

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
APRIL 10, 2023

Written comments may be submitted to Rick DiStefano, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to rick.distefano@townofbrighton.org.

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

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members

CHAIRPERSON: Approve the minutes of the February 1, 2023 meeting.
Approve the minutes of the March 1, 2023 meeting. **To be done at the May 3, 2023 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of March 30, 2023 will now be held.

[3A-06-23](#) Application of Larry and Stacy Turowski, owners of property located at 141 St. Regis Drive South, requesting modification of an approved setback variance for a detached garage (10A-08-22) to be reduced from the approved 4.7 ft to 2.7 ft. where a 5 ft. minimum setback is required by code. All as described on application and plans on file.

[4A-01-23](#) Application of Robert Piazza Palotto, owner of property located at 2500 Elmwood Avenue, for modification of an approved variance (9A-06-22) to allow construction of a second story above an attached garage addition which was granted a side setback variance of 8.2 ft. in lieu of the minimum 10.8 ft. required by code. All as described on application and plans on file.

[4A-02-23](#) Application of Jagdish Kaur, owner of property located at 30 Jefferson Road, requesting renewal of a Use Variance (12A-03-22) and an Area Variance (12A-04-22), pursuant to Section 219-5F, where approvals allow for a liquor store in an IG - Light Industrial District and for front yard parking where both are not allowed by code. All as described on application and plans on file.

[4A-03-23](#) Application of Colleen Cornel, agent, and Ralph DiTucci, Castle Office Group LLC, owner, of property located at 180 Sawgrass Drive, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a food truck on site once per week from May through August 2023 where prohibited by code. All as described on application and plans on file.

[4A-04-23](#) Application of Jennifer and Jesse Readlynn, owners of property located at 114 Sylvan

Road, for an Area Variance from Section 205-2 to allow for a covered porch to extend 5.5 ft. into the 40 ft. front setback required by code. All as described on application and plans on file.

4A-05-23 Application of Christopher Brandt, agent, and Andre Langston and Wendy Boyde, owners of property located at 1715 Clover Street, for an Area Variance from Section 203-2.1B(6) to allow a stand-by emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described in application and plans on file.

4A-06-23 Application of Caroline and Daniel Grabowski, owners of property located at 1301 Highland Avenue, for an Area Variance from Section 207-2A to allow a front yard fence to be 6.5 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.

4A-07-24 Application of David and Elizabeth Thurnherr, owners of property located at 196 Bastian Road, for Area Variances from Sections 203-2.1B(3), 203-9A(4) and 207-6A(1) to 1) allow for the construction of a detached garage 3 ft. from a side lot line in lieu of the minimum 5 ft. required by code, 2) allow the garage to be 704 sf in size in lieu of the maximum 600 sf allowed by code, and 3) allow said garage to be 20 ft. in height (top of copula) in lieu of the maximum 16 ft. allowed by code. All as described on application and plans on file.

4A-08-23 Application of Whole Foods Market, lessee, and Daniele SPC, LLC, owner of property located at 2740 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a grand opening, outdoor event on April 12, 2023 (and possibly through April 15, 2023) with off-site employee parking. All as described on application and plans on file.

4A-09-23 Application of Whole Foods Market, lessee, and Daniele SPC, LLC, owner of property located at 2740 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for the placement of "Coming Soon" and "Now Open" banners on the building face for up to 60 days where not allowed by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Vanessa Alvarado, 2717 Monroe Avenue In support of applications 4A08-23 and 4A-09-23, 2740 Monroe Avenue.

Letter from Stephen Schultz, Supervisor - Town of Henrietta, dated March 31, 2023, with with comments regarding application 4A-02-23, 30 Jefferson Road.

PETITIONS:

NONE

Public Hearing

Vanessa Alvarado <alvaradovanessa131@gmail.com>

Mon 4/3/2023 10:38 AM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

Cc: Kellie Williams <kellie.williams0807@gmail.com>

Greetings, Mr. Distefano.

