

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF SEPTEMBER 18, 2019  
Brighton Town Hall  
2300 Elmwood Avenue

**AGENDA**

6:30 P.M.      Meeting  
7:30 P.M.      Public Hearing

**CHAIRPERSON:**      Call the meeting to order.  
Announce location of exits and that building is equipped with an alarm.

**SECRETARY:**      Call the roll.

**CHAIRPERSON:**      Approval of the July 17, 2019 meeting minutes.  
Approval of the August 21, 2019 meeting minutes. **To be done at the October 16, 2019 meeting.**

**CHAIRPERSON:**      Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of September 12, 2019 will now be heard.

\*\*\*\*\*

6P-07-19      Application of Niagara Mohawk Power Corporation (National Grid), owner of property known as Tax ID #148.18-2-2, and Rochester Gas and Electric, owner of property known as Tax ID #148.14-4-42, for Conditional Use Permit Approval and Site Plan Modification to expand and improve an electrical substation on properties located at 1430 and 1436 Brighton Henrietta Town Line Road. All as described on application and plans on file. **TABLED AT THE JUNE 19, 2019 MEETING - PUBLIC HEARING REMAINS OPEN**

9P-01-19      Application of Nicholas Leonardo, owner, for Preliminary/Final Site Plan Approval, Preliminary/Final Subdivision Approval and Preliminary/Final EPOD (woodlot) Permit Approval to combine three (3) lots into one (1) and construct a 3,142 +/- sf single family house with an 880 sf attached garage on property located west of the intersection of Clover Street and Greenaway Road, known as Tax ID #'s 122.16-1-5, 122.16-1-4 and 122.16-1-3. All as described on application and plans on file.

9P-02-19      Application of Loren Flaum, owner, for Final Site Plan Approval, Final EPOD (steepslope) Permit Approval and Demolition Review and Approval to raze a single family house and construct a new 8,630 +/- sf single family house with a 688 +/- sf attached garage and a 574 +/- sf detached garage on property located at 141 Old Mill Road. All as described on application and plans on file.

**NEW BUSINESS:**

6P-NB1-19      Application of Loren Flaum, owner, for Preliminary Site Plan Approval, Preliminary EPOD (steepslope) Permit Approval and Demolition Review and Approval to raze a single family house and construct a new 10,393 +/- sf single family house with a 1,171 +/- sf attached garage and a 574 +/- sf detached garage on property located at 141 Old Mill Road. All as described on application and plans on file. **TABLED AT THE JUNE 19, 2019 MEETING - PUBLIC HEARING REMAINS OPEN**

8P-NB1-19 Application of Frank Imburgia/FSI Construction, owner, for Preliminary Site Plan Approval and EPOD (watercourse) Permit Approval to 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. **TABLED AT THE AUGUST 21, 2019 MEETING - PUBLIC HEARING REMAINS OPEN**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

---

PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
<b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>			
1563	Overstock Must Go 2854 W. Henrietta Road	Bldg Face Sign	8/27/19
<p>ARB - Approved with conditions:</p> <ol style="list-style-type: none"><li>1. Black line at bottom to be made thinner from bottom to top to create white space equal to what is above the text at the top of sign.</li></ol>			
1564	Whole Foods Leasing Sign 2740 Monroe Avenue	Temporary free standing leasing sign	8/27/19
<p>ARB - Approved as presented.</p>			
1565	Brighton Hots 2602 Elmwood Avenue	Bldg Face Sign	8/27/19
<p>ARB - Approved as presented.</p>			
1566	Five Guys 1881 Monroe Avenue	Bldg Face Signs (2)	8/27/19
<p>ARB - Approved as presented.</p>			
<p><b>OLD BUSINESS</b></p>			
1552	Hotel on Monroe 2323 Monroe Avenue	Bldg Face Signs	4/23/19, 5/28/19, 6/25/19  <b>TABLED AT THE 8/21/19 MEETING</b>
<p>ARB - Approved with conditions:</p> <ol style="list-style-type: none"><li>1. Light sources shall not be visible.</li><li>2. All required variances shall be obtained.</li></ol>			

## PLANNING BOARD REPORT

HEARING DATE: September 18, 2019

APPLICATION NO: 6P-07-19

**APPLICATION SUMMARY:** Application of Niagara Mohawk Power Corporation (National Grid), owner of property known as Tax ID #148.18-2-2, and Rochester Gas and Electric, owner of property known as Tax ID #148.14-4-42, for Conditional Use Permit Approval and Site Plan Modification to expand and improve an electrical substation on properties located at 1430 and 1436 Brighton Henrietta Town Line Road.

