

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF OCTOBER 21, 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 October 21, 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.

SECRETARY: Call the roll.

CHAIRPERSON: Approval of the September 16, 2020 meeting minutes.

CHAIRPERSON: Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of October 15, 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. **TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE NOVEMBER 18, 2020 MEETING AT APPLICANTS REQUEST**

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. **TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING REMAINS OPEN**  
Resubmittal

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. **TABLED AT THE AUGUST 19, 2020 MEETING - PUBLIC HEARING REMAINS OPEN**  
Resubmittal

9P-01-20 Application of Nicholas Leonardo, owner, for Site Plan Modification and woodlot EPOD permit modification (9P-01-19 & 1P-01-20) to remove additional trees for the purpose of constructing a new house 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.

10P-01-20 Application of FSI Construction / Frank Imburgia, owner, for extension of Site Plan Approval and EPOD (watercourse) Permit Approval (10P-01-19) and Demolition Review and Approval allowing for the razing of a single family home and the construction of a 10,000 +/- sf office building on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

10P-02-20 Application of Michael Cromer, owner, for Preliminary/Final Site Plan Approval to construct a 2,200 +/- sf single family home with a 481 +/- sf attached garage on property located at 69 Rockhill Road. All as described on application and plans on file.

NEW BUSINESS:

9P-NB1-20 Application of Baptist Bible Temple, owner, and Clover Park Properties, LLC, contract vendee, for Preliminary Site Plan Approval to convert and existing church building into high end office space and construct a 2 story, 10,000 sf building addition on property located at 1075 Clover Street. All as described on application and plans on file. **POSTPONED TO THE NOVEMBER 18, 2020 MEETING AT APPLICANTS REQUEST**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Matt Tomlinson, Marathon Engineering, dated October 14, 2020, requesting postponement of application 9P-NB1-20 to the November 18, 2020 meeting.

Letter from Jared C. Lusk, Nixon Peabody, dated October 16, 2020, with opposition to the proposed reuse of the Baptist Temple located at 1075 Clover Street.

Letter from Cade Krueger, DDS Companies, dated October 21, 2020, requesting postponement of application 8P-01-20 to the November 18, 2020 meeting.

PETITIONS:

NONE

SIGNS:

| APP #   | NAME & LOCATION                                      | TYPE OF SIGN   | ARB REVIEW                               |
|---|--|----------------|--|
|   |  |                | PB DECISION                              |
| <b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>   |  |                |  |
| <u>1590</u>   | U of R Medicine<br>140 Canal View Blvd.              | Awning Sign    | 9/22/20                                  |
| ARB - Approved as presented.  |  |                |  |
| Old Business  |  |                |  |
| <u>1588</u>   | Lazzara Smiles Orthodontics<br>925 E. Henrietta Road | Bldg face Sign | 8/27/20                                  |
|   |  |                | <b>TABLED AT THE<br/>9/16/20 MEETING</b> |
| ARB - ARB - Approved with conditions:<br>1. Center the text between the 4 windows.<br>2. Fit letters between the top of the windows and trim board so backerboard does not overlap any architectural elements.<br>3. Provide drawing showing letters to scale and placed in the exact location it would be installed. |  |                |  |



39 Cascade Drive / Rochester, NY 14614 / Phone (585) 458-7770

October 14, 2020

Ramsey Boehner  
Town of Brighton  
2300 Elmwood Drive  
Rochester NY 14618

Re: Request to Table – Planning Board  
1075 Clover St  
Town of Brighton, County of Monroe, State of New York

Dear Ramsey,

On behalf of our client, Clover Park Properties LLC, we are submitting this request to table the submitted application for Preliminary Site Plan Approval for the above-referenced project until the Planning Board meeting of November 18, 2020.

If you have any questions, or require additional information, please do not hesitate to contact our office.

