

Proceedings held before the Planning Board  
Brighton at 2300 Elmwood Avenue, Rochester, New York on August 15,  
2018 commencing at approximately 7:30 p.m.

PRESENT: William Price  
Justin Babcock Stiner  
Laura Civiletti  
Pamela Delaney  
James Wentworth  
John Osowski

NOT PRESENT: David Fader

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 August 15, 2018  
meeting of the Town of Brighton's Planning Board to order. We do have  
the minutes for the June 20, 2018 meeting which we will approve and the  
July 18, 2018 minutes which we will approve at the September meeting.  
Can I have a motion to approve the June 2018 minutes?

MS. CIVILETTI: I move to approve  
the June 20, 2018 minutes with any corrections.

MR. BABCOCK STINER: Second.

MR. WENTWORTH ABSTAINED SINCE HE WAS NOT PRESENT  
AT THAT MEETING

UPON ROLL CALL VOTE

MOTION CARRIED

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

MR. BOEHNER: Yes, they were

properly advertised in the Brighton Pittsford Post of August 9, 2018 and I would also like to add that the September Planning Board has been rescheduled to Monday September 17, 2018 and has been moved from Wednesday to Monday at the same time.

MR. CHAIRMAN: Before we start the hearings tonight I would like to go through the agenda and let everyone know some of the applications have been adjourned. So tonight we will hear 5P-06-18 Daniele for demolition review. We will not hear 6P-01-18 for the Daniele Family for the Access Management Plan. We will hear 6P-NB1-18 Daniele Family Companies for Site Plan Approval. We will hear 7P-02-18 Daniele Family For Demolition and Review and Approval to raze the Mamasan's Restaurant. We will not hear 6P-NB2-18, which is First Baptist Church for Preliminary Subdivision. 7P-03-18, First Baptist Church for Final Subdivision Approval and we will not hear 7P-04-18 Daniele Family's Preliminary and Final Subdivision and resubdivison. And we will not hear 6P-05-18 application of Rufus Judson that application has been withdrawn by the applicant. The prior applications that we will not hear tonight are on the agenda for the September 17, 2018 meeting. The other one for tonight that has also been adjourned is 3P-NB1-18, application of Brian Mattiacio for Preliminary Site Plan Approval. 4P-NB1-18 application of Rufus Judson has been withdrawn, and 7P-NB1-18 application of Westfall Office group and 157 Sawgrass Drive for Preliminary Subdivision/ Resubdivision Approval, Preliminary Site Plan Approval and Conditional Use Permit Approval to combine 2 lots into one has been adjourned to the September 17, 2018 meeting. Also let me add we have added a New Business item to the agenda we will be adding the Findings Statement for the SEQR for the Whole Foods Plaza after the conclusion of the public hearings. We will begin with 5P-06-18

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SP-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 REOPENED.

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 I think this is the third or fourth time you have heard this application to demolish the Marios Restaurant as well as the Clover Lanes building. We have spent the last several weeks and months addressing all the comments from the Town Engineer and Town staff and attended the Conservation Board meeting and we do plan on eliminating the area of disturbance with respect to the demolition application of the building and we will be stabilizing those in place and ultimately the site where the Whole Foods site is we are not proposed to go in and remove the pavement and trees and all of that has been explained at previous meetings. One thing I do want to point out is that we have provided measures to protect the pedestrian trail easement which runs the entire back of the property and the bulk of the buildings with temporary construction fencing for the safety of the people using that trail. With that being said I would be happy to respond to any comments

MR. CHAIRMAN: Jess the comments that you responded to includes all issues regarding storm water management as well as dust control?

MR. SUDOL: Yes.

MR. CHAIRMAN: And as to the hours of operation I believe it was agreed to that they would not be exiting during peak travel and limiting the amount of trucks entering and exiting during the week.

MR. SUDOL: That is correct.

MR. BOEHNER: Jess could you talk a little bit about the asbestos abatement of Clover lanes just about the building and how you will be controlling the demolition and the waiver you got from NYState?

MR. SUDOL: Yes, there was basically a waiver for Clover Lanes and basically it was not feasible to remove that in place so we got a waiver to allow that during demolition.

MR. BOEHNER: What safety precautions will be taken during demolition?

MR. SUDOL: Well water will be in place to control dust from the site and the site will be fenced off and quarantined and that is explained in detail in the application materials that we submitted.

MR. CHAIRMAN: What agency grants the waiver, the DEC or the DOL?

MR. SUDOL: The DOL.

MR. BOEHNER: How will the sites be restored after demolition will grass be planted or will it be gravel?

MR. SUDOL: It will be a mixture of gravel and the mobilized concrete and asphalt that comes from the buildings and it will allow the storm water to permeate through and at the same time because you have an impending site project it makes more sense than putting in grass and dirt which will mean more trucks and more dust.

MR. BOEHNER: Will any debris be stock piled on the site?

MR. SUDOL: As part of this demolition process, no the only application would be for the milling asphalt

MR. BOEHNER: So the equipment will be brought on site the building demolished and the equipment will be brought off site?

MR. SUDOL: Right.

MR. CHAIRMAN: This is a public hearing is there anyone who cares to address this application?

MR. JACOBSON: I am Tom Jacobson and I am a Brighton resident and I am curious why no grass or dirt will be put on this because there is no guarantee this site will be developed in the next 12 months to two years. So why wouldn't the town insist on having it nice during that time period because it could be a mess for a year or two and we should make sure it looks nice. I think it is important to you and I think everybody here lives in Brighton so why not have it look nice after demolition. I don't know what the problem is?

MR. CHAIRMAN: Well we have the option of doing either the gravel or asking them to top soil this and we feel that the gravel is satisfactory as far as controlling run off.

MR. JACOBSON: It is not going to be satisfactory to residents it will look like hell. They can plant grass there. It is not that big of a deal.

MR. CHAIRMAN: Thank you we will take that into consideration.

MR. JACOBSON: I hope you will. You are going to talk about what you are going to do after the meeting?

MR. CHAIRMAN: Yes.

MR. JACOBSON: This is the public hearing and it factors into your decision?

MR. BOEHNER: Yes.

MR. JACOBSON: I am asking the Chairman, not you, what we say tonight will be factored into your decision?

MR. CHAIRMAN: Yes, any other comments or questions? Okay we will move on to the next application.

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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 – ADJOURNED TO THE SEPTEMBER 17, 2018 MEETING AT APPLICANTS REQUEST.

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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. SUDOL: Good evening Jess Sudol from Pasero Associates. This is similar to the previous application and I believe we have reviewed this four times the site plan for Whole Foods Plaza building and we are continuing to work through the Town and staff comments and continue to work through those. We have not had too many changes made to this application since the last meeting but I just want to recap some of the changes we have made since we first came before this board. First if you may recall building 2, at the top of the page was previously much larger and in working with the board we made a court yard area and built it much smaller and introduced a new building, building 5, in response to the comments of this board which is an additional pass site. As well as a slew of other circulation comments that were addressed which we think will improve access to all the different building. We put in curb cuts including entrances, sidewalks and what have you.

Most recently as shown in the project here this evening building 5, was previously put up right against

the road and the reason it was done that way is because of building 4, which is part of the incentive zoning process was granted an incentive to allow it to be 11 feet of the right of way, and we do feel it is good planning. Unfortunately the way the incentive zoning was written it did not allow us to use that incentive to move building 5, forward, which is why it has been moved back so that we can meet the required setbacks. We are showing parking which was displaced coming in front of it and one thing that we are going to do is make those spots in front of that building land banked so they initially will be grassed area. We don't believe we have to depend on that parking right now but we may have to depending on the tenant but right now it will allow us to have beautification along that Monroe front corridor and landscaping green space and we will commit to land banking those 8 stalls in front.

In addition we will have wood timber guide rails in areas throughout the site in an effort to continue to separate the pedestrians and the vehicle traffic. Our intention is certainly to make a final application for final site plan review and as part of that application we have addressed all of the historical detailed review comments of this board and all of the comments received to date most of which are fairly technically detailed in nature showing multiple site data tables for the various lots. My understanding is there are some minor changes to the utilities and those responses will be filed with this board next week with our final application. This plan is very similar to the plan previously submitted and result from communications with this board. Last meeting we did go through fairly extensively all of the alternatives we have gone over the last four years or so. I don't feel it is necessary to do that again. We do have additional elevations and documents if you would like to see them that are different from the last time.

MR. CHAIRMAN: In addition to the building 5 foot print you are saying those spaces in front would be land banked?

