

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF NOVEMBER 18, 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 November 18, 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.  
Approval of the October 21, 2020 meeting minutes.

CHAIRPERSON: Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of November 12, 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 UNTIL THE DECEMBER 16, 2020 MEETING AT APPLICANTS REQUEST**

11P-01-20 Application of Loyal Group REM, owner, for Demolition Review and Approval to raze a commercial building on property located at 1285 East Henrietta Road (aka 2420 Brighton Henrietta Town Line Road). All as described on application and plans on file.

11P-02-20 Application of the University of Rochester, owner, for Site Plan Modification to install a new backup emergency generator on property located at 250 East River Road. All as described on application and plans on file.

11P-03-20 Application of S.E. Baker and Company, agent, and Brighton Corners, LLC, owner, for 1) determination of the on-site parking requirement for a pilates studio, pursuant

to Section 205-12 of the Brighton Comprehensive Development Regulations; and 2) whether or not the parking requirements for a pilates studio located at 1900 Monroe Avenue (Twelve Corners Plaza) can be reduced pursuant to Section 205-20 (Combined Spaces) of the Brighton Comprehensive Development Regulations. All as described on application and plans on file. **POSTPONED TO THE DECEMBER 16, 2020 MEETING AT APPLICANTS REQUEST**

**NEW BUSINESS:**

9P-NB1-20 Application of The Baptist Temple, owner, and Clover Park Properties, LLC, contract vendee, for Preliminary Site Plan Approval to convert an 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 FROM THE OCTOBER 21, 2020 MEETING**

CHAIRPERSON: Announce that public hearings are closed.

**OLD BUSINESS:**

NONE

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**PRESENTATIONS:**

NONE

**COMMUNICATIONS:**

Letter from George Conboy, 1209 Clover Street, dated October 22, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Sarah Nemetz, 1260 Clover Street, dated October 22, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Ramsey Boehner, Secretary - Historic Preservation Commission, dated October 23, 2020, verifying that the Brighton Historic Preservation Commission will not schedule a public hearing to consider 1285 East Henrietta Road for landmark status.

Letter from Jeannie Clark, 2530 Highland Avenue, dated October 23, 2020, in opposition to application 9P-NB1-120, 1075 Clover Street.

Letter from Don Seipel, 2419 Highland Avenue, dated October 24, 2020, regarding application 9P-NB1-20, 1075 Clover Street.

Letter from Thomas Farrell, 1285 Clover Street, dated October 25, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Neal Levitt, 1390 Clover Street, dated October 26, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Robbie Taksen, 2409 East Avenue, dated October 26, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter From Errol Pinto, 2405-5 East Avenue, dated October 26, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Brian McGarry, 2562 Highland Avenue, dated October 28, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Cade Krueger, DDS Companies, dated October 30, 2020, requesting postponement of application 8P-01-20, 2171 West Henrietta Road, to the December 16, 2020 meeting.

Letter from Holly and Lindsay Crawford, November 17, 2020, with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

Letter from Stuart Baker, S.E. Baker and Co., dated November 18, 2020, requesting postponement of application 11P-03-20 to the December meeting.

Letter from Paul Sylvestri, Harter Secrest & Emery, dated November 18, 2020 with comments and concerns regarding the proposed reuse of the Baptist Temple located at 1075 Clover Street, application 9P-NB1-20.

**PETITIONS:**

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
<b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>			
<u>1591</u>	Violeta Garcia-Lepore DDS Family Denistry 420 White Spruce Blvd.	Bldg Face Sign	10/27/20
<p>ARB - Approved with recommendation - Board recommends increasing the size of the sign for visibility - must be less than 52 sf.</p>			
<u>1592</u>	Upper Cervical Chiropractic of Rochester 749 East Henrietta Road	1) Bldg Face Sign 2) Directory Sign 3) Free Standing Business ID / Directory Sign	10/27/20
<p>ARB - Tabled for additional information:</p> <ol style="list-style-type: none"><li>1. Better quality and accurate imagery dimensioned and scaled for the building face sign.</li><li>2. Building face sign should not interfere with architectural elements on front of building - in particular the arch details.</li><li>3. Website address shall be removed from the building face sign.</li></ol>			



Rick DiStefano <rick.distefano@townofbrighton.org>

## 1075 Clover Street

1 message

**Conboy, George** <gtconboy@brightonsecurities.com>  
To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Thu, Oct 22, 2020 at 5:41 PM

Dear Mr. DiStefano,

As a Clover Street neighbor of the Baptist Temple (I live 3 houses to the south), I have two serious concerns about the proposed project:

1. The removal of several trees, some of which are quite mature, strikes me as a serious negative. Our neighborhood benefits from the existence of those trees, and their removal - particularly of the larger trees, cannot be replaced in our lifetimes.
2. Is it true that the traffic surveys mentioned in the site plan are from 2011 and 2016? It seems that a more recent survey could give neighbors more confidence that there will not be an unreasonable increase in traffic.

I understand that it may be difficult or impossible to maintain the Baptist Temple as a quiet church. I, and many of my neighbors, would be grateful for your efforts in ensuring that any zoning variance will not alter the character of our neighborhood.

Thank you,  
George T Conboy  
1209 Clover Street

**RECEIVED**  
OCT 23 2020  
TOWN OF BRIGHTON  
BUILDING & PLANNING

From: Sarah Nemetz <[sbnemetz@gmail.com](mailto:sbnemetz@gmail.com)>  
To: [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org), [rick.distefano@townfobrighton.org](mailto:rick.distefano@townfobrighton.org)  
Cc:  
Bcc:

Date: Thu, 22 Oct 2020 19:36:54 -0400

Subject: 1075 Clover Street Baptist Temple

I just learned today of the proposal to convert the Baptist Temple site to high density office use. As a neighbor on Clover St (1260 Clover is my address), I walk by this property on my daily walk with the dog. The church has always been generous with their property and has never objected to polite dog owners crossing their charming lawn. The park-like beauty of their huge old trees is an important asset to the neighborhood. I understand that the developer wants to take down 18 trees, many of which are large specimens, to make room for a larger parking lot. This would be a terrible loss.

I understand that the traffic study used in the proposal is outdated: 2011 DOT data for Clover St and 2016 data for Highland. This neighborhood is already plagued by speeding cars, and additional traffic from a high density office building will worsen the traffic. The families that live on Clover St walk on the shoulder (no sidewalks) and would be in greater danger from this additional traffic.

Please protect the integrity of our low density residential zoning!