Respectfully submitted,



Matt Tomlinson CPESC  
MARATHON ENGINEERING

cc: John August, Clover Park Properties LLC  
Betsy Brugg / Jerry Goldman, Woods Oviatt Gilman

*Going the distance for you.*



NIXON PEABODY LLP  
ATTORNEYS AT LAW

NIXONPEABODY.COM  
@NIXONPEABODYLLP

**Jared C. Lusk**  
*Partner*  
T 585-263-1140  
jlusk@nixonpeabody.com

1300 Clinton Square  
Rochester, NY 14604-1792  
585-263-1000

October 16, 2020

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



**Re: Application to convert the Baptist Temple property located at 1075 Clover Street, Town of Brighton, Monroe County, New York from a church use to a high density office use (the “Application”)**

Dear Members of the Planning Board and Zoning Board of Appeals:

We represent a number of concerned residents that own property adjacent to, and in the immediate vicinity of, the Baptist Temple located at 1075 Clover Street (the “Property”). It is our understanding that the Application was discussed at the September 16, 2020 Planning Board meeting and was tabled pending the submission of an application for a use variance to the Zoning Board of Appeals<sup>1</sup>. The applicant seeks to convert the existing church property to high density office space (the “Project”). The Property is located in the Town’s Residential Low Density zoning district and is completely surrounded by residential property.

On behalf of our clients, we submit this letter in opposition to the Project. If approved, the Project will permanently destroy the character of the picturesque Highland/Clover/East Avenue residential neighborhood by imposing a large office complex within a residential zoning district in violation of the Town of Brighton Zoning Code (the “Code”). Enforcing the Code and preserving the unique character of the Town’s various neighborhoods has traditionally been a priority for the Town. The Project is inconsistent with this long-standing priority and seems most inappropriate, particularly when one considers the significant amount of existing office space located within a short distance of the Property that sits vacant and available for rent.

Our clients do not believe the landowner has made a good-faith effort to convert the property into a use permitted under the Code or adequately considered the adverse impacts that a high density office complex would have on their neighborhood and homes. Furthermore, while the landowner has every right to seek a use variance from the Zoning Board of Appeals for the Project, it seems

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<sup>1</sup> We understand that the landowner is intending to submit an application for a use variance to the Zoning Board of Appeals soon.

unlikely that the landowner could meet the strict requirements for a use variance set forth in New York Town Law § 267(b)(2)(b), particularly since, to our knowledge, there has never even been a "For Sale" sign placed on the Property offering it for sale. Additionally, we can conceive of no hardship that has not been self-imposed and simultaneously allowed for decades of paying no real estate taxes to the community.

Therefore, our clients respectfully object to both the Application and the Project and ask the Town to consider the potentially significant adverse impacts the Project will have on the surrounding residential neighborhood and, at a minimum, require the applicant to better explore alternative uses for the Property that are permitted under the Code<sup>2</sup>.

Please feel free to contact me should you have any questions regarding this matter. Otherwise, our clients reserve all rights in this matter.

Very truly yours,



Jared C. Lusk

cc: Jerry A. Goldman, Esq. (via email)

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<sup>2</sup> The applicant has offered to meet with concerned neighbors to discuss the Project. Our clients appreciate the offer and look forward to the opportunity to discuss it with the applicant in the coming weeks.



Rick DiStefano <rick.distefano@townofbrighton.org>

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**RE: 2171 West Henrietta Road**

1 message

Cade Krueger <ckrueger@ddscompanies.com>

Wed, Oct 21, 2020 at 10:11 AM

To: Ramsey Boehner <ramsey.boehner@townofbrighton.org>, Rick DiStefano <rick.distefano@townofbrighton.org>

Dear Ramsey,

On behalf of my client, John Geer, for our project at 2171 West Henrietta Road, I would like to request an adjournment of our planning board application until the November planning board meeting.

The reason for the adjournment is to allow time and scheduling to attend the required zoning board meeting in order to obtain a variance for expanded use prior to requesting final approvals for the proposed site plan improvements.

I believe you, Rick, and I had already talked about this via a phone conference on 9/23 and you explained that we could submit by November 4<sup>th</sup> for the November 18<sup>th</sup> meeting so frankly I was surprised to get that call this morning.

I am confirming whether or not John get on the agenda for the ZBA and if not, that will delay final PB. Again, I cannot submit for final PB until John either receives or is denied his expansion variance which is out of my hands and being handled by his attorney.

