

Proceedings held before the Planning Board  
Brighton at 2300 Elmwood Avenue, Rochester, New York on September  
17, 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 September 17,  
2018 meeting of the Town of Brighton's Planning Board to order. We do  
have the minutes for the July 18, 2018 meeting. Can I have a motion to  
approve the minutes with any corrections

MS. CIVILETTI: I move to  
approve the July 18, 2018 minutes with any corrections.

MR. OSOWSKI: Second.

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

UPON ROLL CALL VOTE

MOTION CARRIED

MR. CHAIRMAN: We will approve  
the August 15, 2018 meeting at the October meeting.

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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 September 6, 2018.

MR. CHAIRMAN: Before we start the hearings tonight I would like to point out the one application being 3P-NB1-18 has been withdrawn by the applicant.

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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

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 also here with us. We were last here a month ago and the access plan remains largely the same as it originally was. We will not go over the details of that because we have been over that for the past few months. But it was a condition of the incentive zoning approval that we construct a cross access for the properties on the south side of Monroe Avenue to access a new signal light specifically for left turns into and out of the facility and we have spent the last few months going over the Planning Board and the Town Engineers comments and have address all of those to date. With that I would be happy to address any additional questions the Planning Board may have.

MR. CHAIRMAN: Jess, have you taken a look at any conflict points on the frontage access connections that are being made between City Mattress and over to and across the front of the hotel.

MR. SUDOL: We have reviewed that extensively and one of the things that we have openly analyzed and determined that the amount of traffic moving through that particular point

is relatively low and does not conflict with the right hand in that comes off of Monroe Avenue into Mamasans property because the access management plan to Mamasans has a back access road the vast majority of people leaving the City Mattress have an access to the light and will be traveling along the back of the building rather than the front of the building. So the other thing those cross access points do in our analysis that we submitted is they do provide a much easier way for the emergency vehicles to get around all those properties that are there. So again because of the very low traffic we don't feel there will be much of a conflict there and we have added additional signage and gates to help with that and we are making sure those stop signs are up and that is what is out there.

MR. BOEHNER: Jess, is it true the proposal will not need an occupancy permit from New York DOT?

MR. SUDOL: Yes, sir.

MR. BOEHNER: And are you proposing any new parking lot lighting?

MR. SUDOL: No., there are a couple of lights that need to be relocated but that is it.

MR. BOEHNER: What is the status in reviewing the access management plan?

MR. SUDOL: Well the access management plan in the context primarily of the proposed signal light and access point, they have been provided all of that and they have been involved all along. They have instructed us on where to locate the sensor loops and they want to see the control panel and those types of things and there is nothing that impacts the layout in any significant fashion.

MR. BOEHNER: How is the new asphalt that is behind the Dunkin Donuts being mitigated?

MR. SUDOL: The impacts will remain the same.

MR. CHAIRMAN: Jess do you have any sense as to the overall schedule for the Whole Foods Project assuming the approvals are all done at once.

MR. SUDOL: It will get done at the same time as the Whole Foods Plaza so they would probably do the two projects at more or less the same time. The signal light will have to be constructed and that all ties back in. So it will be very early on.

MR. BABCOCK STINER: Are any trees being removed as far as access management?

MR. SUDOL: There are no proposed trees to be removed.

MR. CHAIRMAN: Any additional lighting?

MR. SUDOL: No just relocating a couple of light poles but no additional lighting because it is all fairly well lit.

MR. CHAIRMAN: Thank you. We have four people signed up to speak to this application. The first one is going to pass on this one.

MR. LASLEY: Good evening my name is Paul Lasley and I live at 1820 Clover Street. Mine is more of a question that I lost track of and I am not sure where it stands. My understanding there was a local document by the developer to not have access onto Westfall and Clover. I understand that has not been signed and I am curious as to the status of when it will be signed.

MR. CHAIRMAN: David do you care to address the status of the easement restricting access?

MR. DOLLINGER: As I understand it, it is done and is just waiting to be signed and put into escrow. Its agreed upon and I believe it has been signed or is waiting to be signed.

MR. LASLEY: How will we know as average citizens that it is done? We have been hearing it has been done for a number of months.

MR. CHAIRMAN: Paul is that your main question?

MR. LASLEY: Yes.

MR. CHAIRMAN: We will ask the developer to come up and answer as well. Any other questions?

MR. LASLEY: Who do I talk to if it doesn't happen?

MR. BOEHNER: Just so you know the restricted covenant is not under the Planning Board?

MR. LASLEY: I know but as a resident of Clover I don't want them coming down the street to this thing. Monroe you guys can play with it all you want but this is important to me.

MR. CHAIRMAN: This is a condition that is being filed as a restrictive condition and it is in place of all of the approvals that have been granted.

MR. DOLLINGER: As far as I know as of two days ago it was all agreed upon by the lawyers and hopefully I will hear from them..

MR. CHAIRMAN: Mr. Goldman would you like to come up and address your understanding of the status of the restricted covenant.

MR. GOLDMAN: My name is Jerry Goldman, attorney and agent for the Danielle family. I can tell you more than my perspective I can tell you that the restrictive covenant has been agreed to and the Daniel's have signed the covenant and the escrow

agreement which have been delivered in escrow and are being held in escrow. The Clover and Allen's Creek Neighborhood Association attorney Tom Griner at Nixon is now finalizing an acceptance and is going to be sending along the signatures of the neighborhood association because there was a slight change in language to incorporate the escrow and it has to go back to the Town Board to be authorized by the Town Supervisor and he can't sign it right now. And even though it is agreed upon by all parties it does require going back to the Town Board meeting and it has been signed off by the Daniel Family and the Deputy Town Attorney has not been part of that communication because it is a Town Board commission but the fact of the matter is that it has been fully executed on the Daniel side with an agreement to sign on the neighborhood's side and an agreement to bring it before the Town Board to authorize the Supervisor to sign it.

MR. CHAIRMAN: Thank you, Jerry the audience is asking what does putting it in escrow mean?

MR. GOLDMAN: The Town Board resolution said that is to be filed prior to the issuance of a building permit. So it is going to be executed by all the parties and then it is going to be held until it is approaching the time for the building permit and before any building permit is issued then the restrictive covenant will be recorded.

MR. CHAIRMAN: Thank you. We had two other parties to speak Mary Critikos. Thank you for coming.

MS. CRITIKOS: And thank you for doing all this work. My name is Mary Critikos of One Gosvenor Road in Brighton. I ask that the Board consider three conditions on any approval of the project. The first is no approval of any Amazon Lockers for pick up and delivery, no restaurant or pub and then truck deliveries limited to two a day. Thank you very much.

MR. CHAIRMAN: Next we have Mindy Zoghlin.

MS. ZOGHLIN: I will pass and speak on the next one.

MR. CHAIRMAN: Those are the folks that signed up is there anyone else that would like to address this particular application. Okay we will move on then.

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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 AUGUST 15, 2018 MEETING PUBLIC HEARING REMAINS OPEN.

9P-06-18 Application of Daniel Family Companies (Daniele SPC,LLC) owner for Final Site Plan Approval to construct a five building retail plaza totaling 83,700 sf, which includes a 50,000 sf Whole Foods 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 Allens Creek Road and a portion of 2259 Clover Street. All as described on application and plans on file.

MR. SUDOL: Good evening Jess Sudol from Pasero Associates on behalf of the Daniele Family Companies. This is similar to the previous application and we have spent the last half year reviewing the Whole Foods Plaza application and made a lot of significant improvements to the layout and circulation including making building 2 smaller, adding the new path site and moving building 5 to better frame the eastern part of the project and made extensive improvements of the trail and also to carefully eliminate the curb cuts all of these things we have previously presented to this board. There have been some minor changes in response to the Board and the Town's engineering and the planner over the course of the last month and I will briefly go through some of these. To start with there was some discussion on fire access and what would happen if there was ever an emergency and

for some reason both entrances on Monroe Avenue were ever blocked. And although a fire truck would be able to enter onto the site via the trail and just before it gets to the site there is a gate there so that no one could accidentally wander there vehicle in there and access the site and that gate occurs just before the trail and veers off to the south and the west so the gate doesn't block or hinder the trail what so ever but it does hinder anyone who chances to go down there. But at the same time if the very unlucky event that there is an emergency those emergency vehicles could get down there if they absolutely needed to and that gate does comply with all the conditions of that restricted covenant.

We have made a significant amount of improvements in my opinion and most of those are with respect to landscaping. Since it was last seen here we will go through the landscaping plan in far more detail on all the various plantings on the entire site. There are street trees and also around all of the proposed building envelope and there is extensive detail included and at the Board's request we have shown all of the existing vegetation and those are the gray circles you see and also the Board has in front of you a map showing the landscaping and the purpose of that was to show you those potential gaps and to insure you the landscaping would fill in those gaps from Clover Street back towards the project and I think we have done a fairly good job in showing those gaps being filled in.

Now another area I want to point out is the plaza area near building 2, and quite some time ago that building was just a rectangle and we then took out that entire plaza area to create a recreation area for somebody to sit down when their wife or husband is shopping or just to sit out there and enjoy the day. We are showing a significant amount of landscaping that we aren't showing there and also foundation plantings along the entire frontage of the building and also a tree lawn concept where previously it was just a sidewalk that went along and up to the curb along the entire frontage. Now we are proposing an exposed aggregate concrete surface for the first five feet behind the concrete curb followed by trees that will be planted inside that tree lawn that will kind of help frame that building and none of that was previously proposed. We think that is a fairly significant improvement. We have also extended and carried over the exposed aggregate concept on some of the islands in front of the Whole Foods building on the western side of the

project and also made those sidewalks a little bit more linear and introduced additional landscaping to give those areas a lot more character which I think are fairly significant improvements for the pedestrian population.

We did meet with the Conservation Board and I know they did concur with those improvements and they had very few if any comments and approved the project as presented and they were appreciative of the amount of detail we put into the proposed plan and all the other details we provided for them. So as a result the Conservation Board did approve the landscaping as proposed.

Just a couple of other items I wanted to touch on. Since the last meeting Whole Foods has issued a letter regarding the truck traffic based on those who have read the traffic study Whole Foods confirms what was found in that traffic study in the FEIS. Just as a reminder the traffic study is part of the environmental review and there is a lot of work at the Town Board level. The traffic study was based on the proposed use as we represented all along. There was an extensive amount of trip generations research that was performed by the traffic engineer for Whole Foods and using the ITE manual and using the Whole Foods that were built across the east including the one in Buffalo and in every single case those numbers were higher than what we received. We know that Starbucks is Starbucks and we were very easily able to determine the projected number of trips coming from Starbucks and then for the rest of the project ITE has specialty retail and it actually says it is based on proposed use and it also goes hand in hand with building size. And so it is use along with building size and it uses 50,000 sf for size and here we only have 30,000 sf and remember it doesn't include the 50,000sf Whole Foods. So the traffic study was based on use and it was reviewed in an extensive detail and ultimately accepted by NYS DOT, County DOT and the Town's traffic engineer consultant. So all three of those entities agreed and accepted the traffic study to the maximum extent possible and after that we reduced the density by 6300 sf so we improved the conditions even more from the actual approved traffic study.