Sarah Nemetz, MD (and Michel Berg, MD)  
1260 Clover Street

Reply

Forward





Town of  
**Brighton**

Historic Preservation  
Commission

Secretary – Ramsey Boehner

October 23, 2020

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

Re: Historic Preservation Commission Advisory Report -  
Demolition of 1285 E Henrietta Road

Dear Board Members:

At the October 22, 2020 Historic Preservation Commission meeting, the Commission reviewed the demolition application for the Building at 1285 E Henrietta Road and decided not to schedule a public hearing to consider the property for landmark status.

Respectfully,

Ramsey A. Boehner  
Historic Preservation Commission Secretary

RAB:gp

cc: Patrick Wahl & Harry Gleason, SIOR



Ramsey Boehner &lt;ramsey.boehner@townofbrighton.org&gt;

**1075 Clover Baptist Temple**

1 message

jeannie clark <jeanmarieclark@gmail.com>  
To: "ramsey.boehner@townofbrighton.org" <ramsey.boehner@townofbrighton.org>

Fri, Oct 23, 2020 at 5:31 PM

Hi Ramsey,  
I just received the letter and I am very concerned. I think this is a horrible decision for the homeowners in the surrounding neighborhoods for many reasons. What involvement do you need from the homeowners neighboring this location?

Jeannie Clark  
2530 Highland Ave, Rochester, NY 14610



Town of  
**Brighton**

**Rick DiStefano <rick.distefano@townofbrighton.org>**

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## **Clover highland concerns citizens**

1 message

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**suzanne seipel <suzanneseipel@icloud.com>**  
To: rick.distefano@townofbrighton.org

Sat, Oct 24, 2020 at 5:55 PM

From Don A. Seipel, 2419 Highland Ave

We have lived in the above address for 45 years. My wife, Suzanne and I have enjoyed our neighborhood as it has a feel which is special.

A correspondence from Mary Jane Mahon has alerted us to a proposal to drastically alter this special place. Our home is 5 sites south of the Baptist Temple.

Why have I not been informed of a drastic zoning change proposal? I am requesting all communication re 1075 Clover Street Proposal effective immediately.

Specifically, please send me the meeting agenda and meeting opportunity to express my opinion at any Future meetings re this.

I understand you have already had a planning board meeting on Oct 21. I was not notified. Pls send me the agenda for the zoning board appeals on Nov 14 and minutes from the planning board latest unannounced meeting.

From what I know, this proposal has not been handled in a transparent way. Start now  
Sent from my iPhone



Town of  
**Brighton**

**Rick DiStefano <rick.distefano@townofbrighton.org>**

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## **1075 Clover street**

1 message

**Farrell, Thomas <farrellt@rochester.edu>**

Sun, Oct 25, 2020 at 7:50 AM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Cc: Farrell Thomas <farrellphl@aol.com>

My name is Thomas Farrell and I own and reside at 1285 Clover street with my family. I received a flyer on the potential rezoning of the Baptist Temple property and am sufficiently concerned to write to you today. It does not seem consistent to me to build a commercial office building on that lot when this is such a residential area.

Where does this stand and how can we get more information on this situation?

Thank you.

Tom Farrell

773-255-0256



Rick DiStefano <rick.distefano@townofbrighton.org>

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## 1075 Clover St.

1 message

[nlevitt557@aol.com](mailto:nlevitt557@aol.com) <nlevitt557@aol.com>

Mon, Oct 26, 2020 at 11:52 AM

Reply-To: [nlevitt557@aol.com](mailto:nlevitt557@aol.com)

To: "RICK.DISTEFANO@TOWNOFBRIGHTON.ORG" <[RICK.DISTEFANO@townofbrighton.org](mailto:RICK.DISTEFANO@townofbrighton.org)>, "RAMSEY.BOEHNER@TOWNOFBRIGHTON.ORG" <[RAMSEY.BOEHNER@townofbrighton.org](mailto:RAMSEY.BOEHNER@townofbrighton.org)>

My name is Neal Levitt and I have been a resident of Brighton ( 1390 Clover St. ) since September 1985- 35 years. I love the town. I appreciate the great work the Zoning Board and Planning Board have done to protect the quality of life in our town. Thank You.

The proposed changes at the corner Highland and Clover are very troubling. The increased traffic at this intersection is worrisome. There is a large elderly population that both walk and drive in the area. This change will cause increased risk to their safety. There are a lot of dog walkers also in the area. Again a safety issue. Studies, I'm sure, have evaluated the traffic patterns and the impact of such traffic in the area. However, there is always the unseen effects that can cause problems.

The other significant factor is the loss of trees. This may sound frivolous but the size and beauty of these trees is what makes Brighton what it is. I'm not a tree hugger or fanatic, but taking down these trees would be a shame ! Even if the new owners promise to replant trees and shrubbery, it can not replace the splendor and history of these trees.

This corner lot is essentially a park in the middle of a busy intersection. Please keep Brighton and especially this intersection safe, green and protected for all our residents. Thank You for your work and consideration.

Neal Levitt 1390 clover St. 14610

**Neal**



Rick DiStefano <rick.distefano@townofbrighton.org>

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## Baptist Temple Plans

1 message

**Robbie Taksen** <jrtaksen23@outlook.com>  
Reply-To: Robbie Taksen <jrtaksen23@outlook.com>  
To: rick.distefano@townofbrighton.org

Mon, Oct 26, 2020 at 11:37 AM

Hi. I have been a life long resident of Brighton. My wife and I live at 2409 East Ave, at the corner of Clover St and Highland Ave. We were unable to attend the developer's meeting with the town regarding the Baptist Temple redevelopment.

We do not object to the change in use of the property, but highly object to the removal of any of the large old trees on the north or north-east side of the property. They look very healthy, and are gorgeous. Let them build their addition on the south side or west side of the existing building. The trees are too important to the appearance of the property .

The parking lot location is directly across from the entrance to our property. I believe that this would cause unwanted traffic through our property to avoid the traffic light at the corner. Again, the lot may would be better expanded at the present location.

