

## Brighton Planning Board 8/21/19

PROCEEDINGS HELD BEFORE THE PLANNING BOARD AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON AUGUST 21ST, 2019  
AT APPROXIMATELY 7:30 **P.M.**

August 21st, 2019  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

## PRESENT:

WILLIAM PRICE, CHAIRPERSON  
JOHN J. OSOWSKI  
LAURA CIVILETTI  
DAVID FADER  
JASON BABCOCK-STINER  
JAMES WENTWORTH

DAVID DOLLINGER, ESQ.  
Town Attorney

RAMSEY A. BOEHNER  
Town Planner

NOT PRESENT:  
PAMELA DELANEY

REPORTED BY: RHODA COLLINS, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive  
Batavia, New York 14020

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CHAIRPERSON PRICE: Good evening. I'd like to call to order the August session of the Town of Brighton Planning Board. In the likely event of any kind of emergency tonight there are exits behind you and one behind me.

Mr. Secretary, please call the roll for this evening.

MR. BOEHNER: Absent is Pam Delaney.

CHAIRPERSON PRICE: Thank you.

We have meetings minutes from the June 19th, meeting. Do we have a motion to approve those minutes?

MS. CIVILETTI: Move.

MR. BABCOCK-STINER: Second.

CHAIRPERSON PRICE: Any comments or questions? All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Our July meeting minutes will be approved in September.

Ramsey, were the Public Hearings properly advertised?

MR. BOEHNER: The Public Hearings were properly advertised in the Brighton-Pittsford Post of August 15, 2019.

CHAIRPERSON PRICE: We are going to hear those

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those hearings now. I want to be clear about some adjournments and withdraws from our agenda tonight. The Application 6P-07-19 Niagara Mohawk Power Corporation has been adjourned to our September 18th, meeting.

Application 8P-04-19, Application Daniele companies -- it's two, I apologize, 8P-02-19 for a change in one of the conditions also has been withdrawn.

Application 6P-NB1-19, Loren Flaum for a single-family home has been adjourned to the September meeting. With that, let's start the hearings.

APPLICATION 8P-01-19

8P-01-19 Application of Daniele SPC, LLC, owner for extension of site plan approval (9P-06-18) for the construction of 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 known as 2740 Monroe Avenue and 2800 Monroe Avenue (Tax ID #s 137.19-2-70.321 and 150.07-2-8.111). All as described on application and plans on file.

JERRY GOLDMAN: Good evening, Mr. Chairman, members of the Board, my name is Jerry Goldman, I'm the attorney and agent for the Daniele Family Companies who is the applicant tonight for extension of our site plan approval

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for the Whole Foods Plaza. It has been a year since, nearly a year since the approval. The final site plan was approved on September 17, 2018. Pursuant to Town Code Section 217-13E, the site plan is eligible for extension if a building has not been issued. And, in fact, that code section provides that the Planning Board does have the right to grant the approval. But if the application is not approved the Planning Board shall give reasons why the extension was not granted.

In order to help in the consideration of this I will take a minute and talk a little bit about the fact that while the site plan application was approved a year ago, larger projects go through a lengthy process to get to building permit. In addition to numerous rounds of comments from the Town, there also is dealing with the State and the State Department of Transportation and other agencies.

And it's no secret that there have been some intervening lawsuits that have also been involved which have impacted the progress of us being able to go forward and to finalize our approvals and get ready to issue a building permit, but that effort is underway and continues to be underway. We are actively working all aspects of that. We are hopeful that we will be, in short order, have all of our

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administrator reviews done and be prepared to obtain a building permit for this site. Therefore, we would request the extension for a one-year period of that site plan approval.

CHAIRPERSON PRICE: Thank you. Jerry, can you speak to anything about the -- is there anything in the work that you have been doing as things continue that effect the site plan in any way?

JERRY GOLDMAN: There's nothing -- I am not sure I fully understand the question, but . . .

CHAIRPERSON PRICE: I'm saying, you're not asking for any change in the conditions or the plans that were approved?

