

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF AUGUST 19, 2020  
Brighton Town Hall  
2300 Elmwood Avenue

Due to the public gathering restrictions and executive orders in place because of COVID-19, this Planning Board meeting will be conducted remotely. Members of the public will be able to view the meeting via Zoom.

Written comments will be received by Ramsey Boehner, Executive Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org), until August 19, 2020 at 12:00 PM.

Applications subject to public hearings are available for review on the town's website.

The public may join the Zoom meeting and share comments with the Board. For Zoom meeting information, please reference the town's website at <https://www.townofbrighton.org> prior to the meeting.

AGENDA

7:00 P.M.      Public Hearing Via Virtual Platform

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 15, 2020 meeting minutes.

CHAIRPERSON:      Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of August 13, 2020 will now be heard.

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8P-01-20      Application of John Greer, owner, for Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot on property located at 2171 West Henrietta Road. All as described on application and plans on file.

8P-02-20      Application of Passero Associates, agent, and New Monroe Real Estate, LLC, owner, Site Plan Modification to expand and reconfigure the parking area increasing the number of parking spaces from 36 to 47 on property located at 2816 Monroe Avenue. All as described on application and plans on file.

8P-03-20      Application of Passero Associates, agent, and RFM Morgan Properties, owner, for Site Plan Modification to demolish two 20 stall carports and replace with surface parking on property located at 2125 Monroe Avenue, Brighton Garden Apartments. All as described on application and plans on file.

NEW BUSINESS:

7P-NB1-20      Application of Teamsters Local #118, owner, and DiPasquale Construction, Inc., agent, for Preliminary Site Plan Approval to construct a 2,617 +/- sf building addition

and expand the parking lot on property located at 130 Metro Park. All as described on application and plans on file. **TABLED AT THE JULY 15, 2020 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE SEPTEMBER 16, 2020 MEETING AT APPLICANTS REQUEST**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Email communications from Laura Braggiotti, dated July 31, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communication from Marianne Richards, Doncaster road, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from Sara kristin Misra, Doncaster Road, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from Lisa Hitchcock, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from Michele Atkinson, 111 Furlong Road, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from Ravi Misra, Doncaster Road, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from David Harding, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from Santina Tu, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Email communications from Sherry Bennett, dated August 2, 2020, in support of application 8P-01-20, 2171 West Henrietta Road.

Letter, with attachment, from Christopher Roth, Brighton Fire Marshal, regarding application 8P-01-20, 2171 West Henrietta Road.

Letter from Joseph Jacobs, EDR, dated August 19, 2020, requesting adjournment of application 7P-NB1-20 to the September 16, 2020 meeting.

Letter from Mary Goldenberg, 70 Newcrest Drive, dated August 19, 2020, regarding property maintenance at 2125 Monroe Avenue in conjunction with the removal of carports (8P-03-20).

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
1586	Catapult Solution Group, Inc. 1534 Monroe Avenue	Bldg Face Sign	7/28/20
ARB - Approved as presented.			
1587	2561 Lac de Ville Blvd. - Medical Building 2561 Lac De Ville Blvd.	Freestanding Sign	6/26/20
ARB - Approved as presented.			

Begin forwarded message:

**From:** marianne richards <mariooch1@gmail.com>

**Date:** August 2, 2020 at 2:49:54 PM EDT

**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)

**Subject:** Restaurant

FOR IT!!!

Let it be known, this restaurant is exactly what we need in the area. The reconstruction has piqued everyone's curiosity , and I'm sure the food will be worth waiting for .  
From day one, the owners have kept us up to date with the project and timeframe for completion.  
Cant wait to walk to the ice cream window !!  
Good Luck and Congratulations for a job well done!

Marianne Richards  
Doncaster Rd

Sent from my iPhone

Begin forwarded message:

**From:** Sara Kristin Misra <sarakmisra@yahoo.com>

**Date:** August 2, 2020 at 1:48:43 PM EDT

**To:** "[toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)" <[toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)>

**Subject:** Sunny's diner

**Reply-To:** "[sarakmisra@yahoo.com](mailto:sarakmisra@yahoo.com)" <[sarakmisra@yahoo.com](mailto:sarakmisra@yahoo.com)>

My family lives on Doncaster Rd and we CAN NOT WAIT for Sunny's Diner to open up!!! We are trying to wait patiently but every night my kids and I take a Bike ride up there to see the progress. We are so excited to give Sunny's Diner our business once they open up! My daughter who is 13 has already told us as soon as she is of age she is going to apply to work there (as have a few other teens in the neighborhood). The whole neighborhood is so excited for it! We are definitely bummed that the opening date keeps getting pushed back... obviously a pandemic has not helped. I am not sure if there is anything the neighborhood can do to help the process along quicker and smoother but if so, let us know. Sunny's Family Diner will be such a great addition to West Brighton!!

Thank You  
Sara Misra

Sent from Yahoo Mail on Android

Begin forwarded message:

**From:** Lisa Hitchcock <[hitc@rochester.rr.com](mailto:hitc@rochester.rr.com)>

**Date:** August 2, 2020 at 2:32:20 PM EDT

**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)

**Subject:** Support for sunnys diner

Hello

We are in support of your diner plans. Can't wait for you to open. Lisa

Sent from my iPhone

Begin forwarded message:


**From:** Michele Atkinson <[mcatkinson@rochester.rr.com](mailto:mcatkinson@rochester.rr.com)>

**Date:** August 2, 2020 at 2:41:10 PM EDT

**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)

**Subject:** Sunny's West Brighton

Hello,

Sending a email to show strong 100% support for this new establishment on West Henrietta Road. This new building has turned an eyesore into a beautiful new establishment that has been so needed. West Henrietta Road has become a racetrack to no where. Many businesses and buildings closed and falling down. Top to Bottom has made beautiful improvements and we are so looking forward to the opening of Sunny's diner. It is a shame it could not happen over this summer. My neighborhood has many families and young couples who cannot wait for opening day! We wish you and all the very best and hope to see you soon!!! 

