stuck on that 590 overpass for four turns of the light and that currently is a problem not even with the holiday season but after viewing this now I am concerned about traffic going down Clover and getting onto the thruway and passing that way. So I think Tom Gillette had a valid point about having the buildings constructed so close to Clover that it eliminates the possibility of having a right hand turning lane into that plaza in the future because I think that is a through fare for an on ramp onto 590. So I think that is a concern for the Planning Board to look into. I was also concerned about what kind of trees they are going to plant, small ornamental trees or are they something that is going to provide shade to cool off all of that asphalt. Is there something that is going to require maintenance of those trees because of weather change the trees are highly stressed and they frequently get planted but then they die. So I would ask that they get replaced and that is something I would be concerned about follow up on.

Also the other thing I was concerned with was the transparency with what the Board has agreed regarding the development what they have given to the developers in return for what they are supposed to be getting. We are living in a society where corporations get a lot of benefits from the amenities and it is all put on the tax payers back as opposed to the people who are making gains off of it are not paying what they should be to use the infrastructure and they are not paying their fair share and are making money off of our community. And it is critical in light of what the last speaker just said and it is important for the Town to have our citizenry at their best interests not economic development in the area. I think that we are a very dynamic town and people would like to have this in Brighton but what we really need to do is the best for our community and our best interests as opposed to wanting to take advantage of our community. As far as transparency I would really like to see it published somewhere as to what the developer is getting and what is the Town getting in return or what is the Town giving

up regarding tax benefits.

The other thing I want to make a point of I drive over Edgewood, the over pass every day, multiple times a day and I can tell you that the traffic backed up on 590 very frequently and I spend a lot of time making up my strategy on how to get to various places because it is literally backed up past Winton Road all the way to the Can of Worms. So in my recollection of the prior proposals the Department of Transportation has said that they will okay this project but if the traffic ends up being backed up onto that highway which is not something the Town of Brighton has control over that is a State issue then it would cause a forced easement of Whole Foods Plaza being forced to in an egress on other areas whether it be Allen's Creek or Clover. So that is may concern and I know that will be on the agenda in the future even though we have a commitment that we are not going to have egress into those neighborhoods. We currently have backing up from the Can of Worms to Winton Road on a frequent basis and if there is a traffic accident or bad weather the additional traffic will augment people stopping off into this plaza and augment the problem further and it is going to force easements into those neighborhoods . And regardless of what promises are made there it doesn't mean it will come true in the future. Thank you.

MR. CHAIRMAN: Thank you we appreciate your coming in tonight. Robert Frame and then Charles Malcolm.

MR. FRAME: Peggy and I moved onto Whitestone Lane 54 years ago. We moved onto Whitestone Lane before the road was built by Dick Garette. We have seen the entire development of Whitestone Lane and we have seen the development of Mount Lane and there are just two house on Mount Lane ours is 6 Mount Lane and there is another one at 4 Mount Lane and in the 54 years that we have lived there Peggy and I have seen the creation of the largest parking lot in Monroe County. And it goes from French Road on Monroe Avenue to Allen's Creek Road. And it happens every day at about 4:30 to 6:30 check it out and I have experienced it for a long time and I honest to God think its not fair to put this in there. Now I have a question for Pasero you talk about 450 parking spots – I think they said 450 parking spots I

don't know if that is for Whole Foods or the entire plaza.

MR. CHAIRMAN: It was
for the entire plaza.

MR. FRAME: Do you have
any idea how many parking spaces Wegman's has?

MR. CHAIRMAN: I think I
do.

MR. FRAME: You do?

MR. CHAIRMAN: I
designed it twenty years ago.

MR. FRAME: What was the
figure twenty years ago?

MR. CHAIRMAN: I don't
know, 500 or so, more than this.

MR. FRAME: So there will
be a group in there buying, visiting how many of those 450 places are
people who are working for Whole Foods and all the other retailer
establishments in there. I would like to know how many employees are
going to work at any one shift - let's say particularly the day shift with all
of the retail that will be in that plaza. I have one other comment about
space and I think this is the area right here the delivery area for the Whole
Foods market and I realize the Whole Foods market is smaller than
Wegmans and then look at the area that Wegman's has completely
separate from any retail parking. Where they can come in there with 18
wheelers and they have plenty of room to back them around and go to the
gates they have to be at and being a person who goes to Wegmans
regularly I don't have a problem parking at Wegman's. The parking lot is
full but there is always space. Imagine if the trucks were piling in there in
the front retail parking spots what that would look like. It would be
interesting to know how many cars per shift - or what percentage of the
spaces does employees take up. I have one last suggestion and that is

frankly something I have not heard anything about and that is think about the corner of 590 and South Winton Road. South Winton Road going all the way out to Westfall and then going west on Westfall and I don't know how many wholes of golf you could put in there but I want to tell you it would be two or three complete golf courses. It is in our Town but no one ever talks about that. Terrific access, 590 going both directions, South Winton, North Winton going in both directions on Westfall Road it's all open space. That is something for us to look at. Thank you.

MR. CHAIRMAN: Thank you for coming out, Charles Malcolm and then Native Grant.

MR. MALCOLM: Good evening Mr. Chairman and Members of the Board. My name is Charles Malcolm and I represent Safe Monroe Avenue. Listening to Mr. Jacobson I thought he did a fantastic job recounting all of the court issues that are before the Board so I am going to adhere to the Chairman's desire not to repeat and only to say that I agree. So I will do that with one caveat Mr. Jacobson talked about the Town Board review and the fact that Whole Foods is being used for a delivery house and lockers, different than just a grocery store and that is correct. And we did raise that to the Town Board and it wasn't addressed by the Town Board it was ignored but that was preserved in the administrative records of the Town Board. We specifically raised that issue. So instead of repeating some of the information Mr. Jacobson pointed out I am going to focus on some of the main legal issues that I think are important to what he is talking about and what a lot of the concerns are generally about this project and that is the project's size and scale.

We are talking about going through reiterations of plans moving around bushes, moving driveways, talking about pedestrian access that level of detail is total appropriate on the site plan review but I would worry that we are losing sight of the elephant in the room and that is the size of this development. It is too big and when I was here in May there was a lot of discussion and some comments from the Board and I left with the impression that the board members were frustrated at the incentive zoning process and it was kind of like – and I don't want to put words in your mouths but my impression coming away from that meeting is a frustration on your part that well, the Town Board approved it so we are kind of stuck with this general

perimeters and can only do minor little tweaks. I am telling you from the code and reading the code in New York State that is absolutely not correct. You can think of the incentive zoning that the Town Board issued as a ceiling not a floor. You can approve up to that amount but you can go lower and my position is based on your SEQR obligations and obligations on building size and traffic and review of the town codes you should use your jurisdiction to reduce the size of this proposed development. I pointed out in a couple of letters to the Board in June and May that the incentive zoning statutes specifically carves out for the Planning Board their jurisdiction. It doesn't say the Planning Board can't review it based on normal procedures, it doesn't say the Planning Board doesn't have jurisdiction over building size. The Planning Board has the power to do a full review of the size and scale of this development. It is within the Board's jurisdiction and as an involved agency under SEQR this Board has to consider whether the impacts have been mitigated to the maximum extent practical. What does that mean? It means have we used our jurisdiction over for example building size and building locations to reduce the impacts to the best we possibly can. Now, what did the Town Board do because in the land use development world a lot of times when you have one board doing a review the other boards are tempted to rubber stamp the finding statement from another agency.

Let's talk about what the Board did, they acknowledged that there was a problem with building size and that would have an impact on traffic. The Town Supervisor calls a press conference out of the blue and shows up and says I am going to direct the developer to reduce the development by 6300 sf and they can do this any way they want to. They can take a building out or reduce any Combination to get rid of 6300 sf. There was no reference to any studies. No discussion about what is highest generated uses in the development and are we going to focus on that. No discussion about that. What has not been reduced and what is staying the same through out the entire plaza including the 50,000 sf Whole Foods and we talked about how the average Whole Foods at the Town Board level is about 35,000 sf and they want it bigger because they want to turn it into these delivery hubs with lockers and this and that with Amazon Prime. But any ways this number was picked out of thin air. How was this decided was there violations of the open meeting law or mitigation like there is now.

So then the Board

meeting comes up on March 28th and Board member Christopher Warner says "yeah, 6300 sf is arbitrary but we are doing it." There is your mitigating on the Town Board level. It's nice you guys recorded your Town meeting on U-tube because we can all watch that. He says it arbitrary that is the end. You have a Board member admitting there is no basis for that number, So what are you guys supposed to be doing in my humble opinion. You are looking at the development and using your jurisdiction plain as day under 217.12 of the code which you have jurisdiction over the size. You can use that to review the traffic impacts, review the highest generated traffic uses and certify that you have mitigated impacts to the maximum. I watched the Chick fillet video and it is a pretty good example of when you don't do it right. And you can't compare that necessarily with this but it is an example of when you don't properly mitigate things to the maximum extent practical under SEQR.

This can be smaller and that is what we are asking the Board to do. I would also ask and again I am not going to rehash my prior comments but we would like to have these documents available to the public before the meeting. I am just going to ask you Mr. Chairman, please direct the staff and get these things on the website, so we can review those materials. I really want to see these SEQR findings in advance of the meeting before you adopt them. I am very interested in how you are going to handle those issues. I know you are under a lot of political pressure from the Town Board but you guys are volunteers so the worse that can happen is they don't appoint you but you can go out for doing the right thing. Thank you very much.

MR. CHAIRMAN: Next we will have David Graham speak and then we will take a five minute break.

MR. GRAHAM: David Graham, 10 School House Lane We live right at the at the corner of Allens Creek Road and School House Lane. I am not a lawyer but I will try to be as brief as I can. I think I can safely speak for the residents on School House Lane and those on Shoreham on this proposal here. The main thing that I would like to address is two access points that currently exists that we as residents would like an iron clad agreement that they will never be used to alleviate the traffic that this project might create or will create.

The two access roads that I am going to talk about are this area here and over here by the animal hospital. The access road over here was an old RG&E dirt road that low and behold one night or one weekend it was paved. There was a gate at the end of it and it has a loose chain around it and easily the gate can be swung open and there is a sign off of Allen's Creek that says road closed. When Salvadors was in the Bowling Alley there, the delivery people use to go around that. They use to run right over the cones and go right around the gate. So those things that block that road kind of don't have any use.

So what we are concern about is this 50,000 sf Whole Foods store and I saw here on the plans that the old Mario's was 10, 850 feet. This store going in is five times the size of the Mario's restaurant and if you see the Mario's restaurant it is a good size building. You are talking five times the size of that building or a little bit bigger than the Clover Lanes building, that is a large building. What kind of traffic will this generate common sense says a lot. There has been talk of Amazon and it might be a distribution center and that is speculation down the road. Grocery stores by its nature come and go and people go in to get milk or bread or whatever. So the traffic is going to be increased and anyone that has been on Monroe Avenue at about 5 o'clock it is bumper to bumper. You are going to add another light and people are going to be backed up at the light. So what I would like to hear from the developer is an iron clad agreement air tight that they will never use these access roads to alleviate traffic that this will generate.

Now, one thing I would like to mention quickly I haven't heard the times that the store will be open. Is it going to be 24/7 . Is it going to be just to 11 o'clock because we live so close and with a 450 spot parking lot and way it is going to be lit could look like Frontier Field's night game. And for the residents around this area that is a lot of light that is going to be generated by the street lights, the parking lot and the store itself. So those are the things I would like to emphasize these access roads won't be used to alleviate traffic and they will be something that will never be used by the developer. Thank you very much.