Some other documents that were submitted as part of this final site plan is the architect did point out a conceptual layout for the whole plaza which was specifically requested

that of course has not been finalized yet because we haven't entered the construction document phase but I think it is a good representation of essentially how the plaza will look for the Whole Foods Plaza and will provide similar space for the rest of the buildings. Since the last meeting all five buildings were brought before the Architectural Review Board who also issued an approval based on modifications to ensure we were screening some of the the roof top units. So again the Conservation Board issued their approval and the Architectural Review Board issued their approval and now we are here before you this evening .

Just to briefly touch on some of the other issues or questions that have come up regarding what else could possibly be in this plaza as far as restaurants and what have you. In reality we have presented a 50,000 sf grocery store and that is what the incentive zoning is based on and that is what our site plan is based on so any additional use Whole Foods should wish to pursue would absolutely be subject to review by this board, subject to environmental review and most likely a conditional use permit. So by no way would a 50,000 sf grocery store give Whole Foods the ability to do other uses without further review. I wanted to clarify that. In terms of where the project stands and how it is going to be built obviously this board has approved previous demolition applications for three existing buildings including Mario's, Clover Lanes and Mamasans. Obviously the first item would be to secure the site. We would then demolish the buildings and pretty much at the onset of the project we would start working on the trail construction. So we could relocate the trail and then corner it off with security fencing and construct the rest of the project without impeding the ability to use that trail because it is self serving not to have people walking through our construction site. So with that I was relatively brief because we have discussed this at previous meetings and I would be happy to answer any questions.

MR. CHAIRMAN: Thank you, just to be clear we did receive the floor plan, the roof plan and all the building elevations that were requested and it was your testimony tonight that these plans do not show a restaurant or pub or Amazon lockers. I would ask about the other ones if you don't mind Ramsey.

MR. BOEHNER: Go ahead.

MR. CHAIRMAN: The drawing does indicate lockers we are assuming those are for employees in the back of the building next to the bathrooms. So we can declare those are not lockers.

MR. SUDOL: We can call them cubbies.

MR. CHAIRMAN: and there is no proposed pub or restaurant or Amazon lockers.

MR. SUDOL: That is correct.

MR. CHAIRMAN: Conservation has approved, Architectural Review has reviewed the landscape, any major changes in regard to engineering that you are aware of? It has been handled the way it has always been handled.

MR. SUDOL: Yes, there are no major changes, Mr. Guyon have gone back and forth down to moving this pipe a little bit but it has been very minor stuff more or less the general intent of the design has not changed at all, underground we have made circulation changes but nothing major.

MR. CHAIRMAN: For the record we did receive the letter from Whole Foods regarding the truck traffic and your consultant engineer will deal with that. Any questions?

MR. WENTWORTH: How will your land banked parking between building 5 and Monroe Avenue be landscaped?

MR. SUDOL: Right now we have a few street trees in front of it but it will primarily be lawn but it will also have some snow storage.

MR. OSOWSKI: Will the proposed exterior lights be LED fixtures?

MR. SUDOL: Yes, sir and dark sky compliant.

MR. OSOWSKI: Do you know what the degree caliber the lights will be? The color temperature?

MR. SUDOL: It would be whatever is standard.

MR. BOEHNER: This Board prefers to see 3,000.

MR. SUDOL: I am sure that won't be a problem.

MS. CIVILETTI: What is the height of the pole?

MR. SUDOL: 20 feet.

MS. CIVILETTI: There is some outdoor seating shown on the site plan. What is that in front of Whole Foods? Is that merchandizing what does that consist of?

MR. SUDOL: That is just temporary furniture brought out on a nice day so if someone wants to go outside with their kids and grab some food before jumping in the car.

MR. BOEHNER: What is the merchandizing, is that storage outside the store?

MR. SUDOL: No, it is not meant to be outside storage.

MR. OSOWSKI: Would it be like putting pumpkins outside for sale in October.

MR. SUDOL: Yes, and they tend to survive out there better.

MR. BOEHNER: The emergency access will be gated and locked and under the control of the Town or Fire responders of the Fire Department.

MR. SUDOL: Correct.

MS. CIVILETTI: And that access is from Allen's Creek?

MR. SUDOL: That is correct.

MR. CHAIRMAN: Okay this part of the public hearing is again for preliminary and final and it is application 6P-NB1-18 AND 9P-06-18 and we have 3 people signed up to speak. The first being Howard Jacobson and we will accept more.

MR. JACOBSON: My name is Howard Jacobson and I am the Founding Member of Grass Roots. Last month this board directed the developer to provide three things from Whole Foods information about the daily number and size of the truck vendors doing deliveries and hours of delivery and an updated interior of the building merchandizing layout. And confirmation that there would be no restaurant or pub and Amazon lockers for a pick up and delivery center. You asked for this information because those things are all traffic generators and those were not included in the traffic study that let the Town Board approve this oversized plaza. Those things bring cars and trucks to the plaza. That is why it is important to understand what is going on inside the plaza.

Whole Foods did give you a letter and we have one letter saying that a 50,000 sf Whole Foods store typically requires two full time trucks. It has never been identified in any documents that it is two tractor trailer trucks it is always two trucks each day plus now it says another 12 delivery trucks, smaller vehicles like vans and box trucks. Their letter flatly contradicts what the Daniele Family engineers have been telling you for months. And more importantly telling the Town Board when they were doing the approvals which is that

they will only have two trucks. I have gone through every piece of paper which has gone through this process and it says two trucks. It doesn't say tractor trailer trucks. You don't have to take my word for it you can read the FEIS which is an important document on page 54 second paragraph the applicant represented that there would only be two trucks deliveries per day to Whole Foods except on holidays like Thanksgiving and Christmas there could be three. I don't know I am not an engineer but this is what it says two trucks. It doesn't say what the new information says. I don't care how hard you look and I know that Mr. Boehner, made a point last meeting you knew where this was in the documents somewhere buried some where that said two tractor trailers. I can't find it maybe you found it.

Based on that and this statement in the FEIS given that only two deliveries to Whole Foods impacts on truck traffic on site and in the corridors is negligible. Really? The Whole Foods letter contradicts the statements by the Daniele Family team which resulted in the incentive zoning from the Town. It factored in to the Town Board and all the way down the path to you and the Whole Foods letter invalidates the entire traffic study and SEQR Findings because both of those statements are based on the assumption that there will be two deliveries per day. And now we find out that there is 14 deliveries and that is a lot and it could actually go to 16 or 18 or 20 not two. Remember this is not about Whole Foods groceries but a plaza not Whole Foods grocery store.

So the traffic study focuses on Whole Foods big deal on Whole Foods what about the rest of the plaza. This is a Whole Foods Plaza with 18 to 20 retailers. What about their truck traffic their car traffic. Starbucks with a drive thru that was not evaluated I know there has been extensive studies on specialty retailers like Starbucks and I would like to find out where it is. What about that it wasn't done. So we know that the developer and his team underestimated the number of trucks that would be delivering to Whole Foods but what about the rest of the plaza, 35000 sf of retail space. Brighton Grass Roots sent you a letter in June and we also heard that the neighbors in January, February and March complained about this also to the Town Board but they weren't listening. We sent you a letter in June to the Planning Board.

from McFarland and Johnson a very reputable independent firm that stated this error that there isn't going to be two trucks. This error that the Town Board made approving this oversized plaza that they didn't need to approve. This Planning Board cannot rely on the Town Board and what they did and accept the mistake they made. They were mislead but that doesn't mean you need to be. The applicant also represented that based on experience of other stores and never verified or questioned by the Town Board when they approved or whose experience did they use that the balance of the retail stores will be accomplished by utilizing two small medium sized box trucks with many of these entering via handcart through the front door this is on the FEIS. You are telling me that this beautiful design that they just showed you are going to have trucks parked out here and bringing handcarts in delivering to these retailers. It can't be.

Have you ever shopped in a strip plaza? Have you ever shopped at Pittsford Plaza? Have you ever shopped at Lac De Ville in Brighton? How many delivery trucks have you seen parked out in the parking area unloading to the front door? Do you think they bring stuff up to the front door? They go to the back. They don't use handcarts to deliver to all these people. Do you think Starbucks gets their deliveries on Clover Street and Monroe with a handcart? They have a tractor trailer that pulls up there and it blocks the whole freaking area but you know you can't go to the back of this building to deliver stuff but they have changed this drawing so I don't know what is true or not. The one last time had parking spots all along the back because the neighbors didn't want parking spots here to shine on their houses.

So this is all parking spots. How are you going to get a truck in there to deliver in the back. You may not be able to get into the front now because this is so beautiful but in the back is where you have a problem because when you have cars parked back here and a truck parked here you are blocking the Auburn trail. You are not going to be able to get deliveries here. But they don't have to worry about that because you are only having a couple of trucks a day. But they are small trucks and I believe everybody drives mini coopers in this town.

The next issue, you asked for a letter from Whole Foods confirming that there would be no restaurant or pub or Amazon lockers pick up and delivery center at this store. You didn't get

that letter from Whole Foods you got a big concept plan. I find it quite interesting this whole plan because Whole Foods is not going to provide this information or maybe they weren't asked I don't know. But you need to ask Whole Foods because they will listen to you and finally you asked for an updated interior design and you didn't get that. That was an omission also instead you got a letter from the engineers the same one that said over and over again and even at the last Planning Board meeting there is only going to be two trucks with a conceptual floor plan. I can tell you right now these plans exist and they know exactly what they are going to build there. Exactly they are building stores right now all over the country.

You want to get a concept plan, call up Whole Foods and say can you send me what you are building in the other 9 markets for construction right now. It's going to be very similar. What exactly does it mean? That they can't get them and we can only get them when we get to final construction. Are we to believe Whole Foods doesn't know what they are putting in there? I think Brighton Grass Roots and the community is what we have been telling this board as a community and the Town Board who did not listen all along that this applicant is trying to pull a fast one and we don't like it. We fully intend to make sure this building is built without a restaurant and Amazon lockers for pick up and delivery. Ask Whole Foods and this is not a hide and seek game because they don't know that they are playing hide and seek .

You caught the Daniele Family in a mistake with the truck traffic. It's not noted that a major impact on a traffic study needs to be corrected and a brand new traffic study needs to be made because it misread the approval process. Now two months later after stating that there would only be two deliveries we now find out there will be 14 trucks but its not about the 14 trucks, its about a plaza with delivery trucks. I have looked at the traffic studies to see what they have noted, what they visited and what they researched and its basically all grocery stores. Its all common information on page 37 of the FEIS and other pages in the document. They researched very heavily studies in 2009 to 2014. This project was approved in 2018 so there must have been something earlier. They checked out Wegmans in 2004 and grocery stores

in 2011 to 2014 and then they stopped. It's not exactly current data. No Starbucks, special reality was done by some big over view data. Get real data it seems pretty odd to me how many delivery trucks will be coming to that plaza. I'll give you a guess 30, 40 or 50 every day, just tell us just get the numbers that is why we need to do a new study.