I can be reached at +15853305132 if you have questions or comments. Thank you. J. Robert Taksen

Sent from myMail for iOS

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**1075 Clover Street, Baptist Temple**

1 message

Errol Pinto <[ejpbzz@gmail.com](mailto:ejpbzz@gmail.com)>

To: [rick.distefano@townofbrighton.org](mailto:rick.distefano@townofbrighton.org), [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)

Mon, Oct 26, 2020 at 7:16 PM

Rick Distefano & Ramsey Boehner  
Town of Brighton, NY

Re: 1075 Clover Street, Baptist Temple

Dear Sirs,

I am a 20-year homeowner about 200 yards from the Baptist Temple and am troubled by the proposed conversion of this edifice from a genteel, decorous, literally sacred location to one dedicated transparently and entirely to corporations in search of profit. Having spent four decades in the management of large American multinational corporations, both at home and overseas, I have an insider's deep respect for Business Enterprise and for its place in the success of our city and country. The profit motive is greatly important to the well-being of society; but it is most certainly not paramount, as the current pandemic has painfully proved.

The Baptist Temple is located in surroundings that have been kept pristinely non-commercial perhaps since homo sapiens first perceived it. It is precisely this bucolic charm that a profits-first (not a sin of itself) corporation now seeks to appropriate with gross disregard to wider societal considerations. Business putting profit for itself first is understandable, even fitting. Actively enabling such crass self-interest is not. We trust you to draw the line against the latter.

The reason for my use of strong words is that there are available a large number of already-zoned real estate properties/locations all across Brighton that would benefit from fresh investment and occupation. In perfectly pleasant and appropriate commercial zones. In 2020s Brighton, there is NO convincing reason for a corporation looking for a 'workplace' to invade and permanently despoil a long standing, low-density residential zone. It smacks of self-centered brattiness.

Forgive the terminology but I believe the threatened offence calls for it. A workplace, its parking lots and its concomitant daily traffic have their appropriate place and it is not the lush park-like locale of the Baptist Temple. When the case has not been made that nowhere else in Brighton is good enough this proposal has the air of a heist.

Please Messrs. Distefano and Boehner we count on your experience and good judgment in helping this corporation put its workplace in one of Brighton's many wonderful available locations dedicated to commercial activity. Absent extremis, the divine natural surroundings of the Baptist Temple must pass on for the benefit of future generations.

Thank you very much for the important work you do upholding the high living standards of Brighton. Please stay safe and healthy.

Sincerely,

Errol Pinto

2405-5 East Ave. 14610. Tel: 585-298-4464

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## Opposition to proposed development at 1075 Clover Street

1 message

**McGarry, Brian** <Brian\_Mcgarry@urmc.rochester.edu>

Wed, Oct 28, 2020 at 11:35 AM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>, "ramsey.boehner@townofbrighton.org" <ramsey.boehner@townofbrighton.org>

Mr. Distefano and Mr. Boehner,

I live at 2562 Highland Avenue and I am writing to express my concern about the proposed development at 1075 Clover Street by Baptist Bible Temple and Clover Park Properties.

I believe their proposed conversion of a church into an office complex would significantly alter the character of our neighborhood. As you know, this is a residential area that is well-known for stately homes and a park-like setting. The introduction of a sizeable office complex and an expansive parking lot, coupled with the removal of a significant number of mature trees is not in keeping with the character of the neighborhood.

More importantly, it seems likely that an office complex, if used at the capacity proposed, would generate a large increase in vehicle traffic, particularly on Highland Avenue with cars traveling east from the 590 N exit. This is very concerning to me. My wife and I have two daughters, ages 8 and 5. The older is a current second grader at Council Rock Primary School; the younger will be a kindergartener there next year. Most in-person days, we walk to and from school. This is a surprisingly risky journey as the north side of Highland (where we reside) lacks any sidewalks and there are no crosswalks where we can cross Highland. This situation is only manageable because of the current traffic levels on this portion of Highland. The introduction of an office at the corner of Clover and Highland is likely to increase traffic enough to make our neighborhood unwalkable. In the July 15 meeting minutes from the planning board, I noticed that the applicants stressed this influx of traffic was likely to be concentrated to weekdays. This is precisely the problem! Traffic volume at this time is already high relative to nights and weekends, exactly when a large number of children on and north of Highland are attempting to commute to and from the primary school located on Esplanade. Given the absence of continuous sidewalks, crosswalks, traffic lights, or even crossing guards, an increase in traffic during the morning and afternoons would eliminate the possibility of walking to school. At a time when we are being encouraged not to use busing services and the line of cars waiting to drop off/pick up children from CRPS often extends down Grosvenor, removing the option to walk seems extremely detrimental to the Brighton community and the values it purports to uphold.

Finally, as someone who has been forced to work from home over the last 7 months and will not be allowed into my office at the University of Rochester for the foreseeable future, I urge the Planning and Zoning Boards not to change in the residential classification of our neighborhood in support of a business venture that appears to have a high risk of failure. Brighton, and the world at large, does not seem particularly in need of more office space at the moment, so the promise of additional tax revenue seems very dubious.

I am happy to discuss this issue further and would be glad to submit my comments as a formal letter for the next meetings of your respective boards. After reviewing your website, it was unclear to me how to go about doing so. It is my hope that this email will suffice.

Sincerely,

Brian E. McGarry, PhD

Brighton Resident

2562 Highland Avenue

Rochester, NY 14610

Cell: 585-721-9566



Rick DiStefano <rick.distefano@townofbrighton.org>

## 2171 West Henrietta Road - Sunny's Family Diner Application

1 message

**Cade Krueger** <ckrueger@ddscompanies.com>  
To: Ramsey Boehner <ramsey.boehner@townofbrighton.org>  
Cc: Rick DiStefano <rick.distefano@townofbrighton.org>

Fri, Oct 30, 2020 at 2:01 PM

Good afternoon Ramsey,

I have been informed by my client that he and his attorney (Woods Oviat Gilman, LLP) are planning to submit an application to the ZBA for the December meeting.

As we have discussed, I cannot attend a PB meeting until the ZBA meeting takes place and ZBA comments are received (per the planning board). Due to this information, I am requesting that our PB application be adjourned until the December meeting pending the outcome of the ZBA meeting.

Regards,

Cade Krueger

*Project Engineer*



[www.ddscompanies.com](http://www.ddscompanies.com)



The DDS Companies

45 Hendrix Rd.

West Henrietta, NY 14586

office: 585-359-7540

direct: 585-340-0582



Rick DiStefano <rick.distefano@townofbrighton.org>

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## 1075 Clover Street

1 message

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Holly Crawford <hgcrawler160@gmail.com>

Tue, Nov 17, 2020 at 6:40 PM

To: rick.distefano@townofbrighton.org

Dear Mr. DiStefano,

My husband and I live diagonally across from the Baptist Church at 1166 Clover Street. While we were encouraged to hear that the church had new ownership, we were not happy to hear about the new construction or removal of the numerous trees. Those trees block much of the building from our home and provide a parklike setting on the corner of Highland and Clover.