JERRY GOLDMAN: No. We are not asking for any modifications on the conditions or anything within the approval. We are prepared to proceed under the approval that was received from this Board.

MR. BOEHNER: Jerry, what is the status with the New York State DOT?

JERRY GOLDMAN: At this point New York State DOT has issued SEQRA findings relative to their review. And they have issued a number of comment letters relative to various aspects, utilities, highway work permits and the

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like. We're currently in the process of responding to those comments. Upon completion of those comments we would expect that the DOT would be in a position where they could issue final permits on the site and on the project.

MR. BOEHNER: The finding statement, am I correct, was just recently issued?

JERRY GOLDMAN: That is correct. It was issued -- I saw a copy of it sometime this week actually.

MR. BOEHNER: Okay. So it is moving along with DOT?

JERRY GOLDMAN: That is correct. We have been anxiously awaiting that we're hopeful to see it in November, and then we're hopeful in December, and then we're hopeful in January, and here we are in August and we --

MR. BOEHNER: There was nothing in those findings that would prevent this project from moving forward?

JERRY GOLDMAN: Actually, what it did was it reinforced the reviews which were done. The delay which was occasioned in their review was in part tied into the fact that there's new technology which we have put forward. But they said they were not ready to analyze under that new technology. They have since analyzed under that new technology and they have confirmed the conclusions of what we

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are proposing to be done on the site.

Furthermore, they made one more statement that was important in a broader context. They said that the only mitigation that was required on the south side of the road and then kind of jumping perhaps into the next application. But the only mitigation which was required per their analysis and their SEQRA findings was the modification of three curb cuts. The overall AMP was not viewed by them to be required mitigation for this project.

CHAIRPERSON PRICE: Okay. Other questions?  
Thank you.

This is a Public Hearing is there anyone in the audience that cares to address this? There being none, we will move on.

APPLICATION 8P-04-19

8P-04-19 Application of Daniele SPC, LLC, applicant, for extension of site plan modification (6P-01-18) 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 and 2717 Monroe Avenue. All as described on application and plans on file.

JERRY GOLDMAN: For the record, again, ladies

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and gentlemen, my name is Jerry Goldman, I am the attorney and agent for Daniele Family Companies and we are here this evening for site plan extension for the access management plan on the south side of the road.

As I stated in the earlier question by Mr. Boehner there has been review by the State DOT of this particular issue and we face the same issues with regard to the AMP that we do with the rest of the project. There are a number of a comments and steps we need to go through and to analyze before we're ready to get building permits.

But as I pointed out one thing which is important is that the AMP, the general AMP and that's providing cross access between the parcels which was worked on very hard by the Daniele Family to coordinate with all of the other property owners on the south side of the road to allow them all to access a traffic light. Which, for me as a Brighton resident, is a blessing because making left turns in and out of the south side of the road is truly challenging.

And it's a situation that with this project's construction will be addressed and will be addressed in a very positive way. It is an amenity which is called out in the incentive zoning and it's something which the Danieles are pleased to provide as a part of their overall project.



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So the construction, the AMP, and everything with the AMP, is essentially going to be dealt with hand in hand with the project across the street. So with that we will request the extension on that application as well -- or approval as well.

MR. BOEHNER: We received a communication from Bee Walters and her concern is that there is in the front of the buildings, the old Pizza Hut, the hotel, and the mattress store, City Mattress all have like short access --

CHAIRPERSON PRICE: Ramsey, can you use the microphone?

MR. BOEHNER: Yes.

CHAIRPERSON PRICE: Thank you.

MR. BOEHNER: That those properties are all interconnected up front. Is it your understanding that there will be a cross access easement for those properties making those connections?

JERRY GOLDMAN: Anthony is up here because he was the primary driver in terms of working with all of the property owners and I think he's had recent discussions relative to this issue.