Regards,

**Cade Krueger**

*Project Engineer*



## **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.

### **COMMENTS:**

- The subject property is presently zoned BF-2.
- The applicant's engineer submitted revised drawings.
- The project obtained variance approvals from the Zoning Board of Appeals for drive aisle width, impervious coverage, parking space width and pavement setback.
- The revised plans do not correctly show the location of the proposed Auburn Trail and must be corrected on the plans.

### **TOWN ENGINEER:**

- See memo from Town Engineer, Evert Garcia, dated October 20, 2020.

### **QUESTIONS:**

- 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?
- What is the color temperature of the proposed LED lights?
- Have you verified that all radii are large enough for 40' long fire ladder truck?
- Do the proposed plans meet requirements for fire access?

### **SEQRA:**

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



## **APPLICATION:**

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

1. The shed located on the pedestrian easement should be relocated out of the easement area.
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 or a zoning variance shall be obtained.
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. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
10. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
11. All County Development Review Comments shall be addressed.
12. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
13. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

14. 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.
15. 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.
16. Prior to site disturbance, a drainage permit must be obtained from the Department of Public Works.
17. The color temperature of the proposed lights shall not exceed 3000K.
18. The plans shall be corrected to show the correct location of the proposed Auburn Trail.
19. The proposed fence and trees shown in the easement area shall be relocated out of the easement area. The revised plan shall be submitted to, reviewed and approved by the Building and Planning Department.
20. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated October 20, 2020 From Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 8P-02-20

**Date:** 10/21/2020

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:** 2816 Monroe Ave parking expansion and reconfiguration

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** 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.

**Location:** 2816 Monroe Ave

**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 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.

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4. The requirements of the State Environmental Quality Review Law have been complied with.
5. The duration of all impacts will be short term in nature.
6. There will be no resources of value irreversibly lost.

For further information:

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

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

Telephone: (585)784-5229



# Public Works Department

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

**Evert Garcia**  
Assistant Engineer

## MEMO

Date: October 20, 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. Our records indicate that there is a storm sewer easement, liber 3691 page 487, located on the eastern end of the site. All easements (existing/proposed, public/private) associated with this project shall be depicted on the plans. Town staff will forward a copy of the storm sewer easement language to the design team for their reference.

### Engineer's Report:

1. What is the recurrence interval of the peak discharge, Q, that was calculated for in the provided stormwater runoff calculations?
2. Peak discharge for pre-development conditions of the catchment area that was evaluated in the stormwater runoff calculations should be provided as well.
3. A field inspection by Town staff found that the short section of pipe on the downstream side of the Bank of America catch basin is approximately 6" in diameter. This reduction in pipe size creates an undesirable hydraulic configuration in the private storm sewer system being connected to for this project. Furthermore, the pipe material used for the 8" pipe coming into the Bank of America catch basin does not appear to be a standard material that would typically be used for drainage piping. Being that there doesn't appear to be an agreement in place for the maintenance of the private storm sewer system between neighboring properties, the applicant should explore the option of connecting the new pavement area underdrain to the 12" Town storm sewer system located on site.

### Plans

1. *Site and Landscaping Plan, Sheet No. 1*
  - a. The areas which will be used for snow storage should be called out on the plans.
  - b. Cut sheets for the proposed light fixtures should be provided. The proposed fixtures should be fully shielded with a correlated color temperature (CCT) of no more than 3000 Kelvins.
  - c. Trees should not be installed in the existing 10' wide pedestrian easement to the Town of Brighton. The plans should be revised to accurately reflect the location of the Auburn Trail.
  - d. The proposed 6' high wooden fence cannot be installed across the existing 10' pedestrian easement to the Town of Brighton. Please review and revise.
2. *Existing Conditions and Demolition Plan, Sheet No. 2*
  - a. What type of surface treatment is being proposed in between the two parallel fences?

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373  
<http://www.townofbrighton.org>



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

- a. Is the proposed 4" underdrain on the northeast side of catch basin D-3 also being tied-in to the storm sewer system?
- b. A field inspection by Town staff found that the "submerged catch basin structure" is not submerged and located just west of the location noted on the plans. Please review and revise the plans to accurately locate this structure.