MR. CHAIRMAN:

We will take a five minute break and be back at 25 to 10:00.

FIVE MINUTE BREAK

MR. CHAIRMAN:

We will now call the meeting back to order. Our next speaker will be Bob Walton and then Rory Kilsak.

MR. WALTON: Good

evening my name is Bob Walton. I live on Edgewood and I have been a manufacturer rep in the State of New York for over 40 years. The first time I ever heard about this program and we are talking about one grocery store and a bank and Starbucks. Now I find out that we are talking about fourteen stores that first attorney who spoke expressed his displeasure with the ability of the Board to make available the information we need to make a good decision. I was against it with three stores and now there are fourteen stores and I have heard there are as many as twenty four but I will take fourteen. The first time I was here or one of the times I was here I saw a display of traffic and I noticed the presentation and there was not one car shown making a left hand turn across traffic to get to the north side or on the north side to get to the south side. I was a little bit concerned about that so I called Gary Pasero whom I have know for 60 years and we had lunch and he told me two things. He said "Bob, the City of Rochester doesn't know the first thing about traffic jams" and I said, "I know". I have been to Buffalo and I have been to Syracuse, I have been to Cleveland and Detroit.

And he said the second thing, well I asked him, why was the report from lower street to the town line." He said, "Bob, you have been in business long enough you know you do a job as a developer requests. The developer never asked for a traffic study of Edgewood or Westfall or Brooklyn or the entrance off of 590 which is possibly a disaster. I called twenty four of my colleagues around the country. I will tell this story only about the one that

really gave me the information. He said "Amazon doesn't know a thing about Whole Foods or the grocery business. They want the location." Whole Foods was making 1.6 percent profit and they were going broke. Amazon made a killing. They had 165 locations through out the country." He then went on to tell me food has gone up a little which is quite reasonable but the food is not as good in this county. Wegman's often calls us and tells us they bought food from somebody that was contaminated and not to eat so and so and return it. That was great but then he said the problem with Whole Foods right now is more than one third of the store has been taken over to sell cardboard boxes and packaging material for EBay for Amazon and for UPS and Fedix.

Another service that they offer is if you are away from your home you put your address of the pick up station on your order and they will call you when it arrives and you will -- as long as you pick it up within 36 hours you pay two dollars. If it there more than 36 hours you pay five dollars. And in the mean time if you want it shipped to Albany, Detroit, Chicago, Los Angeles , they are getting the equipment necessary to figure the sales tax for every zip code in the country and that will be -- well every catalog company is facing this same problem. Amazon with their leader who happens to be the richest man in the whole country, he bragged on TV yesterday he just passed 150 billion dollars --

MR. CHAIRMAN:

Mr. Walton, do you have some comments that are specific that you would like to make about the project? Do you have specific comments you would like to make to the Board so we can examine them for you?

MR. WALTON: No I am running off at the mouth, I will cut it short. My story has been told and I will leave it at that. Thank you. It is said there will be a great number of trucks that will be going through the back door of the new Whole Foods store to pick up and deliver material. Thank you.

MR. CHAIRMAN:

Thank you for coming out. Rory is up next. Rory is welcome whenever. Okay we will have Larry Fenster.

MR. FENSTER: I am going to be real fast. I have five things. One I am really worried about deliveries here. If all the parking is facing the building how are the deliveries going to be made? Where is the delivery access? And where are those trucks going to go if it is going to be one way going this way and parking is here, where are the trucks going to go? It seems to me that there is one entrance into this plaza. How are you going to get all those cars in and out and all those tractors and trailers in and out on one entrance? Even the Wegmans on East Avenue has two entrances, plus they have the whole access for their trucks. This is three times the size of that project and we have one entrance and exit which brings me to what everyone else has been talking about access from the other roads. We have been promised all day long when the DOT says too bad, it is too bad, this project is too big.

MR. CHAIRMAN:
Your comment was comparing Wegmans on East Avenue right and the number of access points?

MR. FENSTER:
Right. There is a new YMCA going up on Clover Street lets not kid ourselves people are going to come from all over and they are also going to go on Monroe Avenue off that same exit and go down Clover Street. Have we considered that amount of additional amount of traffic, garbage trucks and all these buildings, there is a lot of buildings there, how many different garbage trucks and dumpsters is there going to be. I live there and what happens when a restaurant opens up at 2:99 a.m. this is still a residential neighborhood. That is all.

MS. ZOGHLIN :
Mindy Zoghlin. Good evening, Members of the Board, I am Mindy Zoghlin and I represent the Citizens Group of Brighton Grass Roots. I would like to address four issues. One is public participation, traffic, the Use Variance and land control. On May 11 my office submitted a Freedom of Information request to the Town for the application that is under consideration here tonight. That was over two months ago. Mr. Dollinger very gracefully provided me a sketch plan, a preliminary sketch plan back in May but the Town has been stringing us along for two months with respect to any substantive information about the plans that are under you tonight. First they said we would get the documents on

June 11, and then they said we could have them on June 20th. I still haven't seen any of them. I was told today they would be posted on the Website and it wasn't. It simply is not possible for the public to provide meaningful substantive comments on an application that they are not allowed to see and not allowed to have copies of so they can have them reviewed by our experts. So we can provide meaningful comment. Most of us have the technical capacity to review these plans individually and tentatively make comments to you. So I am asking this Board to provide us with copies of all of the application materials and give us three or four weeks at least so we can get the materials to our experts, get some meaningful comments and come back and deliver them to you. So we can speak about this intelligently.

One thing we are able to comment about is traffic and it is the hot button issue here tonight and for good reason. Everyone who has driven on Monroe Avenue knows that traffic is very challenging to say the least. DOT agrees we are in grid lock, the applicant agrees, their own traffic study as deficient as it was acknowledged that traffic flow is bad and it will get worse because of this proposed development. But even with all of these deficiencies the traffic study did not take into account Amazon Prime Whole Foods and everything that goes with it. Our traffic expert has advised you that the traffic impacts are more closely linked to the business operations than the square footage of the business space. Mr. Mario Daniele actually told this Board the same thing when he addressed you last month. The traffic impacts are related to what you do with the property not how big the property is and that makes sense.

You don't have to be a traffic expert to know that a 100,000 sf shop that sells stuff that nobody wants probably generates less traffic than a drive-thru Starbucks would. You don't need to be a traffic expert to know that a 50,000 sf Whole Foods store generates less traffic than a 50,000 sf grocery store that also has an Amazon pick up facility, an Amazon locker as they call it now. Amazon knows this though right? They are doing this. They are co-locating their Whole Foods and the Amazon locker rooms and pick up facilities in order to increase traffic to their Whole Foods stores and its working. Just this week the Borders (phonetic) Agency reported that short micro visits to Whole Food stores were up 11 percent in stores that had

Amazon lockers and that is since Amazon purchased Whole Foods and that is less than a year ago. So co-locating the Amazon locker at Whole Food stores is a brilliant business move but it is potentially disastrous for traffic impacts to Monroe Avenue and nobody has looked at those traffic impacts. But you can ask the obvious question will there be an Amazon locker at this plaza and if not will this applicant accept a condition prohibiting it.

What about the dozen or so commercial retail shops in the plaza aren't they going to generate some traffic too. This Board needs it's own independent SEQR findings for this application. You have the power and the right, and the responsibility to ask this developer to do another traffic study and determine how the proposed businesses are going to operate not just big the stores are going to be but what is the traffic flow really going to be like here. So on behalf of Brighton residents we are asking you to direct the applicant to do a supplemental traffic study that addresses the business operations and not just the size of the buildings.

The Use Variance issue, we talked a little bit about this last month when I came before the Board and it is a real important issue. The Board's incentive zoning resolution did not grant a change of use of this property and I am talking about the three acre residential parcel and if the Board hasn't done so already please read the incentive zoning resolution and then go back and reread schedule F to the resolution because that is the part that contains the incentives that the Town granted to this developer in order to encourage them to build this plaza to induce them to build this plaza. Look at the incentives it is mostly about setbacks and density stuff. The only Use Incentive that is in the entire Incentive Zoning Resolution is waiving the requirement for Conditional Use Permit for the grocery store and Starbucks. There is nothing about any change in use for the residential parcel. There is nothing in there that says you can use any part of the residential parcel for commercial use. This application proposes to put a commercial parking lot and a storm water management facility in a residential zone. It is simply not permitted by Town code.

But more importantly even if the Town wanted to, the Town Board wanted to, it does not have

the power under it's own incentive zoning law to grant a change in use for a residential property for this project. And I explain that to you in a letter I sent to you on July 2, and we won't go through all of the legal analysis of that tonight. Let me just summarize it by saying that this Incentive Zoning Law treats residential property very different from other types of property in this town. The only amenity that is permitted in a single family residential district is the preservation of the existing single family detached dwelling. They are not offering to preserve any single family detached dwellings in the site plan.

The Incentive Zoning Law also says that the only incentives that are permitted in a single family residential district are increases in livable floor area of the existing structure. Now again the Town Board didn't grant incentive relief for the site plan. Now, this developer is asking you to approve the construction of commercial structures in a residential district. They are proposing to put a commercial parking lot and storm water facilities in a single family residential district and that is simply not permitted by your code and it would be illegal to provide that. So for the Use Variance issue we ask you to direct the applicant to do one of two things, either revise the site plan so it has no commercial structures in a residential district or send them to the ZBA like everybody else has to do when they want to use a property for what is not permitted.

The last thing I wanted to talk to about tonight was land control. There are a lot of folks here who believe their own laws should apply equally to everybody in the Town. I would like to take 60 seconds or so to talk about some land issues related to this very property that has happened in the past and are right on point and very relevant to the land control issue you have to deal with today. So it is undisputed that this developer built an illegal parking lot in a residential zone without any zoning permits or approvals and used it for years and the Town of Brighton did nothing until a local neighborhood group threatened to sue. And it also interesting that this developer paved over a public pedestrian path that is partly in a residential zone and illegally used it for commercial purposes in violation of the Town's Zoning Code and the Town of Brighton again did absolutely nothing about it until the local neighborhood group threatened to sue. It is also

undisputed that this developer illegally blocked and gated the public pedestrian trail and the Town of Brighton did absolutely nothing about it until the same local neighborhood group threatened to sue. At the April Town Board meeting the public reminded the Town Board that the developer had been out of compliance with one of the conditions of Site Plan Approval and that is going back to 1997 because it never bothered to record the pedestrian public access. The Supervisor stated that it would merely be taken care of and nothing happened. This developer continues to be in clear violation of subdivision approval granted by this Board nineteen years ago. We don't understand why the Town turns a blind eye when this developer treats public property like it is his own private property.

So what I am asking you to do tonight is to treat this developer the way you treat everybody else. Because if any other developer came to you especially with a project this big and if the developer clearly didn't have land control and had no way to get land control you would not consider that application complete. You would send them back to get land control before you accepted the application and proceeded, right. But in this case the developer does not have land control because there is a public easement that is cutting off a third of the project. And the developer must secure the rights to that public easement in order to proceed.