Best Regards

Michele Atkinson

111 Furlong Road

Rochester, NY 14623

Sent from Michele's iPhone

Begin forwarded message:

**From:** Ravi Misra <[rsmisra@gmail.com](mailto:rsmisra@gmail.com)>

**Date:** August 2, 2020 at 6:01:29 PM EDT

**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)

**Subject:** Complete support for Sunny's Family Diner

Dear John,

As a Brighton Resident who has lived on Doncaster Road since 2008, I fully support your plans for expanding the parking lot, opening an upstairs dining room, and offering walk-up ice cream service at Sunny's Family Diner. Our family has anxiously awaited the opening of Sunny's Family Diner and look forward to the day when we can enjoy eating there. You have done an amazing job with a property that has seen a lot of turnover in recent years. You have been forthcoming with all information regarding the project. We also appreciate your posting on the West Brighton Facebook page. We look forward to supporting you in any way we can to help ensure success of Sunny's. I am more than happy to have you print this email out and have it introduced into the public record.

Sincerely,

Ravi Misra

Begin forwarded message:

**From:** "diharding@frontiernet.net" <diharding@frontiernet.net>  
**Date:** August 2, 2020 at 4:01:52 PM EDT  
**To:** "toptobottomrochester@gmail.com" <toptobottomrochester@gmail.com>  
**Subject:** Sunny's Diner

I support your diner and I'm excited for it to open, great job renovating a old restaraunt too better than new condition!  
David

David J. Harding, CMSgt USAF (Retired) [diharding@frontiernet.net](mailto:diharding@frontiernet.net)

Begin forwarded message:

**From:** Santana Tu <santinatu@gmail.com>  
**Date:** August 2, 2020 at 7:26:03 PM EDT  
**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)  
**Subject:** In support of Sunny's Family Diner

To whom it may concern,

We are in complete support for the owners of the new Sunny's Family Diner and for them to add space and fix up the parking lot. This will be a great addition to the neighborhood and it will bring jobs to people who could really use them right now too!

We wish them all the success in our community!

Sincerely,

Santina Tu

Sent from my iPhone

Begin forwarded message:

**From:** Sherry Bennett <paddlinlady@gmail.com>  
**Date:** August 2, 2020 at 9:22:22 PM EDT  
**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)  
**Subject:** The new neighborhood diner

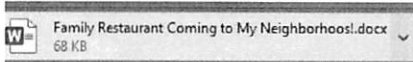
I live on Doncaster and all of us are very much looking forward to your opening. Rumor had it August 1 was the date and now, according to your post October. I am disappointed the town has stood in your way. You have done a fine job with the exterior of the building and I look forward to seeing the interior!

It will be nice to "walk up the street" for breakfast some morning. You better have excellent coffee!!!

We wish you well and I can speak for the Southland, Doncaster, Furlong bunch - we will support you.

Sherry Bennett

Letter below received via email – 8/1/20



John ....Top To Bottom Home Improvement Co llc. Dictated and sent from my iPhone please excuse typos and grammatical errors .thank you  
Contact info office 585-338-9865  
Cell 585-764-8204

**Confidentiality Notice:** This e-mail communication and any attachments may contain confidential and privileged information for the use of the d  
communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have recei  
computer. **Thank you**

Begin forwarded message:

**From:** laura braggiotti <[ljbraggiotti@fastmail.com](mailto:ljbraggiotti@fastmail.com)>  
**Date:** August 1, 2020 at 10:50:31 AM EDT  
**To:** [toptobottomrochester@gmail.com](mailto:toptobottomrochester@gmail.com)  
**Subject:** Good Luck!

Take care.

160 Linden St.  
Rochester, NY 14620  
July 31, 2020

Re: New restaurant in town

Dear Mr. Geer,

I wanted to take this opportunity to let you know we are thrilled you are bringing a locally owned family restaurant to our neighborhood. My family and I thank you and encourage you to keep going with this project.

The location you have chosen is perfect for a restaurant: the building is quaint and lends itself to a home cooking atmosphere and the land is already paved so there is plenty of parking and you won't be taking more precious land away from wildlife to create parking.

Local owners are the heart of community, bringing people together in a way the cookie cutter atmosphere of chain restaurants and stores can never do.

Your effort to open this restaurant is great for the neighborhood and township, creating jobs and revenues that stay local. I wish more businesses were locally and independently owned. We need more of this kind of personal community support, especially in these challenging times.

I look forward to some good home cooking and some refreshing ice cream in your new restaurant - what a perfect location!

Sincerely,  
Laura Braggiotti  
Local resident.  
[ljbraggiotti@fastmail.com](mailto:ljbraggiotti@fastmail.com)



Rick DiStefano <rick.distefano@townofbrighton.org>

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## Teamsters Local 118 - Application #7P-NB1-20

1 message

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Joseph Jacobs <jjacobs@edrdpc.com>

Wed, Aug 19, 2020 at 12:58 PM

To: Ramsey Boehner <ramsey.boehner@townofbrighton.org>

Cc: Mike Moyer <mmoyer@dc-team.com>, Rick DiStefano <rick.distefano@townofbrighton.org>

Ramsey-

Good afternoon and thank you for the call this afternoon. As we discussed, we are requesting adjournment of the above application at tonight's Planning Board meeting. In lieu of meeting tonight, we have made submission to both the ZBA and PB for the month of September.

Please let us know if there are any questions; thank you in advance!

Joseph J. Jacobs, PE  
Project Manager :: *Engineering Division*

**Environmental Design & Research,**

Landscape Architecture, Engineering & Environmental Services, D.P.C.

274 North Goodman Street, Rochester, New York 14607

P. 585.271.0040 x228 :: C. 585.424.0425

E. jjacobs@edrdpc.com :: www.edrdpc.com

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Town of Brighton  
Office of the Fire Marshal



Town of Brighton  
Planning Board  
2300 Elmwood Avenue  
Rochester, New York 4618

Dear Chairperson,

The owner of the property at 2171 West Henrietta Road applied to the Town of Brighton Zoning Board of Appeals for a variance to allow for the remodeling of a restaurant building without the installation of an automatic sprinkler system as required by Section 73-34 of the Code of the Town of Brighton. The application was postponed at the August 5, 2020 ZBA meeting.