MR. SUDOL: Yes that will be on the final site plan application.

MR. CHAIRMAN: Any other

modifications to the site plan? I believe you now have a sidewalk across the back of the buildings and several of the spots are designated loading zones. Would you just clarify I think I have found all of the bike racks for the project including two at building 2, and one for each of the other structures and two at Whole Foods and two at the trail.

MR. SUDOL: Right.

MR. CHAIRMAN: Do you have one at Starbucks?

MR. SUDOL: Yes, that is one of the comments we received. If it is not shown on the plan I assure you it will be added to the plans submitted for final review.

MR. CHAIRMAN: One of the things that you notice when you are out there is the utility lines in back. What is happening with all the lines?

MR. SUDOL: They are going to be relocated. We have working extensively with RG& E and their staff. At one point there was an idea of relocating them all the way back of the trail and we determined it would be too intrusive to put those in pedestrian areas but where we are planning on putting them is in an island of parking lots and continue to bisect the parking lot behind Whole foods rather than up into the trail. Again we provided RG&E preliminary with our desired design and we met with them and reviewed the design and they seemed to think it would be feasible. One of the things about going through the parking lot as far as they are concerned is we don't have any severe bends that need to put in guide lines in which would make things more complicated. So we are keeping those a straight route which makes their life more simple.

MR. CHAIRMAN: Jess one of the concerns we have heard from the community and residents on Shoreham is the view of the back of the building from Shoreham and the Clover intersection and one of the things I would ask for next time is possible a blow up of this back area in the corner. We understand what trees are

being removed as far as the project goes and which trees are on the adjacent property that are doing the screening out there today. So we know what has to be supplemented so there is adequate screening.

MR. SUDOL: Sure. I will say we are planning on supplementing that and one of the other changes you will notice is right in this area right here we will be removing a couple of parking spots in that corner in response to comments of this board, including additional landscaping there as well. But I understand what you are saying.

MR. CHAIRMAN: Anything you plant now is going to take a while to be effective. So I want to know what mature trees can still be there.

MR. BOEHNER: Jess, my understanding is the restrictive covenant allows first responders into the site and how are you planning on securing the site with the gates?

MR. SUDOL: We initially had proposed removable ballards and with the restrictive covenant it was to be gates so it needs to be like any other box.

MR. BOEHNER: You need to show that on the drawings where that would be located and how that is going to work

MS. DELANEY: Jess, did building 5, have outdoor seating?

MR. SUDOL: It was shown as an option and until we have a tenant we won't know for sure. Right now it is not showing it but that is not to say we won't have it necessarily in that existing shape. If it is land banked we might have to remove it.

MR. CHAIRMAN: Jess. If you or one of your colleagues tell us where you stand with the restrictive covenant?

MR. SUDOL: I will defer that to Jerry Goldman.

MR. GOLDMAN: Good evening , my name is Jerry Goldman attorney and agent for the Daniele's family and I reside at 59 BranchWood Lane. Where we stand with the existing covenant is that we have fully negotiated the terms of the restricted covenant agreement and we have reached an agreement that that will be held in escrow by the neighbors attorney, the Nixon office. The escrow agreement itself is being worked out right now between us and the Nixon office to finalize that.

MS. CIVILETTI: Jess, the incremental parking changes where are you now with numbers in terms of what is required versus proposed?

MR. SUDOL: I want to say it is 416 required and 420 proposed, the exact number is pretty close to that. That is reflected on the plans as well. Again the battle that we had there is we can easily remove some spaces but if we look at just this lot we barely have enough parking that we need once you compare it to what is driven by the Whole Foods lease.

MR. CHAIRMAN: Two things we heard last time about Amazon Prime and Amazon Lockers starting to be shown by Whole Foods across the country, can you or someone address if that is part of this application, or any part of the agreement you had with Whole Foods.

MR. SUDOL: Simply stated it is not, and Mr. Goldman will tell you it couldn't be without approval from this board

MR. CHAIRMAN: That was never introduced as part of this application that the town board acted on. We understand that Amazon was not in the picture when this application commenced and that has been a recent change. We want to make sure we are not getting something we have not reviewed in detail.

MR. SUDOL: That is not part of the Plan.

MR. CHAIRMAN: Another issue I am not sure we have seen an awful lot about to this point is the proposed monument sign.

MR. SUDOL: Sure, I think there was a little bit of confusion but there is one monument sign proposed that says Whole Foods that is proposed in this area next to the Whole Foods entrance. There is a second monument sign that was previously conceived that the architects never got the message to stop moving that forward. So there is only one monument sign and again it will all be under separate application for the rest of the tenants. There is one monument sign that says Whole Foods?

MR. BOEHNER: And the size of that sign will be 50 square feet per face. Is that correct?

MR. SUDOL: I believe so.

MS. CIVILETTI: What is the maximum height of the sign.

MR. SUDOL: I don't know.

MR. BOEHNER: It might be 9 feet but I would have to go back and look.

MR. SUDOL: It is. The details are contained in appendix 15.

MR. CHAIRMAN: I happen to have that. I have some comments on the landscaping plan. It does appear that you have met the requirements set forth in the resolution with regard to quantity of trees. In fact it exceeds it looking at the plan. I am just not sure that the distribution of the plantings along the back. It is fairly heavy on the northeast side behind Whole Foods and a little light on the other

side behind building 2.

MR. SUDOL: We recognized the same thing and when you see the final plan we have taken a bunch of those trees and removed the parking spots and put them all through here.

MR. CHAIRMAN: That kind of jumps out at you even though you have exceed the number of trees required. But I would like to see the distribution be more equitable. I will give some comments when we submit comments to you as to the number of trees in front of Starbucks and a couple of other small things.

MR. SUDOL: Sure. We will welcome that.

MR. CHAIRMAN: Another minor thing I will ask you to take a look at the sidewalks which you have changed the alignment coming in the access drive to reflect our comments and thank you and I think you have taken off the sidewalk that went to the back side of building 4, it used to go over to the outdoor plaza area. I think that came off. I think we still want that sidewalk in front of those parking spaces. It would be the back side of building 4, right there. You also added the generator to the back side of the Whole Foods project, that is right here.

MR. SUDOL: That is right.

MR. BOEHNER: Jess check the town code to make sure you meet all of the town requirements and then the Planning Board will review it as part of your application for generators. It is Section 207-14 point 4.

MR. BABCOCK STINER: Jess I would also add the sidewalk on Monroe as it is crossing the Whole Foods entrances, just look at those. They are drawn as is common but if they are built as drawn most of the time they are not accessible.

MR. SUDOL: Is that here?

MR. BABCOCK STINER: Yes, all four of those, just make sure they are accessible.

MR. SUDOL: I see exactly what you are saying.

MS. CIVILETTI: What is the status of the development of the building plan?

MR. SUDOL: They developed the shells and updated the elevations that can be reviewed by the Arhcitectural Review Board. Other than that a lot of them will be further advanced on a per tenant basis but we haven't moved into construction costs associated with it especially because we may be changing tenants.

MS. CIVILETTI: How about Whole Foods location?

MR. SUDOL: Those are pretty well set. We have worked with the Architectural Review board looking at different buildings.

MS. CIVILETTI: Is there a floor plan that has been shared with the Architectural Review Board?

MR. SUDOL: Yes and we will be sharing that with you also.

MR. CHAIRMAN: I did notice in the resolution the free standing sign but I don't see the size?

MR. BOEHNER: You will have to go into the appendix.

MR. CHAIRMAN: All right you are going to submit that for final approval?

MR. SUDOL: Yes.

MR. CHAIRMAN: Anybody else?

Thank you Jess. We have several folks signed up to talk to address this application. There are four people signed up Mr. Jacobson you are first.

MR. JACOBSON: Thank you. I am Howie Jacobson. I have a couple of things I want to show you before I get into my points. I am happy you brought up the monument sign because one of the things that has happened along the way in the last couple of years the interchange of the word monument and pillion and I have read 14 or 15 hundred pages on pillions like I have. So this is what you are approving. If I got that right. You don't have to sign anything but this is the sign. The developer did not have some architect come in here because this was dropped off here July 24<sup>th</sup> after the last Planning Board meeting. This is what the developer would like. They brought it in. I am not making it up. This is a pillion monument this is not going to happen on the site because if that is what is going to happen this is what Monroe Avenue is going to look like. I am just making sure we are clear because its hard to read. For visualization this is what you would be getting in Brighton.