Now you are about to catch them in another mistake about the Amazon lockers for pick up and delivery and the restaurant and pub and everything else. We know that the Town Board approved incentive zoning application based on being mislead with misinformation. Please I am asking you as a resident of Brighton representing thousands of people not 36,000 you referenced the other day but I will tell you 78 percent of the people that we surveyed and asked about this didn't want this process to be done this way. We need a new usage base that is an independent traffic study. Please do not give special treatment to this developer like the Town Board did. This is a very easy thing to fix. If that group built properly sized stores let's understand what we are getting into as a community please. Thank you very much.

MR. CHAIRMAN: Thank you.

Next we have Charles Malcolm.

MR. MALCOLM: Good evening Mr. Chairman and Members of the Board my name is Charles Malcolm with the law firm, Hodgson Russ, I am representing Safe Monroe Avenue. Since May of this year I have appeared or my colleague has appeared at every one of your meetings and we have sent multiple letters primarily about arguments that we have made is that the Planning Board needs to exercise its full jurisdiction under the site plan and that means that the Planning Board needs to exercise full jurisdiction over the size and scale of this development. From the beginning we noted that the Town Board Incentive Zoning approval did not in any way divest the Planning Board of any of its jurisdiction in fact it said the opposite. The Town Code chapter 209 that governs incentive zoning specifically states that when the Town Board makes its decision it goes before the Planning Board and the Planning Board reviews the matter under chapter 217 and chapter 217 specifically identifies size and scale of traffic impacts on the neighborhood community as something that needs to be considered.

I noted my impression of the Planning Boards view of the process that somehow they will be required to accept what the Town Board gave them and to tinker it around the edges. I am not going to rehash all those prior comments because I had made them before and I would like to incorporate them again for the final site plan that we are talking about again tonight. There is also litigation over that matter so I just want reiterate those points and arguments and express my dissatisfaction at this point with that review specifically because the Town Board as lead agency under SEQR they identify size as a problem. They identified that as having a number of impacts and so they decided that well we have got to reduce the size and they picked a number out of the air and this board had the mandate to take a look at that anew and evaluate how big of a reduction in size would be appropriate as mitigation and what use specifically on the site would be appropriate to look at and how it impacts traffic and respectfully that was not done.

The other issue at the last board meeting the board members asked specific questions of the developer and the response from Whole Foods, I sent a letter August 24 saying that was a great thing and I commended the board for drilling down but I was a little concerned with the response that was received as Mr. Jacobson noted, there was no letter from Whole Foods saying we do not intend to have Amazon lockers or a restaurant or pub, all that was provided was a cover letter from Mr. Studahl with designs and in his letter he said while this plan is representative of a store of this size final layout and concept won't be finalized until closer to construction and if that's not wiggle room I don't know what is.

So how do we address this well, they didn't get the letter from Whole Foods and they have given themselves this out in this letter. The Planning Board has the authority under Town Law section 274 A to impose conditions and the developer is saying it is not going to happen and if that is not what they applied for there should be absolutely no problem imposing as a condition there will be no restaurant or pub at the site and it will not be used as a delivery hub for Amazon lockers. Well the developer might say why do we need to have a condition on that if we are not applying for it. Would you require us to get a condition that we are not going to operate a laundry or factory in here and the answer is of course not on the latter but on the former this

is part of Amazon's business plan, incorporate Whole Foods delivery into its services and my colleague before the Town Board noted that Amazon acquired Whole Foods for a reason and why they wanted larger stores and we provided information from Amazon's website and stories from Bloomberg from when they interviewed Whole Foods representatives and Amazon representatives and they said that they wanted bigger stores because we want people to go and get their packages there. So it is not out of line for this Board to do so to impose those conditions and you have the authority to do so and I would respectfully submit you have an obligation to do so. And there is no reason why you wouldn't do that - the developer is over there saying we are not doing that. So that is a way to make the community happy on that point and a way to not disturb what the developer is planning and what they are doing now. They can contest this and say that shouldn't happen then I have some real concerns about what their plan is. So I would recommend that.

The other point that I would bring up and I have a question to the extent that the Board is inclined to answer it, talking about final site plan tonight and I would just direct the Board attention to Town Code Section 217-13 subparagraph a, and that paragraph reads "after receiving approval from the Planning Board on the preliminary site plan and approval for all necessary permits and curb cuts from the State and County officials the applicant may prepare the final site plan and apply to the Secretary of the Planning Board shall defer the application " yada, yada . So my point is that until the developer obtains all permits from the State and County that an applications for final site plan cannot at this time be considered. Particularly in light of the fact that DOT highway work permit is considered a discretionary approval and what that means is that DOT is an involved agency under SEQR and before DOT issues a highway work permit they must do what the Planning Board did and go through the exercise of issuing findings and using their jurisdiction to make any impacts to the maximum extent practical. So my first question would be has the DOT issued a highway work permit and has the DOT issued SEQR Findings so that a permit could be issued and is there a need for a County permit for work that may be done along Allen's Creek Road from a procedural stand point can it proceed tonight. That was my question certainly the Board doesn't have to answer the question but is there a DOT permit .

MR. CHAIRMAN: Not to my knowledge.

MR. MALCOLM: That is all I have thank you.

MR. CHAIRMAN: That is all that signed up to speak. Is there anyone else who cares to speak. Okay the next speaker is Judy Van Houten.

MS. VANHOUTEN: My name is Judy Van Houten and I live at 205 Shorham Drive. Just a couple of things I don't know at what point it is appropriate is there a way that residents can know how this transform into how our current buffer turns into that and vice a versus. Is there anything that isn't speculative? Is there anything that shows how thorough or is there anyway to compare what somebody has decided is okay for us in proportion to what we have now?

MR. CHAIRMAN: I think you have made it clear over the past several months the buffer is something that is important to our residents when you see them at the end of the street looking at this. We have fencing. We have landscaping we have asked them to tell us what plant materials that are being left because they are not actually on there. So I think we are comfortable that they have provided us with evidence of what planting materials are remaining and what the fences look like and what the plantings are that will compliment the existing plantings to provide a buffer.

MS. VAN HOUTEN: So the density won't change you can't see any buildings now during the summer time.

MR. CHAIRMAN: I think it will be better year round with the fencing and use of evergreen trees because when those plant materials that are out there today lose their leaves there will be much more visibility.

MS. VAN HOUTEN: I am glad your honest because it is very hard for someone who is not trained to be able to look at that and tell based on the fact that there was a discrepancy in the number of trees.

MR. CHAIRMAN: We were concerned about what was going to be left when the trail gets built and so they have provided a landscape plan .

MS. VAN HOUTEN: The other thing I have is that we called Nicole Westco who is Whole Foods regional representative and I called and she was unavailable and I called and I called and she was unavailable and I never got a call back. And I did call one time and someone answered and I said I would like to talk to someone who can be responsible for speaking on behalf of Nicole Westco and she said I can do that. And I said I have a question about the project in Rochester on Monroe Avenue and I said I am specifically interested in finding out if there are plans for a restaurant and pub and alcohol etc on the interior and the possibility of Amazon lockers and she said assume both. And so what I don't understand is if the assumption from their company is I should assume both why there wouldn't be something available that indicates this and she said it is a goal of all of our stores and I am sure I am on record and recorded or something there. So I didn't get to talk to Nicole and I didn't get a letter back but the person said she was authorized to speak for her and she said to assume both of those things. So I am just passing that on because it was a direct conversation with someone who said they were authorized to do so.

MS. CIVILETTI: Did you get that person's name?

MS. VAN HOUTEN: I will look.

MS CIVILETTI: Thank you.

MR. CHAIRMAN: Anyone else care to speak on this application?

MS. BLOOD: My name is Kim Blook and I just have a question about some gray areas actually I spoke with Anthony Daniele during break at the last meeting and he answered some of questions and I appreciate that. I believe that I also have a question about the goings and coming of traffic and I am wondering if the

State decides that the current plan becomes unsafe if they decide that the amount of traffic overwhelms this current plan does the State have a right or DOT or does part of the state have a right to say you will need to put in a road after all because of things that have happened after the fact past this current plan does that mean there will be major changes going forward by the State latter on because this might not really cover the amount of traffic that we are going to have.

MR. CHAIRMAN: This question has been asked multiple times and we heard a term used that in my 30 plus years I have never heard and that is this forced easement concept. I don't believe any traffic engineers and all the consultants that represent us not the applicant's consultants but between the applicant's consultants and the consultants from other organizations, nobody has ever heard of a case where that has happened but it is possible anything is possible and I think it would have to be a strain that the state would ever contemplate a domain to come in and take land for access.

MS. BLOOD: Okay I was just wondering if it was ever a possibility.

MR. CHAIRMAN: Nobody has ever heard of it but it maybe out there in the future. Thank you. Anybody else care to address this.

MS. ZOGHLIN: Good evening my name is Mindy Zoghlin and I represent Brighton Grass Roots. Just some loose ends I want to tie up before I get into traffic issues. Last month's we explained that the proposed site plan substantially interferes with the public's use and enjoyment of recreation. And earlier today I sent over a letter and I am not sure everybody got it but I brought copies with me and in that regard I ask you to consider the existing conditions and that letter is dated September 12, 2018 prepared by Robbie Engineers and Mr. Boehner can I pass this out through you. I will also like to address three issues with regard to traffic. The first relates to the incorrect assumptions of the truck usage and now we know for certain that the January 28, 2018 traffic study and the Town Board decision to accept it, the Town Board's SEQR Findings and the Town Board's decision to approve incentive zoning and

your decision to issue SEQR Findings were all based on false assumptions, all of those decisions were based on the assumption that the Whole Foods grocery store would receive two delivery trucks per day. Now Whole Foods tells you it expects to receive another 12 deliveries on top of the two daily traffic trucks. This incorrect assumption led the Town Board and this Board to grossly underestimate the traffic being generated by this plaza.

The second traffic related issue is the failure to consider operational issues related to the Whole Foods business. It is well known that the Whole Foods business model is to pick up the delivery centers and restaurant and pubs at a grocery store and there is nothing wrong with that but the problem is that these operations changes with an increased amount of trucks and cars that come to a plaza. This Board recognized the potential traffic last month when you tabled the application pending receipt of a letter from Whole Foods confirming there wouldn't be a restaurant and pub at the site and Whole Foods didn't give you that letter. Didn't answer the questions about the interior layout and merchandizing layout. Instead as Mr. Malcolm just pointed out what you got from the developers engineer was a conceptual floor plan and a really broad disclaimer that it really was a representative of stores of this size and is likely to change before the start of construction. We provided you with data indicating Amazon lockers now called pick up and delivery centers increases traffic by 12 percent that has to impact traffic and that wasn't considered by the Town Board and it hasn't yet been considered by this Board.

This means that the traffic impact study doesn't consider impacts of the grocery store with an Amazon locker and a pick up and delivery center and a restaurant and pub and this failure to consider operational changes also causes both the Town Board and may cause this board to grossly underestimate the traffic generated if you approve this project. Their third concern is that there has been no consideration to the plaza's tenants other than Whole Foods. The traffic study did not consider the truck traffic for any of the other tenants in the plaza. It said Whole Foods Plaza tenants will receive deliveries periodically and the delivery frequency may fluctuate depending on the demands and store activity, location and season and all of the deliveries

will occur at the rear of the stores. It didn't talk about what this periodic delivery was going to be and they didn't consider that in the traffic impact study. So what do you do as you know this Board has an independent obligation to make their own SEQR Findings and you are also under notice that the traffic study has serious deficiencies. And at this point I think you have one of two options you can impose conditions on any approval to limit the number of trucks to Whole Foods of two per day and prohibit Amazon lockers, restaurant or pub or you can rescind the SEQR Findings that you made last month, conduct a supplemental impact study on traffic and to wait until you get the results to make the decision. Thank you.