## **PLANNING BOARD REPORT**

**HEARING DATE:** October 21, 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.
- The Zoning Board of Appeals has granted a variance to eliminate the required covered parking.
- A landscape plan was submitted showing how the impacts of the car headlights will be mitigated. 37 trees and shrubs have been added.

### **CONSERVATION BOARD:**

- Proposed landscaping plan and fence maintenance should provide proper screening.

**TOWN ENGINEER:** See comments and concerns of the Town Engineer as contained in the attached memo dated October 19, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

### **QUESTIONS:**

- Has the fence been repaired behind 70 Newcrest Dr?
- Where are the ADA parking stalls located on this site?
- What has changed since the previous submittal?
- 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?
- What will the material be under the bike rack?
- Is any new exterior lighting proposed as put of this project? Will it comply with dark sky requirements?

## **APPLICATION:**

If the Board entertains approving 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 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. 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 business vehicles/equipment shall be parked or stored to the rear of the building behind a six (6) foot solid fence.
12. Outside storage and display shall be prohibited.
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 shall be addressed.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. 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.
17. 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.
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 October 19, 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 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.

23. Prior to the issuance of any permit for this project the fence shall be repaired and maintained. The fence behind 70 Newcrest Dr. shall also be repaired and maintained.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 8P-03-20

**Date:** October 21, 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:** 8P-03-20

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Modification to demolish two 20 stall carports and replace with surface parking on property located at 2125 Monroe Avenue, Brighton Garden Apartments.

**Location:** 2125 Monroe Avenue

**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 duration of all impacts will be short term in nature.
4. There will be no resources of value irreversibly lost.
5. The impacts from the demolition of the garages will be mitigated by the approved fencing and landscape plan.

For further information:

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

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

Telephone: (585)784-5229



# Public Works Department

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

**Evert Garcia**  
Assistant Engineer

## MEMO

Date: October 19, 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

### Plans

#### 1. Site Plan, Sheet No. 1

- a. Is the CB in the southeast corner a drywell? If not, where does this catch basin ultimately discharge to?
- b. The discharge point for the existing catch basin that is being used to route the new storm sewer system should be confirmed.
- c. What is the surface treatment being proposed over the perforated pipe? The detail provided seems to indicate that the stone over the pipe is being brought up to the surface. Please review and revise, as necessary.
- d. The design engineer has indicated that the new drainage pipes will infiltrate stormwater into the soil. Do the existing soils on this site accommodate infiltration? Please provide supporting documentation.
- e. The existing topography for project site should be shown on the plans. It is difficult to finalize a review of the proposed grading and storm sewer system without this.
- f. Can stormwater runoff from all the new parking areas be routed to the new storm sewer system?
- g. What direction does the roof of the existing garages on the south side currently drain to? Downspouts for these garages are not called out on the plans.
- h. Cut sheets for the proposed light fixtures should be provided. The proposed fixtures should be fully shielded with a correlated color temperature (CCT) of no more than 3000 Kelvins.
- i. The North arrow appears to be incorrectly depicted on the plans. Please review.

## **PLANNING BOARD REPORT**

**HEARING DATE:** October 21, 2020

**APPLICATION NO:** 9P-01-20

**APPLICATION SUMMARY:** Application of Nicholas Leonardo, owner, for Site Plan Modification and woodlot EPOD permit modification (9P-01-19 & 1P-02-20) to remove additional trees for the purpose of constructing a new house 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 subject property is presently zoned RLB.
- \* The total project area is 1.04 acres.
- \* Calculation for lot coverage will be 6.55%.
- \* The project has received the necessary approvals from the Board of Appeals for setback, and Architectural Review Board approval for the building.
- \* The new plans show a reduced number of trees being removed. 70 trees will be removed instead of the previously shown 91. New plan also adds 21 new trees to the property.
- \* The area of disturbance including additional tree clearing exceeds 20,000 sf requiring the development of a Storm Water Pollution Prevention Plan(SWPP) to be reviewed by the town.
- \* An arborist report along with a new landscape plan have been provided.
- \* The provided grading plan does not seem to differ from previous submission.