So I am glad that is cleared up but it didn't come from some architect group. So again this isn't their drawing but its got the building 5, but what I did find fascinating and when you are approving things and I think if I was coming for a house plan you wouldn't be so loose but this plan and I don't know if this is what you are looking at but this has the parking spaces along the building. So the cars are going to park with their lights here. They submitted numerous plans since the last Planning Board meeting and this has the parking spaces going up Clover Street and one of the concerns you should have and I am assuming you all live in Brighton.

MR. CHAIRMAN: Would you stop saying that because we are all residents appointed to the Board.

MR. JACOBSON: If someone pulls in and parks they have to back out and this red mark I don't know if this red mark is primarily the Auburn trail where trucks are going to drive up and drop off materials because the developer says no, no people will drop

off packages and deliveries in front. I read that everything in front comes in through the rear areas. So this is not at all correct. You are going to have numerous delivery trucks going back here on the auburn trail. I am not making it up because the plans show this is the primary route. This is a truck route. All the trucks are coming back here and backing in and backing out. This is really dangerous and it is frustrating because I know they have done a nice job here. They are showing building 4 and building 5 has two restaurant sites and it was not in the traffic plan. Now maybe nobody believes it is important to know what is going in there but restaurants do more than storage buildings. If they build a metro mattress there the traffic is going to be a lot less than a bar and restaurant staying open until one in the morning, so it does matter and it is frustrating to me. This is really important for 78 percent of the residents that don't like the approval.

I have three requests tonight. And the reason I think it is important for me to make the requests tonight is we are all volunteers. I think you are volunteers maybe you get a small stipend but I am a volunteer and I have lived in this town and we have an opportunity as a team to make this right. To get it right not to get it done to get it right. People care about this project. Whole Foods project coming is fine but nobody is making a decision because of Amazon coming here. Good Luck because they are being misrepresented. Their engineer has said no lockers no Amazon Prime pick up and delivery. It's not possible if you are expecting experts to give you documentation ask them for it.

Amazon is in the restaurant business, they are in the package and delivery business. If they are saying they are not going to be here then you need to reject this proposal because it's wrong. I have three asks and they are simple and easy anyone can do them. The first one is this I want you to call Paul Wisco (phonetic) when you get the number you press 0 and the operator connects you to Nicole. Nicole is the president of the northeast rejoin of Whole Foods. Ask her are you going to verify that there is only going to be two trucks a day, one between 6 and 7 in the morning and one between 12 and noon everyday and that is it. I can tell you right now because I have talked to people at Whole Foods and I don't know if you know about the store in Buffalo that is beautifully restored in these documents but ask these people they get 14

trucks a day in Buffalo but I guess Rochester is going to be really special because we are only going to get two, what are you kidding me. The beer people are going to be here twice a day and this is listening to experts. I want Nicole to verify just like the developer told you that there is not going to be any pick up and delivery. It is not going to happen. I have four print outs that have been on the internet for the last over a year. This is what they are doing. And I want you to verify there isn't going to be a public restaurant because they are planning on it being a grocery store. We need grocery stores here in Brighton. 30,000 sf is going to be groceries and 20,000 sf is going to be everything else and I maybe high. Its important. That is why a usage study is really important. I don't know why everybody is so frightened of it for. The only people who are frightened are the developers.

So I would like you also to do this. Take this class and I am happy to pay for it. It's an hour and a half traffic impact study on line by the American Society of Civil Engineers. It's fascinating. I know everybody works and so do I. We are volunteers trying to make sure we don't screw up our town. This is a fascinating thing telling about how important usage is. Its unbelieveable you are not putting a mattress house here. If they were renting this space there would be one truck a week. If you don't want to watch it don't watch it but it is fascinating or lets have a work shop. Let's get our ZBA and our community residents lets get three freaking experts here and talk about usage if really, really important. I know nobody thinks its important because they did a quick study of what is going to happen here. That is not how its done.

This is my third request do a proper traffic study get it right not done. If your objective is to get it done because you are tired of the town board saying let's get done. Too freaking bad, we are all volunteers and by the time this thing is done the town board is going to be gone. Get it right, if the majority shows that the 78 percent at the polls are wrong okay, build it but if everything shows by the study that we are right, then get it built right. What's the problem. That is the American way get it done right. Is it going to take five years to get the study done it is not. You can get a study done in three or four months. Its not a problem. If the study for usage shows it is just basic square

footage I am not going to apologize because it was worth it for the community to be heard. So I have a number of handouts for you on that, that shows what Amazon is doing since they purchased the company. I am sure you know Amazon purchased Whole Foods because it was not doing well and they have reinvented the store and they have great examples of what they are doing and I am not going to bring up the delivery and pick up but that is part of their operating style. People can pick up groceries. They give some great examples here people can call up at 5 o'clock and pick it up at 5:30, it's a good traffic generator.

Amazon lockers this is the heart and soul of Amazon Lockers the Amazon lockers will be in all stores. Throughout the chain there are Amazon restaurant businesses and the sad thing is this information has been available for over a year. This was approved by the Town Board and do you think anybody shows anybody this stuff, no because it doesn't look good for the developer and it looks terrible that it is being withheld from our town. So I have copies of all of this that I can give you. Its good reading and I am glad you haven't made your decision because this will help you in your decision making process. Make sure that what you are getting is what is really going to happen.

What they are saying it is not going to happen and before I sit down I just heard this afternoon and I hope it isn't true but the Planning Board put on the website this afternoon you are voting tonight and rubber stamping what the Town Board approved. This is the document they printed out this is 58 pages. It is called a SEQR document I think. You have already made your decision why didn't you tell me because there is no way you are using this public forum other than just as a charade if you are rubber stamping what the Town Board said. I hope you can walk around town and say "boy we are really with the residents". You can't even wait for the final public hearing. You published this document so you are ready to go. Its not good and you are volunteers. Why would you do this to us ? I am not looking to get my way but the residents are looking to get their way they want to be heard.

So I am asking one more time there are three things it is pretty simple. Everybody has a phone you can call right now and leave a message when it answers you can press 0 and you

will go right to here extension. Ask her three questions it is not difficult. Number two take this course its an hour and a half . If it costs you something I am happy to pay for it. I know its annoying and we have to get this guy out of here get this done so we can move on. Brighton Grass Roots is not going away. This is irresponsible and the fact that you published this today this afternoon and you are voting on this tonight it is already done. It is very disappointing but it is energizing to me and the residents of Brighton. Thank you very much.

MR. CHAIRMAN: Next speaker.

MS. VAN HOUTAN: Judy Van Houtan and and I live at 205 Shoreham Drive. I don' t know if this is the appropriate place but I would like to know if it's not where I could find out if the DOT has the power to override the power of the covenant for any reason if it ever gets signed.

MR. CHAIRMAN: You are asking if the DOT has the right to override the restrictive covenant for access on Allens Creek and Clover?

MS. VAN HOUTAN: Yes.

MR. CHAIRMAN: I don't know if either of those are state roads. I could be wrong.

MS. VAN HOUTAN: So how much of this is moot if we go through all of this thinking our protection is being taken care of by closing those cuts.

MR. BOEHNER: I don't think they can but I am not an attorney.

MR. DOLLINGER: The restrictive covenant is on private property so the State would have to come in and take somebody's private property it's a private property right that they would have to take.

MR. BOEHNER: You may have to take that up with the State.

MS. VAN HOUTAN: Well, I think it is an important question.

MR. DOLLINGER: It is no different than the State coming in and building a road through your house and they can just take your house. It is the same thing so. It is a private right taking.

MR. CHAIRMAN: It could happen. It's a private right taken.

MS. VAN HOUTAN: It seems to me it should be answerable.

MR. DOLLINGER: There is no way you can stop the State from taking something. They could come in and show some public necessity to do it.

MS. VAN HOUTAN: They have already said this is too big and there are traffic issues. They have already said what you are going to build is going to create all of these things. I have lived here 45 years. I have been sitting here and I have come to all of these meetings and I have been sitting here watching all of you and first of all I want you to know how much I appreciate your being here as volunteers it is so important but that is not the issue. This isn't legos this isn't like playing with legos, we have been in this wonderful tranquil neighborhood. I don't know if each of you have gone down slowly Clover and understand this is quiet tranquil street with all these beautiful trees is going to be no more.