At this time, I reviewed the proposal and provided a letter to the ZBA for their consideration. I have attached this letter for the Planning Board's consideration. The proposed parking expansion will enable the applicant to increase the building occupancy which could result in an increased life safety hazard. I continue to be concerned that a substitute for an automatic fire sprinkler system as proposed in the ZBA application would not provide sufficient fire protection for the ultimate capacity of the proposed restaurant.

you have any further questions or wish to discuss this matter in greater detail, please feel free to contact me directly.

Christopher A. Roth  
Chief Fire Marshal



Town of Brighton  
Office of the Fire Marshal



August 5, 2020

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

Sunny Diner – 2171 West Henrietta Road – Fire Sprinkler Variance Package

Dear Chairperson:

I have reviewed the variance application and associated material with respect to the proposed cost for installation of an automatic fire sprinkler system and have the following comment based on that review.

Prior to being issued a building construction permit or conducting a project plan review, significant demolition of the existing building was done by removing walls, exposing structural building members and the reconfiguring of spaces which now require many more minimum fire safety regulations as prescribed within the 2020 New York State Codes and Codes for the Town of Brighton.

The applicant has also expressed an interest in creating a party room on the second floor with an exterior deck assembly space, and if approved would require an automatic fire sprinkler system to be added to the entire building or structure to comply with the 2020 Fire Code of New York State – Section 903 or they would have to apply for a variance from the State of New York.

Group A occupancies are characterized by people who are not familiar with their surroundings. The requirement for a suppression system reflects the additional time needed for egress. The extent of protection for occupants of the assembly group is from unobserved fires in other building areas (kitchen or storage areas) located between the story containing the assembly occupancy and levels of exit discharge serving such occupancies.

I direct you to the submittal package titled Requested Fire Flow Data from Marc Beilicki dated 6/9/2020 - 08:40 AM where the fire sprinkler designer wrote in an email that he could get the fire sprinkler system to calculate with upsized piping but would have a small "safety factor" due to low pressures. Although this does meet the conventional look of an automatic fire sprinkler system this does meet the objective to provide minimum fire protection.

As a point of reference there is no code requirement to have a safety factor within the hydraulic calculations of an automatic fire sprinkler system but a common industry practice is to maintain a safety factor of around 5 pounds of pressure. The low safety factor could possibly be addressed and/or increased by considering the following questions:

- 1) Did they evaluate heating/insulating the attic to change from a dry fire sprinkler to a wet fire sprinkler system? If the fire sprinkler system was a wet fire sprinkler system, would a fire pump still be required?
- 2) Why is an RPZ and not an RPDA or double check valve being considered? The installation of a RPZ results in a significant pressure reduction and also increases the cost of the system. The installation of an RPDA will result in a less pressure loss which would significantly impact the hydraulic calculations of the proposed fire sprinkler system. Additionally, the RPDA would reduce the cost of the project.
- 3) Why is a generator provided? A fire pump does not require one, if connected to a "reliable power" source. Rochester Gas and Electric has been considered a "reliable power" source and the generator



Town of Brighton  
Office of the Fire Marshal



- 4) is not necessary. The addition of a generator not only increases the capital cost of the project but it also results in additional annual maintenance and inspection costs that would not be required for this type of fire sprinkler installation.
- 5) Even though a non-required generator is estimated there was no estimate cost for installation of an electrical transfer switch for the quoted fire pump. Although this would add cost and maintenance for the project it provides a picture of how some costs are over estimated while essential equipment appears to be omitted.
- 6) Please provide backup information as to the desired to use Flexible Fire Sprinkler drops? This method provides flexibility in an office or flex space environment where many tenant changes are possible with an increase or decrease in tenant square footage. These are a costly installations and impact higher hydraulic calculations, while a "center of tile" note for ascetics this proves to be even more costly.
- 7) Why is the sprinkler system design to Ordinary Hazard Group 1? The attic would be light hazard and the seating area would also be light hazard. The only OH1 areas would be the kitchen and storage areas. This proposed hazard group results in a sprinkler density classification which requires more pressure and effects the hydraulic calculations.
- 8) Was an alternate pipe main size reviewed? The cost of increasing the pipe size would only affect the material costs while the cost of labor would be the similar regardless of the pipe size. Additionally, the reduction in head loss might negate the need to install a fire pump.

If any or all the suggestions provide only 1 pound of pressure to the hydraulic calculations each, then an adequate safety factor could be achieved without the installation of a fire pump and backup generator.

I hereby, support the Town of Brighton Fire Sprinkler Law as written and fully adopted by the Town Board to have an automatic fire sprinkler system installed in building or structures which undergo an alternation of more than 50 percent of the replacement value of the building as on file with the Town of Brighton Assessor office.

The suggested use of any alternate fire suppression systems as a substitute for an automatic fire sprinkler system as proposed would be difficult to support at this time due to so many unanswered variables with respect to new proposed uses of the building. If the new proposed uses are approved and completed the proposed alternate fire suppression system may become a minimum requirement due to the new proposed occupancy variables.

If you have any further questions or wish to discuss this matter in greater detail, please feel free to contact me directly.

Christopher A. Roth  
Chief Fire Marshal

## Ramsey Boehner

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**From:** Joseph Jacobs <jjacobs@edrdpc.com> on behalf of Joseph Jacobs  
**Sent:** Wednesday, August 19, 2020 12:59 PM  
**To:** 'Ramsey Boehner'  
**Cc:** Mike Moyer; 'Rick DiStefano'  
**Subject:** Teamsters Local 118 - Application #7P-NB1-20

Ramsey-

Good afternoon and thank you for the call this afternoon. As we discussed, we are requesting adjournment of the above application at tonight's Planning Board meeting. In lieu of meeting tonight, we have made submission to both the ZBA and PB for the month of September.