### **CONSERVATION BOARD:**

- The Board sees no justification for basically clear cutting the lot. The applicant was aware of the property's woodlot EPOD classification and submitted and received approval for a site plan that minimized tree removal for the construction of a new house. Tree removal shall be limited to that as was originally approved.
- If some relief is considered, then it should apply only to removing the "primary" trees as discussed in the revised Tree Removal Justification document submitted by J. Galiley Arbor Consulting.

- Removing “secondary” trees based on speculation should not be considered. The contractor should provide adequate tree protection to avoid disturbance and limit stress to the “secondary” trees during construction.
- The proposed mitigation plan shall be implemented if any “primary” trees are removed.
- Removal of trees to make room for a soil stockpile is unwarranted.

**TOWN ENGINEER:**

- \* See memo from Town Engineer Evert Garcia dated October 19, 2020

**QUESTIONS:**

- \* What has changed on the Site Plan since the last Planning Board Meeting?
- \* How will the trees be removed?
- \* How will the site be graded after the trees are removed?
- \* Will an updated grading plan be provided?
- \* Will additional tree removals be mitigated? Will a landscape plan be provided?
- \* Will a SWPP be provided?
- \* Are any additional trees within the Town right of way being removed?
- \* 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 the project meet the NYS Guidelines for Urban Erosion and Sediment Control?
- \* Will any existing trees be retained?
- \* Will stockpiled materials be out spread out for regrading? What will be done with the excess material?

## **APPLICATION:**

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

1. A revised grading plan will be submitted to the Town that takes into consideration the increases disturbance caused by additional removal of trees.
2. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
3. 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.
4. 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.
5. Maintenance of landscape plantings shall be guaranteed for three (3) years.
6. 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.
7. Prior to the issuance of any building permits, a letter of credit shall be provided to the Town to cover the cost of materials and installation for all landscaping to ensure that all landscaping conforms to the approved plans and that the landscape survives in a healthy condition.
8. Erosion control measures shall be in place prior to site disturbance.
9. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
10. 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.



11. Tree removal shall be limited to only removing the “primary” trees as discussed in the revised Tree Removal Justification document submitted by J. Galiley Arbor Consulting. The applicant shall submit a revised tree removal plan that addresses this condition. The proposed mitigation plan shall be implemented if any “primary” trees are removed. Trees shall not be removed to create space for a soil stockpile. The contractor should provide adequate tree protection to avoid disturbance and limit stress to the “secondary” trees during construction. The proposed mitigation plan shall be implemented if any “primary” trees are removed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 9P-01-20

**Date:** 10/20/2020

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:** 9P-01-20

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Modification and woodlot EPOD permit modification (9P-01-19 & 1P-02-20) to remove additional trees for the purpose of constructing a new house 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 21 trees are proposed to be planted to mitigate the trees to be removed.

For further information:

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

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

Telephone: (585)784-5229



# Public Works Department

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

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

## MEMO

Date: October 19, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 9P-01-20  
Application of Nicholas Leonardo, owner, for Site Plan Modification and woodlot EPOD permit  
modification (9P-01-19 & 1P-01-20) to remove additional trees for the purpose of constructing a new  
house.  
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 initial review of the Site Plan Modification Application 9P-01-20. Written responses to the comments below must be provided by the applicant:

### General:

1. The area of disturbance previously estimated for this for this development was 18,800 sf. Updated plans provided for this application indicated that the total area to be disturbed is 22,000 sf. 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. What is the total area of disturbance for this development? Please review and if necessary, develop a SWPPP for this project in accordance with Chapter 215.
2. What is the methodology being proposed for the removal of the additional trees on site? Will the removal the additional trees require large construction equipment which will cause land disturbance?
3. Stormwater runoff calculations which were provided as part of the original application must be reviewed by the applicant's engineer to determine if the change in surface treatment, caused by removing a considerable number of trees from the site, affects the consequences of the various storm events previously evaluated. Changes stormwater runoff parameters such as the runoff curve number and/or the time of concentration must be considered.
4. A revised grading plan must be submitted which demonstrates any grading changes on the site resulting from the additional tree removal work. The grading plan provided does not appear to differ from the previously approved drawings.
5. Will all the material stockpiled on site be spread out for re-grading purposes? If not, how will the rest of the stockpiled material be removed from the site?
6. Are any additional trees within the Town right of way being proposed to be removed as part of the new plan?