MR. CHAIRMAN: Anybody else?

MS. PELTON: Shella Pelton 153 Edgeview Lane. I have written many communications to the Board and one thing I would like to address is does code allow 24000 sf is that what code says for a grocery store.

MR. BOEHNER: What the code says is any store above 20,000 sf needs a conditional use permit and under that permit you need to review traffic adequacy.

MS. PELTON: Well it is somewhere between 20 and 25,000 and if this building were downsized then there wouldn't be room for a restaurant and pub and a lot of other things that everybody knows – if you go to Buffalo they have a pub, they have a grocery store and a lot of things that the residents are concerned about. So if the size of the building were downsized they wouldn't be putting a pub in there and the other things. I don't understand is there really isn't much of a barrier for truck traffic, Wegman's always hides it behind the building or builds another big structure where trucks go in there and it is acceptable where this is not going to be acceptable to the neighbors who live on the other side of the property. You can probably see the trucks loading and unloading.

I have not heard very much talk

about signage for the plaza. Is it going to be a small sign along the road that says this is what is here or is it going to be bigger with a tall thin sign that you can see from the expressway.

MR. CHAIRMAN; It is going to be lower.

MS. PELTON: Okay I don't want to see something from the expressway and to me the traffic on Monroe is bad enough but if you are in that neighborhood at all the traffic at rush hour backs up onto the expressway every which way on both 590 north and 590 south it backs up to approximately where Harley School is. There is traffic coming from the north and traffic coming from Henrietta and every place else and it goes back to Winton Road sometimes at 4:30 to 6:00 o'clock. Now New York State is not going to let that go on forever. I think the neighbors do have a concern that maybe it will be mandated to have other access to the plaza that has to happen and that will be really terrible.

There are large trees now along Clover Street that really provide a screen in the winter and in the summer it is totally green and it blocks out all of the light. And I think the residents that live on Clover and Shorham they would prefer to have all those trees remain but it's up to the Board to make sure they do. I think the stores should be downsized to assure there won't be a pub in there. So I guess that is about it. Thank you.

MR. CHAIRMAN: Thank you.  
Does anybody else care to speak?

MR DANIELE: Thank you Mr. Chairman, Anthony Daniele, one of the developers I would like to set the record straight on a couple of facts you have heard tonight. This process has been going on for well over three years. There has been a lot of testimony and certainly a lot of paperwork and a large amount of studies that have happened. Just to clarify a couple of things as a developer I personally testified that as far as we knew there would not be a restaurant and Whole Foods store did not plan on having lockers. These were things

that we understood at that time and the application that sits before you does not apply for a restaurant if Whole Foods wanted a restaurant and it was our job to get that approval there would be a special permit required. We would have to apply for that and we did not do so but I would like to clarify neither did I get up here and state to the best of our knowledge did I state that they wanted a Ferris Wheel on top of that roof. But that doesn't prevent Whole Foods from coming back to the Town because they want to put a Ferris Wheel on the roof.

And obviously I am sure there are codes and regulations that I assume would reign in a Ferris Wheel so my point with that is if Whole Foods would like to introduce uses that require special use permits outside of code that permits a grocery store. Grocery stores have a lot of things inside, some grocery stores have pharmacies, some have dry cleaning and flowers and it goes on and on. It is up to the Town and the Town will need a department code officer to decide what is permitted by code and who issues the special use permit. Again I get very testy and I am sure it is portrayed that we are lying or deceiving because if there is one thing our family prides itself on is the fact that we are straight forward and we tell it like it is. Not everybody likes what we say and we respect that but if the intent is not to deceive and I just want to set the record straight if there are uses that Whole Foods wants to introduce that are beyond the scope of what we have applied for that is between them and this town and we act as a landlord. So that is our limitation.

As far as truck traffic goes the FEIS has thousands of documents and hours of testimony as part of that record in the traffic impact study it does talk about two large trucks and it talks about more trucks that are typical vans for delivery. So again Whole Foods was a little bit more specific in their letter and that was a request that this Board made and I respect that they wrote that letter. And I would respectfully submit that when we had Mario's on that site they averaged about two large trucks a day along with several other smaller trucks, Clover Lanes had truck traffic and to this day Mamasan's has truck traffic and I would point out for the most part it is exclusively happening between the hours of 8 a.m. and 4 p.m. because deliveries don't happen after 4 p.m. and the main concern about traffic along this corridor is after 4 p.m.. And I can assure you the traffic engineers that we pay and they have a good reputation and I wouldn't expect them to lie for us but they

were paid by us but this Town also hired an independent traffic engineer not paid by us. And New York State Department of Transportation was charge with having an independent engineer review and so to think that everybody is in cahoots and it is only a small group of hired hit men who come out and try to prevent competition from entering the market I think is an injustice. I will finish and I want to say thank you to the Board I know you have spent so many hours reviewing this project and the Town Board isn't here but they have to and this has been a long project, a long review, a very thorough review and I compliment you for your review and I compliment the neighbors who have come out both pro and against and I will be honest with you if someone comes from Shorham and complains, I may not like what you say but I respect what you say because you are our neighbor. There are others in the room who are not neighbors and are not here for the best intent of the community of Brighton but they are here for anterior motives. I hope this Board keeps this in mind. Thank you.

MR. CHAIRMAN: Mr. Malcolm.

MR. MALCOLM: Charles Malcolm again, when I stood up here I said this is what the developer is going to say and the developer stood up here and said exactly what I said. This is ridiculous we are not applying for it. We are putting a Ferris Wheel up here and why do we need a permit if we are not putting a Ferris Wheel up there. That is in my view a disingenuous comparison. It is well known that Amazon's business model is to use these Whole Foods in that manner. Mr. Daniele I have never called you a liar and I wouldn't. I am just saying let's help him keep his word to the community. Let's put a condition on that rule that says there will be no delivery hubs, or restaurant and pubs. What is the problem with doing that if that is not part of the immediate plans for this developer. I would respectfully reiterate my request to the Board to put those conditions on it. Thank you.

MR. CHAIRMAN: Anybody else care to speak?

MR. CARUSO: Gary Caruso and I live at 2229 Clover Street and if people would like to look from my yard at the trees that the church planted along the railroad tracks and look and

see that most of them are dead. The new foliage like the Daniele's want to put in will be a much better cover than what they have now. That is all I have to say. Thank you.

MR. CHAIRMAN: Thank you.

Anyone else? Mr. Goldman.

MR. GOLDMAN: Just one brief comment relative to the statement with regard to imposing conditions it is a well settled law that Planning Board approvals are not suppose to get involved in business operation conditions. As we pointed out the restaurant and pub are not subject to application at this point, if one desires a conditional use permit they have to come back before this Board. Any thing else with regard to these stores? The fact of the matter is that we can show you a layout now but by the time the law suits are done, by the time everything is said, by the time we get ready to build Wegmans will go through 4 or 5 types of their interior is going to be because that is the nature of what happens in merchandizing it is why the court admonishes business conditions as not to be a part of these special permit or site plan approval process. With that, that is all I have to say. Thank you.

MR. CHAIRMAN: Any new information?

MR. MALCOLM: Yes it is, Charles Malcolm I should have mentioned this in my original discussion of conditions. The law as it relates to regulating business operations there was a case where the community and I think it was Monroe County wanted to get rid of fast food restaurants, and what they said was essentially what they said was if you have a standardized menu and you pay before you eat. If you grab your stuff and go within certain amount of time you are not allowed the use and that was challenged because you can't regulate the business operations of a particular business. And the court said "no that is not regulating the details of a business operation" even though I don't think you can find a better example of that. They said it has a land use purpose and this was a case out of the 4<sup>th</sup> department of the appellate division and they said it has a community character impact and a community character feel. And so what I am saying is we are talking

about traffic, we are talking about delivery hubs, we are talking about increased delivery trucks, increased traffic coming in and picking packages up regulating that and putting conditions on that is a land use purpose. There is no prohibition going back to old country verbiage cases this is not regulating the details of a business operation. It's focused on land use. I will also point out that it's a little troubling that there is this constant effort to prevent the Board from conditioning the approval along the lines where the developer said they were not doing anything. So anyway I hope the Board takes note of that. Thank you.

MR. GOLDMAN: I have one final point the case was out of Ontario County and in fact it really defined the operation. It defined the use not necessarily the operation of the business. So to that extent I think you can be guided by your own counsel as to the prohibition on business operations. Thank you.

MS. BROWN: Paula Brown I am a Brighton resident and have been for 44 years so Brighton is in my heart and I have lived always within a mile and a half of 12 Corners area so I am so I am so disappointed in coming to meetings over the last few years While we have been doing this and watching what kind of things the neighbors are asking for and I am concerned that none of them have been addressed. I don't understand this drawing has been a 50,000 sf Whole Foods store from the beginning and it has never been modified and there has been tons of requests to modify the size of the building and there has never been a drawing that has not had 50,000 sf. We had all kinds of requests about incentive zoning that that was inappropriate where did all that go. We haven't heard anything about changes in the incentive zoning and we were given as a community an exchange for that. Can you tell me what I am getting other than what was said three years ago.

Has anything changed in terms of incentive zoning. The first meeting here this building was so filled there were people in the hall and downstairs that was a big concern that people felt sincerely as Brighton residents that we weren't getting what we deserved in terms of incentive zoning. I have not seen any change over time or any considerations and if I am wrong I would like you to tell me what kind of things we have gotten in terms of that. That little change in the trail is B.S.. It is not enough. They may have made one little change

but I don't consider that enough. There was a whole talk about what kind of taxes they were paying and I haven't seen any response to that. What kind of benefits have they gotten in terms of the taxes they were paying. I am assessed I didn't hear anything about that. I don't know is the Board their representative or are you mine because if you are mine I want an answer to the things that we have asked for, for three years instead of all those things being pushed aside and everything is moving more towards granting what they wanted and hoping we will all be satisfied and saying maybe now we will get this. The traffic study we have talked about that and that still has not been satisfied. I raised a question about turning left from Clover onto Monroe and it is a dangerous thing and in the morning when I make that turn I am worried that I am going to have an accident. It is not true that it is only at rush hour the traffic is like that all day long. At 9 o'clock in the morning it is backed up and the time between 11 o'clock and 3 it is backed up all the way to Westfall. It's not only at rush hour, has that been addressed. I am so disappointed and you know I love my town. I voted for representatives. I participate in government and I feel as a resident my concerns should be listened to and I just don't feel our concerns have been listened to and clearly haven't been addressed and there hasn't been in anyway anything to address our concerns. Thank you.

MR. CHAIRMAN: Thank you. Is there anyone else?