### COMMENTS:

- \* The subject properties are zoned IG- Industrial (Niagara Mohawk property) and RLC-Residential (RG&E property).
- \* A wetland delineation of the proposed work area was completed on June 24, 2019. Federal wetlands were delineated within the proposed work area. The wetland area delineated within the proposed project area is 1,174 square feet or .026 acres. The applicant has noted that the proposed work is eligible for coverage under the United States Army Corps of Engineer Nationwide Permit # 12 "Utility Line Activities".
- \* The applicant proposes to add a second 115kv bus tie breaker, install new redundant electrical equipment, and relocate an existing transformer and associated equipment at its existing Mortimer Electrical Substation.
- \* The proposed project requires the expansion of the site onto RG&E's property in the northern corner of the station. RG&E has agreed to a license agreement to allow the expansion of the site. The site expansion consists of grading and fill material to be added to raise the grade to match the existing station grade, and to maintain drive lane and fire access around the station.
- \* The expansion of the site is located in the RLC District and requires a Conditional Use Permit.
- \* The existing fence line is to be removed and a new 8' fence with 1' of barbed wire will be installed. A variance has been obtained from the Zoning Board of Appeals to install the proposed fence on both the Niagara Mohawk and RG&E properties.
- \* Additional details for the new site lighting must be provided.

CONSERVATION BOARD: No Comment

TOWN ENGINEER: See attached memo from Evert Garcia.

QUESTIONS:

- \* Did you obtain the necessary variance for the proposed 8' fence with 1' of barbed wire?
- \* Does this project impact any wetlands or floodplains?
- \* Will any additional site lighting be installed? Will the proposed additional lighting meet dark sky standards?
- \* Can you please explain how the site will be expanded?
- \* Will any trees be removed as part of this project?

SEQRA:

If the Planning Board finds that the proposed action will not have a significant impact on the environment. I would suggest that the Planning Board adopts the negative declaration prepared by Town Staff.

APPLICATION:

If the Board entertains approval, I would suggest including, among any others suggested by the Board, the following conditions:

1. The project shall comply with the most current Building & Fire Codes of New York State.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
5. 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.
6. 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.
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. A lighting plan which shows the type, location and lighting contours shall be submitted. Verification shall be submitted that the lighting meets Dark Sky standards. Details and cut sheets for the proposed luminaires must be provided.
9. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, shall be addressed.
10. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
11. Prior to disturbance of the federal wetlands located within the project area, all requirements under the United States Army Corps of Engineer Nationwide Permit # 12 "Utility Line Activities" must be satisfied.
12. Erosion control measures shall be in place prior to site disturbance.
13. The project shall comply with all requirements of Chapter 102. Noise Law of the Brighton Town Code.
14. All comments and concerns of Evert Garcia as contained in the attached memo dated September 17, 2019 to Ramsey Boehner, shall be addressed.
15. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 6P-07-19

**Date:** September 18, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Application of Niagara Mohawk Power Corporation (National Grid) and Rochester Gas and Electric

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Conditional Use Permit Approval and Site Plan Modification to expand and improve an electrical substation.

**Location:** 1430 and 1436 Brighton Henrietta Town Line Road.

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The requirements of the State Environmental Quality Review Law have been complied with.
4. The duration of all impacts will be short term in nature.
5. There will be no resources of value irreversibly lost.
6. The project is not located within the 100 year Floodplain.

7. A wetland delineation of the proposed work area was completed on June 24, 2019. Federal wetlands were delineated within the proposed work area. The wetland area delineated within the proposed project area is 1,174 square feet or .026 acres. The applicant has noted that the proposed work is eligible for coverage under the United States Army Corps of Engineer Nationwide Permit # 12 "Utility Line Activities". All requirements under the United States Army Corps of Engineer Nationwide Permit # 12 "Utility Line Activities" will be satisfied.