ANTHONY DANIELE: So my name is Anthony Daniele, obviously with the Daniele Family Company. So to

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quickly answer the question. I have been in communication with Bee and on this topic more specifically her architect, Randy Peacock and her attorney Phil Silver, as recently as this afternoon on this topic.

That additional drive access points, those were added kind of late in the game they're on the Planning Board site, so it was not as clearly addressed in the cross access easements and shared parking agreement. That's something we are working to fix. I have spoken to all of the three parcels that are involved and they are amenable to granting that cross access, but it just needs to be codified and that will be part of the process.

MR. BOEHNER: Okay.

MR. DOLLINGER: And I work with Phil on that. I don't think -- you're right. Nobody really got it exactly what we were trying to accomplish. I think it bounced around, but I have been working with him on this.

ANTHONY DANIELE: I think he's comfortable that we will get it figured out. Thank you.

CHAIRPERSON PRICE: Jerry, just a question of interest. In the eyes of DOT, these aren't separate applications?

JERRY GOLDMAN: It is part of the same review

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under SEQRA. Whether they will issue a separate highway work permit for the north side and the south side, and lot by lot, I really don't know.

CHAIRPERSON PRICE: So you're working with them on comments or those comments came with the same written notice with regard to the north side as well?

JERRY GOLDMAN: Right. And basically their analysis under SEQRA was review of the overall action. The overall action involves both the north side and the south side of the road. Even though from an approval point of view, there may be multiple approvals at the Town level, and perhaps multiple approval at DOT level, but for SEQRA analysis it all has to be dealt with together.

CHAIRPERSON PRICE: Thank you. Questions?  
Thank you.

Is there anyone that would care to address this application regarding the access management?

We will move on. I will remind you, at the end of our meeting once the Public Hearings are finished we will be making a motion for approval or disapproval on these applications. We will be reading the conditions of our actions.

APPLICATION 8P-NB1-19

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8P-NB1-19 application of Frank Imburgia/FSI Construction, owner, for Preliminary Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single family home and construct a 10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

JESS SUDOL: Good evening, Mr. Chairman, members of the Board, my name is Jess Sudol, from Passero Associates, civil engineer on the project. Acting here on behalf of FSI Construction, with me from FSI is Mr. Dave Merrick.

We appeared before this Board, I believe it was a couple months ago, to review the project proposal at 3300 Brighton Henrietta Town Line Road which is for a 10,000 sf medical office building. I talked a lot about the site, the site restrictions, the characteristics of that meeting, so I won't necessarily rehash all of that.

I did want to point out that at that meeting we presented several different concepts for the site layout and kind of talked through 1, 2, 3, 4, 1-A, 2-B, just to try to get to what would really best suit this site given the

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restrictions with the setbacks and of course the class B stream that goes through the site. Also the access that we're dealing with on Canal View Boulevard versus Brighton Henrietta Town Line Road. And essentially what we've arrived at is the application that is before you, it is a modification to one of the concepts that was presented at that meeting. We do have the parking lot on the eastern portion of the project with the building on the western side.

The major change we made was a modification to the physical geometry of the proposed building. Last time it was a perfect 100 by 100 foot square for a total of 10,000 square feet. That has since been modified to be more rectangular. That's essentially done several things for the project that I feel are a benefits, but I think this Board kind of foresaw when they were making that suggestion. That means it allows us to bring the building a little bit closer to the street and we can have a nice green lawn out in front of the building. It will be closer to the street and also the sidewalk.

It also allows us to take that western building edge and move it further east so that it's not as closer to the floodplain and some of the other physical restrictions associated with the site. And it also better

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aligns with the parking lot area on the east side of the building. Remember last time for those of you who remember, it was a little offset, a little funky. I think by making that building a little bit longer really pulls that southern edge to align with that last parking stall there.

The parking lot layout itself more or less stays the same, we did make some modifications like relocating the dumpster enclosure so it wasn't right in front of the site. We also included a sidewalk to the extent of limits, western limits of the project and created additional connectivity into and around the project.