We are also concerned about the additional traffic the new occupancy may bring. While being quieter during the weekend, we anticipate there could be more traffic and activity during the day and early evening. Adding to an already busy street.

We would ask that you take these into consideration in your approval of the planning.

Thank you for your time and consideration.

Sincerely,

Holly and Lindsay Crawford



Town of  
Brighton

Rick DiStefano <rick.distefano@townofbrighton.org>

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## Town Planning Meeting 11/18

1 message

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**Stuart Baker, S.E. Baker & Co. LLP** <stuart@sebakerco.com>

Wed, Nov 18, 2020 at 11:29 AM

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

Dear Ramsey and Rick,

Thank you for your call this morning as it pertains to our zoom planning board hearing this evening.

Your candid explanation of combined spaces, hours of operation and a theory of our amending our application and C of C on behalf of the prospective tenant is well appreciated. I will reach out to both Anthony of Brighton Corners, LLC and the broker/tenant who made the C of C application.

I agree that we should table tonight and appear on the 12/16 Planning Board Meeting. I, in turn, will amend the application, provide even more specific criteria and fact based on our call. Again, I/we appreciate you both taking the time and explaining how this process will greatly improve our ability to be accepted at the Planning Board Level.

Best Regards,

Stuart E. Baker

President

S.E. Baker & Co./Commercial Facility Solutions (CFS)

( 0 ) 585-777-4003

( C ) 585-749-4441

stuart@sebakerco.com

[www.sebakerco.com](http://www.sebakerco.com)



November 18, 2020

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

Re: 1075 Clover Street Proposed Redevelopment (9P-NBI-20)

Dear Members of the Planning Board:

Harter Secrest & Emery LLP is writing this letter as counsel on behalf of Jon and Erika Stanat, Jonathan Friedberg, and Laura Calvi (our "Clients"), longtime residents of the Town of Brighton, New York (the "Town") residing adjacent to 1075 Clover Street, Rochester, NY (the "Property"). The Property, which is surrounded by residential uses, is currently owned by The Baptist Temple, Inc. ("Baptist Temple") and is the subject of potential redevelopment by Clover Park Properties, LLC (the "Developer"). Although the Property is located in a residential district, the proposed redevelopment contemplates converting the existing church into an office building and the construction of an additional 10,000 square feet of commercial leasing space (the "Project"). The Project proposes to introduce commercial uses not allowed on the Property under applicable zoning regulations. As a result, the Project raises considerable concerns, particularly with respect to the negative impact it would have on the neighborhood and the existing community character.

#### I. Introduction and Overview

The Stanats have resided adjacent to the Property for approximately 21 years and the Friedberg/Calvis have resided adjacent to the Property for approximately 14 years. The area around the Property is a quiet, residential neighborhood and the Project would greatly alter its existing character by introducing new and relatively large-scale commercial activity to the area. The Property is currently owned by Baptist Temple and has been used as a church since Baptist Temple acquired the property in 1964, a use which is consistent with and expected in a residential neighborhood. The proposed Project, on the other hand, eliminates religious use, and instead contemplates the introduction of commercial use to the otherwise residential neighborhood. The use set forth in the current Project plans are not permitted under the applicable zoning district and have not existed in the neighborhood. The introduction of the Project's proposed commercial use to this residential neighborhood would undeniably alter the existing character and greatly impact the neighborhood.

We note that the use of the Property for religious purposes has significantly diminished over the last few years to the point that such use of the Property is only minimal at best. The predominant use of the Property now consists of a daycare center along with intermittent use for community organizations and events. It is our understanding that the daycare center is allowed on the property via a conditional use

November 18, 2020  
Page 2

permit. It is also our understanding that the Property is currently being used for various other purposes, including a small two-person office, a dance studio, and various club activities that may or may not be tied to Baptist Temple. While we question the legality of some of the current uses, that is not the focus of this letter.

## II. Preliminary Site Plan Review Considerations

Considerations that the Town of Brighton Planning Board (“Planning Board”) must take into account under the preliminary site plan review process pursuant to the Town of Brighton Town Code (“Town Code”) weigh against granting preliminary site plan approval. Factors that must be considered during preliminary site plan review include, among others, “[a]dequacy and arrangement of vehicular traffic access and circulation,” “[l]ocation, arrangement, size, design and general site compatibility of buildings, lighting and signs,” “[p]rotection of adjacent properties from noise, glare, unsightliness or other objectionable features,” and “[o]verall impact on the neighborhood.” Town Code § 217-12(C)(1), (4), (8), (10).

### A. Overall Impact on the Neighborhood

The Property is located in the RLA Residential Low Density (RLA) District. Permitted uses in the RLA District include single family dwellings, family child-care homes, and buildings operated for municipal use. Town Code § 203-2.1(A). Certain conditional uses, including places of worship, may be allowed in the RLA District subject to Planning Board approval. Town Code § 203-2.1(C). However, the proposed commercial use contemplated by the Project is neither a permitted nor a conditional use in the RLA District. Therefore, if the Project were to move forward as planned, it would require a use variance. We recognize that the Developer’s use variance application to the Town Zoning Board of Appeals is not for review by the Planning Board and is, therefore, not the subject of this letter. However, the fact that a use variance will be required has a direct relation to the preliminary site plan review criteria, including consideration of the Project’s “overall impact on the neighborhood.”

It has long been established that “[z]oning laws . . . are intended to bring about conformity with a chosen standard.” *Congregation Beth El. v. Crowley*, 30 Misc. 2d 90, 95 (Sup. Ct. Monroe County, 1961). It is undeniable that a commercial use serves an entirely separate purpose and changes the dynamic of a residential neighborhood. *See id.* The Project’s proposed commercial use is incompatible with permitted uses in the RLA District and such use would “unquestionably alter[] the essential character of an otherwise residential neighborhood developed in reliance on the stability of the ordinance.” *Style Rite Homes, Inc. v. Zoning Bd. of Appeals*, 54 Misc. 2d 866, 872 (Sup. Ct. Monroe County, 1967) (citing *Matter of Taxpayers’ Assn. v. Board of Zoning Appeals*, 301 N.Y. 215 (1950)). The introduction of a commercial use would not only in itself have an impact on the neighborhood by altering the existing character, but it could also establish a trend of allowing commercial uses in the area, further threatening the neighborhood’s existing character. *See Congregation Beth El.*, 30 Misc. 2d at 95.