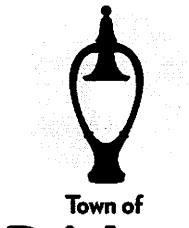
NYSDEC Wetland BR-5 is located approximately 0.4 miles to the west of the project site. The proposed project will not impact BR-5 or the adjacent area.

For further information:

Contact Person: Ramsey A. Boehner, Environmental Review Liaison Officer

Address: Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

Telephone: (585)784-5229



# Public Works Department

Commissioner of Public Works – Mike Guyon, P.E.

**Evert Garcia, P.E.**  
Assistant Engineer

**Brighton**

## MEMO

Date: September 17, 2019

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 6P-07-19*

*Niagara Mohawk Power Corporation (National Grid), Owner*

*Conditional Use Permit Approval and Site Plan Modification to Expand and Improve an Electrical Substation*

*1430/1436 Brighton Henrietta Town Line Road*

We have completed our review of the above referenced project and offer the following comments for the Planning Boards consideration

### General:

1. The applicant's representative has indicated that a sequence of work has been included on the plans, I was not able to locate the referenced work sequence on the most recently submitted plan set. A sequence of work must be provided on the plans. The sequence must address the installation of erosion control measures, installation of improvements, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of debris and restoration of the project site.
2. What proposed Work Areas constitute the limits of disturbance for this project? The limits of disturbance must be adequately depicted on the plans.
3. Work Areas 3 and 4 appear to be mislabeled on Sheet 5 compared to how they are labeled on Sheet 2. Please review and clarify.

### Engineer's Report:

1. The applicant has indicated that the increase in stormwater runoff rates for the various storm events is negligible for the proposed conditions. It appears that the runoff rates were computed with the rational method. Please provide supporting documentation on the runoff coefficient used in the calculations along with a map depicting the catchment area.
2. The previously provided Engineer's report indicated that the project is intended to be phased. A construction phasing plan along with the proposed sequence of construction must be provided. The applicant's representative has indicated that the Engineer's Report has been revised to address this comment. Please submit the updated Engineer's Report for review.
3. A copy of the wetland delineation report should be provided with the application.

### Plans

1. *Proposed Condition Plan, Sheet No. 5*
  - a. A grading plan depicting how the proposed grading for the project will alter the existing grade must be provided. Existing and proposed contours shall be depicted on the same sheet.
  - b. The 540 contour located in the southwest corner of the proposed grading area is depicted immediately adjacent to both the 539 contour and the 538 contour. Please review and revise as necessary.
  - c. Various references are made throughout the plans which indicate that the existing substation pad elevation is both 537.0 and 537.5. Please review and clarify this discrepancy.





- d. The previously provided Engineer's report indicates that a stabilized construction entrance was deemed necessary subsequent to a site visit by National Grid's civil engineer. The applicant's representative has now indicated that a stabilized construction entrance is no longer required. Please update the Engineer's report accordingly.
- 2. *Proposed Lighting Plan, Sheet No. 9*
  - a. Details and cut sheets for the proposed luminaires must be provided. The lighting plan provided does not include this information.
- 3. *Proposed Lighting Plan, Sheet No. 9*
  - a. A detail for the proposed temporary construction fence should be provided.
  - b. The Section details should indicate that a minimum of 6" of topsoil shall be used to restore the slopes instead of the 4" currently called out.

**Notes - The following notes must be added to the plans:**

- a. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans, and shall be subject to the inspection and approval of the Town of Brighton.
- b. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
- c. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
- d. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation. . Sidewalks, driveways, gutters, curbs, and fences shall be replaced in kind.
- e. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
- f. All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
- g. All erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
- h. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
- i. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractor(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process.
- j. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.



## PLANNING BOARD REPORT

HEARING DATE: September 18, 2019

APPLICATION NO: 9P-01-19

**APPLICATION SUMMARY:** Application of Nicholas Leonardo, owner, for Preliminary/Final Site Plan Approval, Preliminary/Final Subdivision Approval and Preliminary/Final EPOD (woodlot) Permit Approval to combine three (3) lots into one (1) and construct a 3,142 +/- sf single family house with an 880 sf attached garage on property located west of the intersection of Clover Street and Greenaway Road, known as Tax ID #'s 122.16-1-5, 122.16-1-4 and 122.16-1-3. All as described on application and plans on file.