Please let us know if there are any questions; thank you in advance!

Joseph J. Jacobs, PE  
Project Manager :: *Engineering Division*

**Environmental Design & Research,**  
Landscape Architecture, Engineering & Environmental Services, D.P.C.  
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Check out what we're up to on [Facebook](#) and [LinkedIn](#).

## Ramsey Boehner

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**From:** Goldenberg, Mary <mgoldenb@UR.Rochester.edu> on behalf of Goldenberg, Mary  
**Sent:** Wednesday, August 19, 2020 1:00 PM  
**To:** ramsey.boehner@townofbrighton.org  
**Cc:** Goldenberg, Mary  
**Subject:** Notice of Public Hearing/ Re: 8P-03-20

**Importance:** High

Hello Ramsey, I am sorry I missed the 12 pm deadline and I would appreciate your consideration when reviewing this.

In reference to the above referenced matter, 8P-03-20, the application to demolish two 20 hall carports and replace them with surface parking at 2125 Monroe Avenue. I own the house at 70 Newcrest Dr that backs up to 2125 Monroe Avenue. I have a problem with the ownership as they do not maintain their property well, the fence they put in that separates our property is not maintained nor are the trees that have grown through the broken fence and onto my property and for this reason I am reluctant to question their taking down the carports and expecting that all the materials will be taken away and properly disposed of. Not to mention their willingness to pay the cost of doing that prior to the maintenance on the fence and the removal of the trees.

Also I was told that by the Town of Brighton that they were going to send a letter to the owner about their broken fence months ago. That being said there has been no action on the part of Morgan to rectify the problem. But now they want to put money into tearing down carports instead of cleaning up a 3 years old mess that is infringing on my property.

I request this be shared with Passero as their agent and/or Morgan Properties. I would also like to know what actions the Town is taking to get the fence repaired?

Thanks

Mary Goldenberg  
70 Newcrest Dr.  
Rochester, NY 14618

## **PLANNING BOARD REPORT**

**HEARING DATE:** August 19, 2020

**APPLICATION NO:** 8P-01-20

**APPLICATION SUMMARY:** Application of John Greer, owner, for Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot on property located at 2171 West Henrietta Road.

### **COMMENTS:**

- The subject property is presently zoned Residential- RLB.
- The property has a use variance to operate a restaurant with 64 inside seats, 24 outside seats and 32 parking spaces.
- The applicant proposes to add an ice cream window to the building and to increase the seating capacity of the restaurant. The applicant will need to obtain approval from Zoning Board of Appeals to modify the use variance to allow the ice cream window and the additional seating. They will also need pavement setback variance from the Doncaster Road right-of- way.
- The applicant has a pending Zoning Board of Appeals application requesting not to install an automatic sprinkler system?
- The submitted plan shows the need for a front yard coverage variance along the West Henrietta Rd frontage. The applicant's engineer has submitted a revised plan reducing the proposed coverage so that a variance is no long needed.
- The applicant proposes 64 parking spaces along with closing off a curb cut on West Henrietta Rd. It appears that the applicant has already closed off the curb cut.
- The vehicles using the driveway access from Furlong Road might conflict with vehicles using the West Henrietta Road driveway. Consideration should be given to closing either the West Henrietta Road or the Furlong Road driveway access.
- The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review.
- The Town is requesting a sidewalk easement along the West Henrietta Road frontage to facilitate future sidewalk connections on West Henrietta Road.

- The Town has not received the Monroe County Development Review.

**CONSERVATION BOARD:**

- The use of native plantings is encouraged. Consider substituting the Norway spruce with White spruce.
- What is the front yard (W Henrietta Road) pavement coverage?
- Verify with NYS Department of Transportation on plantings within the R.O.W.

**TOWN ENGINEER:** See attached memo from Evert Garcia dated August 17, 2020.

**FIRE MARSHAL:** See letter from Chris Roth

**QUESTIONS:**

- Why are you proposing additional parking?
- Have you obtained approvals from Zoning Board of Appeals to modify the use variance to allow the ice cream window and the additional seating?
- What is the status of your variance request not to install an automatic sprinkler system?
- Have you applied for the front yard pavement setback along Doncaster Rd?
- Where will the ice cream window be located?
- How many additional seats are you proposing for the restaurant? Are you proposing any additional outdoor seating?
- The vehicles using the driveway access from Furlong Road might conflict with vehicles using the West Henrietta Road driveway. Have you considered closing either the West Henrietta Road or the Furlong Road driveway access?
- Have you already closed off the northern driveway access on West Henrietta Rd? Did you have the necessary permit from the NYSDOT?
- Have you considered relocating the proposed parallel parking along West Henrietta Rd.?
- Has the project been reviewed by the Conservation Board?
- Will there be any exterior lighting?

- What type of provisions are you providing for trash?
- Why are the trees in the western portion of the site being removed even though they will likely not be impacted by the proposed construction? Did a licensed landscape architect prepare the landscape plan?
- Have you verified that all radii are large enough for 40' long fire ladder truck?
- What is the status of the Monroe County Development Review?

#### **APPLICATION:**

If the Board entertains tabling the application, I would suggest including, among others suggested by the Board, the following items be addressed:

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
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. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
4. 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.
5. 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.
6. Maintenance of landscape plantings shall be guaranteed for three (3) years.
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. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties.



9. A detail for the proposed planters should be provided.
10. The location of the proposed dumpster enclosure might conflict with the proposed parking stalls. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet. The plans shall be revised to include details of the dumpster enclosure.
11. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
13. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
14. All County Development Review Comments must be submitted.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to 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.
17. The parking lot lights shall be placed on a timer.
18. Erosion control measures shall be in place prior to site disturbance.
19. All comments and concerns of the Town Engineer as contained in the attached memo dated August 17, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
20. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
21. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
22. The Town is requesting a sidewalk easement along the West Henrietta Road frontage to facilitate future sidewalk connections on West Henrietta Road.
23. The plans shall be revised to show the location of ice cream window.