So those were kind of higher level site plan changes that we made. Procedurally there's a number of different things that we're working through right now. I don't anticipate this Board being positioned to offer any kind of approval this evening. We, of course, recognize that we're dealing with things with Architectural Review Board. We also have some variances that we've submitted, a couple more that have come up that we do need to submit namely the parking area and the building being in the front setback.

We also have a number of DPW and Planning Board comments to work through and address. We haven't had a change to go through those preliminarily, I have spoken with

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Town staff. I don't see any of those comments which have been brought to us. I don't think any of them would impact the layout as it is currently proposed, and there are certainly things we can work through fairly easily.

So with that said, one of the big ones I did want to address the items I want to address, does have to do with County DOT. We did perform a traffic impact study for this project and submit it to the County DOT. They approved it as submitted, so they have reviewed and they have so far approved everything. We don't have too much actual work happening in county right of way other than a proposed water. We're not proposing any curb cuts, all that is going to come off Canal View Boulevard.

During the peak hour there is a fairly decent cue for those folks leaving Canal View Boulevard. That does get up to about where our driveway is. It's that very same reason why when I was here last time I said we took that driveway, recognizing that would be a condition and really pushed it as far north as physically possible. Any further north you would start to have significant impacts on the EPOD and the creek.

So I think we've done everything we possibly can to go ahead and mitigate that as far as traffic goes.

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But as far as the light, the operations of the light, DOT is comfortable with that. We have provided more details, architectural drawings on the proposed building, again, single story, 10,000 square feet. One of the things I mentioned last time is it being a 2.2 acre site, by code we are allowed up to 22,000 square feet of building area.

Of course, physical I don't think it would be responsible to try and do that due to the other restrictions associated with the site, but we are about half of the allowable density by code. Again, single-story building, no tenement as of yet we can formally announce although we do have a lot of interest. But certainly, you know, the architecture will be a class A medical space we anticipate occupying with.

So that said, I'm intentionally a little bit brief because we talked about all of this last time. Again, we have had a chance to review DPW and Board comments, I'd be happy to address any of those specifically or any additional comments the Board might have.

CHAIRPERSON PRICE: Thank you. So ARB, have you applied? And you did apply for a ZBA, but you have to modify that?

JESS SUDOL: Correct.

CHAIRPERSON PRICE: I think the only that we



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or that I noticed, a potential for the side walkway that goes across in front of the building to connect out to the street?

JESS SUDOL: Absolutely, makes perfect sense.

CHAIRPERSON PRICE: And the fence around the pond, is that a requirement?

JESS SUDOL: No. I was actually -- that came up in review comments, it also triggers a need for a variance. We are not going to put a fence around. It's not a residential property, no kids, it's not going to be deep standing water, we're going to remove the fence altogether.

MR. BOEHNER: That's not part of the DEC guidelines?

JESS SUDOL: No. As a matter of fact when you talk to the DEC, they would rather there not be a fence there. They have things like safety benches and water depth. Problem with a fence is a kid can get by a fence, if they get in trouble going to help them the fence becomes a restriction.

MR. BOEHNER: So you will eliminate the fence.

JESS SUDOL: Yes.

CHAIRPERSON PRICE: Okay. Those were my questions.

MR. FADER: I have a question. You have a

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stone dust trail which comes to the road and circles around the building?

JESS SUDOL: Correct.

MR. FADER: I am sort of curious, that if I'm on the road and let's say I'm on a flight and I go down the trail and I end up going no where.

JESS SUDOL: Yes. The trail really with the connection suggested the thought is you could walk down the sidewalk and kind of do a lap around the building at lunchtime. It was never intended to be a bicycle trail that was part of the greater trail system.

MR. FADER: Okay. Does it have a curb cut into the parking lot?

JESS SUDOL: Well, it comes and it connects to the sidewalk that's currently along the parking lot.

MR. FADER: Yeah, that's a curb cut.

MR. WENTWORTH: As you travel south along the front of the building you get to the accessible parking, that is all lowered sidewalk, so through the access aisles, yes, you can get to the parking lot.