### COMMENTS:

- \* The subject property is presently zoned RLB
- \* The proposed livable floor area of the house is 3,142 +/- square feet. The maximum livable floor area allowed by code is 4,496 square feet.
- \* The total project area is 1.04 acres.
- \* The building meets the bulk requirements for the present zoning.
- \* The proposed building coverage is 2,973 square feet.
- \* The architectural design and building materials of the proposed buildings are to be reviewed by the Town of Brighton Architectural Review Board on September 24, 2019.
- \* The proposed driveway will partially use the town's right-of-way at Clover St. and Greenway Rd. A permit from the Brighton Highway Department will be required to be obtained for the proposed driveway within the right of way.
- \* The plans indicate that 3 trees are proposed to be removed from the right-of-way. The removal of trees in the right of way shall require approvals from the Town Board as outlined in Chapter 175 of the Brighton Town Code.
- \* The Site and Utility Plan shows the trees to be removed as a result of the project and 7 new trees to be planted along the southern property line of the project. The site contains 3 lots that will be subdivided into a single lot.

### CONSERVATION BOARD:

- Consider substituting Norway spruce with a similar native species.

**TOWN ENGINEER:**

See attached memo from Evert Garcia for engineer comments.

**QUESTIONS:**

- \* How many trees are proposed to be removed from the project site and Town right-of-way? How are you proposing to mitigate the trees that you are removing?
- \* Has the project been reviewed by the Conservation Board?
- \* Have the architectural design and building materials of the proposed house been reviewed and approved by the Town of Brighton Architectural Review Board?
- \* Will the route of water and gas lines and associated disturbance adversely affect the tree and shrub adjacent to connection near the street in the right-of-way?
- \* Will the street signs on the corner be affected by the construction of the driveway?
- \* Will the project meet the NYS Guidelines for Urban Erosion and Sediment Control?
- \* Will a generator be provided?

**SEQRA:**

If the Planning Board finds that the proposed action will not have a significant impact on the environment. I would suggest that the Planning Board adopts the negative declaration prepared by Town Staff.

**APPLICATION:**

If the Board entertains approval, I would suggest including, among any others suggested by the Board, the following conditions:

1. The entire house shall 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. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
6. 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.
7. 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.
8. Maintenance of landscape plantings shall be guaranteed for three (3) 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 other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
11. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater 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. The zoning notes on the site plan shall include both required and proposed information for each zoning category. The information contained on the submitted Single Family Zoning Information form shall be shown on all plans.
13. 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 Planning Board approval.
14. Erosion control measures shall be in place prior to site disturbance.
15. The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
16. 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.
17. Prior to the issuance of any permits, the Single-Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.

18. The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met per section 207-14.4 of the town code or a variance shall be obtained from the Zoning Board of Appeals.
19. Prior to the issuance of any permits the architectural design and building materials of the proposed house shall be reviewed and approved by the Town of Brighton Architectural Review Board.
20. A permit from the Brighton Highway Department will be required to be obtained for the proposed driveway within the right of way.
21. The removal of trees in the right of way shall require approvals from the Town Board as outlined in Chapter 175 of the Brighton Town Code.
22. The site plan shall be revised to address the Conservation Board comment requesting that consideration be given to substituting Norway spruce with a similar native species.
23. All comments and concerns of Evert Garcia as contained in the attached memo dated September 18, 2019 shall be addressed.
24. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 9P-01-19

**Date:** September 18, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** 9P-01-19

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Approval, Subdivision Approval and EPOD (woodlot) Permit Approval to combine three (3) lots into one (1) and construct a 3,142 +/- sf single family house with an 880 sf attached garage

**Location:** Clover St. at intersection with Greenaway Rd., known as Tax ID #'s 122.16-1-5, 122.16-1-4 and 122.16-1-3.

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.
4. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.
5. The requirements of the State Environmental Quality Review Law have been complied with.

6. The duration of all impacts will be short term in nature.
7. There will be no resources of value irreversibly lost.
8. The planting of 7 trees are proposed to be planted to mitigate the trees to be removed.