Regarding the tenant, Whole Foods Market, and Daniels SPC, LLC, I am writing to you on behalf of Dart CRE, LLC located at 2717 Monroe Ave. We support section 219-4, which would enable an outdoor grand opening event on April 12, 2023, as well as potentially on April 15, 2023. We also support the placement of the "coming soon" and "Now Open" banners on the building face for up to 60 days.

Please don't hesitate to get in touch with us if you need any additional information.

Thank you,

Vanessa Alvarado

(585)440-4954



Written comments for 4A-02-23

Stephen Schultz <sschultz@henrietta.org>

Fri 3/31/2023 5:44 PM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

Rick,

It may be too late for this input since these are requesting extensions of previously granted variance, but I will supply it anyway. I want to make it clear, I am voicing this opinion as me, the individual who serves as Town Supervisor. I am not speaking on behalf of the Town of Henrietta as the Town itself has not considered this application nor any Town Board resolution authorized me to speak on behalf of the Town in this regard. With that said...

I have no objection to the Area Variance as the front parking is a current condition.

I do raise a question as to the legitimacy of the Use Variance as I know that Byrne Dairy was looking for possible locations to operate a Grocery Store/Gas Station on Jefferson Road between West Henrietta Road and East River Road. They even had an offer in on a location on the north side of Jefferson in the Town of Henrietta but unfortunately, a few years earlier, Delta Sonic had purchased the property, placed a deed restriction on it prohibiting its use as a car wash or a gas station, then resold the property with the deed restriction in place.

When that fell through, I pointed Byrne Dairy at the property at 30 Jefferson Road since it was previously approved for gas pumps, was close to the one acre minimum lot size, and was in an area underserved by grocery stores. I sent him the email alerting him to the location on Wednesday, September 8, 2021 5:09 PM. He responded the next day that he was going to look into it. I do not know whether the property owners disclosed this information when claiming the financial hardship requirement of a Use Variance.

My issue with a liquor store going in here is I am afraid it is going to be problematic with all of the student housing right down the street from this location. Many of the college students are underage and I would be afraid this would become a go-to source for illegal alcohol and contribute to problems in the area. While that might not be something that could be considered for a standard application, for a Use Variance, that does seem to me to be something that could be factored into the decision.

Thank you for your time and consideration.

- Steve

--

Stephen L. Schultz
Henrietta Town Supervisor
585-359-7000

Whole Foods Market

Town of Brighton

Grand Opening Event & Traffic Plan

Zoning Board Meeting
Monday, April 10, 2023

Whole Foods Market Rochester

In-store & Local Marketing - Opening Day Run of Show • April 12, 2023
2740 Monroe Ave., Rochester, NY 14618

Marketing Point:

- *Jaclyn Spirko, Senior In-Store & Local Marketing Specialist*
 - *Phone: 201-941-4000*
 - *Email: Jaclyn.Spirko@wholefoods.com*

Whole Food Market Opening Day Direct Contacts:

- *Carolyn Falco, Executive Leader of Operations*
 - *Phone: 551-574-2605*
 - *Email: Carolyn.falco@wholefoods.com*
- *Richard Goss, Executive Leader of Operations*
 - *Phone: 201-310-4593*
 - *Email: Richard.Goss@wholefoods.com*
- *Robert Thompson, WFM, Regional Asset Protection Manager, NE Region.*
 - *Phone: 332 203-1282*
 - *Email: Robert.Thompson@wholefoods.com*

Opening Day Marketing Timeline Snapshot (Confidential)

6am – 7am: Customer Lineup

- Activation: Breakfast Treats
 - Overview: Customers that arrive before opening can receive a complimentary cup of coffee and muffin.
 - Location: Sidewalk area adjacent to WFM, right of main entrance doors
 - Materials: 10'x10' pop up tent, 6' table
- Activation: Customer Line Up
 - Overview: Customers that arrive before opening can line up, single file. The first 500 people receive a complimentary tote bag of samples and a coupon. A Whole Food Market Team Member will hand these items to the customers as they wait in line.
 - Location: Sidewalk area adjacent to WFM, left of main entrance doors; Area will have a stanchion and 22"x28" standing poster with "Line Starts Here" messaging
 - Materials: Pre-stuffed canvas tote bags will be passed out by WFM team members.
 - **Special Note:** There will not be a ribbon cutting outside. WFM will host their internal bread breaking ceremony inside for team members and community partners prior to opening the doors.