They are talking about littered with trees but if you look now it is total privacy. We are shut off totally from Monroe Avenue and the drive thru that is fumes, that is noise, that's traffic the delivery trucks that is traffic, it's the lights and we have been so protective of our neighborhood for so long. I used to use my own money

to decorate the street and it was for our pride and to you it isn't personnel but to us it is terrible personnel what's happening. The traffic is now trying to get through Allen's Creek through Shoreham through to White Stone. It's a maze. We don't have sidewalks and we don't have lights. I can't turn left now very seldom can I turn out of my street without counting a good 10 cars. I should have everybody count cars now before they even do anything differently. The fact that there hasn't been a drone shot or a helicopter shot of literally what happens to these roads when it gets busy and where do they expect everybody to go. To us it is not little cars on make believe streets and all of this is going to be fine because we area going to put this in and that in to us who can possibly tell what the end result will be with all this building is going to do to that small area that has guarded us for all these years. And I would really appreciate it if you would take some time before you vote on this. To honestly comprehend what it is like for all of us back there and thinking this is being dropped in our neighborhood. Thank you.

MR. CHAIRMAN: Thank you, next  
Bridgette O'Tool.

MS. O'TOOL: Good evening I am an attorney for this Auburn Group and I represent Grass Roots. I am here tonight to address three issues for a commercial use in a residential district. The three issues are commercial uses in a residential district. Substantial interference with a pedestrian easement and other general site plan deficiencies. First this board completely lacks the jurisdiction to put in a commercial parking lot and storm water drainage system in a residential zone. You can make decisions about the site plan and layout but not land use. The New York State Law and the court decisions are pretty clear about that. This exact issue has been addressed by the courts in the Town of Bedford and that case involved a piece of land that straddled both commercial and residential areas like we have here. The appellate court up held that only the ZBA has the power to grant variances to park on residential lands. So unfortunately this Board just doesn't have that power and only the ZBA does upon showing actually dollars and cents proof of financial hardship.

Second this proposed site plan will

substantially interfere with public right to use pedestrian easement that is this area right here. As you can see that is right in the middle of the parking lot and you are going to have cars parking all through there and the developer talked about the timbers in the second area not the primary easement. So clearly people will be using this secondary area not the primary area without actually following the right way to do that and it is going to render the use impractical and unreasonably inconvenient and unsafe to pedestrians.

And third I will just briefly address the other deficiencies such as landscaping. Which is not comparable to what is there now and is not evenly distributed, the trees are more dense now.

MR. CHAIRMAN: How do you know that? I am a landscape architect and I don't know that yet because I haven't seen the number of trees on this property that are proposed to be removed. I am just wondering how you are able to make that assumption.

MS. O'TOOL: You are right it hasn't been fully inventoried.

MR. CHAIRMAN: We agree that needs to be looked at and how the existing remaining trees can help make sure that this is buffered to the fullest extent.

MS. O'TOOL: Okay. The access to Allens Creek the Town Board resolution approving the incentive zoning application required the developer to prohibit motor vehicle access from Clover and Allens Creek. The proposed site plan appears to provide unrestricted access from Clover and Allens Creek and it doesn't appear to be any barrier between these streets and the plaza prohibiting access and for these reasons we are asking you to return to the drawing board and redesign so there are no commercial uses in a residential zone. And there is no interference with the public's right to use the pedestrian easement the primary easement, that there is suitable landscaping, that the timber fencing protects the primary as well as secondary way and that there is a barrier between the plaza and Clover and Allens Creek. Thank you.

MR. CHAIRMAN: Thank you very much. Can we have the next speaker, Charles Malcolm?

MR. MALCOLM: Charles Malcolm. Good evening Mr. Chairman and members of the Board. I am an attorney with Hodgson Russ representing Safe Monroe Avenue. I am here tonight on two main points. I have appeared several times before the Board and sent several pieces of correspondence and have submitted comments. The main issue we have is the size of the development. We noted at the very outset that this board has jurisdiction over size. It has an obligation under SEQR to mitigate impacts to the maximum extent practical. The Town Board in talking about traffic impacts has noted that size was an issue and was a driver in traffic and they picked an arbitrary number out of a hat to demand development be reduced without reference to what the use was or what the traffic generated was. So it was admitted by the Town Board that size is an issue.

So we asked the Board to take jurisdiction by the horns and get into the issue and that hasn't happened. The SEQR findings were posted and they basically mimicked what the Town Board did and relied upon the Town Board's determination on size which the Town Board admittedly said it was arbitrary. We asked the Town Board to reconsider adopting the SEQR findings and take another look at the statutory jurisdiction to evaluate their size not from a micro level by shifting buildings here and there which is part of their job but they are missing the big picture. We ask that you take a look at the size of the development and drill down on the reduction of this scale of development to mitigate the impacts to the maximum extent practical under SEQR.

The second point I would make is I want to talk about the Board's statutory power imposed upon conditions on the site plan review under the town law 274 a or b. The board has the power to impose conditions to mitigate impacts with the development and in fact has the obligation to do so and there has been a lot of discussion and presentations made at these meetings by the developers about what they are going to do or not do and how many delivery trucks go to the site. And I think if you are going to go ahead and approve the preliminary site plan and rubber stamp it with SEQR findings I would

suggest that you use your power to impose conditions to keep the developer to their word on what they said tonight. So for example the developer said we are not going to have deliveries out there, we are not going to have Amazon lockers, that is not part of this development. Well I would suggest that the board impose a condition on the impending approval that would say the developer can't have deliveries out there, can't have the lockers that is not an approved condition. I would also suggest that there is not going to be a public restaurant there, that is not under development and that is a condition of approval.

And I was here at a meeting when the developer represented that be no more than two delivery trucks per day. I was a little surprised by that but I am not gong to go as far as Mr. Jacobson but I will take the developer at their word on that. So let's put that in as a condition. Let's take the statement that were made and that we have all heard that they all represented and impose those as conditions to mitigate the impacts of what is happening there overall and insure that is what is happening there. Any ways use your power to impose conditions on them to hold to the promises they made here tonight over the course of this review. Thank you.

MR. CHAIRMAN: Thank you that is all that has signed up to speak but if there is anyone who is interested incoming up and making comments please do so.

MS. DONNELLY: Megan Donnelly and I live in Brighton. I would ask the Board to remember that there is always a middle balance between the residences and commercial zones and that is why there is zoning. I feel that is why we have had Zoning Laws in Brighton. That we do have. I am asking you to think deeply before you given incentive zoning to such a big project and to think about the original zoning laws and why they were put in place to balance the needs of businesses and residents in the community. Thank you.

MR. CHAIRMAN: Thank you for coming out, we appreciate it. Is there anyone else who cares to address this please come up.

MS. FRANKLIN: My name is

Danielle Fraenklein and I live at 110 Terryton Road and this meeting has had a very big affect on me. I am really impressed by listening to Mr. Jacobson and the two attorneys and it seems to me that we are faced with a fate complete. And I was a person who was on the fence. I have been away from Rochester for a while, away from Brighton working out of town and I was very mixed about this whole decision. I have been paying attention and I like Whole Foods and then I don't like Whole Foods but essentially I think you have a job to do right now and that is to not approve this as it is now. And to take seriously the three items that the attorney for Grass Roots said and the items that the attorney from Safe Monroe Avenue. You have that responsibility. You just stamp this now. I was stunned to hear it was already approved on some level. You have a responsibility to us as residents of Brighton and a responsibility to yourself that you feel you have done this in a cogent and honorable way. I represent IED on the Brighton Democratic Monroe County Committee and I can assure you that most of my friends I will say not constituents feel very strongly that they don't want this pushed down their throats. You have a job to do and they have given you some suggestions. You said to take down those three posters and they were done by somebody who seriously was concerned about this community. I want to thank you for speaking for me on the issue that I wasn't all that aware of. You have jobs please do it. Thank you.

MR. CHAIRMAN: Thank you. Anyone else? Okay, we are going to take a 7 or 8 minute break and we will reconvene at 10 minutes of.

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10 MINUTE BREAK

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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. TABLED AT THE JULY 18, 2018 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. SUDOL: Good evening Mr. Chairman, Jess Sudol from Pasero Associates. This application is nearly

identical to the first application. The first application addressed the abatement of the Clover Lanes facility but this one is strictly limited to the Mamasan's property in terms of stabilization and how we are going to secure the site and this is identical to the first application and I don't mean to be brief but I would be happy to answer any questions.

MR. CHAIRMAN: So Jess this is really at this point taking down Mamasan's and you will just mill all of the current asphalt surfaces out there.

MR. SUDOL: No, we are not milling the asphalt that won't come out until we do the whole plaza.