24. The applicant will need to obtain approval from Zoning Board of Appeals to modify the use variance to allow the ice cream window and the additional seating.
25. The applicant will need to obtain approval from Zoning Board of Appeals for the pavement setback variance from the Doncaster Road right-of- way.
26. The applicant will need to obtain approval from Zoning Board of Appeals not to install an automatic sprinkler system?
27. The vehicles using the driveway access from Furlong Road might conflict with vehicles using the West Henrietta Road driveway. Consideration should be given to closing either the West Henrietta Road or the Furlong Road driveway access.
28. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review.
29. The plans shall be revised to address the following comments of the Conservation Board:
  - a. The use of native plantings is encouraged. Consider substituting the Norway spruce with White spruce.
  - b. What is the front yard (W Henrietta Road) pavement coverage?
  - c. Verify with NYS Department of Transportation on plantings within the R.O.W.
30. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.



## Public Works Department

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

**Evert Garcia**  
Assistant Engineer

### MEMO

Date: August 17, 2020  
From: Evert Garcia  
To: Ramsey Boehner  
Copy: File  
Re: *Application No. 8P-01-20*  
*John Greer, Owner*  
*Preliminary/Final Site Plan Approval to expand the existing restaurant parking lot*  
*2171 West Henrietta Road*

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

#### General:

1. 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.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, driveway entrance within the NYSDOT right of way, stormwater water management facilities, sediment and erosion control, and landscaping. 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.
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.
5. The owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Town, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by the Code of the Town of Brighton, if necessary, implement emergency repairs to protect the health, safety and welfare of the public.
6. 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.
7. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>.

#### 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. Are any changes anticipated to the water distribution network on this site as a result of the proposed improvements? Does the restaurant have to be sprinklered?
2. Are any changes to the sanitary sewer system anticipated as a result of the proposed improvements to the site?
3. A summary table comparing stormwater runoff rates for the site under existing and proposed conditions for all storm events must be provided.
4. Stormwater mitigation must be provided to meet the requirements of Chapter 215, Stormwater Management, of the Brighton Town Code. Will the proposed development cause an increase in peak flow rates, velocity, and duration of stormwater concentration? How are these effects being mitigated? Technical calculations demonstrating compliance with the Code of the Town of Brighton must be provided.
5. Percolation testing should be performed to substantiate assumed infiltration rates and WQv credit for the proposed bioretention facility. The results of the percolation tests should be forwarded to this office for review.
6. The designer has indicated that the net impervious cover on the south side of the site is being reduced by 995 sf. Subsequently, the designer indicates that the "existing disturbed impervious" on the south side is being reduced by 1624 sf or 59%. Why is the south side of the site being specifically called out? Is the amount of impervious surface on the site being reduced overall? The DEC Stormwater Design Manual indicates that a reduction of existing impervious cover by a minimum of 25% of the total disturbed, impervious area is one of the options for meeting the Water Quality objective for redevelopment activities. How is this criterion being met? Please submit supporting documentation for review.
7. The limits of disturbance for the project must be delineated on the plans.
8. Chapter 9, Redevelopment Activity, of the NYS DEC Stormwater Design Manual indicates *"if a construction project includes both new development and redevelopment activities, the stormwater management practices for the new development portion of the project must be designed in accordance with the sizing criteria in Chapter 4 or 10, and the redevelopment activities portion of the project is subject to the sizing criteria in Section 9.3."* Does the proposed development satisfy this criterion?
9. The bioretention worksheet provided indicates that the contributing area for the facility is 0.88 acres. This does not appear to coincide with the proposed grading plan. Please review and revise the sizing calculations, as necessary.
10. The drainage area map for the proposed conditions does not appear to be consistent with the improvements. The flowpath and TC calcs do not appear to consider the sub catchment for the proposed bioretention facility. Please review and revise as necessary.
11. The drainage report indicates that 95% of the site is comprised of Hydrologic Soil Group A. How was this determined? A cursory review of the site appears to indicate that more than 5% of the site is already developed, likely consisting of previously disturbed soils which have been altered from its natural state. Please provide supporting documentation on how the existing soil types were determined.
12. The water quality calculations included in the drainage report should be reviewed. There appears to be errors in the calculations. Additionally, the WQv values summarized in the drainage report should be consistent with the values outlined in the GI worksheets.
13. The drainage report indicates that the minimum RRV of 0.02 ac-ft is being provided by the proposed bioretention facility, however the GI worksheets indicates that the bioretention facility is providing 552 cubic feet of RRV, or 0.013 ac-ft. Please review and revise as necessary.
14. The drainage report indicates that the proposed bioretention facility has been sized to attenuate increased runoff from impervious surfaces on this site. What are the rates being discharged from this site during all design storm events?
15. How is the 10-year storm event being detained in the bioretention facility? The narrative portion of the drainage report indicates that the minimum storage volume for the bioretention area is 1,884 cf. Is this the volume required to store the 10-yr design storm? The storage sizing worksheet provided in Appendix C indicates that 680 cubic feet of storage is being provided in the bioretention area. Please review and revise all calculations associated with the sizing of the stormwater features on this site. A final review of the stormwater systems cannot be completed until updated documents are provided.

**SWPPP:**

1. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. The SWPPP must meet the

design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer. Please develop a SWPPP consistent with Chapter 215 of the Brighton Town Code for this project.

2. Where will materials be stored on the project site? These areas should be shown on the plans and precautions should be provided to eliminate the discharge of petroleum and other pollutants.
3. Will the proposed pretreatment stone diaphragm be installed with an underdrain? What is the anticipated maintenance schedule for this feature? This should be outlined in the SWPPP.
4. A sequence for construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping shall be provided. The sequence of construction should also be outlined on the plans.
5. The process by which previous impervious area is restored needs to be outlined in the SWPPP and the contractor needs to be familiar with this process.