JESS SUDOL: Yes, you would not be trapped.

MR. BOEHNER: Jess, is the building in the floodplain?

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JESS SUDOL: No.

MR. BOEHNER: How have you mitigated the impacts to the floodplain?

JESS SUDOL: For starters, currently the vast majority of the lawn is maintained right up to the top of the bank of the creek. Which, when you talk about the last time repairing buffers and providing shade over the creek, what you really want to do is not allow the water to heat up. What we're doing is proposing the implementation and enhancement of that repairing buffer as an overall, basically, environmental mitigation.

MR. BOEHNER: And you are also proposing --

JESS SUDOL: We are proposing --

MR. BOEHNER: -- storage?

JESS SUDOL: Yes. Basically, no net fill in the floodplain.

MR. BOEHNER: By providing compensatory storage?

JESS SUDOL: Yes.

MR. WENTWORTH: Jess, the site plan shows along Brighton Henrietta Town Line side setback, but that's actually front, correct?

MR. BOEHNER: That is correct.

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JESS SUDOL: Correct, we might have to change the label.

MR. WENTWORTH: Is it 40-foot required for the front setback?

JESS SUDOL: I believe 70.

MR. WENTWORTH: That is one of the variances?

JESS SUDOL: Yes.

MR. BOEHNER: When it was square it was fine, but when it went to rectangle --

MR. WENTWORTH: Is there any requirement for a variance to have the storm water retention pond within that setback or is that okay?

MR. BOEHNER: I think that's okay.

Jess, the Canal View Boulevard is a private road, where are you with getting the necessary access easement?

JESS SUDOL: We recently submitted documentation to the Town, which I wish I had a copy here. I don't know if it is helpful or not, we have a note from Ryco Management basically confirming that we are in the process -- and this has been submitted on the record -- we are working through the access easement with them. We've done the legal description, we've done the mapping, the attorney is looking

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at it, but they are committed to allowing us to have access.

MR. BOEHNER: Do you have a time frame for when that would be executed?

JESS SUDOL: Well, it probably would be executed -- probably wouldn't be formally executed until such time that we have site plan approval. Because they're not going to grant -- I don't think they want to grant access based on this use and based on our team, and all of a sudden we abandon the project and we don't get site plan approval, then all of a sudden they've given access to that parcel.

So I would -- previously I think we've had conditions such as the access easement must be filed in the County Clerk's office prior to building permit being issued. I would anticipate --

MR. BOEHNER: That's what you are requesting?

JESS SUDOL: Yes.

MR. OSOWSKI: Is the water main adequately sized for the fire protection permit?

JESS SUDOL: Yes, more than, very much so.

MS. CIVILETTI: What type of fixtures are proposed?

JESS SUDOL: They are obviously dark side compliant, obviously going to comply with the Town's

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temperature ordinance, which I think is 3,000 Calvin, and, you know, 20-foot high shoebox-type lights.

MR. BOEHNER: Have you done a pre-demolition asbestos survey yet?

JESS SUDOL: No. I believe one has been ordered though.

MR. BOEHNER: Okay.

MR. OSOWSKI: HVAC units on the roof?

JESS SUDOL: Potentially, that's most likely what we're going to do, yes. We haven't quite gotten to designing a system. In situations like this that's what we end up doing.

CHAIRPERSON PRICE: Jess, is that outdoor seating on the north side, the creek side of the building?

JESS SUDOL: Yes.

CHAIRPERSON PRICE: Other questions?

MS. CIVILETTI: Did you propose a generator?

JESS SUDOL: Most likely there will be. But we are aware of Town requirements with generators. Hopefully we can work it out with the tenant, as well as if the generator is needed. By the time we get to a position for final site plan approval that can be shown accurately so we would not have to come back to you separately.

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CHAIRPERSON PRICE: Any other questions?

Thank you.

This is a Public Hearing is there anyone in the audience that cares to address this? Please come up.