MS. MILLBROOK: My name is Betty Millbrook my question is has anyone contacted the Fire Department on their approval to have a gate to unlock in case of a emergency?

MR. CHAIRMAN: Yes, they have been contacted.

MS. MILLBROOK: And they have agree to this to unlock the gate.

MR. CHAIRMAN: Yes. And they will have a key with them. Thank you. Anyone else? We will take a 7 minute break and reconvene at 10 after.

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THERE WAS A BREAK FOR 7 MINUTES

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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

7P-03-18 Application of First Baptist Church, owner, for Final 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

MR. SUDOL: Again Jess Sudol of Pasero Associates representing First Baptist Church for Preliminary and Final Subdivision Approval to create two lots from one property. I would be more than happy to put the map up here and discuss the details but I don't recall too many questions at the former reviews. What we are doing here is subdividing two acres off of the First Baptist Church which will ultimately become part of the Whole Foods project mainly the conservation area along Clover Street and at the back of the project. I would be glad to address any comments on the plans.

MR. CHAIRMAN: Jess, quickly that map that is up there is going to be subdivided out of the Church's property and being integrated into the Whole Foods project.

MR. SUDOL: So this is being subdivided into two parcels at the intersection of Clover and Allens Creek Road. These two acres are relatively the same as this area right here with the trail and the existing vegetation.

MR. CHAIRMAN: There has been no changes in the last couple of weeks.

MR. SUDOL: No, only minor note type changes as requested no change to the area.

MR. CHAIRMAN: Does the Board have any questions?

MR. BOEHNER: Will this meet the zoning requirements?

MR. SUDOL: Yes, sir.

MS. MIDDLEBROOK: Betty Middlebrook. What is that property going to be used for? What are the two acres going to be used for this isn't in any of the original plans?

MR. SUDOL: It becomes part of the Whole Foods project.

MR. CHAIRMAN: This has been part of the project from the beginning. This has been around the whole time and we have been reviewing this for the whole time. The trail will be put on it and over an acre of it will be left alone and act as a Conservation Easement and will be forever wild. Thank you does anyone else care to address this?

MR. JACOBSON: Howard Jacobson. So there is two acres and one is going to be left forever wild and the other is going to be planted.

MR. CHAIRMAN: It is the planting and the location of the trail and a few other amenities associated with the trail.

MR. JACOBSON: I have a suggestion since we have an awful lot of the community members. It would be really great to ask the engineer to photo shop of what it will look like if you are on Clover Street and it is not difficult to do and give us an idea of a rendering concept. They can easily do it with photo shop with

Clover Street pictures and it would be done quite easily and then have what is going to be removed and replanted and what is going to be left. It would really make the community feel a lot better of what it is going to look like versus this line drawing concept. I don't think anyone can know what this is going to look like based on this pencil drawing and a couple of circles. So it would be really helpful and I am asking on behalf of one of the people who spoke tonight and who has spoken over the last six months. So if you would ask for that it would be great. Thank you.

MR. SUDOL: Just to clarify the line of sight was provided as part of the original FEIS and the architect provided recently updated line of use sight for the Architectural Review Board of the entire perimeter of the project.

MR. CHAIRMAN: Ramsey have those been put on the website?

MR. SUDOL: They are called presentation boards.

MR. BOEHNER: Oh, yes they are on the website as is the FEIS and the visual impact are also on the site.

MR. CHAIRMAN: Okay anyone else? Okay that brings us to 7P-04-18.

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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, 2750 and 2800 Monroe Avenue, 2250 Clover Street and 175 Allens Creek Road. All as described on application and plans on file. TABLED AT THE July 18, 2018 MEETING – PUBLIC HEARING REMAINS OPEN.

MR. SUDOL: Yes, as previously stated there are five properties collectively of approximately 10.1 acres as part of the Whole Foods site, they are Clover Lanes, Mamasans, Mario's, a piece of land owned by RG&E and they have agreed to sell that to the Daniele

Family to improve the trail configuration and the lastly the two acres we discussed previously are for the Church. And collectively all of those will be subdivided into two lots and one will contain Whole Foods and the other will contain the other four buildings and there will be all reciprocal agreements with cross access and what have you. All of which has been worked out through this process over the last couple of months. Again this is a subdivision to create two lots one for Whole Foods and one for the rest of the project.

MR. CHAIRMAN: Again just for clarification, the line is around the Whole Foods property?

MR. SUDOL: Well the separating line goes down the drive aisle.

MR. CHAIRMAN: And the Whole Foods area does not include the Conservation area?

MR. SUDOL: This lot does?

MR. CHAIRMAN: It does I am sorry. So its really two halves. You are making five lots into two.

MR. SUDOL: Correct.

MR. CHAIRMAN: Any questions from the Board?

MR. BOEHNER: This includes the cross access easement.

MR. SUDOL: Yes.

MR. BOEHNER: The parking has cross access?

MR. SUDOL: Yes.

MR. CHAIRMAN: Does anyone

else care to speak on this application?

MS. HARPER: Doris Harper 106 St. Regis Drive. Reading this I need some clarification my understanding is all of this was going to be on Monroe Avenue but now I see addresses on Clover Street and Allens Creek Road I thought there was going to be nothing touching those roads?

MR. CHAIRMAN: It will be minimal because the address of the parcel is on Allens Creek Road and Clover but none of the access to the property will actually be from Clover or Allens Creek Road.

MS. HARPER: I understand that but access could be put I then because the properties are sitting right next to it?

MR. CHAIRMAN: No, because there is a restrictive covenant so access cannot be put in there.

MS. HARPER: Okay so the restrictive covenant would prevent it.

MR. CHAIRMAN: Yes.

MS. HARPER: Thank you very much.

MR. CHAIRMAN: Anyone else?

MR. JACOBSON: Howard Jacobson so my question revolves around taxes, all five parcels will be put into two. Do they get two tax numbers?

MR. CHAIRMAN: Ramsey?

Town Assessor.

MR. BOEHNER: I am not the

MR. JACOBSON: I realize that so the five are going to become two tax numbers.

MR. CHAIRMAN: That is our understanding.

MR. JACOBSON: So when that happens do these properties get their taxes reassessed. You may not know the answer to that but these properties were not reassessed in this new town assessment. So the 5 properties when they go to 2, who and how does it get evaluated – how much are these two pieces of properties worth and how do you know that they are being fairly reassessed because I live in the Town of Brighton and there was a reassessment Town wide and Mamasans and Clover Lanes did not fall into any increase in the assessment both lands were sold for 7 million dollars and its assessed for 1.65 and they did not get reassessed. It was sold for 14 and there were no changes for tax assessment. Mamasans a going business I went over there and had a cup of soup sold for 2 and half million dollars and there tax assessment went from 800,000 to - get this- to 800,100 dollars. We are able to get access to how that 100.00 got added but my concern is if you approve this how are we going to know that these properties are assessed properly.

MR. CHAIRMAN: I think that is the objective here is to raise tax revenue so.

MR. JACOBSON: I appreciate your saying that and you are not the assessor or the Supervisor. If you approve this we need to make sure as a community that the tax assessment on this is properly done which you can put as a condition. I rest my case.

MR. CHAIRMAN: Thank you. Anyone else? All right thank you very much we will move on for the folks downstairs that was the last Whole Foods application.

Approval to allow for an adult day care facility to be on property located at 2320 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. BOYCOUTS: Good afternoon ladies and gentlemen, I am Steve Boycouts (phonetic) for 2320 Brighton Henrietta Town Line Road and with me is the executive director of the Brain Center Elaine Comarella. As you may be aware we have 10,000 sf of our office building that has been vacated since we moved in four years ago and I will be happy to answer any questions you may have.

MR. CHAIRMAN: Please tell us a little bit about the center.

MS. COMARELLA: The Hitchcock Center has been around for 25 years now. We provide support for people with brain injuries and our group has been a social model for activity groups going out to ball games and such and getting people back into the community after brain injuries.

MR. CHAIRMAN: This is a day time operation with no overnights. They come in the morning and go home in the evening.

MS. COMARELLA: Yes.

MR. CHAIRMAN: How do your patients come in?

MS. COMARELLA : They come by medical transportation.

MR. CHAIRMAN: They are not driving themselves?

MS. COMARELLA: No.

MR. CHAIRMAN: So any need for onsite parking is going to be for your employees.

MS. COMARELLA: Yes, we have 17 full time staff.

MR. CHAIRMAN: What are your hours of operation?

MS. COMARELLA: Staff comes in from 7:30 to 4:00 in the afternoon sometimes we have meetings in the evening and they generally leave between 2 and 3 p.m. it is a 6 hour day. We are licensed by New York State. We don't provide any medical services on site so we are licensed by the Tramatic Brain Service/

MS. CIVILETTI: Are any meals prepared or served?

MS. COMARELLA: No. They bring in their own lunches or order out.

MR. CHAIRMAN: Probably just regular daily waste there is no hazardous waste?

MR. WENTWORTH: Will you need to install a generator?

MS. COMARELLA: No, normally if there is a problem we cancel the program.

MR. WENTWORTH: Will you be modifying the lighting at all?

MS. COMARELLA: I don't think so.

MR. BOYCOUTS: The answer is No.

MR. BOEHNER: So you are comfortable with the screening and landscaping around your center.

MS. COMARELLA: Yes, its great. We are in Downtown Rochester right now so it is going to give us a little breather.

MR. OSOWSKI: How are all the different rooms used?

MS. COMARELLA: If you are facing the building the left had side is going to be administrative offices and then the right and the back there is a day room where they have group activities. There is a kitchen area where people have their breaks and their lunches. There is a library and I think we have a few offices in there.

MR. OSOWSKI: Do you have any outside activities.

MS. COMARELLA: Not on the grounds normally we do have smokers who go out back. Generally our goal is to get people out into the community. So every day they are out somewhere ball games, museums out for lunch.

MR. CHAIRMAN: Thank you, is there anyone who cares to speak on this application? Being none we will move on.

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9P-02-18 Application of Sisters of Mercy NYPPAW, owner and Our Lady of Mercy School, lessee, for Preliminary/Final Site Plan Approval to construct a 400 +/- sf storage/ press box structure on property located at 1437 Blossom Road. All as described on application and plans on file.

MR. CHAIRMAN RECUSED HIMSELF

MS. CIVILETTI: I will take over the chair for this application.

MR. SYLVESTOR: Rick Sylvester and I am the soft ball coach for Our Lady of Mercy high school. We are proposing to build an 8 by 20 storage shed. I believe you have all of the

plans and this is 48.1 feet from the boundary and we did get away without sprinklers which would cost four times the cost of the project and we have fire extinguishers on the site. That is all I have.

MS. CIVILETTI: Is there any food preparation proposed for this building?

MR. SYLVESTOR: No there is not. We will not have a concession stand there. If we did in the future it would not be anything that would be cooked with just to sell some juice and sodas and snacks.

MS. CIVILETTI: Is there any exterior lighting proposed for the building.

MR. SYLVESTOR: As of right now no, because right now we have a shed in the dugout with the parking lot right behind it. Now it will be up on the hill and it will be fine and it will be locked.

MR. WENTWORTH: What will be stored in there?