## Plans

1. *Existing Conditions and Demolition Plan, Drawing C1*
  - a. Why are the trees in the western portion of the site being removed even though they will likely not be impacted by the proposed construction?
  - b. Is the driveway access from Furlong Road still required for the revised site layout? Vehicles using this driveway might conflict with vehicles using the West Henrietta Road driveway.
  - c. Where do the yard inlets depicted on this sheet discharge to?
  - d. 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. 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. The location of tree protection fencing shall be called out on the plans.
  - e. Are the existing guiderails depicted on this sheet being removed as part of the proposed demolition?
2. *Site Plan, Drawing C2*
  - a. The Town is requesting a sidewalk easement along the West Henrietta Road frontage to facilitate future sidewalk connections on West Henrietta Road.
  - b. What is the surface treatment being proposed for the area labeled as "proposed open space" on this sheet?
  - c. The proposed parallel parking along West Henrietta Road might require a variance.
  - d. A detail for the proposed planters should be provided.
  - e. The location of the proposed dumpster enclosure might conflict with the proposed parking stalls. Can this situation be improved?
  - f. What is the type of fixture currently used in the light pole which is to be relocated? LED fixtures which provide cutoff shields and are compliant with dark sky guidelines should be installed when relocating the light pole. A cut sheet for the light fixture being proposed should be submitted for review.
3. *Grading Plan, Drawing C3*
  - a. The elevation for the inlet of the proposed standpipe in the bioretention facility should be called out on the plans. Additionally, the standpipe should be depicted on the bioretention detail.
  - b. This sheet calls out two different values for proposed area of disturbance. Please review and clarify as necessary.
  - c. Has the NYS DOT reviewed the grading features being proposed in the DOT right of way?
  - d. Spot elevations should be provided in the ADA parking stall areas.
  - e. The grading plan indicates that most of the stormwater from the new parking area will sheet flow out towards Doncaster Road, completely bypassing the proposed bioretention facility. What are the runoff rates from this site under existing conditions for this area?
  - f. The existing storm sewers should be depicted on this sheet.
4. *Landscaping Plan, Drawing C4*
  - a. The proposed plantings for the bioretention facility should be specifically called out on this sheet.
5. The following details should be included on the plans:



- a. A detail for the proposed DI connection.
  - b. Storm sewer pipe and associated trench.
6. The following notes should be included on the plans:
- a. A note must be added to the plans indicating that any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
  - b. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.
  - c. All utility services shall be installed underground.
  - d. 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.
  - e. As part of the redevelopment process, all existing utility laterals that are proposed to be used for serving this site shall be televised to determine their condition and adequacy for doing so. If the laterals require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant.



Town of Brighton  
Planning Board  
2300 Elmwood Avenue  
Rochester, New York 4618

Dear Chairperson,

The owner of the property at 2171 West Henrietta Road applied to the Town of Brighton Zoning Board of Appeals for a variance to allow for the remodeling of a restaurant building without the installation of an automatic sprinkler system as required by Section 73-34 of the Code of the Town of Brighton. The application was postponed at the August 5, 2020 ZBA meeting.

At this time, I reviewed the proposal and provided a letter to the ZBA for their consideration. I have attached this letter for the Planning Board's consideration. The proposed parking expansion will enable the applicant to increase the building occupancy which could result in an increased life safety hazard. I continue to be concerned that a substitute for an automatic fire sprinkler system as proposed in the ZBA application would not provide sufficient fire protection for the ultimate capacity of the proposed restaurant.

you have any further questions or wish to discuss this matter in greater detail, please feel free to contact me directly.

Christopher A. Roth  
Chief Fire Marshal



Town of Brighton  
Office of the Fire Marshal



August 5, 2020

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

Sunny Diner – 2171 West Henrietta Road – Fire Sprinkler Variance Package

Dear Chairperson:

I have reviewed the variance application and associated material with respect to the proposed cost for installation of an automatic fire sprinkler system and have the following comment based on that review.

Prior to being issued a building construction permit or conducting a project plan review, significant demolition of the existing building was done by removing walls, exposing structural building members and the reconfiguring of spaces which now require many more minimum fire safety regulations as prescribed within the 2020 New York State Codes and Codes for the Town of Brighton.

The applicant has also expressed an interest in creating a party room on the second floor with an exterior deck assembly space, and if approved would require an automatic fire sprinkler system to be added to the entire building or structure to comply with the 2020 Fire Code of New York State – Section 903 or they would have to apply for a variance from the State of New York.

Group A occupancies are characterized by people who are not familiar with their surroundings. The requirement for a suppression system reflects the additional time needed for egress. The extent of protection for occupants of the assembly group is from unobserved fires in other building areas (kitchen or storage areas) located between the story containing the assembly occupancy and levels of exit discharge serving such occupancies.

I direct you to the submittal package titled Requested Fire Flow Data from Marc Beilicki dated 6/9/2020 - 08:40 AM where the fire sprinkler designer wrote in an email that he could get the fire sprinkler system to calculate with upsized piping but would have a small "safety factor" due to low pressures. Although this does meet the conventional look of an automatic fire sprinkler system this does meet the objective to provide minimum fire protection.