MR. CHAIRMAN: So that doesn't come out until you do the plaza.

MR. SUDOL: Yes, otherwise we will be generating unnecessary traffic.

MR. CHAIRMAN: Okay and similar conditions with this the trail will still be accessible.

MR. BOEHNER: How is that going to operate with the milling operation? When you look at the site it looks like the whole site is closed off. In the second phase just looking at your plan it looks like there is a fence along the whole perimeter.

MR. SUDOL: There is a fence along the whole perimeter of the site to secure the site as part of the Whole Foods application but the fencing is limited to each building on the two subject applications and with the first there is neither any building being proposed. The Whole Foods Plaza when the buildings have been demolished then it would be milled and stock piled in phases and utilities installed and the milled stone will be mixed with the stone before the asphalt is put down.

MR. BOEHNER: Is there any asbestos in the building.

MR. SUDOL: No, not like the bowling alley.

MR. BABCOCK STINER: I am not sure your answer correlated with Ramsey's question about the existing asbestos. If the entire site is fenced that includes the trail –

MR. SUDOL: The overall site plan fencing starts at the trail coming along the entire frontage of the project so it pretty much ends at the trail. Behind the trail where you don't have pavement installed that is where we are installing orange construction fencing and silt fencing to delineate the limited services back there. So the fencing is going to follow the trail –

MR. BABCOCK STINER: But the fencing continues past the trail so there will be fencing on both sides.

MR. SUDOL: Yes,

MR. CHAIRMAN: Thank you. Mr. Jacobson have you signed up to talk on this application?

MR. JACOBSON: Yes., with the demolition of this building will it be grassed over?

MR. CHAIRMAN: Since you asked that we do have a condition in the approval. We haven't decided to approve or table it but the condition will be if it remains unbuilt for a period of time and becomes protracted they would be required to come in and top soil it. So that is not an issue.

MR. JACOBON: If it does become protracted it will be top soiled then. The Auburn trail which is here that is the primary trail whether it is paved over or not during that time what happens to us on that trail?

MR. CHAIRMAN: It is open and it

is accessible. The building area would be fenced in for the protection of the people and they will keep the primary trail and that will still be there if this is ever built on and will be able to be used by the residences.

MR. JACOBSON: Thank you.

MR. CHAIRMAN: Anybody else care to speak?

MS. FRAENKLIN: My name is Daniele Fraenklin, not related to Sandy and I live at 110 Terryton Road and I have lived there since 1977. I just had one question when I heard the developer's engineer talking he mentioned two trucks a day one in the morning and one around noon. Now during the break I spoke to Mr. Daniele's attorney who said "well what that means is two 18 Wheelers going in and out. There certainly could be other trucks. So can you tell me exactly what the agreement is so I know exactly what is in there.

MR. CHAIRMAN: Okay that doesn't apply to this particular application but I appreciate your coming out.

MS. FRAENKLIN: It does in terms of the trust value. I want to feel I can trust the Planning Board. I am a big fan of the Town Counsel and they are my friends. I want to know can we trust you to actually find out this information because that is very contradictory.

MR. CHAIRMAN: Do you mind telling me what would be the concern over the trucks and why?

MS. FRAENKLIN: Okay you heard this lady talk before about the trucks bringing in fumes, they disrupt, they are noisy and they like to walk on the Auburn Trail.

MR. CHAIRMAN: What has the Auburn Trail been like for the past 20 years, what are you walking on you are walking on asphalt as part of a parking lot.

MS. FRAENKLIN: I am not worried about what you are walking on you are moving me away from what I am talking about.

MR. CHAIRMAN: Please just get to your point.

MS. FRAENKLIN: My concern and I will say it again is an issue of trust in the sense that I heard two trucks and I thought that is great but then I was told by the attorney that is two 18 Wheelers and there could be a lot of other trucks.

MR. CHAIRMAN: What is your concern is it that the trucks are noisy –

MS. FRAENKLIN: And pollute the air with more fumes and they are disruptive to the neighborliness of the community. People like this woman live here but you need to tell me what is in the contract.

MR. CHAIRMAN: There is no contract I don't know what contract you are referring to. Let me take it under advisement that your concern is about the number of trucks going onto Whole Foods. Is that an accurate statement?

MS. FRAENKLIN: Yes, but I want to know what your view is on it. Is it your understanding that it is two 18 wheelers plus or that it is just two trucks.

MR. BOEHNER: It is my understanding it is two semi's and that is something I would have to verify that is my understanding and I will under advisement of the Board verify that information. It is just two semi's and there is no other restriction on the number of trucks. I just want to be clear.

MR. CHAIRMAN: Just pertaining to this application.

MR. JACOBSON: Do you know how many trucks Mamasans gets every day this lady brought up something very important and that is the trust factor. There is no where in any pages that you can actually tell me that they said two semi's. They have said two trucks over and over again which means two trucks. I am going to tell you no other thing was said except they are going to have other trucks occasionally on the rest of the plaza. There is going to be 16 big trucks every day and you know what the issue is traffic in through here. It is going to be unbelievable but its okay because this woman brought out something really important and I think it is important for the residents to realize if you don't hold these people to what they say and let them do a lot of wiggle room like the town board did its not going to be good for the town and its really wrong. And I am glad she brought that up because you are now making up something that doesn't exist. It's really disappointing to me because I have read everything and it has never said two semi's.

MR. BOEHNER: I said I was going to verify it.

MR. JACOBSON: Well do it publicly because you are going to find out it says two trucks and you know why because they are being deceitful and how many trucks. It's not difficult and no one has verified this. Has anyone driven down to Tops and asked how many trucks they get, no one has questioned them, the town board hasn't I am off track but I want to know how many trucks go to Mamasan's every day. How many trucks go to Starbucks every day. And what about Whole Foods they get an occasional truck what are you kidding me, there is going to be 50 or 60 trucks on this site every single day. There is going to be 2 or 3 restaurants on this site. You need to be real with us. She brought up the right words we want to trust what you are doing for God's sake. Why are you making it so hard on us. Done, thank you.

MR. CHAIRMAN: Anyone else.  
Okay thank you all for coming out. We will move on.

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6P-NB2-18 Application of First Baptist Church, owner, for Preliminary Subdivision Approval to create two lots from one on property located at 75 Allen Creek Road. All as described on application and plans on file. TABLED AT THE JULY 18, 2018 MEETING –PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE SEPTEMBER 17, 2018 MEETING AT APPLICANTS REQUEST.

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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. TABLED AT THE JULY 18, 2018 MEETING PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE SEPTEMBER 17, 2018 MEETING AT APPLICANTS REUEST

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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. TABLED AT THE JULY 18, 2018 MEETING PUBLIC HEARING REMAINS OPEN – ADJOURNED TO THE SEPTEMBER 17, 2018 MEETING AT APPLICANTS REUEST

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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 contruct a 6,698 +/- 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. WITHDRAWN BY APPLICANT.

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8P-01-18 Application of Jerone Koresko, owner and Dr. Indra Quagliano, contract vendee, requesting an extension of Site Plan

Approval. Subdivision Approval and Demolition Approval (6P-03-17) for the construction of 2 two story office buildings on property located at 1230 East Henrietta Road. All as described on application and plans on file.

MEETING WAS ADJOURNED FOR A FEW MINUTES AND THE WHOLE FOODS PEOPLE WERE ASKED TO LEAVE UNTIL IT WAS TIME FOR THEM TO BE HEARD

MS. HOGAN: Good evening my name is Sara Hogan and I am from EDR and I am here on behalf of IG Dental and I am here tonight to request Site Plan Extension for the IG Dental project on East Henrietta Road and Flag Road. We received approval last September and we also received our variance approval in the year 2017. This past year our project took a site delay and our variance has expired. We decided in working with the town that we wanted to come back in August and align approval and variance approvals. We were here two weeks ago and obtained our variance approval for parking in the front yard area and tonight I am here to request Site Plan Extension. The project was delayed over the winter directly as a result of the interior programming of those parking spaces and the architect went back to the drawing board and we shifted some spaces internally and everything outside has stayed the same. All utility connections are still in the same spot. On the Site Plan in general there has been no major modifications other than addressing the engineering and planning comments.. We did submit a package in May of this year that was full of comments and we were awaiting for our variance approval. Hopefully this is a little less contentious than the last application that was heard. Hopefully this is the easiest one heard tonight.

MR. BOEHNER: When do you plan to start construction?