For further information:

Contact Person: Ramsey A. Boehner, Environmental Review Liaison Officer

Address: Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

Telephone: (585)784-5229



Town of  
**Brighton**

# Public Works Department

Commissioner of Public Works – Tim Keef, P.E.

**Evert Garcia**  
Assistant Engineer

## MEMO

Date: September 17, 2019

From: Evert Garcia

To: Ramsey Boehner, Town Planner

Copy: File

Re: *Application No. 9P-01-19*

*Nicholas Leonardo, Owner*

*Preliminary/Final Site Plan Approval, Preliminary/Final Subdivision Approval, and Preliminary/Final EPOD (woodlot)  
Permit Approval to combine three (3) lots into one (1) and construct a 3,142 +/- sf single family house with an 880 sf attached garage.*

We have completed our review of the above referenced project and offer the following comments for the Planning Boards consideration

### **General:**

1. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: driveway within the Town ROW, sanitary sewer, water service, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
2. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
3. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work. A note indicating this requirement shall be included on the plans.
5. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
6. Requirements for the Development Standards and Permit for Woodlot Protection Districts must be adhered to.
7. The basement excavation for the proposed home will generate a large volume of spoil material. Will this material be distributed across the project or removed from the site? The location of any topsoil stockpile should be depicted on the plans along with the appropriate erosion control measures.

### **Sustainability:**

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. Pervious pavements should be considered where applicable such as sidewalks, trails and driveways.

### **Engineer's Report:**

1. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the domestic demands associated with this project must be provided.

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373

<http://www.townofbrighton.org>



L:\Planning Board\9P-01-19.1.docx



2. Supporting calculations which demonstrate the capacity of the proposed 4" sewer lateral shall be provided.
3. The Engineer's Report and Hydrocad model indicate that runoff from Drainage Area 2 drains towards the railroad company right of way. This does not appear to coincide with the drainage area maps provided in the Engineer's Report. The drainage area maps indicate that runoff from Drainage Area 2 drains towards Cardiff Park. Please review and revise the drainage area maps and Hydrocad model as necessary.
4. The Engineer's report indicates that a test hole was dug on the property to determine the bedrock elevation. The location of the test hole should be depicted on the plans.
5. The 25 year and the 50 year storm events should also be considered in the stormwater runoff analysis.
6. The existing conditions drainage area map does not appear to be consistent with the characteristics of the site prior to the proposed development. Why are the new house and impervious surfaces being considered when delineating sub catchments for the existing conditions? Please review and revise as necessary.
7. The Tc value and length of the flow path appear to be the same for Drainage Area 1 under both existing conditions and proposed conditions. Please provide clarification on how these values were determined.
8. Why was a custom NRCC rainfall distribution selected in the Hydrocad model as opposed to a typical Type II-24 hr distribution?

#### Plans

1. *Existing Conditions and Erosion Control Plan, Sheet 1 of 5*
  - a. Orange construction fencing shall be used to delineate the limits of disturbance on this site and shall be depicted on the plans accordingly.
  - b. A concrete washout area should be provided and depicted on the plans.
  - c. Soil stockpile, staging and parking areas must be shown on the plans.
  - d. Inlet protection must be placed around existing drainage inlets which will be impacted by the proposed development.
  - e. The removal of trees in the right of way shall require approvals as outlined in Chapter 175 of the Brighton Town Code. The applicant's Engineer should coordinate this process with Town Staff.
  - f. A Highway permit will be required for the proposed driveway within the right of way. Special conditions may be deemed necessary upon review of the Highway Superintendent.
2. *Site and Utility, Sheet 2 of 5*
  - a. A sewer lateral connection detail should be provided on the plans.
  - b. Sanitary sewer lateral cleanouts must be installed every 75 feet.
  - c. 4' of cover shall be maintained over the entire length of the sanitary lateral. A note indicating this requirement shall be provided on the plans. As proposed, it does not appear that the sewer lateral will have sufficient cover. Please review and revise as necessary.
  - d. The location of the roof downspouts should be depicted on the plans.
  - e. The 2% slope called out for the sanitary lateral does not appear to coincide with the inverts provided on the plans. Please review and revise as necessary.
  - f. The Brighton Town Code indicates that all water services shall be either copper or ductile iron pipe. Polyethylene water services are not allowed.
  - g. The applicant should consider siting the proposed gas and water service in a manner which will minimize disturbance to the existing bushes located in the southeast corner of the site.
  - h. The existing drainage inlet located at the entrance of the proposed driveway must be inspected to determine its condition. If found that the existing drainage inlet is deficient, the drainage inlet must be brought up to current Town standards.
3. *Grading Plan, Sheet 3*
  - a. Proposed grading for the driveway which is to serve this property shall be provided on the plans.