MR. SYLVESTOR: Soft ball equipment and a sound system and some rakes and shovels.

MS. CIVILETTI: Is there any landscaping proposed.

MR. SYLVESTOR: John Falk who is a big supporter of Mercy has offered to supply all the shrubbery once its built.

MS. CIVILETTI: Ramsey, is that something you might want to look at?

MR. BOEHNER: If this Board would let me I would be glad to.

MS. CIVILETTI: Okay.

MR. SYLVESTOR: It will be  
whatever John wants to do.

MR. OSOWSKI: Does the back  
fence come up high enough to protect the area?

MR. SYLVESTOR: I don't know  
how high it is probably 25 to 30 feet high, there is not any issues with  
safety because it is 5 feet back from the backstop so foul balls. It is high  
enough in the back it is 11 feet so no one can climb up on top to get in and  
get anything.

MR. OSOWSKI: The plan looks like  
it shows a metal roof on the building.

MR. SYLVESTOR: That is right all  
of our materials have been donated and someone has donated siding so it  
won't have to be painted every year.

MR. OSOWSKI: That is nice I was  
going to suggest vinyl siding.

MS. CIVILETTI: Anything else?  
This is a public hearing would anyone care to address this application?  
Okay we will move on.

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9P-03-18 Application of The University of Rochester, owner, for Site  
Plan Modification to expand an existing parking area from 6 spaces to 24  
spaces on property located at 250 East River Road (tax ID 148.11-1-4.1).  
All as described on application and plans on file.

MR. WENTWORTH HAS RECLUSED HIMSELF AND MR.  
CHAIRMAN HAS RETURNED

MR. BUCZEK: Good evening I am Nat Buczek with TYLin International that is a small civil engineering group and we are representing the University of Rochester. For a small parking lot expansion located at their laboratory for laser at 250 East River Road. The existing site that we are expanding is on the west side of their current site. There is currently six parallel parking spaces that are going to be removed and new perpendicular parking spaces will be replacing those. Those are on this rendering. There will be a total of 24 parking spaces replacing the six for a net of 18 spaces to be installed on the site. The existing drainage ditch runs along the existing parking area will be relocated further to the west and the existing drainage basin will stay in place. There is one tree that will be removed as part of the project and two new trees will be planted in its place. There is one relocated light pole that will be relocated to the back side of the parking area. That is really the project as a whole.

MS. CIVILETTI: That is the existing lighting is there any new lighting proposed?

MR. BUCZEK: No, new lighting is proposed. There is currently light fixtures on the side of the building that light areas that are currently out there. Most of it is already parking today.

MR. OSOWSKI: Can you indicate where the new trees are?

MR. BUCZEK: The two new trees will be located down on this end on the side of the site.

MR. CHAIRMAN: And there is a curb to stop cars?

MR. BUCZEK: Yes, and we are utilizing curb cuts that are about three foot wide to allow drainage to drain out into this swale behind it.

MS. CIVILETTI: Are any of the proposed spaces accessible?

MR. BUCZEK: They are not in this location.

MS. CIVILETTI: Where are the accessible spaces for the building?

MR. BUCZEK: Most of them are up in the main front of the site and there is no need for additional sites.

MS. CIVILETTI: So you are still good with parking ratio for your parking count?

MR. BUCZEK: Yes.

MR. OSOWSKI: What is the disposition of the spoils the asphalt or the earth whatever you have to move away? Will it be removed or stay on site.

MR. BUCZEK: No it will be removed from the site.

MR. CHAIRMAN: Do you have a rough schedule for this project?

MR. BUCZEK: They are hoping to complete it this October if possible.

MR. CHAIRMAN: Thank you. Is there anyone who cares to address this application? There being none we will move on.

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9P-04-18 Application of 157 Sawgrass Drive, LLC, owner, for Final Subdivision/Resubdivision Approval, Final Site Plan Approval and Final Conditional Use Permit Approval to combine two lots into one and construct a three story 85,450 +/- 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 149.0 6-1-2.522 and

149.06-1-2-411. All as described on application and plans on file.

MR. BABCOCK STINER HAS RECUSED HIMSELF FROM THIS APPLICATION AND MR. WENTWORTH HAS RETURNED

MR. MURRAY: Good evening, Brian Murray from Bergman Associates and since our last meeting in July the plans haven't changed significantly. Just some minor details here and there nothing as far as size or layouts. We were asked at the last meeting to provide a traffic analysis and we did provide a traffic analysis to DOT and it recommended some minor timing adjustments to the signal at Sawgrass and Westfall. And on September 5<sup>th</sup> we received a letter from the transportation group concurring with our recommendations and indicating there were no further mitigations are required.

MR. BOEHNER: Can I have a copy of that?

MR. MURRAY: Sure. Last week we attended the Conservation Board and they just recommended that the plant material be swapped out for another ornamental grass. So we are going to take care of that. And last month we attended the ARB meeting and they recommended that we reapply for some minor changes to the façade. We are back in front of them next week. Hopefully we will wrap it up with them. And then we addressed the staff comments and we are waiting to hear anything else. That's about it.

MR. CHAIRMAN: All the lighting is the same?

MR. MURRAY: No nothing has changed.

MR. BOEHNER: What about the land banking it wasn't clear there.

MR. MURRAY: The land banking will be all along the outer perimeter. There are 68 spaces there and for

now we are proposing for it to just be gravel. We can make it lawn with top soil.

MR. CHAIRMAN: Top soil is fine.

MR. MURRAY: We will put the light poles in behind there.

MR. CHAIRMAN: We understand.

MR. BOEHNER: Is your client aware of a contribution required toward Senator Keating.

MR. MURRAY: We should be in touch to get that dollar amount. I think we provided a letter of credit to Mike.

MR. OSOWSKI: Where will the mechanicals be?

MR. WARBLOW: (Phonetic) I am Justin Warblow, an Architect from Labello representing Elderwood Development and right now the intent is that the mechanicals will go in the basement that is the intent right now. There is a mechanical room area that will service the mechanicals.

MR. OSOWSKI: So there will be nothing on the roof?

MR. WARBLOW: No.

MR. CHAIRMAN: Do you want to explain your architecture a little bit because it does look different than what we saw. We are not the ARB but

MR. WARBLOW: The initial ARB was concerned with the look of the building. So our intent for next

Tuesday's meeting is to discuss with them the differences in the façade materials and texture, the relief of the façade, the break, some precasts, some limestone along with the store front and the aluminum materials. You can there is a little bit more of intent to focus on materials as opposed to what you saw previously which is more glass and such.

MR. BOEHNER: Are you still using the driveway?

MR. WARBLOW: No it was frowned upon we are trying to make it fit in a little bit more with the other buildings.

MR. CHAIRMAN: Thank you. Any questions? Does anybody care to address this application? We will move on to the next application.

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9P-05-18 Application of Richard Carvotta – RJS Holdings, LLC, owner, for Site Plan Modification to construct a 735 sf outdoor dining patio on property located at 1890 South Clinton Avenue. All as described on application and plans on file.

MR. ROETZER: Good evening my name is Peter Roetzer, with SuperStar Architects here on behalf of Richard Carvotta of RJC Holdings. So what we would like to do in this project is construct 735 sf outdoor patio in front of McGregors which is the former location of a restaurant which is at 1890 South Clinton Avenue. Right now it is located in a zoning district which does not allow restaurants to have outdoor dining without an original variance granted for outdoor dining. So we are asking to put in an outdoor patio with an aluminum fence that is black and 42 inches high. It is going to have a paver with an evergreen hedge all around the edge to screen it and the whole area right now is going to be nicely landscaped. Right now I have an updated landscape plan with me.

MR. CHAIRMAN: The material of the paving is the unit pavers?

MR. ROETZER: Yes.

MR. CHAIRMAN: How about lighting?

MR. ROETZER: Right now, there is lighting for the sign and there's lighting in the soffet in the overhang so we don't need any additional lighting in the patio area.

MR. CHAIRMAN: What are the hours of operation?

MR. ROETZER: No different than the restaurant.

MR. BOEHNER: Do you have approval for the exterior doorway your proposing?

MR. ROETZER: Yes.

MS. DELANEY: Are you proposing any type of outdoor entertainment.

MR. ROETZER: No, its just an area for eating.

MR. WENTWORTH: Will the public be able to access the outdoor eating from outdoors?

MR. ROETZER: There is a gate to get onto the outdoor seating and it is a sit down restaurant you have to come in and get seated by a hostess.

MR. OSOWSKI: What type of eating utensils are there in the outdoor dining area?

MR. ROETZER: Metal just like

inside? Its an extension of the indoor dining.

MR. CHAIRMAN: Any questions?  
Everybody is good. This is a public hearing is there anyone who cares to address this application? Okay thank you.

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#### NEW BUSINESS

3P-NB1-18 Application of Brian Mattiacio, owner, for Preliminary Site Plan Approval to construct a 2,200 +/- sf dental office on property located at 2017 Monroe Avenue. All as described on application and plans on file.

#### WITHDRAWN BY APPLICANT

7P-NB1-18 Application of Westfall Office Group, LLC, owner and 157 Sawgrass Drive LLC, contract vendee, for Preliminary Subdivision/Resubdivision Approval, Preliminary Site Plan Approval and Preliminary Conditional Use Permit Approval to combine two lots into one and construct a three story 85,450+/- sf building consisting of 37,000 +/- sf of pediatric skilled nursing and 48,450 +/- of medical office space on property located at 157 Sawgrass Drive (Tax ID 149.0 6-1-2.522 and 149.06-1-2-412. All as described on application and plans on file.  
149.06-1-2-413. TABLED AT THE JULY 18,2018 MEETING –  
PUBLIC HEARING REMAINS OPEN

#### MR. BABCOCK STINER HAS RECUSED HIMSELF FROM THIS APPLICATION

MR. MURRAY: Good evening,  
Brian Murray from Bergman Associates this is preliminary approval for an 85,450 sf medical office building and resubdivide two parcels into one. The ARB meeting is next Tuesday for a second go around and the Conservation Board is all set. DOT is all set. The 68 land banked spaces we will top soil and seed those. DOT did review our traffic studies and

there are just some minor timing adjustments at the signal.

MR. CHAIRMAN: This is a public hearing, does anyone care to address this application? Thank you. That concludes the public hearings for the evening.

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OLD BUSINESS

NONE

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COMMUNICATIONS – RECEIVED AND FILED

Letter from Diane Feldon, 39 Sandringham Road, dated August 16, 2018 with comments and concerns regarding the proposed Whole Foods Plaza.

Save Monroe Avenue Project Poll Summary, June 2917 from Howie Jacobson

Letter from Mary Callaway, 105 Stonybrook Drive, dated August 21, 2018, regarding possible conditions to the site plan approval for the proposed Whole Foods Plaza.

Letter from Mary Critikos, One Govenor Road, dated August 21, 2018, regarding possible conditions to the site plan approval for the proposed Whole Foods Plaza.

Letter from Judy VanHouten, 205 Shoreham Drive, dated August 21, 2018 with comments and concerns regarding the proposed Whole Foods Plaza.

Letter from , dated August 21, 2018 with questions regarding the proposed Whole Foods Plaza.

