

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF JANUARY 15, 2020
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 November 20, 2019 meeting minutes.
Approval of the December 18, 2019 meeting minutes.

CHAIRPERSON: Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of January 9, 2020.

1P-01-20 Application of Daniele SPC, LLC, owner, for Demolition Review and Approval to raze a restaurant building on property located at 2800 Monroe Avenue. All as described on application and plans on file.

1P-02-20 Application of Nicholas Leonardo, owner, for Site Plan Modification (9P-01-19) to revise the location where a new house with attached garage will be constructed 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.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Mindy Zoglin, Zoghlin Group, dated January 14, 2020, regarding application 1P-01-20.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated January 15, 2020, regarding application 1P-01-20.

PETITIONS:

NONE

SIGNS:

| APP # | NAME & LOCATION | TYPE OF SIGN | ARB REVIEW |
|--|---|----------------|-------------|
| | | | PB DECISION |
| ARB & PB RECOMMENDATIONS AND/OR CONDITIONS | | | |
| 1574 | Speedy's Cleaners 1829 Monroe Avenue | Bldg Face Sign | HPC - |
| HPC - | | | |

PLANNING BOARD REPORT

HEARING DATE: January 15, 2020

APPLICATION NO: 1P-01-20

APPLICATION SUMMARY: Application of Daniele SPC, LLC, owner, for Demolition Review and Approval to raze a restaurant building on property located at 2800 Monroe Avenue.

COMMENTS:

- The applicant proposes to restore the building area with gravel.
- The existing building was reviewed by the Historic Preservation Commission at their June 28, 2018 meeting, and the HPC decided not to schedule a public hearing to consider the property for landmark status.
- The Architectural Review Board has reviewed and approved the plans for the buildings proposed for the site.
- A Pre-Demolition Asbestos survey has been submitted for the building.

TOWN ENGINEER'S COMMENTS:

See attached Memo from Evert Garcia, dated January 14, 2020.

CONSERVATION BOARD:

- No additional comment.

QUESTIONS:

- When do you plan on demolishing the building?
- How will the site be restored following demolition? How will the areas of pavement removal be stabilized? How will the building areas and other disturbed areas be restored if the new development is delayed?
- How will access to the trail easement area be maintained throughout demolition and construction?
- Was asbestos found in the building? Has asbestos been abated in any building?
- Are any landscape areas or trees proposed to be saved? How will they be protected?
- Will any materials be stockpiled on the site?

- What erosion control will be installed on site and around stockpile/staging areas?
- What precautions will be taken to minimize dust and other particles leaving the site during demolition?

SEQR:

The application for demolition approval is consistent with the Findings Statement adopted by the Planning Board on August 15, 2018.

FINDINGS:

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

1. The existing building is not currently designated as a landmark and has been found by the Historic Preservation 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 plan has been reviewed 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. Access to the trail easement must be maintained throughout demolition.
2. All existing trees shall be shown on the demolition/restoration plan. Trees to be removed shall be indicated. All trees in proximity to the work area that are proposed to be saved shall be shown to be protected with orange construction fencing.
3. All areas of vegetation to be removed, including adjacent to buildings, shall be indicated on the plan, with proposed restoration shown.
4. Debris stockpile and equipment staging areas and a stabilized entrance shall be shown on the demolition/restoration plan with any required erosion control.
5. The areas of asphalt removal shall be stabilized until development takes place. The method of stabilization shall be shown on the plan.
6. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration 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 issuance and any permits.
7. All comments and conditions of Monroe County shall be addressed.
8. Meet all requirements of the Town of Brighton's Department of Public Works.
9. All Town codes shall be met that relate directly or indirectly to the applicant's request.
10. 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.
11. 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.
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. Maintenance of landscape plantings shall be guaranteed for three (3) years.
14. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. The project shall 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 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.
17. Truck traffic during the demolition process shall only egress and ingress the site from Monroe Avenue. Truck traffic to or from Clover Street and Allens Creek Road shall be prohibited.
18. All required permits and approvals of the Town of Brighton Highway and Sewer Department shall be obtained.
19. The asphalt should be used onsite, and necessary precautions shall be taken to minimize dust and other particles leaving the site during demolition
20. All comments and concerns of Evert Garcia as contained in the attached memo shall be addressed.
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.