**Sheet 4 of 5, Details:**

1. Inserta tees are not permitted. The connection to the sanitary sewer main shall be made with an 8x4 wye.  
Please remove this detail from the plans.

## PLANNING BOARD REPORT

HEARING DATE: October 21, 2020

APPLICATION NO: 10P-01-20

**APPLICATION SUMMARY:** Application of FSI Construction / Frank Imburgia, owner, for extension of Site Plan Approval and EPOD (watercourse) Permit Approval (10P-01-19) and Demolition Review and Approval allowing for the razing of a single-family home and the construction of a 10,000 +/- sf office building on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

### COMMENTS:

- The Zoning Board of Appeals granted the necessary extension of the previously approved variances.
- The EPOD (watercourse) Permit Approval and Demolition Review and Approval have expired and must be reapproved by the Planning Board.
- Final Site Plan Approval was granted on October 16, 2019. The Planning Board has the right to extend any period of approval to not more than two (2) years from the date of original approval. Therefore, the Planning Board can only grant an extension to October 15, 2021.
- §203-129.B(2) of the Comprehensive Development Regulations requires that a 100 ft. vegetative buffer be maintained from the banks of the watercourse (Allens Creek). The building and parking lot are within an environmental EPOD. A variance was obtained for disturbance in the EPOD under Zoning Board of Appeals application 10A-08-19.
- §203-164.A of the Comprehensive Development Regulations does not permit front yard parking. The proposed parking area is located in the front yard. A variance was obtained to allow front yard parking under Zoning Board of Appeals application 9A-04-19.
- The proposed building location does not meet the zoning requirements for front setback. A variance was obtained from the Zoning Board of Appeals to allow the proposed building to be constructed with a 42' front setback in lieu of the minimum 75' required by code.
- The project was approved by the Architectural Review Board under application number 8AR-7-19.
- The subject property is zoned as Technology and Office Park (TOP) District.
- The gross square footage of the proposed building is 10,000 square feet.
- The total project area is 2.2 acres.

- Calculations for gross footage/acre is 4,546 sf/acre.
- Calculations for green space are 43%. Impervious coverage is 56%.
- There is only one access route to the site.
- There is an existing single-family home on the property that will be demolished prior to the new construction and current entrance to property shall be closed and curb replaced.
- Construction of a sidewalk is proposed along BHTL Road.
- Demolition application was reviewed for HPC and it was decided that a public hearing to consider landmark status was not needed.
- Portions of the project are within the 100-year floodplain.
- The proposed first floor building elevation is at 499' and the floodplain elevation is 495.8'. The building is not within the floodplain.
- The proposed project fills 342.42 cy of floodplain, and mitigates it by creating 358.24 cy of storage resulting in a net positive volume increase of 15.82 cy.
- The proposed use requires 67 parking spaces. 69 parking spaces have been proposed meeting the applicant's requirements.
- The proposed generator is in the side yard.
- Canal View Boulevard is a private road. Documentation was presented granting the property access Canal View Boulevard. Limits of the easement are shown on the site plan.
- A traffic study was completed and submitted. It concluded "...the project does not negatively impact the adjacent street network or intersections during high traffic times." MCDOT has also reviewed and approved and didn't require any additional improvements.
- The survey is from May 2019. Previous discrepancies between floodplain elevations have been addressed.
- HVAC units will be located on the roof.
- A monument sign is proposed on the corner of BHTL Rd and Canal View Blvd and would require a variance.

## QUESTIONS:

- Are you proposing any changes to the plans previously reviewed and approved by the Planning Board?
- When do you plan on commencing demolition and construction?
- Have you contacted NYSDEC regarding the necessary approvals needed for the proposed improvements?

## SEQRA:

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

## DEMOLITION:

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

1. The existing building has been found not to be a candidate for landmark designation by the Historic Preservation Commission.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and recommendations have been considered.
3. The project is consistent with the Brighton Comprehensive Plan
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.
8. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.