## PLANNING BOARD REPORT

HEARING DATE: September 18, 2019

APPLICATIONS NOS: 9P-02-19 and 6P-NB1-19

**APPLICATION SUMMARIES:** Application of Loren Flaum, owner, for Preliminary and Final Site Plan Approval, Preliminary and Final EPOD (steep slope) Permit Approval and Demolition Review and Approval to raze a single-family house and construct a new 10,393 +/- sf single family house with a 688 +/- s attached garage and a 574 +/- sf detached garage on property located at 141 Old Mill Road.

### COMMENTS:

- The property is zoned RLA.
- Variances (7A-03-19, 7A-04-19, 7A-05-19, 7A-06-19, 7A-07-19) were heard at the July ZBA meeting and were approved. They contain variances for the following:
  - building height
  - attached garage area
  - accessory structure (garage) in front yard
  - detached garage height
  - front yard pavement percentage
  - fence/wall height
- Variance 7A-06-19 for front yard pavement coverage will remain the same. Additional applications (9A-05-19, 9A-06-19) were made for modifications of previous variances and were heard and approved at the September ZBA meeting and modified previous:
  - building height
  - parking in front yard
  - detached garage height
  - fence/wall height
- Variance 9A-07-19 was heard and approved at the September ZBA meeting for a rear yard stand-by emergency generator to not be located behind the house.
- The existing house has been reviewed by the Historic Preservation Commission and the HPC has determined not to proceed with a public hearing for potential designation.
- The Architectural Review Board approved the new house at their May meeting.
- A pre-demolition asbestos survey has been submitted along with an Asbestos Abatement Air Monitoring Report.

- The project is within a steep slope EPOD. The EPOD limits have been shown on the plans.
- Plans indicate that the project does not encroach into the floodplain of Allens Creek.
- Site, grading, utility & planting plans have been submitted.
- Two demolition/restoration plans have been submitted; one is labeled “Building Demolition/Restoration Plan,” and is separate from the plan set. The second is in the plan set and is labeled “Demolition Plan.” The project engineer has explained that the Demolition/Restoration Plan was developed to show what will happen if the developer decides to demolish the house prior to the construction of the new house being scheduled. The “Demolition Plan” is proposed to show the overall demolition of the site with the anticipated construction of the new house immediately following. An explanation should be included in the plans regarding the two demolition/restoration plans, and both plans should show erosion controlled soil and materials stockpile areas, stabilized construction entrance, erosion control, and security fencing.
- Finished floor elevation for the existing and proposed houses are provided and are 460' and 463', respectively. The FF elevations of the houses to either side have been provided as 461' and 463'. The new house at 150 Old Mill Rd. has a FF elevation of 465.9 per submitted survey.
- Foundation Design, P.C. has reviewed the site and says ‘the soils are reasonable for the proposed development.’ They recommend revisiting the site during grading and excavation to confirm soil conditions.

#### CONSERVATION BOARD:

- Consider tying roof leaders into drainage system.
  - **Has Been Addressed On Updated Plans**
- Consider alternate plantings replacing Eastern Hemlock and its potential for disease.
  - **Has Been Addressed On Updated Plans**

#### TOWN ENGINEER:

- See attached comments from Evert Garcia.

#### QUESTIONS:

- What has changed on the Site Plan since the last Planning Board Meeting?
- Have the architectural design and building materials of the proposed house been reviewed and approved by the Town of Brighton Architectural Review Board?