Letter from Benton Kendig, dated August 22, 2018 with comments regarding the proposed Whole Foods Plaza.

Letter from Mindy Zoglin, The Zoglin Group, PLLC, dated August 24, 2018 requesting the posting of additional information regarding the proposed Whole Foods Plaza to the Town's website.

Letter from Charles Malcomb, Hodgson Ross, LLP dated August 24, 2018 requesting the posting of additional information regarding the proposed Whole Foods Plaza to the Town's website.

Letter from Howie Jacobson, dated August 30, 2018 with information regarding Whole Foods Market and Amazon.

Letter from Mike Montalto, Costich Engineering dated September 5, 2018, withdrawing application 3P-NB1-18.

Letter from Howie Jacobson, dated September 5, 2018 with information regarding Whole Foods Market's curbside pick up service.

Letter from Howie Jacobson, dated September 5, 2018 with information regarding Whole Foods Market and Amazon.

Letter from Ken Marvald, dated September 11, 2018 with information regarding Whole Foods Market.

Letter from Diane Resch, dated September 11, 2018 with information regarding Whole Foods Plaza.

Letter from Howie Jacobson, dated September 7, 2018 with information regarding Whole Foods store employee to unionize.

Letter from RA Walton, dated August 24, 2018 with information regarding Danielle Plaza.

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PETITIONS

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NONE

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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

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

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED.

MR. CHAIRMAN:

DETERMINATION OF SIGNIFICANCE: I move that the application for the Access Management Plan is consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

I also move the Planning Board approves the application based on the testimony given, plans submitted and with the following Conditions

CONDITIONS:

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.
3. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
4. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.

5. All 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.
6. Maintenance of landscape plantings shall be guaranteed for three years.
7. 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.
8. 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.
9. The parking lot shall be striped be in place prior to issuance of a building permit.
10. If additional parking lot lighting is proposed a lighting plan which shows the type, location, and lighting contours shall be submitted.
11. 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.
12. All County Development Review Comments shall be addressed.
13. Prior to issuance of any building permits, all plans for utility and stormwater 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.
14. All trees to be removed shall be shown on the site plan.

15. The plans must be revised to show the residential zone district line.
16. The proposed cross easement between parcels shall be submitted to and reviewed by the Deputy Town Attorney. The approved easement shall be filed with the Monroe County Clerk;s Office. A copy of the filed easement and maintenance agreement shall be submitted to the Building and Planning Department for its records.
17. NYSDOT must review and approve the plans for the new traffic lights and the Access Management Plan.
18. A use variance was granted in August of 2007 to the Comfort Inn to allow a portion of NYSDOT residential zoned land to be used as a parking lot.
19. If a use and occupancy permit is to be obtained from NYSDOT a use variance must be obtained for the improvements proposed on NYSDOT residential zoned lanad abutting the City Mattress and Mamasan's parcels. Additional Town review and approved may be required.
20. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
21. Prior to any approval granted for this application, the Planning Board must take SEQR findings.
22. All comments and concerns of Michael Guyon as contained in the attached memo dated September 15, 2018 to Ramsey Boehner shall be addressed.
23. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
24. A letter of credit shall be provided to the Town to cover certain aspects of the project. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit. The estimate shall be reviewed and approved by the Commissioner of Public Works.

25. The number of seats for the restaurant on Lots C and D must comply with the number of parking spaces provided onsite or a variance from the Zoning Board of Appeals must be obtained.
26. Pursuant to Section 205-18 of the Comprehensive Development Regulations the setback requirements for parking, paved area or aisles is granted for implementation of the cross access easements and access management plan.
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 of the Executive Law.
28. All conditions and requirements of the Town Board incentive zoning approval for this project shall be satisfied.
29. The plan as revised shows the privacy vents being installed along the southern boundary of the project.

MR. WENTWORTH: 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 AUGUST 15, 2018 MEETING PUBLIC HEARING REMAINS OPEN.

9P-06-18 Application of Daniel Family Companies (Daniele SPC,LLC) owner for Final Site Plan Approval to construct a five building retail plaza totaling 83,700 sf, which includes a 50,000 sf Whole Foods 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 Allens Creek Road and a portion of 2259 Clover Street. All as described on application and plans on file.

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. CHAIRMAN:

DETERMINATION OF SIGNIFICANCE

I move that the application for site plan approval are consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions.

1. An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Roth 585-784-5220)
2. All buildings shall comply with the most current Building and Fire Codes of New York State.
3. Prior to issuance of any building permits, all plans for utility and stormwater control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.

6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting maintenance or removal of trees shall comply with the requirements of the Town's Excavation and Clearing (Chapter 66). Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. Dumpsters shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster.
12. The parking lot shall be striped be in place prior to issuance of a building permit.
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 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.
18. The proposed building shall be sprinklered in accordance with Town requirements.
19. Erosion control measures shall be in place prior to site disturbance.
20. The applicant shall review the site plan, elevations and floor plns to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any change to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
21. 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.
22. The location of the HVAC shall be shown on the site plan.
23. All comments and concerns of the Town Engineer as contained in the attached memo dated September 16,2018 from Michael Guyon, Town Engineer, to Ramsey Boehner shall be addressed.
24. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review.

25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
26. 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 of the Executive Law
27. All conditions and requirements of the Town Board incentive zoning approval for this project shall be satisfied.
28. The Applicant shall provide and file cross access and cross parking easements between proposed Lot 1 and Lot 2. A copy of any filed easements shall be submitted to the Building and Planning Department for its records..
29. The plans must demonstrate how the public pedestrian walkway will be maintained during demolition and construction.
30. All mitigation measures must be satisfied.
31. The engineer of record must verify that the Whole Foods building has adequate Fire access.
32. The plans must be revised to address how the public pedestrian walkway will be maintained during demolition and construction.
33. Details of the bus shelter shall be submitted . Confirmation must be submitted that RTS will continue to serve the proposed bus shelter.
34. The site plan shall show all trees to be removed.
35. 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.
36. The lighting plan shall use LED light fixtures or the latest generation of energy efficient fixtures into the project. All lighting shall meet dark sky requirements. The color temperature of the light shall be 3000K.

37. Emergency access by first responders should be provided. The access shall be secured by a gate and lock under control of the Town or such first responders.
38. If and when restaurant/pub is proposed a conditional use permit shall be obtained from the Planning Board.
39. Prior to outdoor storage or display of goods, merchandise or equipment a conditional permit shall be obtained from the Planning Board.
40. Amazon lockers proposed for the Town's approval maybe necessary.
41. Prior to issuance of building permits for the project State and County approvals shall be obtained.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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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

7P-03-18 Application of First Baptist Church, owner, for Final 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

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER:  
DETERMINATION OF SIGNIFICANCE

I move that the application for site plan approval are consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions.

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.
3. Meet all plat filing requirements of the Town of Brighton Building and Planning Department.
4. All outstanding Site Plan comments and concerns of the Town Engineer shall be addressed.
5. All County Development Review Comments shall be addressed.
6. All comments and concerns of Mike Guyon as contained in the attached memo dated September 15, 2018 from Mike Guyon to Ramsey Boehner shall be addressed.
7. 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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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, 2750 and 2800 Monroe Avenue, 2250 Clover Street and 175 Allens Creek Road. 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. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. BABCOCK STINER:

DETERMINATION OF SIGNIFICANCE

I move that the application for site plan approval are consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions.

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.
3. Meet all plat filing requirements of the Town of Brighton Building and Planning Department.
4. All outstanding Site Plan comments and concerns of the Town Engineer shall be addressed.
5. All County Development Review Comments shall be addressed.

6. The cross access and parking easements shall be filed with the Monroe County Clerk's Office. A copy of the filed easements shall be submitted to the Building and Planning Department for its records.
7. All comments and concerns of Mike Guyon, as contained in the attached memo dated September 15, 2018 from Mike Guyon to Ramsey Boehner shall be addressed.
8. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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9P-01-18 Application of Seneca Waterways Council, BSA, owner and Hickok Center, for Brain Injury, Inc., lessee, for Conditional Use Permit Approval to allow for an adult day care facility to be on property located at 2320 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. BABCOCK STINER:

#### 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

#### FINDINGS

The Planning Board Finds that :

1. The day care center is compatible with the surrounding existing uses and known proposed developments.
2. The day care center does not require screening or landscaping addition to the existing features.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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

MS. CIVILETTI: Second

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MR. WENTWORTH: I move the Planning Board approves application 9P-01-18 based on the testimony given, plans submitted and with the following conditions:

1. An Operational Permit shall be obtained from the Town of Brighton's Fire Marshal (Chris Roth 585-784-5220)
2. The total number of clients served shall not exceed 40 or the number determined by the Town Brighton Fire Marshal, whichever is less without further review.
3. The total number of employees shall not exceed 17 without further review.
4. The entire building shall comply with the most current Building and Fire Codes of New York State.
5. All comments and conditions of Monroe County shall be addressed.

6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. Any new 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.
9. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
10. 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.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

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9P-02-18 Application of Sisters of Mercy NYPPAW, owner and Our Lady of Mercy School, lessee, for Preliminary/Final Site Plan Approval to construct a 400 +/- sf storage/ press box structure on property located at 1437 Blossom Road. All as described on application and plans on file.

MR. CHAIRMAN RECUSED HIMSELF

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

MR. BABCOCK STINER: Second.

UPON ROLL VOTE MOTION CARRIED

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MR. WENTWORTH: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and Conditions.

#### DETERMINATION OF SIGNIFICANCE

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

#### CONDITIONS:

1. All buildingsshall comply with the most current Building & Fire Codes of New York State.
2. 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.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All town codes shall be met that relate directly or indirectly to the applicant's request.
5. 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.

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. Maintenance of landscape plantings shall be guaranteed for three years.
9. 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.
10. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.
11. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, wood lot mitigation, 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.
12. Any signage must be reviewed and receive all necessary town approvals prior to installation.
13. Erosion control measures shall be in place prior to site disturbance.
14. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL VOTE MOTION CARRIED

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9P-03-18 Application of The University of Rochester, owner, for Site Plan Modification to expand an existing parking area from 6 spaces to 24 spaces on property located at 250 East River Road (tax ID 148.11-1-4.1. All as described on application and plans on file.

MR. WENTWORTH HAS RECUSED HIMSELF

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

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION CARRIED

MS. CIVILETTI:

DETERMINATION OF SIGNIFICANCE

I move that the application for site plan approval are consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

I move the Planning Board approves the application based on the testimony given, plans submitted and with the following conditions.

CONDITIONS:

1. Tree protection shall be shown around all trees to be saved. 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.
2. The soil stockpile area shall be shown on plans with appropriate erosion control.
3. Shade trees shall be 3" to 5" in caliper when planted. This shall be noted in the plans.

4. The following comments of the Conservation Board shall be addressed  
Plantings of additional trees along the new parking lot edge should be considered.  
Existing trees that are to be protected shall be monitored throughout construction , and if severally compromised by the project shall be replace.
5. Meet all requirements of the Town of Brightons Department of Public Works.
6. All town codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
9. Maintenance of landscape plantings shall be guaranteed for three years.
10. Any contractor or individual involved in the planting maintenance or removal of tress 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. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed. The applicant shall contact the Fire Marshal for comments.
12. Erosion control measures shall be in place prior to site disturbance.

