

Brighton Residents Line Up Against Town Board's Use of Incentive Zoning for Whole Foods Project

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The debate over whether the Town of Brighton should allow connected local developer and Monroe County legislator Anthony Daniele to construct an oversized Whole Foods plaza along an already congested stretch of Monroe Avenue rages on. One of the main subjects of the debate has been whether “incentive zoning” should be used, which allows Supervisor Moehle to cut a special deal with Mr. Daniele and bypass zoning restrictions, such as normal limits on building size, density, setbacks, height, etc.

Residents of the Town are overwhelmingly against the use of incentive zoning for this project. A recent survey found that 78% of registered voters oppose this project proceeding by incentive zoning. This is perhaps because Mr. Daniele wants to use incentive zoning to waive nearly two dozen different zoning requirements (including density restrictions setbacks, etc.) for his proposal. Bypassing these zoning requirements provides an estimated value of more than \$17 million to Mr. Daniele over the life of the project. What is the value of the “community benefits” Mr. Daniele is giving back to the Town under his “special deal?” Zero. The “benefits” Mr. Daniele proposes are not community benefits, but mitigation measures intended to reduce the negative impacts of his oversized proposal. The Town is already able to set conditions that mitigate this harm without giving away zoning protections. So everything Daniele proposes as a “benefit,” the Town has the power to require anyway. In other words, use of incentive zoning for the Whole Foods project means the Town is waiving zoning protections without receiving any benefit, while Mr. Daniele reaps a multi-million dollar windfall. It must be nice to have powerful friends.

Town residents have also expressed outrage over Town Supervisor William Moehle issuing incorrect public statements that the Town *must* proceed through the incentive zoning process. The use of incentive zoning is entirely discretionary under State and local law. The Town could stop their review at any time and insist that Mr. Daniele’s proposal proceed through the normal zoning review procedures. So why hasn’t the Town done so? If you find out let us know.