MS. HOGAN: We plan to start in the spring of 2019. The dental is still in the process of acquiring the property and Site Plan Approval. Once we have Site Plan Approval we will move forward with the application.

MR. CHAIRMAN: How long is the extension good for?

MR. BOEHNER: For a year until September 27, 2019 the date of the original approval. So the extension will expire on September 27, 2019.

MR. OSOWSKI: You are only allowed one extension?

MR. BOEHNER: That is right.

MR. BABCOCK STINER: The permit needs to be pulled before the extension and the work needs to be started within 6 months?

MR. BOEHNER: There is no requirement of that nature but they have to commence construction in order to keep their variances. I don't want to get into it too deep.

MR. CHAIRMAN: Any questions or comments? This is a public hearing does anyone care to address this application. Thank you. Okay we will move on. Thank you.

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8P-02-18 Application of WSBJ, LLC, owner and New Monroe Real Estate, LLC, contract vendee, for Conditional Use Permit Approval to allow for a veterinary service facility on property located at 588 White Spruce Blvd. All as described on application and plans on file.

MS. LAUKAITIS: Good evening I am Lucy Laukaitis. I am from Irondequoit and I am here to request approval for Conditional Use Permit to operate a veterinary hospital.

MR. CHAIRMAN: You are occupying the existing building and I wasn't able to assess which space you are taking.

MS. LAUKAITIS: We are purchasing the whole building, the right side is for animal rehab and the left side is for administrative offices and a break room and we are in the middle.

MR. CHAIRMAN: So you are taking that middle highlighted yellow section and that is your tenants space.

MS. LAUKAITIS: That is correct.

MR. CHAIRMAN: And they take very few parking spaces?

MS. LAUKAITIS: Yes, they take very few spaces and the emergency service takes very few spaces.

MR. CHAIRMAN: This is not overnight boarding services.

MS. LAUKAITIS: This is outpatient rehab services there is no over night boarding services but their appointments are a little longer and that is why parking is not a big deal..

MS. CIVILETTI: How many appointments would be going on at the same time?

MS. LAUKAITIS: Two at most.

MR. OSOWSKI: There is no surgery for animals?

MS. LAUKAITIS: No.

MR. OSOWSKI: I notice there is blood banking in the corner. Is that for transfusions?

MS. LAUKAITIS: That would be holding the blood for use across the street.

MR. OSOWSKI: Is it true all dogs have the same type of blood?

MS. LAUKAITIS: That is not true.

MS. CIVILETTI: Any medical waste there?

MS. LAUKAITIS: There might be a little it would be held in red containers and taken across the street.

MR. BABCOCK STINER: Is there a dumpster?

MS. LAUKAITIS: Probably because there is some waste just regular waste.

MR. BABCOCK STINER: Just a totter or is there a dumpster?

MR. CHAIRMAN: There is one on the site. This is a public hearing. Is there anyone who cares to address this application? Okay next application.

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8P-03-18 Application of Brookhill Management, owner, and Tyrone Reaves, lessee, for Conditional Use Permit Approval to allow for a comedy club with a bar and restaurant on property located at 3450 Winton Place. All as described on application and plans on file.

MR. REAVES: Tyrone Reaves lessee and Brookhill Management is the landlord. We are taking over the entire lease of the property which had a former cabaret.

MR. CHAIRMAN: I think our first question is the hours of operation. You are going to midnight on

Wednesday and Thursday and 1 a.m on Friday and Saturday and you are closed on Tuesday.

MR. REAVES: Yes.

MR. BOEHNER: There will be a condition on your hours of operation, You have 8 a.m. to 2 a.m.

MR. REAVES: Those are hours for us to be there for deliveries we would not be open for business. Does that answer your question?

MR. BOEHNER: Yes. And you would be locking the door no later than 2 a.m..

MR. REAVES: Yes that is the plan.

MR. CHAIRMAN: I know the plaza has dumpsters in the back you will use those?

MR. REAVES: Yes.

MR. BOEHNER: How many seats are you proposing to have?

MR. REAVES: We had given you documents, currently there is 315. I think we will be looking at 250 in the theater but there was another space for 75 in the bar and restaurant area. I am not 100 percent sure based on the type of tables and chairs I want to make sure it is comfortable and make it safe

MR. BOEHNER: It says seating in the lounge and bar area shall be limited to 84. That is determined by the Fire Marshal and New York State Fire Code and in the theater section 234 would be the maximum or the maximum allowed by NYS code but the Fire Marshal may not allow you that much it will be based on the fire codes.

MS. CIVILETTI: What kind of cooking operation are you planning on?

MR. REAVES: We will have hot dogs and hamburgers and wraps and salads –

MS. CIVILETTI: Any fried foods, anything that requires a cooking hood?

MR. REAVES: Yes because we will be serving fried chicken wings and so forth.

MS. CIVILETTI: Does the existing kitchen have that kind of equipment?

MR. REAVES: It does but it hasn't been used in quite a while and I think we will be tearing it down in any event it may work just fine I haven't been able to get in there yet. It has been a cabaret for the past seven years.

MS. CIVILETTI: Is there a full bar?

MR. REAVES: Full bar yes.

MR. OSOWSKI: How will the grease be handled?

MR. REAVES: We will have a mediation team to take care of any of that that has to be disposed of.

MR. CHAIRMAN: This will be a year round operation?

MR. REAVES: Yes. It is not a seasonal business.

MR. CHAIRMAN: Are you thinking of new signage for the front of the building?

MR. REAVES: When I looked out there it is similar to what is already out there similar to a strip mall. I am

not looking to create our own brand of signage it will be very similar to what is out there now.

MR. BOEHNER: What is the name of the business?

MR. REAVES: Taze Entertainment.

MR. OSOWSKI: Will there be only comics or other entertainment like music or other shows?

MR. REAVES: Right now I do have an uncle who is called Blazzdos (phonetic) who has been begging me to let him do a couple of shows. You know given his age I will probably take a lot of heat so I may get him in once a month for a show.

MR. OSOWSKI: This will be the third comedy club that will be operating there, I know of two others. You know your competition.

MR. REAVES: I don't pay too much attention to competition. It doesn't bother me I am not concerned if you do the right thing within the guidelines and offer a good product you can step up and do the same thing. But there are a number of comedy events in town here.

MR. CHAIRMAN: Okay, all set thank you. This is a public hearing does anyone care to address this application?

MR. KAWHOLSKY: My name is Chris Kawholsky. I am currently managing the downstairs cabaret operating in that space. I am here to say I hope this Board will lay down the same regulations or requirements that we faced with this Board when we first went into this space which discouraged our having liquor. The kitchen is not functioning at all that was all taken out and we were not allowed to have a restaurant and that has nothing to do with us but he is putting in a comedy club and I have operated the cabaret for the last seven

years and we were strongly discouraged from having liquor. I would be happy to answer any questions about the kitchen vents or hoods but that was all taken out. Thank you.

MR. CHAIRMAN: Thank you for coming out and for waiting.

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#### NEW BUSINESS

3P-NB1-18 Application of Brian Matiacio, owner, 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 – ADJOUNDED AT APPLICANT'S REQUEST.

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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 family 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. WITHDRAWN BY APPLICANT.

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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. TABLED AT THE JULY 18, 2018 MEETING – PUBLIC HEARING REMAINS OPEN- ADJOURNED TO THE SEPTEMBER 17, 2018 MEETING AT APPLICANT'S REQUEST.

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MR. CHAIRMAN; The public hearing are closed. I am going to ask the Whole Foods people to come back in and join us and we will continue with our agenda.

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**NEW BUSINESS**

**Findings Statement for Whole Foods Plaza**

MR. CHAIRMAN: We are going to take up the SEQR Findings for this and we are going to take up the matter of the demolition applications.

**MR. CHAIRMAN SPOKE ON THE ENGAGEMENT OF THE PEOPLE OF BRIGHTON IN THE APPLICATION PROCESS**

MR. CHAIRMAN: At this time I would like to ask the Board Members to make a motion to adopt or approve the SEQR Resolution and the Findings Statement.

MR. OSOWSKI: I will move that the SEQR Resolution and Findings Statement for the Whole Foods Plaza dated August 15, 2018 be adopted by the Planning Board.

MS. CIVILETTI: Second.

**UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED**

William Price Yes	Pamela Delaney Yes
Justin Babcock Stiner Yes	James Wentworth Yes
Laura Civiletti Yes	John Osowski Yes

MR. BOEHNER: The SEQR Resolution and Findings State for the Whole Foods Plaza, dated August 15, 2018 has been adopted.