DARLENE SMYTHE: I am Darlene Smythe, I live at 540 Apple Orchard Lane in Webster, New York, 14580. I am executive director of 12 Corners Daycare Center which is the property on the other side of the creek of that. My concerns were the piece of property that he mentioned, Ryco Management, he's been talking to Ryco Management. 12 Corners Daycare Center actually owns that strip of land between Canal View Boulevard and a short distance. That is part of our land.

I know Ryco Management recently acquired the building that gives them controlling interest of the property at Canal View, other than the private one, owned property like ours. My concern was, is there going to be an access road from the parking lot that you have onto Canal View Boulevard? Is that going to be broken into it or is there going to be a separate traffic light? I was just curious as to what was happening with that.

CHAIRPERSON PRICE: Yes. So have you had a chance to see the plans?

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DARLENE SMYTHE: No, I have seen nothing so far and that's why I'm here.

CHAIRPERSON PRICE: We are happy to show you. They are looking at an access drive off of Canal View. This is the owner's representative and the engineer, Jess Sudol. They can show where the access drive is going to be. Show them where her property is.

JESS SUDOL: You're back here. Obviously there's a little bit of an island, this is the proposed access road right onto Canal View Boulevard.

DARLENE SMYTHE: Okay. The other question I had is, obviously we are located behind you on the other side of the creek. What kind of landscaping? Will there be nice landscaping --

MR. BOEHNER: Will you direct your questions to the Board?

DARLENE SMYTHE: Yes, I'm so sorry. We are the property across the creek and I've got little kids, infants and toddlers on that side, so I was just curious as to what kind of landscaping would be? I'm happy to hear it's a single-story building. I'm just curious as to the plans of that.

CHAIRPERSON PRICE: I would tell you looking



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at the landscape plan, they're proposing shade trees, foundation plantings, plantings around the Dumpster enclosure, both on the north side and on the Brighton Henrietta Town Line Road side. And they are trying to also naturalize the embankment of the creek for environmental reasons, so I think they have probably as much or more planting along the stream bank as they do the foundation.

DARLENE SMYTHE: Beautiful. Okay. That was really all. I was just curious to see what the plan was, what was going on and whether another traffic light was put in or in the crossing at the piece of property --

CHAIRPERSON PRICE: They did traffic studies and the traffic studies were reviewed by Monroe County DOT which is Department of Transportation and that showed this would not impact the level of service at that intersection.

DARLENE SMYTHE: Yes. I was just curious because we do own that piece of property and I haven't heard anything.

CHAIRPERSON PRICE: So the way we notify is we post it in the Brighton-Pittsford Post. But I think we also send e-mails or mail to adjacent properties within a certain radius.

MR. BOEHNER: Just adjacent.

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CHAIRPERSON PRICE: So are you the owner?

DARLENE SMYTHE: No, I'm the executive director. It is a not-for-profit organization.

CHAIRPERSON PRICE: The owner would have received --

DARLENE SMYTHE: That would have come to us.

CHAIRPERSON PRICE: We always notify by mail of an application on adjacent properties. And you can always come to see the plans, the plans are submitted a month prior to our public meetings tonight. So you're welcome to come to the office here and see the plans and have staff explain them to you.

DARLENE SMYTHE: Thank you, I appreciate that. We were just curious as to what the plan was, what was going to happen to the access roads.

CHAIRPERSON PRICE: Okay. They looked at a lot of alternatives and worked through some ideas from our standpoint and their standpoint. This is the alternative that they developed.

DARLENE SMYTHE: That makes absolute sense. Thank you very much.

CHAIRPERSON PRICE: Appreciate you coming out. Anyone else care to address the application? Okay.

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2  
3 I believe that was our last Public Hearing for  
4 the night. I move we close the Public Hearings.