Now, at last months Planning Board meeting the developer told us it is no big deal it is not a problem its not exclusive so they can do anything they want. Well that is just wrong. It's black leather law. It's crystal clear and when Mr. Dollinger comes back you can ask him. That the underlying feeling cannot interfere with a non exclusive easement. What does it mean to interfere with a non exclusive easement? It means you can't do something that makes the enjoyment of the easement less convenient and useful. I just saw this tonight so it's a little hard to tell but it looks like the developer is proposing to keep the public recreational easement in the same place and surround it with parking lots. And I would submit that intentionally directing pedestrians through a crowded busy parking lot certainly makes the pedestrian easement less convenient and less useful. Right? Does anybody here think it is a good idea to take a walk or a bicycle through a 450 car parking lot? Really? Would members of this

Board want to do that? Think about it. Are you going to jump through hoops so that an oversized commercial plaza can encroach into a residential neighborhood and direct families with children through this mess on purpose? Why? Is it really a good idea? Is it the best we can do here? Is it?

A couple of things have to happen before this developer can say he's got land control over the public's easement. First the Town has to apply for and receive approval from the State legislature. After that the Town Board has to pass a resolution to convey the public easement and then the people of this Town have a right to make it a permissive referendum. Put it to a vote like in a real democracy where not the developer, not the Town, not the Planning Board the public gets to decide whether the pedestrian easement should be conveyed or abolished like in a real democracy. Please require this developer to get that control before you go any further. And if he can't get it over the public easement then he has to redesign the plaza like anybody else would. Don't let this developer treat public property like their own private property. They have done that in the past and they are going to do it again and they are trying to do it now.

So if you don't stand up to this issue you will have treated the community unfairly. You will have rewarded the developer for taking something that the public has a right to. You will have violated the public's democratic way to say how their public property is disposed of. Thank you.

MR. LOWE: Martin Lowe (phonetic) and I live on Michael Lane. More germane to what I have to say I am a scientist and I work on problems like treatments for brain tumors or treatments for spinal cord injuries and I analyze data and look at really difficult problems and try to come up with an understanding of the meaning of the data. I came here tonight to learn and I have found some very interesting things. One I find that I do not have a clear perspective of which side you are all on. Its wonderful you are all here as volunteers and doing a great community service and I don't know what that service is because what I haven't heard is people standing up and saying wow this is just what I need to raise our property value and to make our community more fun to live in, to make this a happier place to be.

Goodness gracious we are right here in Brighton we are not in the back woods of Texas where developments like this get rammed down people's throats without all due consideration.

But I am also here- is that there is a bit of a caudal, one of the things that I am really good at is detecting discrepancies. The heart of science is to say Gosh that doesn't make sense, and that is when you know you are on to a good start. And I am hearing things that doesn't make sense, I am hearing bad analysis of traffic plans. I am hearing bad analysis of what use is being made. I am hearing poor analysis of what the actual intent is. I am hearing discrepancies on such small things such as well, there is 190 trees then there was 250 trees except when we looked at the map there was six trees. I would like an analysis of what developers do so often which is whatever the hell they want and then go on to the next project with no penalties what so ever because if you just try to make it right you just get tied up in law suits. So what I am hearing is strictly from a scientific point of view, which worries me as a member of this community, part of what I am hearing is wonderful, lightness and intelligence of the Brighton residents. Everyone who was here tonight was so thoughtful and clear in what they had to say. I am hearing a request. I am hearing a plea and you all have to remember you are our neighbors too. The people in this room are your neighbors, your friends, these are the people that when you walk down the street they are going to smile at you or spit at you it all depends. And I have to tell you what I am hearing is that there are troubles here on a hitch hiking chicken being picked up by a militia of foxes and I am a little concerned.

MR. CHAIRMAN:

That is all of the people who have signed up to speak now, we will allow people to speak who haven't signed up to speak. Is there anyone who would like to speak hat did not sign up.?

MR.BERGDORF:

Good evening Robert Bergdorf, Law Firm of Nixon and Peabody on behalf of Allen's Creek Neighborhood Association and also here tonight as a member of the public. I live on School House Lane and that is how I got involved with this to begin with. At the Planning Boards June meeting I explained the associations primary concern was preventing vehicular

access on Allen's Creek and I was hoping I could report tonight that it was done but it has not been done and until it does the neighborhood remains unprotected in this respect. We have been trying for months to get it done and we have circulated the documents again and until it is signed it remains and I understand this is not your issue but a Town Board's issue. But I just wanted to update since last month and I wanted to let you know we are still here. And whatever you are doing here don't forget us. That is truly all I wanted to say. One thing on the traditional site plan and this issue is easy out of all the issues tonight ordinarily we take for granted the traditional site plan issues. And what I mean by those is fencing, berming, buffering, lighting those are the usual site plan issues but frankly nothing about this project has been easy and we don't know whether those things will be done well.

But it has been an odd project and all we are asking on those issues is that we have a reasonable opportunity to look at them and comment on them and you may reject it but we shouldn't have to fight for that. We shouldn't have to fight to look at it and I am not going to belabor that because it is on the Town Board level. So hear what we are asking and I want to say the staff has done a great job and I have great respect for all of you and I often say Brighton and Pittsford are two of the best incentive zoning areas in Western New York. We ask that when staff has reviewed those traditional things, lighting, buffering, berming and so forth that when they are done we may have no issues, we may have no comments but we would like to have a 30 day period between when they are done and the time we can go back and say it is great or we have some comments and get it back to you but it has to be between staff finishing and preliminary not final because the case law is very clear and I don't want to belabor this but it has got to be before final in terms of ability to shape it. So that is all I have, number one to remember we are here and number two give us a reasonable opportunity to look at it before final site plan. Thank you.

MR. CHAIRMAN: Is there anyone else?

MS. NEWCOMB: I am Audrey Newcomb and I live in Brighton but not in this neighborhood so it doesn't affect me personally but it does affect the way I feel about my

Town. I think a lot of people in this Grass Roots movement are making a lot of good points and I agree with a lot things they are saying. But I think a lot of people are realizing that Jeff Basos (phonetic) is kind of a dangerous man although so is John Mackie who is President of Whole Foods and he has a very bad employment record and a record of lying about his organic food and so forth and so on. I guess I won't go on about that but that is going to double now that we have Amazon. I would like to make a few more comments about that.

Although Jeff Basos already has half the internet market his ambitions go way beyond selling books and toys which alone have driven many companies out of business. His billings and vast shipping and delivery operation which handles his own packages and that of other companies and he has cornered the market for buying supplies for local and State government because of its low prices. These are just a few examples and it means other companies are having trouble competing because it is not a fair competitive market but one dominated by a company that has so much money that it doesn't mind using some of it to drive others out of business. Certainly that is the main reason why stores are dropping out of the malls and that means jobs are going away too and even on line business can not make money unless they join Amazon as a third party seller format and that barely keeps their businesses going. In reading a recent article Amazon is a radically new company that aims to do far more than dominate the market. It aims to become the market and unfortunately U.S. Anti Trust Laws have been weakened since they were put into affect in the 1930's -

MR. CHAIRMAN:

Margery we have heard these issues before -

MS. NEWCOMB: I

just want to say I think you should scrap the whole thing.

MR. CHAIRMAN:

Thank you for coming out we appreciate it. Is there anyone else who cares to speak?

MS. BROWN: Paula

Brown, 44 Way, two things I wanted to ask about the woman who spoke about violations and the Daniele's and I would like to know about code 129 which is maintenance of property which clearly states that property

whether occupied or not must be maintained in a state that does not derogate the neighborhood. And so whatever happens that property needs to be repaired it is an eye sore and whatever happens that should be done immediately and they should be made to comply with that.

The other thing I want to know as we are going through what is being permitted and we talked about the other 16 stores and as you are looking at it I would like some clear indication of what stores are going to be in there and what is permitted because I remember earlier when we talked about Chick-fillets and that was a joke but one of the initial proposals was there was going to be a Chick fillet restaurant on that property. So I think we need to put some specifications if it's approved on what types of stores and business can be allowed in there.

MR. CHAIRMAN: Thank you for coming out, is there anyone else who wishes to speak?

MS. OCKALINGAM: My first name is Mira, last name is Ockalingam. I live on Indian Spring Lane which is very close to this project that is being presented here. Allens Creek Lane is one way either way. So I don't know how trucks are going to enter through that entrance that seems like it will be very congested to Allens Creek Lane and Harley School Road is very busy in the mornings and that will also be a hindrance to this. And Brighton itself is such a small community and 7:00 o'clock traffic in the morning is so bad between 12 Corners and Westfall Road I feel like this is going to be a huge problem for such a small community. That's what I think.

MR. CHAIRMAN: Thank you very much. Come up please.

MS. BLASDELL: Barbara Blasdale. 30 years as a Middle School Counselor. Words are important and people's feelings are very important particularly what is going on in Washington these days. So I would only encourage all of you to make more eye contact to all the Brighton people who have been sitting here all night long talking to you as one of your fellow Brightonians. And let's not

call people rambling when they have clearly done their homework. Now if I sound pissy I am sorry but I feel it is really important that you honor this community for the efforts that they are making. Thank you.

MR.DANIELE:

Good evening my name is Danny Daniele and I will be brief. Along the way questions have been asked tonight and everyone would be surprised that in the FEIS which can be found on our Website, you would be surprised to see how much information is on line already. One of the items and I will pass this along, it just kind of gives you a break down of how much bigger the project is compared to the other projects along the corridor. There is a package written from the business who are in favor of the project and come to all the meetings. And for about two years there has been a group that has been representing the " businesses" along Monroe Avenue in the Town of Brighton. To this day I have been unable to find out who those business are. I have a map here with a petition from about 60 businesses that are along Monroe Avenue who are in favor of this project and particularly the traffic light which would make this a safer corridor. I'll pass this along as well. Again this information is already in the FEIS and I just want to bring it back. I find it slightly ironic that sometimes people come up here and point the finger at the Board for not being respectful when I believe many of the individuals who are in opposition to this project were specifically told not to clap and make noises and I have seen you do that all night long. And it seems if you want respect you have to give a little respect also. But it is ironic that people get to pick and choose the laws they want to follow, we are trying to follow the laws of the Town.

(rumbling in the audience)

MR. CHAIRMAN:

This is not the direction I wanted the conversation to go.

MR. DANIELE: I

will go back to what we are doing here and pass this around. And there are a lot of businesses and people that are in favor of this project and I feel it is my duty to make sure you have that information in front of you. Thank you.

(rumbling in the audience)

MR. CHAIRMAN:

Is there something you want to add? I don't want this conversation to degrade.

MS. KIEFER: Pat

Keefer. Pittsford Drive. If they put the light on 590 right next to Bowens extension, if you go there and the Daniele's should go there, they don't live in Brighton but they should go there and sit and watch the backlog of traffic in the morning and at night. Everybody is stopped on Monroe, Allens Creek, and Westfall and nobody can move because that light going on 590 and 390 stops all four corners and now they are going to put another light just down a quarter of a mile. What is going to happen how far can you back everybody up. And from what I have seen everybody is just going to have to make a right turn on Monroe Avenue. Right at the light? If you are coming down the south side you have to make a right hand turn. You can't cross over now like you used to in the middle lane and go left. If you are in Whole Foods you've got to make a right. You can't cross to the center lane any more to make a left and go back to Pittsford Plaza.

MR. CHAIRMAN: I

I will have to help review the plans because you are not understanding it properly, you can very easily turn left to go back to Pittsford.