Courts have repeatedly found that “[b]ecause nonconforming uses are viewed as detrimental to zoning schemes, public policy favors their reasonable restriction and eventual elimination.” *Matter of Christian Airmen, Inc. v. Town of Newstead Zoning Bd. of Appeals*, 115 A.D.3d 1319, 1321 (4<sup>th</sup> Dept. 2014) (quoting *Matter of 550 Halstead Corp. v Zoning Bd. of Appeals of Town/Vil. of Harrison*, 1 N.Y.3d 561, 562 (2003)). Thus, the very fact that a use variance would be required for this Project to move forward, demonstrates that the Project will have a significant detrimental impact on the neighborhood.

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The Project would significantly change the character of the neighborhood by greatly increasing the intensity and frequency of use. Previously, the Property was mainly used over the weekend. The Project, on the other hand, would shift the principal use from weekends to weekdays, resulting in use of the Property five to seven days a week as opposed to one to two days over the weekend.

*B. Traffic Impacts*

During the preliminary site plan review process, the Planning Board is also required to consider “[a]dequacy and arrangement of vehicular traffic access and circulation.” Town Code § 217-12(C)(1). Traffic impacts are currently unknown, and as noted in the document titled “1075 Clover Office Conversion Project” dated August 18, 2020 submitted by the Developer, the proposed use “shifts the peak traffic generation from weekends to Monday-Friday uses.” Thus, traffic impacts need to be evaluated properly to understand the effects of the proposed use.

As a threshold matter, the Short Environmental Assessment Form (Part I) submitted by the Developer indicates that the Project will not “result in a substantial increase in traffic above present levels.” We question the accuracy of this response and request that a traffic impact study be performed. This is particularly crucial because the Project contemplates an unpermitted use in a residential neighborhood.

The Developer submitted a trip generation/distribution assessment prepared by SRF Associates and dated October 2, 2020 (“Trip Generation Assessment”) as part of its revised plans submitted for the Planning Board’s November 18<sup>th</sup> meeting. The Trip Generation Assessment raises several concerns. First, data regarding projected site trips during the weekday AM and PM hours is limited to one AM peak hour and one PM peak hour with no designation as to which hours they choose as peak and why. At the very least, the projected site trips should encompass a two-hour span during both the AM and PM hours. Moreover, although 90 children attend the daycare center daily along with an estimated ten or more daycare staff members, the Trip Generation Assessment only factors in 37 trips entering the Property during the AM peak hour and 38 trips exiting during the PM peak hour. Since it is highly unlikely that many parties would carpool to and from daycare, the estimated trips during AM and PM peak hours appear disproportionately low and likely inaccurate.

The Trip Generation Assessment refers to certain guidelines suggesting that a traffic impact study be performed when a “proposed project is projected to add 100 site generated vehicles per hour or more to an adjacent intersection during either peak study period.” If this is a general guideline, it is our opinion that the threshold should be significantly lower since this Project is in a residential district and surrounded by residential uses. A traffic impact study should be conducted because the proposed use may result in a proportionally significant increase to existing conditions even if it does not create 100 additional trips per hour.

The data used in the Trip Generation Study is outdated. For example, the annual average daily traffic calculations for Clover Street and Highland Avenue are from 2011 and 2016 respectively. Moreover, the presentation of data is misleading as it refers to projected trips generated during the AM peak hour and PM peak hour only but refers to the data reflecting “current” conditions by vehicles per day creating an “apples to oranges” comparison.

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The Trip Generation Study also contemplates use of approximately 6,000 square feet of the Property for “medical office” which, if not limited to administrative or tele-consulting use, would greatly increase traffic trips and intensity of use throughout the day and not limited to the peak hours.

The proposed Project has the potential for significant adverse impacts to traffic in a residential neighborhood. It is incumbent on the Planning Board to require a traffic impact study be performed to identify such impacts. Any future traffic impact study that is performed should address at least a two-hour time period in the AM and PM hours as opposed to the Trip Generation Assessment which only offers data for an unspecified one-hour window during the AM and PM hours. The study should also incorporate more recent data reflective of average trips during the past two years (prior to March 2020) as opposed to 2011 and 2016 and be focused on vehicles traveling to and past the Property, not generally along Highland Avenue and Clover Street.

#### *C. Other Relevant Factors*

In addition to traffic and the overall impact to the neighborhood, the Planning Board is also required to consider, among other factors, the “[p]rotection of adjacent properties from noise, glare, unsightliness or other objectionable features.” Town Code § 217-12(C)(8). The transformation of the Property from religious use to the proposed commercial use will affect the auditory and aesthetic impacts to adjacent properties.

With the introduction of traditional office and commercial use, we anticipate that there will be increased light spillage from the Property onto adjacent properties, which will extend later into the evening hours and on a regular basis. In addition, glare from headlights of cars entering and leaving the Property during early morning and evening hours will inevitably increase as a result of more trips made to and from the Property.

The proposed Project includes the construction of an additional 10,000 square feet of commercial leasing space, increasing the existing building space on the Property by approximately 30%. The proposed use, including the additional construction, will require additional parking to conform with the Town Code’s parking requirements, serving as a further indication of the increased intensity of the proposed use compared to current conditions.

Finally, the plans submitted to the Planning Board illustrate the addition of several parking spaces in front of the existing church along the driveway entering the Property from Clover Street. Such parking would add additional noise, headlight, and safety issues on the portion of the Property closest to and directly across from our Clients’ homes. The overall increase in parking also adds to the unsightly nature of the Project in a residential neighborhood.

### **III. Conclusion**

Our Clients made the decision many years ago to move into their respective homes based in large part on the unique and special character and quality of the neighborhood. Had they known the potential for the property across the street to be converted into a commercial facility, dramatically changing the character of the neighborhood, they would not have purchased and made significant investments into their respective homes over the years. While there may be potential economic upside for the Developer in converting the

Harter Secrest & Emery LLP  
ATTORNEYS AND COUNSELORS

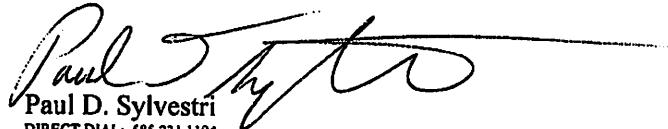
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Property to this commercial use, our Clients have significant concerns about the corresponding loss in value of their own properties resulting from the changed character and other impacts to the neighborhood.