5 MR. BABCOCK-STINER: Second.

6 CHAIRPERSON PRICE: We will move on to the  
7 resolutions, so David and Ramsey will help us through these.  
8 APPLICATION 8P-01-19

9 8P-01-19 Application of Daniele SPC, LLC,  
10 owner for extension of site plan approval (9P-06-18) for the  
11 construction of a five building retail plaza totaling 83,700  
12 sf, which includes a 50,000 sf Whole Foods store and a 2,000  
13 sf drive-thru coffee shop on properties known as 2740 Monroe  
14 Avenue and 2800 Monroe Avenue (Tax ID #s 137.19-2-70.321 and  
15 150.07-2-8.111). All as described on application and plans  
16 on file.

17 MR. BOEHNER: The first motion I would  
18 recommend would be that a motion be made that the application  
19 for the extension to the site plan approval for Application  
20 8P-01-19 is consistent with the findings statement and  
21 adopted by the Planning Board on August 15, 2018. Does  
22 someone want to make that motion?

23 MS. CIVILETTI: So moved.

24 CHAIRPERSON PRICE: I will second that.

25 MR. BOEHNER: Mr. Babcock-Stiner?

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MR. BABCOCK-STINER: Yes.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Yes.

MR. BOEHNER: Mr. Fader?

MR. FADER: Yes.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Yes.

MR. BOEHNER: The next motion is that I recommend that the Planning Board moves that the Planning Board approves the Application 8P-01-19 based on the testimony given, plans submitted and with the following seven conditions contained in the Planning Board report.

**CONDITIONS:**

1. Site Plan Approval shall expire on September 16, 2020.

No further extensions can be granted.

2. All conditions of approved of Planning Board applications 9P-06-18 and 6P-NB1-18 shall remain in effect and must be satisfied.

3. All buildings shall comply with the most current Building & Fire Codes of New York State.

4. Prior to issuance of any building permits, all plans for

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utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

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

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

7. All outstanding comments and concerns of the Town Engineer shall be addressed.

MS. CIVILETTI: So moved.

MR. FADER: Second.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Yes.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Mr. Fader?

MR. FADER: Yes.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Yes.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Yes.

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MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Yes.

MR. BOEHNER: Approved with conditions.

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APPLICATION 8P-04-19

8P-04-19 Application of Daniele SPC, LLC,  
applicant, for extension of site plan modification (6P-01-18)  
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 and 2717 Monroe Avenue.  
All as described on application and plans on file.

MR. BOEHNER: I recommend that you move that  
the application for the extension offsite plan approval is  
consistent with the findings statement adopted by the  
Planning Board on August 15, 2018. Do I have a motion and a  
second?

MR. BABCOCK-STINER: I make the motion.

CHAIRPERSON PRICE: I will second.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Yes.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Mr. Fader?

MR. FADER: Yes.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Yes.

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MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Yes.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Yes.

MR. BOEHNER: Motion passes.

I offer that the Planning Board moves that the Planning Board approves Application 8P-04-19 based on the testimony given, plans submitted and with the following seven conditions that are contained in the Planning Board report.

**CONDITIONS:**

1. Site Plan Approval shall expire on September 16, 2020.

No further extensions can be granted.

2. All conditions of approved of Flaming Board application 6P-01-18 shall remain in effect and must be satisfied.

3. All buildings shall comply with the most current Building & Fire Codes of New York State.

4. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

5. Meet all requirements of the Town of Brighton's



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Department of Public Works.

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

7. All outstanding comments and concerns of the Town Engineer shall be addressed.

MR. BOEHNER: Do I have a motion and a second?

CHAIRPERSON PRICE: So moved.

MR. WENTWORTH: Second.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Yes.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Mr. Fader?

MR. FADER: Yes.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Yes.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Yes.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Yes.

MR. BOEHNER: Approved with conditions.

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APPLICATION 8P-NB1-19

8P-NB1-19 Application of Frank Imburgia/FSI Construction, owner, for Preliminary Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single family home and construct a 10,000+/- sf medical office building with related site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

MR. BOEHNER: I move Application 8P-NB1-19 be tabled based on the testimony given and the plans submitted. Additional information is requested in order to make a determination of significance and to have a complete application. The following is required to be submitted no later than two weeks prior to the next Planning Board meeting. Those items are contained in the Planning Board report, Items 1 through 35. I also offer a condition for your consideration, that the site plan shall be revised to show a sidewalk from the building to the proposed sidewalk along Brighton Henrietta Town Line Road.