MS. KIEFER: You

can from Whole Foods? You are going to be able to come out of Whole Foods that one entrance and make a left?

MR. CHAIRMAN:

Yes, because there is a traffic signal there.

MS. KIEFER: I

though they were saying you could only go right. So there is going to be a road behind Secora Homes and City Mattress?

MR. CHAIRMAN:

Yes.

MS. KIEFER: So

these tractor trailers are going to go behind Secora Homes.

MR. CHAIRMAN: I don't know that they are going to go behind Secora Homes because there is no reason to be back there.

MS. KIEFER: How are they going to get into Whole Foods?

MR. CHAIRMAN: They don't go there they turn left into Whole Foods off of Monroe.

MR. BOEHNER: There is an access management road on the north side of Monroe.

MS. KIEFER: You are going to back up traffic for sure. One more thing -

MR. CHAIRMAN: Will you sit down please? Anyone else? Very good we are going to move on with the agenda. There are a couple of other items related to this. The first one is 7P-02-18.

7P-02-18 Application of Daniele Family Companies (Daniele, SPC) owner, for Demolition Review and Approval to raze a restaurant building on property located at 2800 Monroe Avenue. All as described on application and plans on file.

MR. SUDOL: Thank you Mr. Chairman. Good evening again Jessie Sudol from Pasero Associates. To make this brief I will be happy to answer any questions on the application of the demolition of Mamasans. It is essentially the exact same conditions that were previously presented with Mario's and Clover Lanes, with the exception that Mamasans is completely free of any asbestos as shown in the documents submitted as part of the application. We aren't proposing to move any pavement, Mamasan's will simply be demolished then that area will be restored and stabilized. We will not be removing any pavement because it will ultimately be recycled with Whole

Foods and it wouldn't make a whole lot of sense to put a whole bunch of trucks on the road by removing the pavement when we have site work to do. The application was reviewed by the Historic Preservation Commission and Conservation Board who recommended approval based on the plan as submitted.

MR. BOEHNER: Have you submitted the asbestos review with the application?

MR. SUDOL: Yes and it was cleared of asbestos.

MR. CHAIRMAN: You are just providing restoration of the pad itself?

MR. SUDOL: Yes. We will be putting in top soil and reseed it.

MR. CHAIRMAN: This is a public hearing and I don't have anybody signed up to speak but you are welcome to ask questions about the Mamasan's demolition. Okay we will move on and we will be combining the next two applications which are 6P-NB2-18 and 7P-03-18 First Baptist Church.

6P-NB2-18 Application of First Baptist Church, owner, for Preliminary Subdivision Approval to create two lots from one on property located at 175 Allen Creek Road. All as described on application and plans on file.

7P-03-19 Application of First Baptist Church, owner for Final Subdivision Approval to create two lots from one on property located at 175 Allen's Creek Road. All as describe on application and plans on file.

MR. SUDOL: Good evening, again Jessie Sudol from Pasero Associates. We are simply asking to create two different lots from one property containing 12 acres, and one lot will contain approximately 2 acres and the other will contain 10 acres. The 2 acres is shown in the highlighted portion and is just excess

land that is not used or needed for the church. Obviously the site data has been submitted and there are not any setback issues or zoning laws and we are simply creating 2 acres that hopefully will be sold off.

MR. CHAIRMAN: Can you just explain for any one interested in the subdivision this is not Monroe Avenue at the bottom.

MR. SUDOL: I am sorry. In this case north is to the left and Clover Street is running up here at the top of the page. This is Allen's Creek Road here. This is the trail area here coming across and this is the First Baptist Church and this is the area being subdivided off and there is approximately 240 feet of frontage on Clover Street.

MR. CHAIRMAN: Whole Foods is approximately to the right hand side.

MR. SUDOL: That is right.

MR. CHAIRMAN: There is two office buildings where your hand is in the back of Allen's Creek?

MR. SUDOL: Yes.

MR. BOEHNER: Jess to the best of your knowledge both lots meet the Zoning Requirements.

MR. SUDOL: Yes.

MR. CHAIRMAN: Are there any questions.

MS. MIDDLEBROOK: My name is Betty Middlebrook. Is this project going to be added to Whole Foods?

MR. CHAIRMAN: It is

going to be subdivided into the Whole Foods project.

MS. MIDDLEBROOK: I didn't intend to speak here tonight but now there is this new surprise that will create more traffic on Clover Street.

MR. CHAIRMAN: The proposal is for no access onto Clover Street.

MS. MIDDLEBROOK: Is that guaranteed?

MR. CHAIRMAN: Well the Town Board resolution requires it for the incentive zoning either to Allen's Creek or Clover Street.

MS. MIDDLEBROOK: Is this going to have access to the Whole Foods store?

MR. CHAIRMAN: No, not from anything that you see on this map. So the upper left of the map is the church and the school attached to the church and there is a residential home in this open space and that will be put into a Conservation Easement. So Allen's Creek and Clover are being allowed to be used to Whole Foods Plaza. It will all be off of Monroe Avenue.

MS. MIDDLEBROOK:
Okay.

MR. CHAIRMAN: Thank you for coming out. Anyone else? Okay that was the 4th and 5th applications for the Whole Foods project and the last one is 7P-04-18

7P-04-18 Application of Daniele Family Companies, owner/agent for Preliminary/Final Subdivision/Resubdivision Approval to combine and reconfigure several lots into two on properties located at 2740 and 2800 Monroe Avenue, 2259 Clover Street and 175 Allen's Creek Road. All as described on application and plans on file.

MR. SUDOL: Good evening Jess Sudol from Pasero Associates. This is simply an application for subdivision which would first combine all of the lots which are included in the 10.1 acres which is the Whole Foods project on the north side of Monroe Avenue into two lots and lot one would include just the Whole Food's building and associated parking and then lot two, would be the remaining buildings and the development is being subdivided for financial reasons as was pointed out in one of the previous applications. It will be a reciprocal easement agreement in place that allows traffic flow to interact in between these two parcels. What the 10.1 acre parcel includes the current parcel in it's entirety, the entire parcel of Mario's, the entire parcel of Clover Lanes, the entire parcel of Mamasan's, and the approximate 2 acres which would be acquired from the First Baptist Church which was demonstrated in the last application. And there is a small parcel of land approximately .1 acres of RG&E property who has agreed to sell. The applications will allow for a more smoother installation of the proposed trail along the north side of the property. So again the subdivision has been contemplated all along but through the FEIS you will see the incentive that are listed it will leave lot 1 and lot 2 we are allowing with individual incentives we are allowing the lot lines to remain in the same place as it has always been.

MR. CHAIRMAN: Jess, just for folks that don't know how to read these maps, from the prior application can you describe those?

MR. SUDOL: Yes, this would be the location of the former Mario's, Clover Lanes and this wedge over here which is Mamasan's and this little triangle is RGE over here.

MR. BOEHNER: Jess, you have authorization from the property owners?

MR. SUDOL: Yes.

MR. CHAIRMAN: Other questions, thank you Jess. This is still a public hearing. Is there anybody who wishes to ask any questions or make any comments regarding this subdivision necessary for the Whole Foods project.

MR. VANHORTON:

Judy VanHorton, 205 Shorehan Drive. My question would be according to the residents I was under the impression that the language for the signing of the covenant to close those permanently was approved or not approved but it is not signed yet. And when you talked to this one person here it made it sound as if it is not going to happen but there is nothing signed yet, right.

MR. BOEHNER: As a Town Board member I am responding to what the plans show and what there intent is, there is not an access out to Clover or Allen's Creek and the plans show no access out of Clover or Allen's Creek.

MS. VANHOUTON: But it is not signed yet.

MR. BOENER: That is not a jurisdiction of this Board unfortunately.

MS. VANHOUTON: I think you should be aware that is not a done deal unless it is signed.

MR. CHAIRMAN: We are aware of that.

AUDIENCE: Isn't there a walking trail there?

MR. CHAIRMAN: There will be. The walking trail is being proposed to be rerouted. If you put your finger on the drawings where the dotted lines are in that area the trail is not asphalt in the back parking lot today and we are proposing to route it around the back side and then catch back up to where it is today. Currently there is no formal crossing at Clover. You come out in the back near the animal hospital there and you have to get across Clover to the other side. Thank you.

MR. DANIELE: Danny Danielle. I just want to verify for the resolution that we our family and I

intend to sign the covenant. I guarantee that we will be signing the covenant and it will restrict access to Allen's Creek and Clover Street. I guarantee we are going to sign the covenant prior to this development on the lives of my two children. I don't know what else I can do to convince these people but we will be signing the covenant.

MR. CHAIRMAN: Does anyone else care to address this application? That is it for the Whole Foods applications. We are going to take five minutes and then move onto the other applications that we have.

(FIVE MINUTE BREAK)

7P-01-18 Application of the Country Club of Rochester, owner for Preliminary/Final Site Plan Approval to construct a 2,400 +/- maintenance building on property known as Tax # 136.16-1-7 located at Old Mill Road (2935 East Avenue) All as described on application and plans on file.

MR. SPENCER: Andrew Spenser from B & E Associates representing our client the County Club of Rochester. We are seeking Preliminary and Final Site Plan Approval for the installation of a 40 by 60 storage building on property if you look at the back ground it is located in this area of the golf course, this is Elmwood Avenue here –

MR. CHAIRMAN: Which way is north?

MR. SPENCER: North is straight up here and the golf course involves holes 8, 9 and 10. There is an existing storage facility in this area and the Club is hoping to provide 2400 sf of storage facility for patio equipment and outdoor equipment on the site. We did appear before the ARB for the June meeting and did receive approval from the ARB and we subsequently received the variances on July 5th.

MR. CHAIRMAN: What were the variances for.

MR. SPENCER: We got variances for two items, one is accessory structure to be placed in a yard other than rear and an accessory structure in excess of the allowable 250 sf. This is a very interesting parcel because there is not a primary use on this particular lot. Therefore we had to receive a variance to allow this accessory structure. They also did approve that variance in 1989 for the existing structure that is there. The area that is going to be disturbed is quite small with about 5,000 sf so we fall underneath the regulations for drainage and storm water discharge. Any drainage coming from the site and the building itself will exit coming off golf hole number 10, That is all I have to say at this point and I offer to take any questions at this time.

MR. CHAIRMAN: How are you getting everything in there to build it?

MR. SPENCER: There is an existing set of pathway networks that can facilitate trucks and vehicles. This will be a metal sided structure with wood framing. So it will be smaller vehicles coming but there will have to be a concrete truck getting back there.

MR. CHAIRMAN: I take it there will be no lighting shining onto the neighbors from this structure?

MR. SPENCER: No there is no utilities hooked up to the building, no electricity, no water, no lighting will be provided on the site.

MR. OSOWSKI: Any sky lights on the building?

MR. SPENCER: No.

MR. OSOWSKI: You will keep the doors open during the day ?

MR. SPENCER: The doors will be open when it needs to be accessed and closed when it is not. It is

totally a storage unit.

MR. CHAIRMAN: Is there going to be any vegetation added?

MR. SPENCER: The structure is surrounded now by vegetation. There is quite a buffer on the western portion of the site on the existing storage site and there is existing vegetation on the golf course itself.

MR. CHAIRMAN: Are any trees being removed?

MR. SPENCER: No, no trees are being removed.

MR. CHAIRMAN: Thank you. This is a public hearing. Does anyone care to address this application? We will move on.