For the reasons stated above, there are likely to be a number of potentially significant impacts from the proposed Project. Consequently, the Planning Board should not issue preliminary site plan approval for the Project based on the current plans. If not willing to deny the application at this time, the Planning Board should at a minimum withhold any approval unless or until the Developer has received a use variance for the Project. The introduction of the proposed commercial use to this residential neighborhood will negatively impact the existing character of the neighborhood and will have a yet-to-be-determined effect on traffic. We hope that the concerns expressed in this letter are adequately addressed in the review process for the Project or any other redevelopment plans for the Property. We welcome the opportunity to discuss any of these issues further.

Very truly yours,

Harter Secrest & Emery LLP



Paul D. Sylvestri  
DIRECT DIAL: 585.231.1194  
EMAIL: PSYLVESTRI@HSELAW.COM

cc: Ramsey Boehner, Town of Brighton  
Jerry Goldman, Esq.  
Jared Lusk, Esq.

PDS:aeb

## PLANNING BOARD REPORT

**HEARING DATE:** November 18, 2020

**APPLICATION NO:** 11P-01-20

**APPLICATION SUMMARY:** Application of Loyal Group REM, owner, for Demolition Review and Approval to raze a commercial building on property located at 1285 East Henrietta Road (aka 2420 Brighton Henrietta Town Line Road).

### **COMMENTS:**

- The subject property is presently zoned IG.
- At the October 22,2020 Historic Preservation Commission meeting, the Commission reviewed the demolition application for the Building at 1285 E Henrietta Road and decided not to schedule a public hearing to consider the property for landmark status.
- The gross square footage of the building to be demolished is 2544 square feet.
- The total project area is .92 acres.
- Asbestos was found on the property.
- Concrete and asphalt pads will be removed.
- Site will have perimeter fencing.
- Site will be restored.
- Neither a Sequence of Demolition and Restoration Work, or a restoration plan was provided

### **CONSERVATION BOARD:**

- No comment

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated November 16, 2020.

### **QUESTIONS:**

- During what hours will the subject property experience truck traffic?
- How will the existing fuel tanks be disposed of?

- How is the existing building pad being restored?
- Are you proposing to change the grade anywhere on the site?
- How will the site be graded after demolition?
- Will trucks be parked on site? If so, where on the site and during what hours?
- Will the project meet the NYS Guidelines for Urban Erosion and Sediment Control?
- Will all disturbed areas be protected from erosion either by mulch or temporary seeding within 2 weeks of disturbance?
- Will any existing trees be removed?
- Is there a septic system on the site? Has it been shown on the plans?
- Are there fuel tanks on the site? If so, how will they be disposed of and where are they located?
- Where will the chain link fence be located on the site?
- How will the area of the building pad be restored?
- What are the limits of disturbance?
- What will happen to existing service and utility lines?

#### **SEQRA:**

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

#### **DEMOLITION:**

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

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

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

## **APPLICATION:**

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

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.
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. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
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. All County Development Review Comments shall be addressed prior to final approval.
9. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
10. A Sequence of Demolition and Restoration Work must be provided on the plans. The sequence must address the installation of erosion control measures, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of demolition debris and restoration of the project site.
11. The limits of disturbance must be shown on the plans.
12. A demolition permit shall be obtained prior to start of demolition.
13. The perimeter and chain link fencing discussed in the demolition notes should be depicted on the plans.
14. The location of sediment and erosion control measures mentioned in the demolition notes must be depicted on the plans.
15. 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.

16. A restoration plan for the property following demolition and an estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to ensure that restoration conforms to the approved plan.
17. 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.
18. Erosion control measures shall be in place prior to site disturbance.
19. A detail for the proposed surface treatment associated with the site restoration should be provided on the plans.
20. The location of the existing septic tank should be depicted on the plans. Demolition procedures for the septic tank should be outlined on the plans.
21. The septic tank shall be pumped prior to demolition. A copy of the pump out receipt should be forwarded to the Brighton Sewer Department. A note indicating this requirement should be included on the plans.
22. The applicant should contact the Brighton Fire Marshal to coordinate the removal procedure for the fuel tanks and obtain a permit for removal.
23. All comments and concerns of the Town Engineer as contained in the attached memo dated November 16, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
24. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 11P-01-20

Date: November 18, 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: Loyal Group REM, owner

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Demolition Review and Approval to raze a commercial building

Location: 1285 East Henrietta Road (aka 2420 Brighton Henrietta Town Line Road). ~

Reasons Supporting This Determination:

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

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The requirements of the State Environmental Quality Review Law have been complied with.
4. The duration of all impacts will be short term in nature.
5. There will be no resources of value irreversibly lost.

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

Date: November 16, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 11P-01-20*

*Application of Loyal Group REM, Owner, for Demolition Review and Approval to raze a commercial building  
1285 East Henrietta Road*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration:

**General:**

1. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration of the site, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process.
4. The project must 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 must comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding ten-day notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and the asbestos survey and removal requirements of Section 56-5 are met.
5. A restoration plan for the property following demolition and an estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to ensure that restoration conforms to the approved plan.
6. Will any trees be removed as part of the proposed demolition process?
7. A Sequence of Demolition and Restoration Work must be provided on the plans. The sequence must address the installation of erosion control measures, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of demolition debris and restoration of the project site.
8. The limits of disturbance must be shown on the plans.
9. A demolition permit shall be obtained prior to start of demolition.
10. The perimeter and chain link fencing discussed in the demolition notes should be depicted on the plans.
11. The location of sediment and erosion control measures mentioned in the demolition notes must be depicted on the plans.
12. How is the existing building pad being restored? A detail for the proposed surface treatment associated with the site restoration should be provided on the plans.
13. The location of the existing septic tank should be depicted on the plans. Demolition procedures for the septic tank should be outlined on the plans.

14. The septic tank shall be pumped prior to demolition. A copy of the pump out receipt should be forwarded to the Brighton Sewer Department. A note indicating this requirement should be included on the plans.
15. How will the existing fuel tanks be disposed of? The applicant should contact the Brighton Fire Marshal to coordinate the removal procedure for the fuel tanks and obtain a permit for removal.

## PLANNING BOARD REPORT

**HEARING DATE:** November 18, 2020

**APPLICATION NO:** 11P-02-20

**APPLICATION SUMMARY:** Application of the University of Rochester, owner, for Site Plan Modification to install a new backup emergency generator on property located at 250 East River Road.