As a point of reference there is no code requirement to have a safety factor within the hydraulic calculations of an automatic fire sprinkler system but a common industry practice is to maintain a safety factor of around 5 pounds of pressure. The low safety factor could possibly be addressed and/or increased by considering the following questions:

- 1) Did they evaluate heating/insulating the attic to change from a dry fire sprinkler to a wet fire sprinkler system? If the fire sprinkler system was a wet fire sprinkler system, would a fire pump still be required?
- 2) Why is an RPZ and not an RPDA or double check valve being considered? The installation of a RPZ results in a significant pressure reduction and also increases the cost of the system. The installation of an RPDA will result in a less pressure loss which would significantly impact the hydraulic calculations of the proposed fire sprinkler system. Additionally, the RPDA would reduce the cost of the project.
- 3) Why is a generator provided? A fire pump does not require one, if connected to a "reliable power" source. Rochester Gas and Electric has been considered a "reliable power" source and the generator

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- 4) is not necessary. The addition of a generator not only increases the capital cost of the project but it also results in additional annual maintenance and inspection costs that would not be required for this type of fire sprinkler installation.
- 5) Even though a non-required generator is estimated there was no estimate cost for installation of an electrical transfer switch for the quoted fire pump. Although this would add cost and maintenance for the project it provides a picture of how some costs are over estimated while essential equipment appears to be omitted.
- 6) Please provide backup information as to the desired to use Flexible Fire Sprinkler drops? This method provides flexibility in an office or flex space environment where many tenant changes are possible with an increase or decrease in tenant square footage. These are a costly installations and impact higher hydraulic calculations, while a "center of tile" note for ascetics this proves to be even more costly.
- 7) Why is the sprinkler system design to Ordinary Hazard Group 1? The attic would be light hazard and the seating area would also be light hazard. The only OH1 areas would be the kitchen and storage areas. This proposed hazard group results in a sprinkler density classification which requires more pressure and effects the hydraulic calculations.
- 8) Was an alternate pipe main size reviewed? The cost of increasing the pipe size would only affect the material costs while the cost of labor would be the similar regardless of the pipe size. Additionally, the reduction in head loss might negate the need to install a fire pump.

If any or all the suggestions provide only 1 pound of pressure to the hydraulic calculations each, then an adequate safety factor could be achieved without the installation of a fire pump and backup generator.

I hereby, support the Town of Brighton Fire Sprinkler Law as written and fully adopted by the Town Board to have an automatic fire sprinkler system installed in building or structures which undergo an alternation of more than 50 percent of the replacement value of the building as on file with the Town of Brighton Assessor office.

The suggested use of any alternate fire suppression systems as a substitute for an automatic fire sprinkler system as proposed would be difficult to support at this time due to so many unanswered variables with respect to new proposed uses of the building. If the new proposed uses are approved and completed the proposed alternate fire suppression system may become a minimum requirement due to the new proposed occupancy variables.

If you have any further questions or wish to discuss this matter in greater detail, please feel free to contact me directly.

Christopher A. Roth  
Chief Fire Marshal

## **PLANNING BOARD REPORT**

**HEARING DATE:** August 19, 2020

**APPLICATION NO:** 8P-02-20

**APPLICATION SUMMARY:** Application of Passero Associates, agent, and New Monroe Real Estate, LLC, owner, Site Plan Modification to expand and reconfigure the parking area increasing the number of parking spaces from 36 to 47 on property located at 2816 Monroe Avenue. All as described on application and plans on file.

### **COMMENTS:**

- The subject property is presently zoned BF-2.
- The total project area is .73 acres.
- Current impervious coverage is 65% and they are proposing an increase to 82% which requires a variance to be obtained from the Zoning Board of Appeals.
- There are currently 36 parking spaces on site. The applicant proposes 47 parking spaces.
- The calculation for the required parking is incorrect. Code requires 26 parking spaces for the existing use.
- The project needs variance approvals from the Zoning Board of Appeals for drive aisle width, impervious coverage, parking space width and pavement setback.
- The Town's sewer easement is not shown on the plans.
- Consideration should be given to eliminating proposed parallel parking spaces located along the driveway. Staff is concerned that inadequate pavement width is provided for emergency access.

### **CONSERVATION BOARD:**

- Investigate the possibility of shared parking with neighboring properties to help limit the increase of impervious surface.

### **TOWN ENGINEER:**

- See memo from Town Engineer, Evert Garcia, dated August 17, 2020

## **QUESTIONS:**

- Why do you need the additional parking?
- Have you investigated the possibility of shared parking with neighboring properties to help limit the increase of impervious surface?
- How did you calculate the required parking?
- 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?
- Will any additional exterior lighting be provided as part of this project?
- Where do you propose to store snow during the winter?
- Have you verified that all radii are large enough for 40' long fire ladder truck?
- Do the proposed plans meet requirements for fire access?
- Will there be room for the parallel parking spots to open doors on south side?
- Have you considered eliminating proposed parallel parking spaces located along the driveway to provide emergency access?

## **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.
2. The shed located on the pedestrian easement should be relocated out of the easement area.
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 or a zoning variance shall be obtained.
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. Maintenance of landscape plantings shall be guaranteed for three (3) years.
8. 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.
9. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties
10. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
12. All County Development Review Comments shall be addressed.
13. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
14. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
15. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review.
16. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.



# Public Works Department

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

Evert Garcia  
Assistant Engineer

## MEMO

Date: August 17, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 8P-02-20*  
*Passero Associates, Agent, and New Monroe Real Estate, LLC, Owner*  
*Site Plan Modification to expand and reconfigure the parking area increasing the parking spaces from 36 to 47*  
*2816 Monroe Avenue*

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

### General:

1. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
2. 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.
3. 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.
4. Our records indicate that there is a storm sewer easement located on the eastern end of the site. All easements (existing/proposed, public/private) associated with this project shall be depicted on the plans.
5. How will traffic flow and normal business operations be maintained at the hospital during construction of the proposed improvements?

### Sustainability:

1. The applicant is proposing to increase the impervious cover on the site to 82% where 65% maximum is permitted. Pervious pavements in areas such as sidewalk and drive aisles can help reduce the impervious coverage being proposed.

### Engineer's Report:

1. What is the amount of disturbance being proposed for this project?
2. Technical documentation must be provided demonstrating that the increase in stormwater runoff resulting from the proposed improvements will have minimal impact to the existing stormwater system.
3. The plans indicate that the existing storm sewer reduces to a 6" pipe for a short section in the Bank of America property. The existing storm sewer system should be evaluated for capacity to ensure that the proposed increase in runoff can be accommodated.

### Plans

1. *Site and Landscaping Plan, Sheet No. 1*
  - a. Were some of the areas now being proposed as expansion to the parking lot previously used for snow storage? If so, where will snow be plowed to now?