9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

#### APPLICATION:

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire building 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. All conditions of the Zoning Board of Appeals shall be met.
5. The proposed sidewalk must meet all town requirements.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
9. 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.
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 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.

12. Erosion control measures shall be in place prior to site disturbance.
13. Maintenance of landscape plantings shall be guaranteed for three (3) years.
14. Deciduous shade trees shall be planted at 3 - 3 ½ inches in diameter. Pine trees shall be planted at 7 - 8 ft. in height.
15. A detailed lighting plan which shows the type, location and lighting contours shall be submitted. Specifications for the proposed light shall be submitted and light shall not exceed 3000k.
16. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster. The plans shall be revised to include details of the proposed dumpster.
17. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
18. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
19. Fire hydrants shall be fully operational prior to and during construction of the building.
20. All County Development Review Comments shall be addressed.
21. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
22. The location of any proposed generator is approved. Documentation shall be submitted that shows that all other requirements for generators in the Comprehensive Development Regulations will be met or Planning Board approval for the generator will be obtained. The generator shall not exceed 72 decibels.
23. 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.
24. The proposed building shall be sprinklered in accordance with Town requirements.
25. Only business identification signage as allowed per the Comprehensive Development

Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.

26. 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.
27. The location of the HVAC shall be shown on the site plan.
28. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
29. A letter or memo in response to all Planning Board and Town Engineer comments shall be submitted.
30. 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.
31. Construction activities shall be limited to 7 AM to 6 PM Monday to Friday, and 9 AM to 6 PM on Saturday.
32. Prior to the issuance of a demolition permit or building 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.
33. 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.
34. Prior to above ground construction, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
35. Prior to the final plans being signed by the Commissioner of Public Works, the easement to allow access to Canal View Blvd shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Town of Brighton for its records.
36. All conditions of Planning Board Applications 8P-NB1-19 & 10P-01-19 shall apply
37. The Town of Brighton's Floodplain Development Permit Application shall be completed

by the applicant's engineer and submitted to the Town of Brighton for review and approval.

38. All comments and concerns of Evert Garcia's contained in the attached memo dated October 16, 2019 from Evert Garcia to Ramsey Boehner, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 10P-01-20

**Date:** 10/20/20

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:** 10P-01-20

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of FSI Construction / Frank Imburgia, owner, for extension of Site Plan Approval and EPOD (watercourse) Permit Approval (10P-01-19) and Demolition Review and Approval allowing for the razing of a single-family home and the construction of a 10,000 +/- sf office building on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

**Location:** 3300 Brighton Henrietta Town Line Rd.

**Reasons Supporting This Determination:**

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

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. There will be disturbance in the EPOD and floodplain that will be minimized and additional plantings will be added to the area outside the floodway. The building is located outside of the floodplain.
3. A traffic survey was completed and showed that the proposed development will not negatively affect street networks or intersections. Monroe County Department of Transportation has reviewed and approved the project. All required County permits will be obtained.
4. Some areas in the floodplain will be filled affecting flood storage, however enough compensatory storage is proposed to result in net positive flood storage on site.
5. No threatened or endangered species of plants or animals will be affected by this project.
6. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.

7. 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.
8. The requirements of the State Environmental Quality Review Law have been complied with.
9. The duration of all impacts will be short term in nature.
10. There will be no resources of value irreversibly lost.
11. No threatened or endangered species of plants or animals will be affected by this project.

For further information:

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

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

Telephone: (585)784-5229

## **PLANNING BOARD REPORT**

**HEARING DATE:** October 21, 2020

**APPLICATION NO:** 10P-02-20

**APPLICATION SUMMARY:** Application of Michael Cromer, owner, for Preliminary/Final Site Plan Approval to construct a 2,200 +/- sf single family home with a 481 +/- sf attached garage on property located at 69 Rockhill Road.