### **COMMENTS:**

- The subject property is presently zoned.
- The existing emergency generator has failed and needs to be replaced. U of R currently has a temporary generator on-site until a new generator is installed.
- U of R would like to install the new diesel generator as soon as it is delivered to the site, which is expected to arrive on-site the end of November or early December 2020.
- The existing emergency generator is located along the northwest side of the existing LLE building. The new generator will be located +/-30' north of the existing generator location.
- The information submitted with the application notes that the generator with a Level 2 enclosure will meet 73dBA at 23 feet.
- The site improvements associated with the new generator installation will include the installation of a new concrete generator pad, new asphalt paving, new steel bollards around the new generator, new lawn installation, new tree plantings, and the removal of the existing generator concrete pad.

### **CONSERVATION BOARD:**

- No comment.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated November 16, 2020.

### **QUESTIONS:**

- What type of generator are you proposing to install?
- What is the dBA level of the proposed generator? Are you enclosing with a Level 2 enclosure?

- Why are you relocated the new generator to a new location?
- What are the dimensions of the generator and enclosure?
- Where is the existing wood frame shed being relocated to?
- How is the generator being screened from the abutting roadways?

**SEQRA:**

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

**APPLICATION:**

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

1. The project shall comply with the most current Building & Fire Codes of New York State.
2. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
7. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Maintenance of landscape plantings shall be guaranteed for three (3) years.

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9. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. All 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.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
12. The generator shall have a Level 2 enclosure.
13. All comments and concerns of the Town Engineer as contained in the attached memo dated November 16, 2020 from Town Engineer, Evert Garcia, Ramsey Boehner, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 11P-03-20

**Date:** November 18, 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:** Application of the University of Rochester, owner

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Modification to install a new backup emergency generator

**Location:** 250 East River Road.

**Reasons Supporting This Determination:**

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

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The requirements of the State Environmental Quality Review Law have been complied with.
4. The duration of all impacts will be short term in nature.
5. There will be no resources of value irreversibly lost.

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

Date: November 16, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 11P-02-20*

*Application of the University of Rochester, Owner, for Site Plan Modification to install a new backup emergency generator.*

*250 East River Road*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's 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. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractor(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process.
4. Details and cut sheets for the new emergency standby generator should be provided with the plans. The cut sheets should include documentation of the noise level associated with proposed generator measured in decibels.
5. A detail for the new generator enclosure should be provided with the plans.
6. How is fuel being provided for the temporary generator? Will the demolition of the existing fuel lines affect the temporary generator? Will standalone fuel storage tanks be required in the interim?
7. The proposed improvements must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The plans should be submitted to the Town Fire Marshal for review and comment.
8. What is the total area of disturbance associated with the proposed improvements?
9. Are there any windows near the proposed exhaust piping?
10. The final site plan shall be stamped by a professional engineer or land surveyor, licensed to practice in the State of New York.

**Plans:**

1. *Demolition Plan, Drawing No. C001*
  - a. Where is the existing wood frame shed being relocated to? The new location of the wood frame shed should be depicted on the plans.
2. *Site and Utility Plan, Drawing No. C002*
  - a. The location of the steel frame and concrete piers should be show on the site plans.
3. *Grading & Erosion Control Plan, Drawing No. C003*

- a. The 538.8 contour line does not appear to coincide with the generator pad detail and spot elevations provided for the generator pad. Please review and revise, as necessary.
- b. Will the proposed location of the temporary generator cause ponding of stormwater trying to enter the drainage inlet behind the generator? Please review.

**Details:**

1. A pavement transition detail which shows how the new heavy-duty pavement will be tied into the existing pavement section should be included with the plans.
2. The filter fabric drop inlet details should include more appropriate installation options for pavement areas.
3. What is the purpose of the 1" drain valve to grade depicted on Detail 1 on Sheet P501?

## PLANNING BOARD REPORT

**HEARING DATE:** November 18, 2020

**APPLICATION NO:** 9P-NB1-20

**APPLICATION SUMMARY:** Application of The Baptist 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.

### COMMENTS:

- The subject property is presently zoned RLA, Residential Low Density.
- The total project area is 4.8 acres.
- The proposed office use is not a permitted use in the RLA district. A use variance must be obtained from the Zoning Board of Appeals.
- The proposed site improvements include additional paved area in the rear yard resulting in an increase of paved area from 52.3% to 65%. An area variance must also be obtained from the Zoning Board of Appeals.
- The proposed gross square footage the building is 41,000 square feet. The applicant is proposing 35,200 sf of professional office and 6,000 sf of medical office. The applicant is also proposing to have a day care in the building that is not included and addressed in the traffic or parking study. The traffic and parking study must be revised include and address the day care center. A parking variance may be required based on the information presented in the revised study.
- The provided trip generation report by SRF Associates does not consider the interim scenario where the daycare facility is operating in conjunction with proposed office use. The applicant's engineer has indicated that the existing daycare center will continue to operate for the next three years. The report must be revised to consider the worst-case scenario of the proposed office use operating in conjunction with the daycare facility. In addition, a Traffic Impact Study should be prepared to identify potential impacts to traffic operations at off-site intersections and adjacent roadways. The traffic impact study must be submitted to authority having jurisdictions such as the Monroe County Department of Transportation, New State Department of Transportation and the Town of Brighton for review.
- The project is an unlisted Action pursuant to SEQR. The Planning Board may want to coordinate the review with the other involved agencies.
- The buildings will require approval from the Architectural Review Board.

- A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be submitted.

## **CONSERVATION BOARD:**

- In general, the Board does not have any major concerns regarding the re-purpose of the existing church building for professional offices. The two story addition will not appear too big and maintains a 105 ft. setback from Highland Avenue.
- As stated earlier, the western boundary between the parking lot and neighbors on Council Rock Avenue needs to be properly screened as required by code regulations. This screening should be installed by the applicant on the church/office property and not be reliant on the neighboring properties fencing to meet code requirements.
- The sidewalk along Clover Street should be repaired not removed.
- It appears some green infrastructure techniques are being incorporated, can this be expanded?

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated November 16, 2020.

## **QUESTIONS:**

- What are the proposed uses for the building?
- Are you proposing to have a day care in the building? Why wasn't the daycare use included in the traffic and parking study?
- What is the status of the necessary use and area variances?
- 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 parking lot be lighted? What type of lighting are you proposing to install? Will they be LED and dark sky compliant? What is the color temperature of the lights? What is the proposed height of the parking lot lighting?
- The photometrics provided indicate that the light fixtures proposed at the entrance drives to the site have light intensity values ranging from 5.2-foot candles to 7.5-foot candles. Are these fixtures fully shielded?
- What type of screening are you providing along the western boundary between the parking lot and neighbors on Council Rock Avenue?
- What type of provisions are you providing for trash?