7P-05-18 Application of Alice Kanack, owner, for Site Plan Modification to construct a 45 space parking lot on property located at 2077 South Clinton Avenue. All as described on application and plans on file.

MR. CHAIRMAN: The application as we knew it before included an addition and that would have gone over the rear access drive but now you are putting in the parking minus the addition.

MS. KANACK: Yes, we are modifying because we have funding for this space. So we can get started.

MR. CHAIRMAN: I take it from a technical standpoint what you are proposing to pave is what you were proposing to pave before. All of the landscape and storm water management, and clearing you are just doing that without the addition at this time?

MS. KANACK: That is correct.

MR. BOEHNER: You understand you will have to come back to the Planning Board for Site Plan Approval.

MS. KANACK: Yes.

MR. BOEHNER: Will you explain a little bit about the wetlands.

MS. KANACK: They sent a letter about that.

MR. BOEHNER: I just want it for the record.

MS. KANACK: Well basically what he said was the wetlands are notified by our office and the Town and they performed delineation which was completed on October 15th and the boundary was accepted by the Town and no letters were required and that was valid for three years so we are within the time period.

MR. CHAIRMAN: What is your schedule at this point?

MS. KANACK: We are actively seeking funds to do the rest of it and we did receive a very large donation to get started and we hope to do the whole second phase after that.

MR. CHAIRMAN: So you will complete this work by the fall?

MS. KANACK: Exactly.

MR. BOEHNER: Is there any new lighting?

MS. KANACK: There was lighting in the original I believe. I don't know if that is indicated on here. There is

lighting on the building.

lighting is being added?

MR. BOEHNER: So no new

MS. KANACK: Not at this time.

MR. BOEHNER: And all the trees
are going to be removed?

MS. KANACK: Yes.

MR. CHAIRMAN: Any questions?
This is a public hearing. Does anyone wish to address this application?
Okay we will move on.

6P-05-18 Application of Rufus Judson, owner, and Landtech Surveying and Planning, agent for Final Site Plan Approval and Demolition Review and Approval, to raze a single family house and construct a 6,698 +/- sf single family house with a 1,56 +/- sf attached garage on property located at 3525 Elmwood Avenue. All as described on application and plans on file. ADJOURNED AT APPLICANT'S REQUEST.

7P-06-18 Application of Faith Bible Church, owner, for Final Site Plan Approval to construct a 7,670 +/- sf church building addition on property located at 1095 East Henrietta Road. All as described on application and plans on file.

NEW BUSINESS

2P-NB1-18 Application of Faith Bible Church, owner, for Preliminary Site Plan Approval to construct a 7,670 +/-sf church building, addition on property located at 1095 East Henrietta Road. All as described on application and plans on file. Tabled at the February 21, 2018 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. BOEHNER: I want to let you

know before the application starts that 7P-06-18 was advertised as 1095 East Avenue instead of East Henrietta Road and that has been corrected on the agenda and the Preliminary application was properly advertised at 1095 East Henrietta Road. And I just want to put that on the record.

MR. SERGI: Good evening my name is Colpaca Sergi (phonetic) with me today is Matt Tomlinson from Marathon Engineering. This is on for Preliminary and Final Site Plan Approval for an addition of 7,670 sf building to the Faith Bible Church. Not much has changed since you last saw this project. But I will give you a quick overview. The project is located at 1095 East Henrietta Road across from MCC. It is 300 ft north of Metro Park and centered about 700 feet off of East Henrietta Road. The addition will be a multi purpose addition for the church events and will provide expanded space for children's programs. This addition will not be rented out and will not be used for increased capacity for services. A variance for side setback was required and it was granted back in March of this year 17.5 foot setback instead of 50 foot as required and that variance for a sprinkler was need and granted in June of this year. And a condition of that variance was to incorporate a private fire hydrant and hot box to the site which has been done. We have received and addressed comments from the town engineer and the Department of Public Works as well obtaining approvals from the Zoning Board and Architectural Review Board .

MR. CHAIRMAN: Where is that hot box going?

MR. SERGI: That hot box would be down towards East Henrietta Road approximately 30 feet off the road.

MR. CHAIRMAN: Abig beautiful thing right?

MR. SERGI: It should be pretty small.

MR. BOEHNER: I don't know about that.

MR. SERGI: In summary we believe we have addressed all the Town's comments and we would be happy to answer any questions?

MR. BOEHNER: Have you changed the Site Plan since you were last here?

MR. SERGI: No.

MR. CHAIRMAN: So everything remains the same, have you been to ARB?

MR. SERGI: Yes.

MR. CHAIRMAN: And you got their approval?

MR. SERGI: Yes.

MR. CHAIRMAN: So you are good with ARB and ZBA?

MR. SERGI: Yes.

MR. CHAIRMAN: Any more questions? Thank you very much. This is a public hearing. Does anyone from the audience care to address this project? Okay we will move on.

7P-07-18 Application of The Hurlbut, owner, and Commercial Power Systems agent/contractor, for Site Plan Modification to install two standby emergency generators on property located at 1177 East Henrietta Road. All as described on application and plans on file.

MR. CHAIRMAN: Ramsey these are not technically in the rear yard?

MR. BOEHNER: They are

in the front yard and they didn't meet the requirements so it makes them come to this Board for review and approval. That is why they are here. They are in the front yard of Metro Park.

MR. WILLIAMS: Right, let me start from the beginning, my name is Gary Williams and I am the Project Manager for the Commercial Power Systems and we are charged with installing these emergency generators for them. Rick LeBori, (phonetic) was supposed to be here but I relieved him to go home since he has an hour's drive home and he has to get back here by 6:30 so hopefully I can answer your questions. And we wouldn't be here tonight except for two issues, one was the rear yard and it is not in the rear yard. Technically it is in the side yard, the side yard is exactly where the natural gas and electric service is. The closest point in the rear yard is at least 100 yards or more away which makes getting natural gas technically impossible. We did the research ahead of time and they confirmed with this location they can provide us the natural gas we need to power these. And in all honesty we have been working since 1969 and we have just run a few lines and a plug and they now have 160 residents over there and they can't do without power.

MR. BOEHNER: Why are there two generators?

MR. WILLIAMS: It's a parallel system and they actually have the need their demand is as much as 205 KW. You could put in one big generator but it would be taller and less attractive and with a parallel system and the controls that we are going to put inside and the controls will sense the need and will only bring the generator up to the need and it also works for redundancy if you need to take one generator off line and maintain it you will still have back up power. So whenever you feel you need in this case 250 KW if you can do it with two 1.5 you will get a better product. It is going to wear better and easier to maintain and more dependable. What you are going to see is 110 at level one which basically said any generator for a nursing facility has got to be on line in 10 seconds. That means the generator has to have the energy to be ready to start, be ready and switch the power within 10 seconds. So we are seeing more and more nursing homes that are smaller. But in any case that was the first one and the second one was exceeding

the required decimal and you have a code that says 72 and these two generators when you are exercising them are under that let's say 71.9 and when they are loaded even though we put the best sound inhibitors for industrial generators it is going to be 73. So it exceeds your code by one which is the second reason I am here.

The third reason came up later on is what are we going to do to screen that. And we are going to continue the fencing that it already has in front down and that will also act as a screen for the sound level. And 30 days ago when I submitted this application I did have a question on the screening so I did today take a picture of the existing screening. So basically Hurlbut has already agreed to extend that privacy fencing all the way down and go across the generator. So a six foot privacy fence completely covers it up.

MR. BOEHNER: The problem is a 6 foot high fence is not generally allowed in the front setback. Do you care to have a fence?

MR. CHAIRMAN: This is what is going to be extended. This is already in the front yard?

MR. BOEHNER: It looks like it but I am not sure how it got in. I know the dumpster enclosure is there.

MR. CHAIRMAN: What colors does this come in? The generator specifically can we get it in a dark color.

MR. WILLIAMS: No the generator is a stock color. It is beige and they are not unattractive.

MS. DELANEY: How big are these generators?

MR. WILLIAMS: The two generators are going to be about 12 foot long and 44 inches wide.

MS. DELANEY: How tall?

MR. WILLIAMS: 6 feet one inch.

MR. CHAIRMAN: We are not in a residential neighborhood here.

MS. CIVILETTI: If this is reflective of the Site Plan it makes sense that their dumpster is there. I am okay with extending the fencing.

MR. CHAIRMAN: We have to be consistent about that and we have made other applicants fence their generators in and this is the first time we have ever seen two generators requested in the same location.

MR. WILLIAMS: I think you will see more and more of this because it is a better solution than having one big generator.

MR. BOEHNER: What I would suggest is the generator shall be enclosed to reduce the decimal levels. That is not being used as a fence but a noise mitigation.

MR. WILLIAMS: Anything else I can help with?

MR. CHAIRMAN: No you are good. This is a public hearing does anyone care to address this application? There being none we will move on.

3P-NB1-18 Application of Tolivir, LLC. owner and Brian Mattiaccio, contract vendee, for Preliminary Site Plan Approval to construct a 2, 200 +/- sf dental office on property located at 2087 Monroe Avenue. All as described on application and plans on file. TABLED AT THE MARCH 21, 2018 MEETING – PUBLIC HEARING REMAINS OPEN

MR. MATTIACIO: Brian Mattiaccio. I am not going to go into a great deal of detail. It is best that you go home and get some sleep just don't forget about me but this has been a great education. Is there anything I can help you with?

MR. CHAIRMAN: No, we are fine.

MR. MATTIACIO: Thank you all for your patience and thank you very much just don't forget me this time.

MR. CHAIRMAN: Okay, does anyone care to address this application? Okay we will move on.

4P-NB1-18 Application of Rufus Judson, owner and Landtech Surveying and Planning agent for Preliminary Site Plan Approval and Demolition Review and Approval, to raze a single gamily house and construct a 6,686 +/- sf single family house with a 1,556 +/- sf attached garage on property located at 3525 Elmwood Avenue. All as described on application and plans on file. TABLED AT THE APRIL 18, 2018 MEETING – PUBLIC HEARING REMIANS OPEN – ADJOURNED AT APPLICANT'S REQUEST.

7P-NB1-18 Application of Westfall Office Group LLC, owner, and 137 Sawgrass Drive, LLC, contract vendee, for Preliminary Subdivision/Resubdivision Approval, Preliminary Site Plan Approval and Conditional Use Permit Approval to combine two lots into one and construct a three story 85450 +/- sf building consisting of 37,000 +/- sf of pediatric skilled nursing and 48, 450 +/- sf of medical office space on proerty located at 157 Sawgrass Drive (Tax ID 149.06-1-2.522 and 149.06-1-2.411. All as described on application and plans on file.

MR. BABCOCK-STINER HAS RECLUDED HIMSELF FROM THIS APPLICATION

MR. GARDNER: I am Dave Gardner with Lubella Associates and we are the architects of record for Elderwood and as the developers we are going to show you the project. We have been before you in a concept review before and I know it's late so we aren't going to go into a lot of detail. We will try to get you home and into bed. This is primarily a nursing home project and a very necessary project. The patients here are children from infancy up through teenage years. They are wards of the State by and large and they need a great deal of care. The level of acquity ranges from children with

tracheotomy that area barely able to move to children who have more mobility but still a great deal of care. So this is very necessary and U of R. has already expressed a need for 40 of 68 beds and another provider is interest in 20 some beds. So we have a project here that is almost already filled. Above the first floor which is going to bed the 68 bed nursing home we have medical office space compatible with that nursing use. I have shown on prior proposals and we have worked through many aberrations of this plan and we found one that really fit the site that is functional from an operational standpoint. We have been compliant with all the requirements of the town zoning requirements and we will work with you on any of the conservation easements. So Brian is going to get an opportunity here to tell you a little bit more about the nitty gritty and take your questions.