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OLD BUSINESS

NONE

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PRESENTATIONS

NONE

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COMMUNICATIONS:

Letter from Sanjay Hiranandani, 140 Sandringham Drive, dated July 12, 2018, in support of the proposed Whole Foods Plaza.

Letter from Janet Balajthy, 104 Evandale Road, dated July 12, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Sheila Pelton, 153 Edgeview Lane, dated July 16, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Joanne Prives, dated July 18, 2018, with comments regarding the proposed Whole Foods Plaza.

Letter from Heather Coyne, dated July 18, 2018, in support of the proposed Whole Foods Plaza.

Letter from Kim Blood, dated July 18, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Claire Kaler, dated July 18, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Ann Dozier, 105 Warren Avenue, dated July 18, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Ron Amelotte, dated July 18, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Elaine D'Amanda, dated July 18, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Dr. Jennifer Bateman, dated July 19, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Ann Maloney, , dated July 20, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Emily Fanciullo, dated July 22 , 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Bill Fricke, 142 Ambassador Drive, dated July 22, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Howie Jacobson, dated July 23, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Howie Jacobson, dated July 27, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Alice Hooper, , dated July 27, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Edmund Martin, PE. LandTech, dated July 30, 2018, withdrawing application 6P-05-18 & 4P-NB1-18.

Letter from Howie Jacobson, dated July 30 , 2018, regarding signage at the proposed Whole Foods Plaza.

Letter from Howie Jacobson , dated July 30, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Patti Vick, dated July 31, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Howie Jacobson , dated July 31, 2018, regarding signage at the proposed Whole Foods Plaza.

Letter from Howie Jacobson, dated August 1, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Michael Montalto, Costich Engineering , dated August 1, 2018, requesting adjournment of application 3P-NB1-18.

Letter from David Cox, P. E. Passero Associates, dated August 1, 2018, requesting adjournment of application 6P-01-18 and 7P-04-18 to the September 17, 2018 meeting.

Letter from Julie St. Clair, 2301 Clover Street, dated August 1, 2018, in support of the proposed Whole Foods Plaza, specifically in regards to improved drainage.

Letter from Howie Jacobson, dated August 3, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Cheri Levine 362 Meadow Drive, dated August 4, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Anna May Eisenberg, dated August 5, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Brian Burri, Bergman Associates, dated August 6, 2018, requesting adjournment of application 7P-NB1-18 to the September 17, 2018 meeting.

Letter from Heather Stevenson, dated August 7, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Howie Jacobson, dated August 8, 2018, regarding Whole Foods Market curbside pickup.

Letter from Howie Jacobson, dated August 9, 2018, regarding truck deliveries.

Letter from Howie Jacobson, dated August 9, 2018, regarding Amazon and Whole Foods Market.

Letter from Mindy Zoglin, The Zoglin Group, PLLC, dated August 13, 2018 with comments and concerns regarding Site Plan Approval for the proposed Whole Foods Plaza.

Letter from Joan Aiello, dated August 10, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Paul Bush, dated August 14, 2018, with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from Robert Burgdorf, Nixon Peabody, dated August 15, 2018 regarding Planning Board approvals for the proposed Whole Foods Plaza.

Letter from Jon Hartley, P.E. Stantec Consulting, dated August 13, 2018, regarding traffic assessment for the May 2018 Site Plan of the proposed Whole Foods Plaza.

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**PETITIONS**

NONE

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SP-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 REOPENED.

MS. CIVILETTI: I move to close the public hearings.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move that the application for demolition is consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Demolition Findings:

MS. CIVILETTI: I move that the Planning Board adopts the following findings based on the application submitted, testimony presented and the determinations, comments and recommendations of the Historic Preservation Commission, Architectural Review Board and Conservation Board and I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions:

1. The existing buildings are not currently designated as landmarks and have been found by the Commission not to be candidates for designation by the Historic Preservation Commission as landmarks.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirement of this article and their determination and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Towns regulations regarding trees.
7. A restoration plan has been reviewed by the Planning Board.

8. The project will comply with the requirements of NYSDOL , Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town Brighton, Lead Based Paint Removal In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3, 4(a)(2) regarding onsite 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..
9. The project will not, under the circumstances of the particular case be determined to the health, safety, or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

Conditions:

1. All existing trees shall be shown on the demolition/restoration plan. Trees to be removed shall be indicated. All trees in proximity to the work area that are proposed to be saved shall be shown to be protected with orange construction fencing. A detail of the tree protection shall be provided.
2. All areas of vegetation to be removed, including adjacent to buildings, shall be indicated on the plan, with proposed restoration shown.
3. Debris stockpile and equipment staging areas and a stabilized entrance shall be shown on the demolition/restaurant plan with any required erosion control
4. The areas of asphalt removal shall be stabilized until development take place. The method of stabilization shall be shown on the plan.

5. If development is delayed, beyond 9/15/19 all disturbed areas, including building and pavement areas shall be restored with vegetation and stabilized until vegetation is established.
6. Access to the trail must be maintained throughout demolition and construction.
7. Prior to issuance of a demolition permit or building permit, all asbestos that was not included in the NYS Controlled demolition variance shall be removed according to NYS and Town of Brighton requirements and verification, including a Visual Inspection Report and an Air sampling Report, shall be provided from a qualified company that asbestos has been removed.
8. All comments and conditions of Monroe County shall be addressed.
9. Meet all requirements of the Town of Brighton's Department of Public Works.
10. All Town codes shall be met that relate directly or indirectly to the applicant's request.
11. The project and its construction entrance shall meet the New York State Standards and Specification for Erosion and Sediment Control Erosion control measures shall be in place prior to site disturbance.
12. 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.
13. 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.
14. Maintenance of landscape plantings shall be guaranteed for three years.

- 15 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.
- 16 All reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 17 The project will comply with the requirements of NYSDOL , Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3, 4(a)(2) regarding onsite 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.
- 18 All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
- 19 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.
- 20 The asphalt should be used onsite and necessary precautions shall be taken to minimize dust and other particles leaving the site during demolition.
- 21 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.

- 22 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.
- 23 All comments and concerns of the Town Engineer as contained in the attached memo shall be addressed.
- 24 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. DELANY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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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 finding 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 Fire Marshal(Chris Roth, 585-784-5220
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 does shall be met that related 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. 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 All outstanding Site Plan Comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system 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 an 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 requirements 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 August 14, 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's Fire Marshal must review the fire apparatus access and fire hydrant location. The Fire Apparatus Access and Fire Hydrant Worksheet must be complete and submitted to the Town of Brighton for 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 lot tree plantings (within proposed islands) to help mitigate heat island effect.
  - 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 easement shall be reviewed and approved by the Planning Board during the site plan approval process.
- 32. The submitted plans show 2 lots. The plans must be revised to show the site date 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 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. The 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 shelters.
- 36. Consent from all the property owners included in the submitted plan must be obtained in writing and submitted in the Town.

37. The engineer of record must verify that the Whole Foods building has adequate fir 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 thru 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 Starbucks building.
43. The site plan shall show all trees to be removed.
44. The parking spaces between Building 5 and Monroe Avenue shall be removed and replaced with landscaping.
45. The restrictive covenant allows for access by the first responders and requires that the access be secured by a gate and lock under control of the Town or such first responders. The site plan shall be revised to show how this will be addressed.
46. The site plan shall be revised at address the type of buffer or screening for Building 2. Additional trees and landscaping should be planted along the east side of the parking lot to help screen Building 2.
47. The site plan should be revised to show that the driveway lane intersecting the main driveway north of Building IV should restrict traffic to one way in the northeast direction.

- 48 The proposed generator shall meet all requirements of the Town Code or Planning Board approval shall be obtained. Section 207-14.4 of the Comprehensive Development Regulations shall be addressed.
- 49 Confirmation of anticipated daily number of Whole Food trucks and sizes including sizes and number of deliveries.
- 50 Interior floor plans and mechanical layout to confirm no restaurants or pubs or banks of lockers.

MR. BABCOCK STINER: Second.

UPON ROLL CALLVOTE MOTION UNANIMOUSLY CARRIED

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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. TABLED AT THE JULY 18, 2018 MEETING – PUBLIC HEARING REMAINS OPEN.

MS. DELANEY: I move to close the public hearing.

MR. OSOWSI: Second.