- b. The drive aisle width for the site is now being reduced to about 12 feet from the previously provided 15 feet. A variance will likely be required for this change.
- c. What is the type of fixture currently used in the light pole which is to be relocated? LED fixtures which are compliant with dark sky guidelines should be considered when relocating the light pole.
- d. The construction of the proposed retaining wall will likely require access from the neighboring property to the south. The applicant should secure a temporary construction easement from the adjacent property Owner for this work.
- e. Does the proposed drive aisle width consider the space needed for the opening and closing of doors for the vehicles using the parallel parking stalls?
- f. Trees should not be installed in the existing 10' wide pedestrian easement to the Town of Brighton. The plans should consider the improvements being installed in the development to the north.
- g. Will the proposed width of the one-way drive aisle impact emergency access to the site? The plans must be submitted to the Town Fire Marshal for review and comment.
- h. The width of the proposed on-way drive aisle at its narrowest point should be called out on the plans.

2. *Existing Conditions and Demolition Plan, Sheet No. 2*

- a. Will there be any material stockpiled on the site during construction? If so, the stockpile locations should be depicted on the plans along with appropriate erosion control measures.
- b. Erosion control measures should be installed throughout the site where appropriate. Existing CB's which are to remain should be protected from erosion during construction. These measures should be depicted on the plans.
- c. Will the existing decorative fence on the Bank of America property be impacted during demolition and subsequent construction of the proposed improvements?
- d. How will the two-parallel fencing, the existing fencing at Bank of America and the new proposed fencing, be maintained after construction. What type of surface treatment is being proposed in between the two fences?

3. *Grading and Utility Plan, Sheet No. 3*

- a. Is the proposed 4" underdrain depicted on this sheet being connected to the new catch basin D-3?
- b. A detail for the various connections being proposed at CB D-3 should be provided on the plans.
- c. How will catch basin D-3 be constructed over the existing storm sewer? Is catch basin D-3 intended to be a doghouse type basin? Please provide an appropriate detail for CB D-3.
- d. Is there an easement/agreement in place for the maintenance of the existing storm sewer which is being connected to as part of the proposed improvements?
- e. What does the "structure submerged" note on the catch basin in the northeast corner of the site indicate? Please clarify.
- f. The filter fabric drop inlet detail should be revised to a more appropriate installation option in pavement areas.

## **PLANNING BOARD REPORT**

**HEARING DATE:** August 19, 2020

**APPLICATION NO:** 8P-03-20

**APPLICATION SUMMARY:** Application of Passero Associates, agent, and RFM Morgan Properties, owner, for Site Plan Modification to demolish two 20 stall carports and replace with surface parking on property located at 2125 Monroe Avenue, Brighton Garden Apartments.

### **COMMENTS:**

- The subject property is located in two zoning districts. The northern portion of the property is in the RHD-2 district and the southern portion of the property is located in the RLB zoning district.
- There are currently 67 parking spaces on site. After demolition of the carports, the area will be restriped to provide a total of 71 parking spaces.
- An application has been submitted to the Zoning Board of Appeals for a variance to eliminate the required covered parking.
- A landscape plan was not submitted showing how the impacts of the car headlights will be mitigated.

**CONSERVATION BOARD:** No Comment

**TOWN ENGINEER:** See comments and concerns of the Town Engineer as contained in the attached memo dated August 17, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

### **QUESTIONS:**

- Where are the ADA parking stalls located on this site?
- How will residents maintain access to the parking lot during construction of the proposed improvements?
- What is the status of the Zoning Board of Appeals application for a variance to eliminate the required covered parking?
- How will the impacts of the car headlights will be mitigated?
- Is any new exterior lighting proposed as part of this project?

## **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 Zoning Board of Appeals approvals must be conditions must be obtained.
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. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties
8. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
9. All business vehicles/equipment shall be parked or stored to the rear of the building behind a six (6) foot solid fence.
10. Outside storage and display shall be prohibited.
11. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
12. All County Development Review Comments shall be addressed.
13. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
14. 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 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.

15. Prior to the issuance of a demolition permit. Asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.
16. Erosion control measures shall be in place prior to site disturbance.
17. All comments and concerns of the Town Engineer as contained in the attached memo dated August 18, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
18. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
19. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
20. The proposed buffer between the proposed parking and neighboring properties shall be increased. A landscape plan shall be submitted showing how the impacts of the car headlights will be mitigated.
21. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.



# Public Works Department

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

**Evert Garcia**  
Assistant Engineer

## MEMO

Date: August 18, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 8P-03-20*  
*Passero Associates, Agent, and RFM Morgan Properties, Owner*  
*Site Plan Modification to demolish two 20 stall carports and replace with surface parking*  
*2125 Monroe Avenue*

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

### General:

1. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
2. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
3. The plans should depict the location of existing and proposed utilities within the limits of the project area.
4. Any grading being proposed as part of the improvements should be depicted on the plans. Additionally, the existing topography of the project site should be shown on the plans.
5. How will residents maintain access to the parking lot during construction of the proposed improvements?

### Plans

1. *Site Plan, Sheet No. 1*
  - a. Will the proposed sidewalk meet the existing pavement at grade? If so, what will prevent vehicles from encroaching onto the proposed pedestrian sidewalk?
  - b. Rim elevations and proposed inverts for the new storm sewer system should be called out on the plans.
  - c. Where are the ADA parking stalls located on this site? ADA parking should be provided as part of the new surface parking areas.
  - d. Where does the catch basin that the new storm sewer system is connecting to ultimately discharge to?
  - e. The pavement detail indicates that an underdrain will be installed as part of the proposed improvements. Where will the underdrain connect to?
2. *Existing Conditions/Demolition Plan, Sheet No. 2*
  - a. The location of the downspouts for the existing masonry garages should be depicted on the plans.
  - b. Sediment protection measures should be provided for the CB in the southeast corner of the parking lot during construction.