MR. BURRI: Brian Burri as Dave mentioned the building is situated in the middle of the site. It will have access on Sawgrass at two points one on the east side and one on the west side both line up at the existing driveways, one for the clinics and one for paychecks. Storm water will be collected in a series of bioretention areas and also it will sheet drain towards the south and there is an existing pipe that runs under the road that empties into the existing Storm water quality pond and services the entire parking. Which ultimately was granted by the DOT for the detention ponds further south.

Now, we have landscaping through the parking lot and we tried to screen as best we could in the parking areas along the perimeter and the corridor is in there so we can't put too much in there. And also as part of this project we have a land bank for 68 spaces and I did handout in your packet and basically this services the skilled nursing facility component and second floor office. And then we have the third floor component which it would take care. The other two components are the conservation easement and we will increase that conservation easement further to the north in the green area and it ultimately increases that easement by about 2000 sf.

MR. BOEHNER: It is just impacting that one easement, it was hard to tell?

MR. BERRI: The existing

easement ends some where in here and we are going to extend that out.

MR. BOEHNER: I think when you come back you have to be a little bit clearer because you are going to have to get through the Town Board too.

MR. BERRI: Right, but there is only that one easement but we are kind of creating another one. I don't know what you want to call it.

MR. BOEHNER: We can talk about that latter.

MR. BERRI: Okay, so the next item is combining those two lots. There is a line that runs through the middle of the site and the balance is here and we are going to combine those into one parcel.

MR. BOEHNER: Brian, Have you had any conversations with Monroe County DOT?

MR. BERRI: No.

MR. BOEHNER: To make sure there aren't any improvements they want. I think you may want to reach out to them and make sure they are all set. I just don't want to find out later we have a problem. And just so I can document it in your SEQR Findings too. The other thing there is going to have to be a contribution as with the other properties to the Senator Keating transportation fund. Have you considered having some kind of connection point to the VA?

MR. BERRI: No.

MR. BOEHNER: Would consider making a connection point to the VA?

MR. CHAIRMAN: Would the grades allow it.

MR. BERRI: I think over
here you could .

MR. GEORGE: Rich George,
I speak for the primary owner and I don't believe he would like that at this
time. Any parking overflow?

MR. CHAIRMAN: I don't
know just the ability to get into parking areas without having to go back
out on Sawgrass and the VA is moving soon and we don't know what is
going to happen to that building. It is hard to say what the use is going to
be and how compatible it will be. We understand about your property
being used for overflow parking and we may get to the point it is a
pedestrian connection. And I know there is sidewalks on the street and we
have the trail easement on the outside. Its just the idea we haven't been
wildly successful with this request.

MR. BERRI: Pedestrian
access may be something we can take a look at.

MR. GARDNER: Yes, and
once we know what is going to happen and if there is some compatibility
with another medical building it might be something we could look at.

MR. CHAIRMAN: A couple
of minor things, handicapped ramps at the driveway entrance where there
is sidewalk and then Ramsey can we ask this applicant to put striping on
the road to go across the street where the conservation easement is.

MR. BOEHNER: It is a
private road it is not a town road. Its there property.

MR. CHAIRMAN: I am
thinking just about at the curb where it crosses over toward the pond.

MR. BOEHNER: It is a
continuation of the trail.

MR. CHAIRMAN: How are you handling the curb across the front of the building where the handicapped parking is, is that a flush curb?

MR. BERRI: Right.

MR. BOEHNER: Have you started Architectural Review Board.

MR. GARDNER: We have elevations. I think I talked to you the last time and we are prepared to talk with them.

MR. BOEHNER: You should make that application.

MR. GARDNER: Okay. We need to go to the Town Board.

MR. BOEHNER: You need to go to the Town Board and can make that a condition but I want you to get that Architectural Review Board done.

MR. GARDNER: So we need to do that before the Town Board.

MR. BOEHNER: You need to do that right now, as soon as you can. Then Brian you have to get the environmental review I believe before you check with the county and when you come back I would recommend that you make a final application but you need to the Architectural Review Board.

MR. GARDNER: Okay we will get that scheduled.

MR. BOEHNER: Just for the record about the pediatric skilled nursing facility that is licensed by the New York State and meets the definition of our Town code.

MR. GARDNER: That is correct.

MR. BOEHNER: Is there anyone who wishes to address this application? Thank you guys.

MR. CHAIRMAN: The public hearings are closed.

OLD BUSINESS

5P-06-18 Application of Daniel Family Companies, owner, for Demolition Review and Approval to raze a vacant 10,800 +/- sf restaurant building and a vacant 44,600 +/- sf bowling alley on property located at 2740 Monroe Avenue and 2750 Monroe Avenue. All as described on application and plans on file. TABLED AT THE MAY 16, 2018 MEETING – PUBLIC HEARING CLOSED – ADJOURNED TO THE AUGUST 15, 2018 MEETING

PRESENTATIONS

NONE

COMMUNICATIONS

Letter with attachments from Mindy Zoghlin, the Zoghlin Group, PLLC, dated June 21, 2018, regarding applications 6P-01-18 and 6P-NB1-18.

Letter from Ramsey Boehner, Historic Preservation Commission Secretary, dated July 2, 2018 stating that the Historic Preservation Commission will not schedule a public hearing to consider 2800 Monroe Avenue for landmark status.

Letter from Edmund Martin, P.E., Landtech, dated July 3, 2018 requesting adjournment of applications 4P-NB1-18 and 6P-05-18.

Letter from Mindy Zoghlin, The Zoghlin Group PLLC, dated July 2, 2018, regarding applications 6P-01-18 and 6P-NB1-18.

Letter with attachments from Mindy Zoghlin, the Zoghlin Group, PLLC, dated July 5, 2018, regarding applications 6P-01-18 and 6P-NB1-18.

Email received from Suzanne Albert, dated July 11, 2018 with comments & concerns regarding the Monroe Avenue Project.

Email received from Antoinette Bushlack, dated July 11, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Gail Newman, dated July 11, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Tricia Reinhardt, dated July 11, 2018 with comments and concerns regarding the Whole Foods Project.

Email received from Ruth Morton, dated July 11, 2018 with comments and concerns regarding the Brighton GrassRoots.

Email received from Jim & Karen Williams, dated July 11, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Dennis Wienk, dated July 11, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Susan Keenan, dated July 11, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Don Devitto, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Marilynne Locke, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Ellen Carr, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Ralph Merzback, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Maryanne Karpinski, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from David Hyuck, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Sharon Dickman, dated July 12, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from m1952 @aol.com, dated July 13, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Carolyn Hughes, dated July 13, 2018 with comments and concerns regarding the Whole Foods Plaza.

Email received from Charles Ruff, dated July 13, 2018 with comments and concerns regarding Monroe and Clover development.

Email received from Kathleen Schmitt, dated July 13, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Susan \$ Asish Basa, dated July 13, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Shengliang Zhang, dated July 13, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Maria & George Scott, dated July 13, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Jeffrey & Cynthia Cowley, dated July 13, 2018 with comments regarding the Whole Foods Plaza Traffic problems.

Email received from Roberta Borg, dated July 13, 2018 with comments and concerns regarding the Whole Foods development.

Email received from Judy Siegle, dated July 16, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Howie Jacobson, dated July 16, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Susan Barnett, dated July 16, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Maria C. Hayman, dated July 16, 2018 with comments and concerns regarding the Whole Foods

Email received from Ellen Steinberg, dated July 16, 2018 with comments and concerns regarding the Whole Foods

Email received from Lynn Andersen, dated July 16, 2018 with comments and concerns regarding the Whole Foods Plaza

Letter received from Charles W. Malcomb, Hodgson Russ Attorneys, dated July 17, 2018 regarding Monroe Avenue Plaza Redevelopment.

Email received from Ellen Solomon, , dated July 17, 2018 with comments and concerns regarding the Whole Foods Proposal.

Email received from Sara Northwood, dated July 17, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Diane Feldon, dated July 17, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Ivan & Elaine Sanzel, dated July 17, 2018 with comments and concerns regarding the Whole Foods and the Daniele Family.

Email received from Marjorie & Samuel Alaimo, dated July 16, 2018 with comments and concerns regarding another red light or other signs on Monroe Avenue and Clover.

Email received from Pat & Warren Kling, dated July 16, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Adam Garza & JoAnne Sims , dated July 16, 2018 with comments and concerns regarding the Whole Foods

Email received from Elizabeth Palis, dated July 16, 2018 with comments and concerns regarding the Whole Foods Proposal.

Email received from Samuel Rind, dated July 17, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Bob Walton, dated July 17, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Doug Dickman, dated July 18, 2018 with comments and concerns regarding the Whole Foods Project.

Email received from Connie Herrera, dated July 18, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Mark Muncil, dated July 18, 2018 with comments and concerns regarding the Whole Foods Plaza

Email received from Scott Fybush, dated July 18, 2018 with comments and concerns regarding the Whole Foods Plaza

PETITIONS

NONE

6P-01-18 Application of Daniel Family Companies, applicant, for Site Plan Modification to construct shared parking and access, known as the Access Management Plan, on and across 2835 Monroe Avenue 2815 Monroe Avenue, 2799 Monroe Avenue, 2787 Monroe Avenue, 2775 Monroe Avenue, 2735 Monroe Avenue, 2729 Monroe Avenue and 2717 Monroe Avenue. All as described on application and plans on file.
- TABLED AT THE JUNE 26, 2018 MEETING – PUBLIC HEARING REMAINS OPEN.

MS. CIVILETTI: I move that the application be tabled based on the testimony given and plans submitted and to make findings pursuant to SEQRA. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. Meet all requirements of the Town of Brighton's Department of Public Works.
- 2 All town codes shall be met that relate directly or indirectly to the applicant's request.
3. The project and its construction entrance shall meet the New York State standards and specifications for Erosion and Sediment Control.
3. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
3. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
3. Maintenance of landscape plantings shall be guaranteed for three years.
3. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's

Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

3. Dumpsters shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
3. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
3. If additional parking lot lighting is proposed a lighting plan which shows the type, location and lighting contours shall be submitted.
3. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water systems and sanitary sewer design shall be addressed
3. All County Development Review Comments shall be addressed prior to final approval.
3. The plans must be revised to show the site data for each lot and how the proposed improvements meet the incentives granted by the Town Board and the requirements of the Comprehensive Development Regulations. Bulk and parking requirements must be shown on the plans. Additionally, the plans should list the pertinent site data including zoning requirements, variances and incentives for each lot.
3. The plans should be revised to show property addresses and lot designation used in the incentive zoning approval.
3. The plans must be revised to show the residential zone district line.
3. The plans must be revised to show, dimensions and setbacks for the proposed improvements.
3. NYSDOT must review and approve the plans for the new traffic lights and the Access Management Plan.