UPON ROLL CALLVOTE MOTION UNANIMOUSLY CARRIED

Demolition Findings:

1. The existing buildings are not currently designated as landmarks and have been found by the Commission not to be candidates for designation by the Historic Preservation Commission as landmarks.
- 2 The Architectural Review Board and Conservation Board have reviewed the project per the requirement of this article and their determination and recommendations have been considered.

- 3 The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
- 5 The Brighton Department of Public Works has approved the proposed grading plan for the project.
- 6 The project complies with the requirements of the Towns regulations regarding trees.
- 7 A restoration plan has been reviewed by the Planning Board.
- 8 The project will comply with the requirements of NYSDOL , Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town Brighton, Lead Based Paint Removal In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3, 4(a)(2) regarding onsite 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..
- 9 The project will not, under the circumstances of the particular case be determined to the health, safety, or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- 10 The project does not have a significant negative impact on affordable housing within the Town.

Conditions:

1. The trail is shown in the area where pavement is being removed and behind the construction fence, yet a note says that it must remain open at all times, and that a detour will be provided as necessary. Access to the trail must be maintained throughout demolition and construction. If it is to be temporarily relocated, the detour must be shown on the demolition/restoration plans.

- 2 All existing trees shall be shown on the demolition/restoration plan. Trees to be removed shall be indicated. All trees in proximity to the work area that are proposed to be saved shall be protected with orange construction fencing.
- 3 All areas of vegetation to be removed, including adjacent to buildings, shall be indicated on the plan, with proposed restoration shown.
- 4 Debris stockpile and equipment staging areas and a stabilized entrance shall be shown on the demolition/restaurant plan with any required erosion control
- 5 The areas of asphalt removal shall be stabilized until development takes place. The method of stabilization shall be shown on the plan.
- 6 If development is delayed, beyond 9/15/19 all disturbed areas, including building and pavement areas shall be restored with vegetation and stabilized until vegetation is established.
- 7 All comments and conditions of Monroe County shall be addressed.
- 8 Meet all requirements of the Town of Brighton's Department of Public Works.
- 9 All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 10 The project and its construction entrance shall meet the New York State Standards and Specification for Erosion and Sediment Control. Erosion control measures shall be in place prior to site disturbance.
- 11 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.
- 12 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.

- 13 Maintenance of landscape plantings shall be guaranteed for three years.
- 14 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.
- 15 All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
- 16 The project will comply with the requirements of NYSDOL , Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town Brighton, Lead Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3, 4(a)(2) regarding onsite 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.
17. 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.
- 18 All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
- 19 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 issuance and any permits.
- 20 The asphalt should be used onsite and necessary precautions shall be taken to minimize dust and other particles leaving the site during demolition.

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

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

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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8P-01-18 Application of Jerone Koresko, owner and Dr. Indra Quagliano, contract vendee, requesting an extension of Site Plan Approval. Subdivision Approval and Demolition Approval (6P-03-17) for the construction of 2 two story office buildings on property located at 1230 East Henrietta Road. All as described on application and plans on file.

MR. BABCOCK STINER: I move to close the public hearing.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER: I move the Planning Board approves application 8P-01-18 based on the testimony given, plans submitted and with the following conditions and Determination of Significance.

#### 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. Site Plan Approval shall expire on September 27, 2019. No further extensions can be granted.
2. All conditions of approved Planning Board Application 6P-03-17 remain if effect and must be satisfied.
3. All buildings shall comply with the most current Building and Fire Codes of New York State.
4. 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.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All town does shall be met that related directly or indirectly to the applicant's request.
7. All outstanding comments and concerns of the Town Engineer shall be addressed.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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8P-02-18 Application of WSBJ, LLC, owner and New Monroe Real Estate, LLC, contract vendee, for Conditional Use Permit Approval to

allow for a veterinary service facility on property located at 588 White Spruce Blvd. All as described on application and plans on file.

MR. WENTWORTH: I move to close the public hearing.

MS. DELANEY: Second.  
UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MS. CIVILETTI: I move the Planning Board approves the application 8P-02-18 based on the testimony given, plans submitted and with the following conditions and Determination of Significance.

#### 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 of Brighton Fire Marshal (Chris Roth 585784-5220).
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. All comments and conditions of Monroe County Shall be addressed.
4. Hours of operation shall not be earlier than 6:00 a.m or later than midnight without further approval by the Planning Board.

5. Meet all requirements of the Town of Brighton's Department of Public Works
6. All Town codes shall be met that related directly or indirectly to the applicant's request.
7. Any dumpster shall be enclosed with building materials that are compatible with the existing building. The location and screening of the dumpster shall be reviewed and approved by the Building and Planning Department.
8. Any proposed events that will entail activities, temporary structures or signs outside of the building may require a permit from the Building and Planning Department.
9. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
10. All required permits and approvals of the Town of Brighton Sewer Department shall be obtained.
11. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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8P-03-18 Application of Brookhill Management, owner, and Tyrone Reaves, lessee, for Conditional Use Permit Approval to allow for a comedy club with a bar and restaurant on property located at 3450 Winton Place. All as described on application and plans on file.

MS. CIVILETTI: I move to close the hearing.

MR. CHAIRMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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MS. CIVILETTI: I move the Planning Board approves application 8P-03-18 based on the testimony given, plans submitted and with following conditions and Determination of Significance.

#### 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 applicant shall contact the Town Fire Marshal, Chris Roth ( 784-5220) or christopher.roth@townofbrighton.org. All requirements of the Fire Marshal shall be met.
2. The proposed use shall operate as a restaurant as defined in Section 201-5 of the Comprehensive Development Regulations.
3. This permit is granted for a restaurant comedy club with incidental liquor sales.
4. Seating in the lounge/bar area shall be limited to 84, or the maximum allowed by NYS Code as determined by the Fire Marshal, whichever is less. Seating in the show area shall be limited to 234, or the

maximum allowed by NYS code as determined by the Fire Marshall which ever is less.

5. The lounge and bar area shall not expand beyond what was presented in the application and plans submitted without further Town approval.
6. The other tenants in the plaza shall not experience any noise impacts.
7. The Conditional Use Permit shall be renewed within one year to insure all conditions in conjunction with this application are being complied with. If all conditions are not complied with the permit can be revocable.
8. Permits may be required from the Town's Sewer Department and from other jurisdictional agencies. A grease trap shall be provided as required by the New York State Building Code and the Brighton Sewer Department. The applicant shall contact the Brighton Sewer Department to discuss the requirements for a grease trap.
9. All requirements of the Building & Fire Codes of New York State shall be met and all required building permits shall be obtained. The project shall comply with all occupancy limits as set by the Brighton Fire Marshal.
10. Meet all requirements of the Town of Brighton Department of Public Works.
11. All Town codes shall be met that relate directly or indirectly to the applicant's request.
12. All requirements of Sections 203-84.B.3 (restaurant regulations), 207-14.1 (waste container and grease/oil container standards) And 207-14.2 (supplemental restaurant regulations) as well as any other pertinent sections of the code, shall be met.
13. There shall be no outdoor dining without further town approval.
14. All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.

15. Signs shall require separate review and approval.
16. All Monroe County comments shall be addressed.
17. All requirements of Monroe County Division of Pure Waters shall be met.
18. All outstanding comments and requirements of the Town Building Inspector and Fire Marshal shall be addressed.
19. Hours of operation shall be limited to 8 a.m. to 2 a.m., unless further approval for extended hours has been granted by the Planning Board.

MR. OSOWSKI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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\* \* \* \* \*

**SIGNS**

1526 Viaggio for a building face sign at 2900 Monroe Avenue

1. The bold sign (Clarendon Bkl BT font ) is approved.

1527 Admar Construction Equipment & Supplies for a building face signs ( one on Bldg Face and one sign on southern elevation).

1. All required variances shall be obtained.
2. The option without the “cloud” shall be used on the east side (Building Face)

MS. CIVILETTI: I move to approve sign 1526 and 1527 as recommended.

MR. CHAIRMAN: Second.

**UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED**

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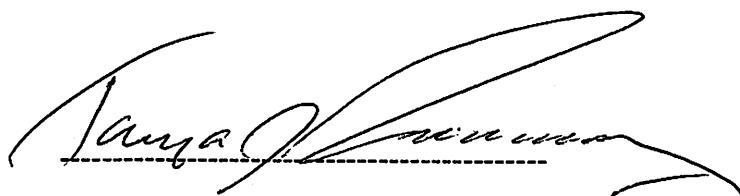
## CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the August 15, 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 17 day of September 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

TANYA J. LEISENRING  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01LE6312991  
Commission Expires October 14, 2018