**CONDITIONS:**

1. Prior to application for Final Site Plan approval, a completed storm water quantity and quality mitigation and

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phasing plan, including engineering reports, shall be submitted to the Town Engineer for review. The mitigation plan shall include both on-site and off-site improvements.

2. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).

3. The entire building shall comply with the most current Building & Fire Codes of New York State.

4. All necessary variances shall be obtained from the Zoning Board of Appeals.

5. The proposed sidewalk must meet all town requirements.

6. 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.

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

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

9. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

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10. 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.

11. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.

12. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

13. Erosion control measures shall be in place prior to site disturbance.

14. Maintenance of landscape plantings shall be guaranteed for three (3) years.

15. Deciduous shade trees shall be planted at 3 - 3 V2 inches in diameter. Pine trees shall be planted at 7 - 8 ft. in height.

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16. A detailed lighting plan which shows the type, location and lighting contours shall be submitted. Specifications for the proposed light shall be submitted and light shall not exceed 3000k.

17. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster.

18. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.

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

20. Fire hydrants shall be fully operational prior to and during construction of the building.

21. All County Development Review Comments shall be addressed.

22. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

23. The location of any proposed generators shall be shown on the site plan. Documentation shall be submitted that shows that all requirements for generators in the Comprehensive Development Regulations will be met or Planning Board

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approval for the generator will be obtained. The generator shall not exceed 72 decibels.

24. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, storm water 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.

25. The proposed building shall be sprinklered in accordance with Town requirements.

26. 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.

27. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Flaming Board approval.

28. The location of the HVAC shall be shown on the site

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plan.

29. Prior to the issuance of any permits the applicant shall obtain and submit a 23 9-F Permit from Monroe County DOT.

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

31. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

32. Construction activities shall be limited to 7 AM to 6 PM Monday to Friday, and 9 AM to 6 PM on Saturday.

33. A pre-demolition survey shall be submitted.

34. Prior to above ground construction, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.

35. All comments and concerns of Evert Garcia's contained in the attached memo dated August 20, 2019 from Evert Garcia to Ramsey Boehner, shall be addressed.

36. The site plan shall be revised to show a sidewalk from the building to the proposed sidewalk along Brighton Henrietta Town Line Road.

MR. WENTWORTH: So moved.

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MR. BABCOCK-STINER: Second.

MR. BOEHNER: Mr. Osowski?

MR. OSOWSKI: Yes.

MR. BOEHNER: Ms. Civiletti?

MS. CIVILETTI: Yes.

MR. BOEHNER: Mr. Fader?

MR. FADER: Yes.

MR. BOEHNER: Mr. Price?

CHAIRPERSON PRICE: Yes.

MR. BOEHNER: Mr. Wentworth?

MR. WENTWORTH: Yes.

MR. BOEHNER: Mr. Babcock-Stiner?

MR. BABCOCK-STINER: Yes.

MR. BOEHNER: The application is tabled.



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**SIGNS:**

1561 Strauss Eye, for a building face sign at 360 White Spruce Boulevard.

1562 L&M Wealth Management, for a building face sign at 1840 Winton Road South.

1552 Hotel on Monroe, for building face signs at 2323 Monroe Avenue.

MR. BOEHNER: 1561 and 1562, I recommend approve as recommended by the Architectural Review Board.

CHAIRPERSON PRICE: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON PRICE: Opposed?

MR. BOEHNER: Application 1552, we have not received any additional information that was requested. I recommend tabling it once again.

CHAIRPERSON PRICE: So a motion to table, all in favor?

ALL COUNCIL MEMBERS: Aye.

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## REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 3rd day of October, 2019.

At Rochester, New York

  
Rhoda Collins