### **COMMENTS:**

- In June 2020 the home located at the subject property was significantly damaged by fire beyond repair.
- The applicant proposes using the existing foundation and existing split level floor design.
- A new small proposed addition, approximately 333 square feet off the rear of the garage, is also proposed as a guest/flex room.
- The site is currently served by existing utilities which were shut off at the night of the fire.
- The existing roof leaders were connected into the town storm sewer system. The proposed home will also be connected into the town storm sewer system.
- The house was demolished under the Town of Brighton Unsafe Building Law. The remaining basement and foundation have been secured with a 6ft high fence.
- The damaged house was a noncomplying building due to its setbacks. Pursuant to Section 225-14. B. of the Comprehensive Development Regulations, a noncomplying building destroyed by fire or other casualty may be rebuilt, provided that such action does not increase the degree of or create any new nonconformity or noncompliance with regard to the regulations pertaining to such buildings.
- The proposed house has been designed to comply with noncomplying setbacks of the damaged house.
- The architectural design and building materials of the proposed buildings have been reviewed and approved by the Town of Brighton Architectural Review Board.

**CONSERVATION BOARD:** No comment

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated October 20, 2020.

**QUESTIONS:**

- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- Will the roof leaders be connected into the town storm sewer system?
- Will the existing grade of the property be modified for this project?
- Will the site be secured with fencing during construction of the house?
- What type of exterior lighting are you proposing for this project?

**SEQRA:**

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

**APPLICATION:**

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

1. The entire building shall comply with the most current Building & Fire Codes of New York State.
2. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
7. All trees to be saved shall be protected with orange construction fencing placed at the drip



line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

8. 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. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
10. 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.
11. Erosion control measures shall be in place prior to site disturbance.
12. 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.
13. 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.
14. The proposed home shall be connected into the town storm sewer system.
15. Any modification of the existing grading shall be reviewed and approved by the Town Engineer.
16. The site shall be secured with fencing during construction of the house. The plan shall be revised to show the location of the proposed fence.
17. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
18. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated October 20, 2020 From Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 10P-2-20

**Date:** 10/21/20

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

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

**Name of Action:** Application of Michael Cromer, owner

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Preliminary/Final Site Plan Approval to construct a 2,200 +/- sf single family home with a 481 +/- sf attached garage.

**Location:** 69 Rockhill Rd.

**Reasons Supporting This Determination:**

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

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

5. The duration of all impacts will be short term in nature.
6. There will be no resources of value irreversibly lost.

For further information:

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

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

Telephone: (585)784-5229



Town of

**Brighton**

## **Public Works Department**

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

**Evert Garcia, P.E.**

Town Engineer

### **MEMO**

Date: October 20, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 10P-02-20  
Application of Michael Cromer, owner, for Preliminary/Final Site Plan Approval and Demolition Review and Approval to raze a fire damaged single-family home and construct a 2,200 +/- sf family home with a 481 +/- sf attached garage.  
69 Rockhill Road*

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. Drainage crossing the property under development must be maintained during the period of development, and no materials may be stored, land disturbed, or other work done to block drainage or to divert or cause runoff of groundwater or stormwater in an unnatural fashion.
4. All easements (existing, public/private) existing on this site shall be depicted on the plans.

#### **Plans**

1. *Demolition Plan*
  - a. Sanitary and/or storm sewer cleanouts on site or within the right of way, shall be protected by orange construction fencing during construction.
  - b. The large tree in the front yard should be protected with orange construction fencing during construction. A tree protection detail should be included in the plans.
  - c. Is the addition in the rear full depth?
  - d. How will the excess material excavated for the addition in the rear be disposed of?
  - e. Any grading being proposed as part of the improvements should be depicted on the plans.
  - f. Staging and material storage area should be shown on the plans.
  - g. Erosion control measures should be considered and installed if necessary, as part of the construction of the addition in the rear of the lot.
2. *Site Plan*
  - a. A detail for the proposed concrete porch should be included with the plans

2300 Elmwood Avenue Rochester, New York 14618 [www.townofbrighton.org](http://www.townofbrighton.org)

Evert.Garcia@townofbrighton.org 585-784-5222

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- b. What is the intent of the concrete apron being proposed in the rear of the property?
- c. The size, material type, and slope of the proposed storm sewer system should be called out on the plans.

3. *Details*

- a. Standard construction details should be provided on the plans.
- b. Town sewer lateral details should be provided on the plans.

**Notes:**

- a. The following notes should be added to the plans:
  - i. All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
  - ii. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, gutters, and structures including signs, resulting from his operation