MEMO

Date: January 14, 2020

From: Evert Garcia

To: Ramsey Bochner

Copy: File

Re: *1P-01-20*

*Application of Daniele SPC, LLC, Owner, for Demolition Review and Approval to raze a restaurant building
2800 Monroe Avenue*

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

General:

1. Access to the trail must be maintained throughout demolition and construction. Any temporary detours to the trail must be submitted to the Town for review and shown on the demolition plans.
2. A letter of credit shall be provided to cover Phase 2 of the demolition, including, but not limited to: demolition, restoration 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 issuance and any permits.
3. What is the purpose of the “mill pavement and store millings” hatch pattern depicted on this sheet? All areas where pavement removal will occur must be clearly delineated on the plans.
4. Erosion control notes have been added to the revised plans. The notes must address dust and include specific measures to reduce dust during demolition. The plans must show the erosion control measures that are proposed to contain sediment within the site boundary. The appropriate details must be provided.
5. The second “limits of disturbance” call out depicted on the northern end of the project site appears to have been included in error. Please review and revise as necessary.
6. The sequence of construction must address the installation of erosion control measures, removal of demolition debris, provision to maintain pedestrian and bicycle access, and restoration of the project site.
7. Is demolition being proposed in the rear of the property as depicted by a diagonal hatch pattern? Please clarify.
8. The total area of disturbance called out on the plans should be revised to reflect the work associated with Phase 2 of the demolition plan.
9. The restoration plan must show the proposed grading associated with the restoration of the project site.
10. Where is the detail titled “building backfill soil restoration section per note 26 on demo plans” being proposed on the site? Please review and clarify.
11. Where is the filter fabric detail being proposed on site? How will the proposed filter fabric drop inlet protection be installed for inlets within the pavement area? Erosion control measures applicable to this site along with the appropriate details should be provided on the plans.
12. A waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream. A description of the waste reduction plan should be provided for review.
13. Aerial photography suggests that there are trees within the development and along the Monroe Ave. right of way. Will any of these trees be preserved? Trees which are to be removed shall be called out accordingly. All trees to be saved must be shown on the plans and shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. The location of the orange construction fencing must be shown on the site plan. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
14. The anticipated dimensions of the concrete stockpile area including height must be provided.



15. How will the proposed silt fence erosion control measures be implemented on the existing asphalt surface? Erosion control measures applicable to this site along with the appropriate details should be provided on the plans.
16. A detail for the proposed 6' tall chain link fence must be provided on the plans.
17. A detail for the proposed orange construction fencing should be provided on the plans.
18. A cross section of the restored areas must be provided on the plans. The restoration plan must show the proposed grading associated with the restoration of the project site.
19. The proposed "proceed with caution construction entrance ahead" sign appears to be in very close proximity to the construction entrance warning sign. Does the proposed warning signage meet the requirements of the NYSDOT?
20. A description of the anticipated truck traffic volumes, pattern and necessary traffic maintenance provisions must be provided. Traffic control in accordance with the NYSDOT requirements must be provided along Monroe Avenue and shown on the plans to allow construction vehicles to safely enter and exit the site.



PLANNING BOARD REPORT

HEARING DATE: January 15, 2020

APPLICATION NO: 1P-02-20

APPLICATION SUMMARY: Application of Nicholas Leonardo, owner, for Site Plan Modification (9P-01-19) to revise the location where a new house with attached garage will be constructed 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.

COMMENTS:

- * The proposed modification involves the relocation of the home to the northeast of its approved location and the removal of 10 additional trees.
- * A front setback variance must be obtained from the Zoning Board of Appeals.
- * 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 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 9 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:

- No comment.

TOWN ENGINEER:

See attached memo from Evert Garcia for engineer comments.

QUESTIONS:

- * How many additional 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 tabling the application, I would suggest including, among others suggested by the Board, the following items be addressed:

1. All required variances shall be obtained from the Zoning Board of Appeals.
2. The entire house shall comply with the most current Building & Fire Codes of New York State.
3. 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.
4. Meet all requirements of the Town of Brighton's Department of Public Works.

5. All Town codes shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Maintenance of landscape plantings shall be guaranteed for three (3) years.
10. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
12. 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.
13. 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.
14. 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.
15. Erosion control measures shall be in place prior to site disturbance.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. A permit from the Brighton Highway Department will be required to be obtained for the proposed driveway within the right of way.
22. 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.
23. All comments and concerns of Evert Garcia as contained in the attached memo 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: 1-02-20

Date: January 15, 2020

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: 1P-01-20

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Site Plan Modification (9P-01-19) to revise the location where a new house with attached garage will be constructed 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.

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 trees are proposed to be planted to mitigate the trees to be removed.

For further information:

Contact Person: Ramsey A. Bochner, 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: January 12, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 1P-02-20*
Nicholas Leonardo, Owner, Site Plan Modification (9P-01-19) to revise the location where a new house with attached garage will be constructed.
Tax ID #'s 122.16-1-5, 122.16-1-4 and 122.16-1-3.

We have completed our review of the above referenced project and offer the following comments for the Planning Boards consideration. Many of the comments included below were included as part of our review of the Site Plan Modification Application 9P-01-19 and are applicable to this application as well. Written responses to the comments below must be provided by the applicant:

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 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. 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. The hydrant flow data block included on the Utility Plan is missing information.