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

MS. DELANEY: Second.

UPON ROLL VOTE MOTION CARRIED

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9P-04-18 Application of 157 Sawgrass Drive, LLC, owner, for Final Subdivision/Resubdivision Approval, Final Site Plan Approval and Final Conditional Use Permit Approval to combine two lots into one and construct a three story 85,450 +/- 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 149.0 6-1-2.522 and 149.06-1-2-413. All as described on application and plans on file.

7P-NB1-18 Application of Westfall Office Group, LLC, owner and 157 Sawgrass Drive LLC, contract vendee, for Preliminary Subdivision/Resubdivision Approval, Preliminary Site Plan Approval and Preliminary Conditional Use Permit Approval to combine two lots into one and construct a three story 85,450 +/- 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 149.0 6-1-2.522 and All as described on application and plans on file.

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

MR. BABCOCK STINER HAS RECUSED HIMSELF FROM THIS APPLICATION

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

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION CARRIED

MR. WENTWORTH: I move the Planning Board approve the application 7P-NB1-18 based on the testimony given, plans submitted and with the following Determination of Significance and Conditions;

#### DETERMINATION OF SIGNIFICANCE

Planning Board of the Town of Brighton as lead agency under the State of New York Environmental Quality Review Act finds that the proposed action will comply with the EIS and Finding Statements for Brighton Meadows Office Park.

#### CONDITIONS:

1. Plans shall be revised to show the landscaping proposed for the land banked parking area. The lawn should be seeded and a lawn established.
2. The list of trees to be removed that is shown on the grading plan should be keyed to the individual trees on the plan.
3. The planting list on the landscape plan should include the number of each plant proposed.
4. All required Architectural Review Board approvals shall be obtained.
5. The following comments of the Conservation Board shall be addressed

Morning Light Maiden Grass is an invasive or potentially invasive plant should be avoided. A substitute grass is recommended.

6. Any proposed modification of an approved easement must be approved by the Town Board.
7. All 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 of the Executive Law.

8. Lighting cut sheets details and a pole elevation detail shall be provided. Any proposed building mounted lights shall be included on the lighting plan and details shall be provided. The color temperature of the light shall be 3000K.
9. The location and screening of mechanicals shall be shown.
10. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
11. Maintenance of landscape plantings shall be guaranteed for three years.
12. All fences, walls and remaining walls shall be shown on plans with description of type and height. A detail of each fence and wall proposed shall be provided.
13. The entire building shall comply with the most current Building and Fire Codes of the state. The building shall be sprinklered.
14. 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.
15. Meet all requirements of the Town of Brighton's Department of Public Works.
16. All town codes shall be met that relate directly or indirectly to the applicant's request.
17. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
18. 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.

19. Maintenance of landscape plantings shall be guaranteed for three years.
20. 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.
21. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
22. Fire hydrants shall be fully operational prior to and during construction of the building.
23. Erosion control measures shall be in place prior to site disturbance.
24. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
25. The grading plan should show ground elevations at the corners of the building. Architectural drawings should show and note the same corner ground elevations along with accurate grading and building height dimensions and notes on each side of the building.
26. The location and screening of any proposed air conditioning condensers or other mechanicals whether roof or ground mounted shall be shown. All town codes regarding their use shall be met.
27. All easements must be shown on the Subdivision plan with ownership, purpose and liber/page of filing with the Monroe County Clerk's Office. A copy of the newly filed easements shall be submitted to the Building and Planning Department for its records.
28. Erosion control measures shall be in place prior to disturbance.

29. All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
30. Applicable Town standard details and notes will need to be incorporated into the design drawings.
31. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
32. Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
33. Any proposed signs shall obtain all required approvals.
34. All Count Development Review Comments shall be addressed prior to final approval.
35. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
36. Applicant shall contact the Town Fire Marshal, Christopher Roth for comments on the proposed plans.
37. As required by the SGDEIS the applicant shall contribute an amount applicable to the entire Central Brighton Transportation Study Area and the GEIS for Senator Keating Blvd as their "fair share" contribution for the identified improvements within the Central Brighton Transportation Areas including the acquisition, design and construction of Senator Keating Blvd by placing such funds in appropriate accounts with the Town prior to the issuance of a building permit.
38. A limit of 325,000 sf of office space is allowed by the SGEIS prior to the completion of specific Westfall Road improvements by the MCDOT. With this application a total of 457,420 sf of constructed/approved development will exist in the park. Many of the MCDOT improvements have been constructed. The applicant must

verify with MCDOT that the remaining improvements are no longer required. A letter from MCDOT must be submitted.

39. The plans shall show a cross walk across Sawgrass Drive.
40. All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner shall be addressed.
41. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. DELANEY: Second.

UPON ROLL CALL VOTE MOTION CARRIED

MR. BABCOCK STINER HAS RECUSED HIMSELF FROM THIS APPLICATION

MR. WENTWORTH: I move that application 9P-04-18 be tabled based on the testimony given, and plans submitted. The following information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

1. Plans shall be revised to show the landscaping proposed for the land banked parking area. The land shall be top soiled and seeded and a lawn established.
2. The list of trees to be removed that are shown on the grading plan should be keyed to the individual trees on the plan.
3. The planting list on the landscape plan should include the number of each plant proposed.
4. All required Architectural Review Board approvals shall be obtained.
5. The following comments of the Conservation Board shall be addressed.

Morning Light Maiden Grass is an invasive or potentially invasive plant should be avoided. A substitute grass is recommended.

6 Any proposed modification of an approved easement must be approved by the Town Board.

7 All 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 of the Executive Law.

8. Lighting cut sheets details and a pole elevation detail shall be provided. Any proposed building mounted lights shall be included on the lighting plan and details shall be provided. The color temperature of the light shall be 3000K.

9 The location and screening of mechanicals shall be shown.

10 All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.

11 Maintenance of landscape plantings shall be guaranteed for three years.

12 All fences, walls and remaining walls shall be shown on plans with description of type and height. A detail of each fence and wall proposed shall be provided.

13 The entire building shall comply with the most current Building and Fire Codes of the state. The building shall be sprinklered.

14 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.

15 Meet all requirements of the Town of Brighton's Department of Public Works.

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

- 17 The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
- 18 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.
- 19 Maintenance of landscape plantings shall be guaranteed for three years.
- 20 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.
- 21 The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
- 22 Fire hydrants shall be fully operational prior to and during construction of the building.
- 23 Erosion control measures shall be in place prior to site disturbance.
- 24 The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
- 25 The grading plan should show ground elevations at the corners of the building. Architectural drawings should show and note the same corner ground elevations along with accurate grading and building height dimensions and notes on each side of the building.
- 26 The location and screening of any proposed air conditioning condensers or other mechanicals whether roof or ground mounted shall be shown. All town codes regarding their use shall be met.

- 27 All easements must be shown on the Subdivision plan with ownership, purpose and liber/page of filling with the Monroe County Clerk's Office. A copy of the newly filed easements shall be submitted to the Building and Planning Department for its records.
- 28 Erosion control measures shall be in place prior to disturbance.
- 29 All other reviewing agencies must issue their approval prior to the Department of Public Works. Issuing its final approval.
- 30 Applicable Town standard details and notes will need to be incorporated into the design drawings.
- 31 Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
- 32 Permits will be required from the Town's Sewer Department and may be required from other jurisdictional agencies.
- 33 Any proposed signs shall obtain all required approvals.
- 34 All County Development Review Comments shall be addressed prior to final approval.
- 35 All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
- 36 Applicant shall contact the Town Fire Marshal, Christopher Roth for comments on the proposed plans.
- 37 As required by the SGDEIS the applicant shall contribute an amount applicable to the entire Central Brighton Transportation Study Area and the GEIS for Senator Keating Blvd as their "fair share" contribution for the identified improvements within the Central Brighton Transportation Areas including the acquisition, design and construction of Senator Keating Blvd by placing such funds in appropriate accounts with the Town prior to the issuance of a building permit.

- 38 A limit of 325,000 sf of office space is allowed by the SGEIS prior to the completion of specific Westfall Road improvements by the MCDOT. With this application a total of 457,420 sf of constructed/approved development will exist in the park. Many of the MCDOT improvements have been constructed. The applicant must verify with MCDOT that the remaining improvements are no longer required. A letter from MCDOT must be submitted.
- 39 The plans shall show a cross walk across Sawgrass Drive.
- 40 All comments and concerns of the Town Engineer as contained in the attached memo to Ramsey Boehner shall be addressed.
- 41 The architectural design and building materials of the proposed building shall be reviewed and approved by the Architectural Review Board.
- 42 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MS. CIVILETTI: Second.

UPON ROLL CALL VOTE MOTION CARRIED

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9P-05-18 Application of Richard Carvotta – RJS Holdings, LLC, owner, for Site Plan Modification to construct a 735 sf outdoor dining patio on property located at 1890 South Clinton Avenue. All as described on application and plans on file.

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

MR. CHAIRMAN: Second.

UPON ROLL VOTE MOTION CARRIED

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MS. CIVILETTI: I move the Planning Board approves the application based on the testimony given, plans submitted and with the following Determination of Significance and Conditions.

#### DETERMINATION OF SIGNIFICANCE

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

#### CONDITIONS:

1. Prior to application for a building permit, the Architectural Review Board shall review the proposed entry doors on the west side of the building
2. The following comments of the Conservation Board shall be addressed:

Encourage the use of native plantings  
Additional tree plantings along the northern and southern edges of the parking field is encouraged.

3. Any proposed exterior lighting shall be shown on plans and cut sheets shall be provided specifying options chosen.
4. Any plantings to be removed shall be shown on the plans. Trees shall specify species and size.
5. Proposed plantings shall be identified by species and size.

6. All conditions of approval of the zoning Board of Appeals shall be met.
7. All requirements of Section 203-74(B)(4) Outdoor Dining Facilities of the Comprehensive Development Regulations shall be met.
8. The proposed fence shall not exceed 3.5 feet in height from grade at any point along the fence.
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 Specifications for Erosion and Sediment Control.
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. 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. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
16. Erosion control measures shall be in place prior to site disturbance.

- 17 All Monroe County comments shall be addressed.
- 18 A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

MR. BABCOCK STINER: Second.

UPON ROLL VOTE MOTION UNANIMOUSLY CARRIED

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SIGNS

1528 Rochester Regional Health Immediate Care for a building face sign  
at 1881 Monroe Avenue  
ARB The channel letter sign is approved as presented

1529 Quality Inn for 2 building face signs (one on the building face, one  
on rear of building ) at 2729 Monroe Avenue  
CONDITION

1. All required variances shall be obtained.

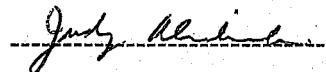
MS. CIVILETTI: I move to approve  
signs 1528 and 1529.

MR. BABCOCK STINER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

## CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the September 17, 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 16 day of Oct 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

TAMMI M. MACKERCHAR  
Notary Public, State of New York  
Qualified in Yates County  
No. 01MA6058207  
Commission Expires May 7, 2019