3. A use variance was granted in August of 2007 to the Comfort Inn to allow a portion of NYSDOT residential zoned land to be used as a parking lot.
3. If a use and occupancy permit is to be obtained from NYSDOT, a use variance must be obtained for the improvements proposed on NYSDOT residential zoned land abutting the City Mattress and Mamasan's parcels.
3. The plans must be revised to show the location of any relocated fences, dumpsters and their enclosure.
3. Prior to any approval granted for this application, the Planning Board must make SEQR findings.
3. All comments and concerns of Michael Guyon as contained in the attached memo dated July 19, 2018 to Ramsey Boehner shall be addressed.
3. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
3. The revised plans may reveal additional issues that will need to be addressed. Therefore, the Planning Board reserves the right to make additional comments of future submissions.
3. A revised Access Management Plan has been submitted. All site plan drawing shall be revised and submitted for review.
3. The northern Comfort Inn/Mamasan's access drive creates a conflict between vehicles traveling west from the Comfort Inn to the Mamamasan's and vehicles entering the Mamasan's property from Monroe Avenue. The northern access from the City Mattress to the Comfort Inn property creates a similar conflict. These conflict points should be eliminated.
3. All conditions and requirements of the Town Board incentive zoning approval for this project shall be satisfied.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-NB1-18 Application of Daniel Family Companies, applicant, for Preliminary Site Plan Approval to construct a five building retail plaza totaling 83,700 sf, which includes a 50,000 sf Whole Food Store and a 2,000 sf drive-thru coffee shop on properties located at 2740 Monroe Avenue 2750 Monroe Avenue, 2800 Monroe Avenue , a portion of 175 Allen Creek Road and a portion of 2259 Clover Street. All as described on application and plans on file. TABLED AT THE JUNE 20, 2018 MEETING – PUBLIC HEARING – REMAINS OPEN.

MS. CIVILETTI: I move that the application be tabled based on the testimony given and plans submitted and to make findings pursuant to SEQRA. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal. (Chris Roth 585-7845220)
2. All buildings shall comply with the most current Building & Fire Codes of New York State.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All town codes shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrance shall meet the New York State standards and specifications for Erosion and Sediment Control.

7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. Dumpsters shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
12. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
13. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
14. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water systems and sanitary sewer design shall be addressed prior to final approval.
15. Fire hydrants shall be fully operational prior to and during construction of the building.
16. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

17. A subdivision map shall be submitted. All easements (including Conservation Easement) must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
18. A letter of credit shall be provided to cover certain aspects of the project including but not limited to demolition, landscaping, stormwater mitigation and infrastructure and erosion control. The applicant's engineer shall prepare a itemized estimate of the scope of the project as a basis for the letter of credit.
19. The proposed buildings shall be sprinklered in accordance with Town requirements.
20. Erosion control measures shall be in place prior to site disturbance.
21. The applicant shall review the site plan, elevations and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
22. The location of any proposed generators shall be shown on the site plan. All requirement of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
23. The location of the HVAC shall be shown on the site plan.
24. All comments and concerns of the Town Engineer as contained in the attached memo dated June 19, 2018 from Michael Guyon Town Engineer, to Ramsey Boehner, shall be addressed.
25. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must

review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton or review.

26. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
27. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
28. The revised plans may reveal additional issues that will need to be addressed. Therefore the Planning Board reserves the right to make additional comments of future submissions.
29. All conditions and requirements of the Town Board incentive zoning approval for this project shall be satisfied.
30. The plans shall be revised to address the following Conservation Board comments.
 - a. Provide a significant vegetative buffer-screen to the residential property at 2301 Clover Street.
 - b. Incorporate additional parking for tree plantings (within proposed islands to help minimize heat island effects.
 - c. Consider replacing Cleveland Select pear (invasive) with alternative native species.
 - d. Consider the use of additional impervious pavement where practical.
31. The Applicant shall provide and file access rights for cross-access and cross-parking easements between proposed Lot 1 and Lot 2. The easements shall be reviewed and approved by Planning Board during the site plan approval process.

32. The submitted plans show 2 lots. The plans must be revised to show the site data for each lot and how the proposed improvements met the incentive granted by the Town Board and the requirements of the Comprehensive Development Regulations. Bulk parking requirements must be shown on the plans. Additionally the plans should list the pertinent site data including zoning requirements, variances and incentives. Tie distances for the proposed buildings should be shown on the plans. Tie distance between the pavement edge and the exterior property lines must be noted on the plans. Dimensions and setbacks for the proposed improvements must be shown on the plans.
33. The plans must demonstrate how the public pedestrian walkway will be maintained during demolition and construction.
34. All mitigation measures must be satisfied.
35. Details for the proposed bus shelter must be provided. The applicant must confirm that RTS will continue to serve the proposed bus shelter.
36. Consent from all the property owners included in the submitted plan must be obtained in writing and submitted to the Town.
37. The engineer of record must verify that the Whole Foods building has adequate fire access.
38. The plan must be revised to address how the public pedestrian walkway will be maintained during demolition and construction.
39. The plans must be revised plans showing the elimination of the access to the drive through lane from the coffee shop parking area.

40. Details of the bus shelter shall be submitted. Confirmation must be submitted that RTS will continue to serve the proposed bus shelter.
41. The site plan must be revised to show the locations of the charging stations.
42. A bike rack should be added at the Starbuck's building.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-02-18 Application of Daniele Family Companies (Daniele, SPC) owner, for Demolition Review and Approval to raze a restaurant building on property located at 2800 Monroe Avenue. All as described on application and plans on file.

MR. FADER: : I move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1A findings Statement pursuant to SEQR shall be adopted by the Planning Board.

2. Prior to issuance of a demolition permit or building permit, asbestoss shall be removed according to NYS and Town Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.

3 All comments and conditions of Monroe County shall be addressed.

- 4 All trees to be removed shall be shown on the plan. All trees in proximity to the work area shall be shown to be protected with orange construction fencing.
- 5 Meet all requirements of the Town of Brighton's Department of Public Works.
- 6 All Town codes shall be met that relate directly or indirectly in the applicant's request.
- 7 The project and its construction entrance shall meet the New York State standards and specifications for Erosion and Sediment Control.
- 8 The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
- 9 All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- 10 Maintenance of landscape plantings shall be guaranteed for three years.
- 11 Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
- 12 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

13 The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will record, Section 56-3.4(a)(2) regarding on site maintenance of a project record Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.

14 Truck traffic during the demolition process shall only egress and ingress the site from Monroe Avenue. Truck traffic to or from Clover Street and Allens Creek Road shall be prohibited.

15 All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.

16 A letter of credit shall be provided to cover certain aspects of the project including, but not limited to demolition, restoration, and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the issuance and any permits.

17 A restoration plan shall be submitted. The building demolition areas shall be restored with vegetation. The plans shall be revised to address this requirement. The revised plans shall be submitted to and approved by the Building and Planning Department prior to the issuance of a Demolition Permit.

18 The asphalt should be used onsite and necessary precautions shall be taken to minimize dust and other particles leaving the site during demolition.

19 The area of demolition shall be surrounded by a six foot fence during the demolition process. The existing trail shall be protected during the demolition process. The plans shall be revised to show the location of the fencing.

20 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.

21 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER:
Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

6P-NB2-18 Application of First Baptist Church, owner, for Preliminary Subdivision Approval to create two lots from one on property located at 175 Allen Creek Road. All as described on application and plans on file.

7P-03-19 Application of First Baptist Church, owner for Final Subdivision Approval to create two lots from one on property located at 175 Allen's Creek Road. All as describe on application and plans

MR. FADER: : I move that the application be tabled based on the testimony given and plans submitted Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. The subdivision map provided does not appear to be at the scale indicated. An accurately scaled map should be provided.
- 2 The map should be titled as a subdivision and the two proposed lots should be shown on the map.
3. All existing structures and pavement on the proposed lots should be shown the map.
4. Site data required by zoning is provided on the map, but maximum front/rear ard pavement percent and required setbacks for building

associated with place of worship should be added. The site data for each proposed lot should be provided, including the requirements for places of worship and requirements for pavement coverage and setback as applicable.

5. All easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
6. Meet all plat filing requirements of the Town of Brighton's Department of Public Works.
7. Meet all requirements of the Town of Brighton's Department of Public Works.
8. All Town codes shall be met that relate directly or indirectly to the applicant's request.
9. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
10. All County Development Review Comments shall be addressed.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
12. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon, Town Engineer, to Ramsey Boehner, shall be addressed.
13. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-04-18 Application of Daniele Family Companies, owner/agent for Preliminary/Final Subdivision/Resubdivision Approval to combine and reconfigure several lots into two on properties located at 2740 and 2800 Monroe Avenue, 2259 Clover Street and 175 Allen's Creek Road. All as described on application and plans on file.

MR. OSOWSKI: I

move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1 It does not appear that all of the information on the map is accurate. For example, Tax 150.07-02-02 is labeled as 2399 Clover Street and is actually 2301 Clover Street, and the north line of the RG&E lot is noted as 220.88", but measures as +/- 180". The map should be reviewed and information revised as necessary.

2 All existing structures and pavement on the proposed lots should be shown on the map and accounted for in bulk site data for each lot. Site Data should be shown on the map for each lot.

3. All existing and proposed easements must be shown on the subdivision map with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.

4. Meet all plat filing requirements of the Town of Brighton Department of Public Works.

5. Meet all requirements of the Town of Brighton's Department of Public Work.

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

7. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

8. All County Development Review Comments shall be addressed.

9. All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
10. All comments and concerns of the Town Engineer as contained in the attached memo from Michael Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
11. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-01-18 Application of the Country Club of Rochester, owner for Preliminary/Final Site Plan Approval to construct a 2,400 +/- maintenance building on property known as Tax # 136.16-1-7 located at Old Mill Road (2935 East Avenue) All as described on application and plans on file.

MR. FADER: I move to close the hearing.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER: I move the Planning Board approves the application based on the testimony give, plans submitted and with the following Determination of Significance and conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted,

and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

- 1 Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 if the Comprehensive Development Regulations
- 2 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
- 3 Erosion control measures shall be in place prior to issuance of any permits.
4. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
5. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
6. The entire building shall comply with the most current Building and Fire Codes of New York State.
7. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
8. All County Development Review Comments shall be addressed prior to final approval.
9. Meet all requirements of the Town of Brighton's Department of Public Works.

10. All required permits and approvals of the Town of Brighton's Highway and Sewer Department shall be obtained.
11. All Town Codes shall be met that relate directly or indirectly to the applicant's request.
12. All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.
13. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
14. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
15. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-06-18 Application of Faith Bible Church, owner, for Final Site Plan Approval to construct a 7,670 +/- sf church building addition on property located at 1095 East Henrietta Road. All as described on application and plans on file.