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<http://www.townofbrighton.org>



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 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 called out on the plans accordingly. A detail for the orange construction fencing should be provided on the plans.
 - 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.





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VIA FIRST CLASS MAIL

AND E-MAIL (daniel.aman@townofbrighton.org)



January 14, 2020

Town of Brighton Planning Board
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

**RE: DANIELE FAMILY APPLICATION FOR DEMOLITION APPROVAL FOR 2800 MONROE AVENUE
APPLICATION 1P-01-20**

Dear Planning Board Members:

This firm represents Brighton Grassroots, LLC. I write with respect to the Daniele SPC, LLC's request for demolition review and approval to raze a restaurant building on property located at 2800 Monroe Avenue. 2800 Monroe Avenue is part of the Whole Foods Plaza project (the "Project"). Brighton Grassroots opposes this request and asks you not to reward this applicant for blatantly violating your prior approval and Town Code.

As this Board is may recall, last August the Daniele Family Companies made an application to you for a one-year extension of condition number five to the demolition approval for Mario's Restaurant and Clover Lanes ("Condition No. 5"). Condition No. 5 requires all disturbed areas, including buildings and pavement areas, to be restored with vegetation and stabilized until vegetation is established if construction is delayed beyond September 15, 2019.

The applicant withdrew this application before you considered it in a public meeting. Then the applicant blatantly refused to comply with Condition No. 5. As a result of this blatant violation of the Planning Board approval and Town Law, the Town commenced a Code Enforcement action against the Daniele Family Companies in Brighton Justice Court. That action is still pending.

Since the Project does not meet the Town zoning requirements, you are required to deny this application demolition review and approval to raze a restaurant building on property located at 2800 Monroe Avenue. See Brighton Town Code 73-62(A)(4) and 73-62(B).

Enough is enough. The laws apply equally to everyone in this Town. Brighton Grassroots will not tolerate any more special deals for this developer.

Please be advised that Brighton Grassroots opposes this application for demolition approval for 2800 Monroe Avenue, and we will recommend that BGR take legal action should the application be granted. Thank you for your attention to this matter.

Sincerely,



Mindy L. Zoghlin

Cc by email only to:

David Dollinger, Town of Brighton Planning Board Attorney (David@dollingerassociates.com)

John A. Mancuso, Esq. Town of Brighton Special Counsel (jmancuso@wmfp LLC.com)

Warren Rosenbaum, Esq. (wrosenbaum@woodsoviatt.com)

Ramsey Boehner, Town of Brighton Planner (ramsey.boehner@townofbrighton.org)

Laurie Styka Bloom, Esq. (lbloom@nixonpeabody.com)

Charles Malcomb, Esq. (CMalcomb@hodgsonruss.com)

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PLEASE NOTE THAT MY DIRECT DIAL TELEPHONE NUMBER AND FAX, AS WELL AS OUR MAILING ADDRESS, HAVE CHANGED – PLEASE UPDATE YOUR RECORDS

January 15, 2020

Town of Brighton Planning Board
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618

**Re: Planning Board Application 1P-01-20
Demolition Permit Application – 2800 Monroe Avenue**

Dear Board Members:

This office represents Daniele SPC, LLC, the owner of the real property at 2800 Monroe Avenue (the former Mamasan's restaurant). On November 27, 2019, our client filed an application for demolition permit approval with the Planning Board.

This letter is in response to a letter from the Zoghlin Group, attorneys for Brighton Grassroots, LLC, which opposes this application. The Zoghlin letter avers that the "Project" does not meet the Town zoning requirements and that your Board is required to deny this application. The alleged basis of the Project not meeting the Town zoning requirement relates to compliance with Condition #5 of the demolition permit for the former Mario's and Clover Lanes properties. Our clients have completed all work necessary to be in compliance with the referenced Condition #5 and the referenced Court proceeding has been adjourned to May to allow the Town to re-inspect the property after winter for soil stabilization and the growth of grass on the site.

The fact of the matter is that the "Project" in question, the proposed Whole Foods Plaza, has obtained all necessary approvals from the Town Board and the Town Planning Board. Accordingly, this alleged basis for denial of the demolition permit is inappropriate.

The application before the Board must be considered on the merits. Based upon the submission on this application, the subject application should be granted by the Planning Board.

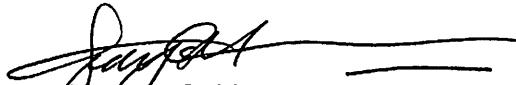
January 15, 2020

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Thank you very much for your courtesy.

Very Truly Yours,

WOODS OVIATT GILMAN LLP



Jerry A. Goldman

Please direct responses to Rochester Office

JAG/jat

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