- Have all the necessary variances for this project been obtained from the Zoning Board of Appeals?
- Has the project been reviewed by the Conservation Board?
- Has the proposed demolition been reviewed by the Historic Preservation Commission?
- Please explain the two demolition and restoration plans provided. How will the property be restored if construction does not take place in a timely fashion?
- The Steep Slope EPOD is shown on the plans. What procedures will be used to protect the steep slope areas? Will geotechnical engineer be brought back during grading and excavation to confirm results of their report?
- Has an asbestos investigation been done? What were the results?
- Will all structures be removed from the site? Will any existing fences, walls or other structures be retained?
- Will all fences and walls meet the requirements of maximum 3.5' height in the front yard and maximum 6.5' height in the side and rear yards?
- How will the site be restored following construction of the new house?
- What trees will be removed? What trees will be planted?
- Is a generator proposed? Where will it be located?
- Will any modifications be made to the tennis court or structures surrounding it?

#### SEQRA:

If the Planning Board finds that the proposed action will not have a significant impact on the environment. I would suggest that the Planning Board adopts the negative declaration prepared by Town Staff.

#### DEMOLITION:

If the Board entertains demolition approval, I would suggest including, among any others suggested by the Board, the following findings:

1. The existing building, if currently designated as a landmark, has received required approvals from the Historic Preservation Commission, and if not currently designated, has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.

2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.
8. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

#### APPLICATION:

If the Board entertains approval, I would suggest including, among any others suggested by the Board, the following conditions:

1. All conditions of the Zoning Board of Appeals shall be met.
2. The propose house shall comply with the most current Building & Fire Codes of New York State.

3. The following comments of the Conservation Board shall be addressed:
  - Consider tying roof leaders into drainage system.
  - Consider alternate plantings replacing Eastern Hemlock and its potential for disease.
4. As recommended in the report prepared by Foundation Design P.C., dated September 9, 2019, Foundation Design P.C. shall make a site visit during grading or footing excavation work to confirm the bearing soil conditions.
5. Staging and soil stockpile areas shall be shown on plans, with required erosion control.
6. Corner ground elevations for the proposed house shall be provided on the site/grading plan and on the architectural elevations.
7. All regulations of the Brighton Town Code and the NYS Building Code shall be met for the construction of the pool and spa.
8. All Monroe County Development Review Comments shall be addressed.
9. Prior to issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and Town of Brighton requirements and verification shall be provided from a qualified company that asbestos has been removed.
10. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
11. 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.
12. The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.

13. The applicant shall review the site plan, architectural elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Architectural elevations showing the height of the structure in relationship to proposed grade as shown on the approved site plan, and including ground elevations at the house corners, shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
14. Prior to the issuance of any permits, the Single Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.
15. All Town codes shall be met that relate directly or indirectly to the applicant's request.
16. Meet all requirements of the Town of Brighton's Department of Public Works.
17. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control. Erosion control measures shall be in place prior to site disturbance.
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. 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.
20. Maintenance of landscape plantings shall be guaranteed for three (3) years.
21. 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.
22. Fire hydrants shall be fully operational prior to and during construction.
23. 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.
24. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

25. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control.
26. 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.
27. The proposed tennis pavilion shall meet all regulations of the Brighton Town Code and the NYS Building Code.
28. All comments and concerns of Evert Garcia as contained in the attached memo shall be addressed.
29. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 9P-02-19

**Date:** September 17, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** 9P-02-19

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Approval, EPOD (steep slope) Permit Approval and Demolition Review and Approval to raze a single-family house and construct a new 10,393 +/- sf single family house with a 688 +/- s attached garage and a 574 +/- sf detached garage.

**Location:** 141 Old Mill Rd

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.
4. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.

5. The requirements of the State Environmental Quality Review Law have been complied with.
6. The duration of all impacts will be short term in nature.
7. There will be no resources of value irreversibly lost.
8. Foundation Design, P.C. Geotechnical engineer has reviewed the site and says 'the soils are reasonable for the proposed development.' They will revisit the site during grading and excavation to confirm soil conditions.

For further information:

Contact Person: Ramsey A. Boehner, Environmental Review Liaison Officer

Address: Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

Telephone: (585)784-5229



# Public Works Department

Commissioner of Public Works – Mike Guyon, P.E.