NEW BUSINESS

2P-NB1-18 Application of Faith Bible Church, owner, for Preliminary Site Plan Approval to construct a 7,670 +/-sf church building, addition on property located at 1095 East Henrietta Road. All as described on application and plans on file. Tabled at the February 21, 2018 MEETING – PUBLIC HEARING REMAINS OPEN

MR. FADER: I move to close the hearing.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move
the Planning Board approves the application based on the testimony give,
plans submitted and with the following Determination of Significance and
conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1. This approval is for the parking expansion as shown on plans dated 6/8/18 only. Site Plan approval must be obtained for the proposed addition.
- 2 "Zoning Notes" on the site plan show the proposed side yard parking setback as 22.3'. This number should be the 13.3' proposed to the nearest new pavement.
3. The project shall be reviewed by the Brighton Fire Marshal. All comments and concerns of the Fire Marshal shall be addressed.
4. Parking agreements, with other properties shall be maintained to ensure that parking does not take place on roadways.
6. All existing trees to remain, including any to the south of the building, shall be shown on the site plan with species and caliper. Tree

protection shall also be shown on the site plan for existing trees to remain. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

7. All Monroe County and NYSDEC comments shall be addressed.
8. All existing trees to remain and proposed trees shall be shown on the site plan. Common name, species, planting height (evergreen) caliper (deciduous) and quantity shall be provided for each proposed tree.
9. If proposed, a dumpster or exterior refuse storage area shall be shown on the plans. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
10. Prior to issuance of any permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities.
11. Meet all requirements of the Town of Brighton's Department of Public Works.
12. All town codes shall be met that relate directly or indirectly to the applicant's request.
13. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
14. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
15. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
16. All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.

19. Erosion control measures shall be in place prior to site disturbance.
20. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
21. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
22. Any proposed signs shall require additional approval. Only business identification signage as allowed per the Comprehensive Development Regulations (CDR) is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation. Please note that freestanding business identification signage is not allowed by the CDR.
23. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be permitted.

MS. CIVILETTEI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-06-18 Application of Faith Bible Church, owner, for Final Site Plan Approval to construct a 7,670 +/- sf church building addition on property located at 1095 East Henrietta Road. All as described on application and plans on file.

NEW BUSINESS

2P-NB1-18 Application of Faith Bible Church, owner, for Preliminary Site Plan Approval to construct a 7,670 +/-sf church building, addition on property located at 1095 East Henrietta Road. All as described on application and plans on file. Tabled at the February 21, 2018 MEETING
- PUBLIC HEARING REMAINS OPEN

MS. DELANEY: I move to close
the hearing.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move
the Planning Board approves the application based on the testimony give,
plans submitted and with the following Determination of Significance and
conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to
be lead agency under the State of New York Environmental Quality
Review Act. After considering the action contemplated, the Planning
Board finds it to be an Unlisted Action. Upon review of the
Environmental Assessment form, the application and materials submitted,
and the criteria for determining significance pursuant to the SEQRA the
Planning Board finds that the proposed action will not have a significant
impact on the environment. The Planning Board adopts the negative
declaration prepared by Town Staff.

CONDITIONS:

- 1 An Operational Permit shall be obtained from the Town Brighton Fire
Marshal (Chris Roth, 585-784-5220)
2. The entire building/ addition shall comply with the most current
Building & Fire Codes of New York State.
- 3 Prior to issuance of any building permits, all plans for utility and storm
water control systems must be reviewed and have been given approval by
appropriate authorities. Prior to any occupancy work proposed on the
approved plans shall have been completed to a degree satisfactory to the
appropriate authorities. Meet all requirements of the Town of Brighton's
Department of Public Works.

4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly in the applicant's request.
6. The project and its construction entrance shall meet the New York State standards and specifications for Erosion and Sediment Control.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to , during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half feet.
12. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
13. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.

14. If new exterior lighting is proposed, a lighting plan which shows the type, location and lighting contours shall be submitted as part of the site plan.
15. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, stormwater control, water system and sanitary sewer design shall be addressed.
16. All Count Development Review Comments shall be addressed.
17. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
18. The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building/addition needs to be sprinklered.
19. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
20. The Project Statistics on the site plan shall be revised to include the density calculations for the project.
21. Erosion control measures shall be in place prior to site disturbance.
22. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted, including ground elevations at each corner, average grade on each side and height of the building dimensioned on each side. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
23. The location if any proposed generators or air conditioners shall be shown on the site plan. All requirements of the Comprehensive

Development Regulations shall be met or a variance shall be obtained from the Zoning Board of appeals.

- 24 All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
- 25 All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner, shall be addressed.
- 26 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

7P-07-18 Application of The Hurlbut, owner, and Commercial Power Systems agent/contractor, for Site Plan Modification to install two standby emergency generators on property located at 1177 East Henrietta Road. All as described on application and plans on file.

MR. FADER: I move to close the hearing.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. FADER: I move the Planning Board approves the application based on the testimony give, plans submitted and with the following Determination of Significance and conditions:

DETERMINATION OF SIGNIFICANCE

I move that the Planning Board of the Town of Brighton declares itself to be lead agency under the State of New York Environmental Quality Review Act. After considering the action contemplated, the Planning Board finds it to be an Unlisted Action. Upon review of the Environmental Assessment form, the application and materials submitted, and the criteria for determining significance pursuant to the SEQRA the Planning Board finds that the proposed action will not have a significant impact on the environment. The Planning Board adopts the negative declaration prepared by Town Staff.

CONDITIONS:

1 The following comment of the Conservation Board shall be addressed:

- If located in a front yard, the generators should be adequately screened with vegetation.
- A plan addressing how the generator will be screened must be submitted to and approved by the Building and Planning Department.

2 Meet all requirements of the Town of Brighton Department of Public Works.

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

4 All comments and concerns of the Town Fire Marshal and Town Engineer shall be addressed.

5 A building permit shall be obtained for the generator. All work shall comply with the New York State Uniform Fire Prevention and Building Code.

6. An electric inspection shall be conducted by an inspection agency approved by the Town of Brighton. Electrical completion certificate shall be submitted.

7. The equipment shall be installed per the manufacture's installation instructions and shall comply with the NEC and NFPA 37.

8The generator shall be used only during power disruptions. Testing of generator shall be done during daylight office hours.

- 9 All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
- 10 All Monroe County review comments shall be addressed.
- 11 All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Ramsey Boehner, shall be addressed.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

7P-NB1-18 Application of Westfall Office Group LLC, owner, and 137 Sawgrass Drive, LLC, contract vendee, for Preliminary Subdivision/Resubdivision Approval, Preliminary Site Plan Approval and Conditional Use Permit Approval to combine two lots into one and construct a three story 85450 +/- sf building consisting of 37,000 +/- sf of pediatric skilled nursing and 48,450 +/- sf of medical office space on property located at 157 Sawgrass Drive (Tax ID 149.06-1-2.522 and 149.06-1-2.411. All as described on application and plans on file.

MR. BABCOCK-STINER HAS RECLUDED HIMSELF FROM THIS APPLICATION

MR. CHAIRMAN: I

move that the application be tabled based on the testimony given and plans submitted. Additional information is requested in order to make a Determination of Significance and to have a complete application. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

- 1 A subdivision plan shall be provided.

2. All required Zoning Board of Appeals and Architectural Review Board approvals shall be obtained.

3. The following comments of the Conservation Board shall be addressed:

- The tree planting list should be shown on the landscaping plan.

4. The site plan indicates that a part of the existing Conservation Easement "E" is proposed to be relocated, but the existing and proposed easements are not clearly shown. All easements should be clearly shown, and easement labels should indicate the location of both sides of the easement rather than pointing at the interior of the easement.
5. Any proposed modification of an approved easement must be approved by the Town Board.
6. Handicap spaces as shown on the site plan and the handicap details on sheet C501 have not been updated with the latest required symbol on the site plan or on the details sheet. All accessible parking space signage to be installed shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
7. An inventory of trees to be removed shall be provided.
8. The plant list should be located on the same sheet as the landscape plan and should show the number of each species to be planted.
9. Lighting cut sheets/details and a pole elevation detail shall be provided. Any proposed building mounted lights shall be included on the lighting plan and details shall be provided. It is not clear on the Luminaire Schedule what "ARR.Lum.Lumens" and "Arr. Watts" mean. The color temperature of the lights shall be 3000.
10. The location and screening of mechanicals shall be shown.

11. The proposed pavement setbacks shall be shown on the site plan.
12. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
13. Maintenance of landscape plantings shall be guaranteed for three years.
14. All fences, walls and retaining walls, shall be shown on plans with description of type and height. A detail of each fence and wall proposed shall be provided.
15. The entire building shall comply with the most current Building & Fire Codes of New York State. The building shall be sprinklered.
16. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
17. Meet all requirements of the Town of Brighton's Department of Public Works.
18. All town Codes shall be met that related directly or indirectly to the applicant's request.
19. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control
20. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
21. Maintenance of landscape plantings shall be guaranteed for three years.
22. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's

Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

- 23 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 24 Fire hydrants shall be fully operational prior to and during construction of the building.
- 25 Erosion control measures shall be in place prior to site disturbance.
- 26 The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 27 The grading plan should show ground elevations at the corners of the building. Architectural drawings should show and note the same corner ground elevations along accurate grading and building height dimensions and notes on each side of the building.
- 28 The location and screening of any proposed air conditioning condensers or other mechanicals, whether, roof or ground mounted shall be shown. All town codes regarding their use shall be met.
- 29 All easements must be shown on the Subdivision plan with ownership, purpose and liber/page of filing with the Monroe County Clerk's office. A copy of the newly filed easement(s) shall be submitted to the Building and Planning Department for its records.
- 30 Erosion control measures shall be in place prior to issuance of a foundation or building permit.
- 31 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

- 32 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 33 Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
- 34 Permits will be required from the Town's Sewer Department and maybe required from other jurisdictional agencies.
- 35 Any proposed signs shall obtain all required approvals.
- 36 All County Development Review Comments shall be addressed prior to final approval shall be addressed.
- 37 Applicant shall contact the Town Fire Marshal, Christopher Roth, for comment on the proposed plans.
- 38 As required by the SGDEIS, the applicant shall contribute an amount applicable to the entire Central Brighton Transportation Study Area and the GEIS for Senator Keating Blvd. as their "fair share" contribution for the identified improvements within the Central Brighton Transportation Area including the acquisition, design, and construction of Senator Keating Blvd. by placing such funds in appropriate accounts with the Town prior to the issuance of a building permit.
- 39 A limit of 325,000 sf of office space is allowed by the SGEIS prior to the completion of specific Westfall Road improvements by the MCDOT. With the application, a total of 457,420 sf of constructed/approved development will exist in the park. Many of the MCDOT improvements have been constructed. The applicant must verify with MCDOT that the remaining improvements are no longer required. A letter from MCDOT must be submitted.
- 40 All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner shall be addressed.
- 41 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

-111-

MR. FADER: Second.

UPON ROLL CALL VOTE MOTION PASSES

* * * * *

SIGNS

1522 Monroe Med Spa for a building face sign at 23240 Monroe Avenue.
1. The sign shall meet all zoning requirements.

1523 Hadley Chiropractic for a building face sign at 428 White Spruce Blvd..

1524 MacGregor's Grill & Tap Room for a building face sign at 1890 S. Clinton Avenue.

1. All required variances shall be obtained.

1525 Hanger Clinic for a building face sign at 1890 S. Clinton Avenue
1. The tag line shall be removed.

MR. CAHIRMAN: Signs 1522 through 1525 shall be approved as recommended.

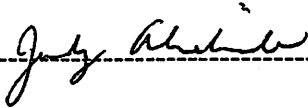
MS. CIVILETTIE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

* * * * *

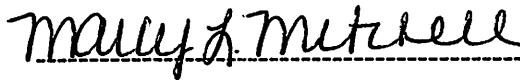
CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the July 18, 2018 meeting of the Planning Board at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.



Judy Almekinder

On this 9 day of August in the year 2018, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.



Notary Public

MARCY L. MITCHELL
Notary Public, State of New York
Qualified in Wayne County
No. 01MI6281958
Commission Expires May 13, 2021