7:00am – DOORS OPEN

11am – 2pm: Music, Outdoor Sampling

- Activation: Ambient Music
 - Overview: A host will play pre-recorded music during the lunch rush
 - Location: Sidewalk area adjacent to WFM, left of main entrance doors
 - Materials: audio equipment
- Activation: Tented Sampling
 - Overview: Two vendors will be sampling during the lunch rush outside
 - Location: Sidewalk area adjacent to WFM, left of main entrance doors
 - Materials: Two (2) 5'x5' tents, two (2) 4' tables

4pm – 6pm: Outdoor Sampling

- Activation: Tented Sampling
 - Overview: Two vendors will be sampling during the evening rush outside
 - Location: Sidewalk area adjacent to WFM, left of main entrance doors
 - Materials: Two (2) 5'x5' tents, two (2) 4' tables

Note:

- The Open-Door Mission food donation van presentation will also no longer be held on Grand Opening week.
- Large Semi Truck deliveries will occur prior to 7am on the day of Grand Opening to minimize any traffic congestion. Only small box deliveries like USP and Fed Ex for example may occur throughout the daytime.



April 5, 2023

Whole Foods Grand Opening Site Traffic Plan

The site owner, Daniele SPC, LLC aka The Daniele Family, will be coordinating the site flow of vehicular and pedestrian traffic during the Opening Period, Wednesday April 12 – Sunday April 16.

Tenant Communication: All tenants of the Whole Foods Plaza have been made aware of the Grand Opening Period and have been asked to have their employees park off-site in the First Baptist Church parking lot during that time. They are aware of the increased traffic during that period and have been asked to plan their business around that situation.

Starbucks Drive-thru: The Daniele Family will have staff on site specifically monitoring the Starbucks Drive-thru to prevent a backup onto the main internal drive lanes. Customers will be asked to park in the Starbucks parking lot or adjacent retail parking lot and access the Starbucks on foot if the Drive-thru is at capacity.

Coordination with Law Enforcement and NYSDOT personnel: The Daniele Family will coordinate with Law Enforcement and NYSDOT to assist with keeping the internal drive lanes moving so as not to back up into Monroe Avenue During the opening period.

Coordination with Whole Foods Operations Team and third-party security: The Daniele Family will coordinate with the Whole Foods Operations Team and their 3rd party security detail to assist in executing their traffic and crowd control plan.

Contacts:

Danny Daniele – Primary – cell 585-703-3849, djd@danielefamily.com

Anthony Daniele – Primary – cell 585-943-4055, ajd@danielefamily.com

Rick Carosa – Secondary – cell 585-703-1044, rickc@danielefamily.com

Alex Benoit – Secondary – cell 617-777-0490, alexb@danielefamily.com

Others: Wade Braman, Don Walters, Bill Burdsall

Whole Foods Market Third Party Security:

Elite Investigations
2001 Central Park Avenue,
Yonkers, NY 10710
800 799-6912
Eliteinvestigations.com

Gary Weksler- Primary- cell 646-772-2523 gweksler@eliteinvestigation.com

Rashawn Murchison- Primary- cell 917-682-7633 rmurchison@eliteinvestigation.com

Whole Foods Market Contacts:

WFM Northeast Regional Office
210 Hudson St, Ste 700,
Jersey City, NJ 07311

Carolyn Falco- Primary – cell 551-574-2605, Carolyn.falco@wholefoods.com

Richard Goss, Primary – cell 201-310-4593, Richard.Goss@wholefoods.com

Robert Thompson- Secondary- cell 332 203-1282, Robert.Thompson@wholefoods.com