**Evert Garcia, P.E.**  
Assistant Engineer

## MEMO

Date: September 17, 2019

From: Evert Garcia

To: Ramsey Boehmer

Copy: File

Re: *Application No. 9P-02-19*

*Loren Flaum, Owner*

*Final Site Plan Approval, Final EPOD (steepslope) Permit Approval and Demolition Review and Approval to raze a single family house and construct a new 8,630 +/- sf single family house with a 688 +/- sf attached garage and a 574 +/- sf detached garage.*

*141 Old Mill Road*

We have completed our review of the above referenced project and offer the following comments for the Planning Boards consideration

### General:

1. We await to review the Engineer's estimate to establish the value of the letter of credit for the project. The letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: driveway apron, sanitary sewer, water main, stormwater water management facilities, and sediment and erosion control. An original Letter of Credit must be received by the Town prior to the start of construction.
2. An easement will be required for the existing 12" storm sewer that traverses the property on the west side. Town staff will coordinate this process with the applicant's Engineer. Upon completion of the easement document, the easement shall be filed at the Monroe County Clerk's Office with the Town being provided a copy of the liber and page of the filing. Subsequently, the easement will have to be noted upon the map (with ownership, purpose and liber/page) prior to the site or subdivision plans being signed by the DPW.
3. A sanitary sewer easement exists along the northwestern or front property line. The easement along with its liber and page should be shown on the map.

### Sustainability:

1. The applicant's design team has indicated that they are considering adding pervious pavement where applicable. If pervious pavement will be implemented in the design of the development, the location and appropriate details of the pervious pavement features shall be noted on the plans.

### Engineer's Report:

1. The Engineer report indicates that estimated sewer flows for the proposed development equates to 660 gallons per day. The proposed E One unit has a storage capacity of 91 gallons. Will a generator be installed as part of the proposed improvements? If so, cut sheet information on the proposed generator model should be provided.

### Plans

1. *Building Demolition/Restoration Plan, Sheet CA100*
  - a. The callout for the limits of disturbance line should reference the installation of both silt fence and orange construction fencing consistently throughout the plans.





b. Features depicted to be removed on this sheet should be consistent with the *Demolition Plan, L2*. Sheet CA100 appears to omit the approximate location of the septic tank and the notes on how the existing septic system is being decommissioned.

**2. Grading Plan, Sheet L4.0**

- a. Inlet protection shall be depicted around all drainage inlets for the development.
- b. The location of the concrete washout area should be depicted on the plans.
- c. Spot elevations for the steps leading from the arrival court to the stone path should be provided on the plans.
- d. Spot elevations for the top of the various retaining walls should be provided on the plans.
- e. The manhole structure and outlet structure for the proposed changes to the 12" storm pipe should be depicted on this sheet.
- f. The Design Team has indicated that all construction activity has been removed from the area designated as forever woodland, except for a single discharge pipe. Please provide justification for the need to install a discharge pipe within the forever woodland area.
- g. The top of grate elevation called out on this sheet for the pond outlet structure does not appear to be consistent with the elevation used in the Hydrocad model and the elevation provided in the Discharge Structure D-1 detail. Please review and modify as needed.

**3. Utility Plan, Sheet L5**

- a. The invert elevation of the proposed 12" HDPE storm pipe appears to be 1.26' higher than the outfall protection invert elevation. Please review and modify as necessary.
- b. The 8" pipe network conveying the stormwater throughout the property is located within the steep slope area. Do precautions need to be considered to reduce or eliminate the potential for stormwater flowing within the trench and undermining the piping?
- c. The site plans indicate that the SWMF underdrain is a 4" perforated pipe. The detail for Discharge Structure D-1 indicates that the SWMF underdrain is a 6" perforated pipe. Please review and revise as necessary.
- d. The connection to the Town's sanitary sewer system must be at an existing wye or a new wye must be installed. Direct service connections to a manhole are not allowed. The Design Team should coordinate the sewer connection with the Brighton Sewer District.
- e. A sanitary sewer service connection detail should be provided on the plans.
- f. The location of the force main curb stop should be depicted on the plans.
- g. The proposed location of the E One unit should be provided on the plans.
- h. 4' of cover shall be maintained over the entire length of the sanitary lateral. What is the proposed force main installation depth?
- i. Invert elevations for the proposed force main sewer must be provided on the plans.
- j. Will any portion of the existing water service be abandoned as part of the proposed development?
- k. Do the alterations to the existing water service require review and approval by the MCWA?
- l. The Brighton Town Code indicates that all water services shall be either copper or ductile iron pipe. Polyethylene water services are not allowed.