- Do you propose to install a fire sprinkler system?
- Will any existing trees be retained?
- Why are trees 11,12,15, and 16 designated for removal at the time of construction of the addition and/or the banked parking areas as called out on Note 3 of this sheet? The aforementioned trees do not appear to be impacted by the construction of the building addition and/or the banked parking areas.
- The plans indicate that the existing playground will be removed as part of the demolition of the site. Is the playground to be relocated for the daycare center?
- Have you verified that all radii are large enough for 40' long fire ladder truck?
- Will a generator be provided?
- Where will the HVAC units be located?

#### **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 architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.
3. All parking lot lighting shall be low in height and intensity and directed toward the building.
4. 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
5. 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.
6. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
7. 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.

8. All County Development Review Comments shall be addressed.
9. The parking lot lights shall be placed on a timer.
10. The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted with the final application.
11. The location of any proposed generators shall be shown on the site plan.
12. The location of the HVAC shall be shown on the site plan
13. All comments and concerns of the Town Engineer as contained in the attached memo dated November 16, 2020 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
14. A letter or memo in response to all Planning Board and Town Engineer comments and requirements shall be submitted.
15. The plans shall be revised to address the following comments of the Conservation Board:
  - a. The western boundary between the parking lot and neighbors on Council Rock Avenue needs to be properly screened as required by code regulations. This screening should be installed by the applicant on the church/office property and not be reliant on the neighboring properties fencing to meet code requirements.
  - b. The sidewalk along Clover Street should be repaired not removed.
  - c. It appears some green infrastructure techniques are being incorporated, can this be expanded?
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.
17. Pursuant to SEQRA, Town Staff shall be coordinated the review with the other involved agencies.
18. The provided trip generation report by SRF Associates does not consider the interim scenario where the daycare facility is operating in conjunction with proposed office use. The report must be revised to consider the proposed office use operating in conjunction with the daycare facility. In addition, a Traffic Impact Study (TIS) should be prepared to identify potential impacts to traffic operations at off-site intersections and adjacent roadways. The TIS must be submitted to authority having jurisdictions such as the Monroe County Department of Transportation, New State Department of Transportation

and the Town of Brighton for review. The scope of the TIS shall be reviewed and approved by Town Engineer and the authorities having jurisdiction.

19. The parking study must be revised include and address the day care center. A parking variance may be required based on the information presented in the revised study.
20. A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must submitted.
21. The proposed buffer between the proposed parking and neighboring properties shall be increased.
22. The cut sheets for the proposed light fixtures should highlight the model to be used on site. The proposed fixtures should be full shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.



Town of  
**Brighton**

# Public Works Department

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

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

Date: November 16, 2020

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 9P-NB1-20*

*Application of Baptist Bible Temple, Owner, and Clover Park Properties, LLC, Contract Vendee, for Preliminary Site Plan Approval to convert an existing church building into high end office space and construct a two-story 10,000 sf building addition.  
1075 Clover Street*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration:

**General:**

1. We await to review the Engineer's estimate to establish the value of the letter of credit. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: restoration, utility improvements, stormwater water management facilities, landscaping and sediment and erosion control. An original Letter of Credit must be received by the Town prior to the start of construction.
2. The Town of Brighton Fire Marshal awaits to 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>.
3. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities 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. A note indicating this requirement should be included on the plans.

**Sustainability:**

1. Technical design calculations for the proposed porous pavement areas should be provided in the SWPPP.

**Roadway and Traffic:**

1. The provided trip generation report by SRF Associates does not consider the interim scenario where the daycare facility is operating in conjunction with proposed office use. The applicant's engineer has indicated that the existing daycare center will continue to operate for the next three years. The report must be revised to consider the worst-case scenario of the proposed office use operating in conjunction with the daycare facility. In addition, a Traffic Impact Study should be prepared to identify potential impacts to traffic operations at off-site intersections and adjacent roadways. The traffic impact study must be submitted to authority having jurisdictions including the Monroe County Department of Transportation, the New York State DOT, and the Town of Brighton for review.
2. The provided parking demand analysis does not consider the interim scenario where the daycare facility is operation in conjunction with the proposed office use. Is there sufficient parking to accommodate this scenario? Please provide supporting documentation.

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- We await to review a turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles.

#### Engineer's Report:

- The provided sanitary sewer calculations should be revised to consider the daycare facility use in conjunction with office building use under the proposed scenario. In addition, the capacity of the sanitary sewer lateral being used to serve this development should be included in the calculations.
- The proposed project is located within the Irondequoit Creek Watershed (IWC) and appears to exceed the thresholds for requiring a stormwater management report identified in the Irondequoit Creek Watershed Stormwater Management Report Requirements Packet for Developers. Please develop and submit a SWPPP which addresses the IWC requirements.
- We await to review a full SWPPP for this project. A detailed review of the stormwater calculations cannot be completed until a complete SWPPP has been provided. 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.
- Calculations which demonstrate how the proposed improvements meet the unified stormwater sizing criteria (water quality, runoff reduction, channel protection, overbank flood control, and extreme flood management) as outlined in the latest NYS Stormwater Management Design Manual should be provided.
- The proposed drainage area maps indicate that stormwater runoff from drainage area 4S is being re-directed towards a Town of Brighton storm sewer system located north of the site. This new point of discharge from the development should be evaluated as a distinct point of analysis in the stormwater runoff computations. How will the increase in stormwater runoff rates to this point of discharge be mitigated?
- The existing drainage areas do not appear to be accurately delineated based on the topography of the site. The existing topography suggests that the 463 contour along the western property line is a low spot and should be evaluated as a distinct point of analysis. Similarly, it is difficult to discern how stormwater runoff near the southwest corner of the site can discharge to analysis point 5L under existing conditions. Please review.
- The designer is proposing to redirect stormwater from the southwest corner of the property towards the Clover Street right of way via a drainage swale. There are no storm sewers currently available on Clover Street to collect the concentrated discharge from the proposed swale and underdrain systems. Where will this stormwater runoff ultimately discharge to? This situation must be mitigated on-site.
- The Town storm sewer system which is being connected to should be evaluated for adequacy of existing conditions and hydraulic capacity.
- The size and material of the storm sewer system being connected to should be called out on the plans.
- The flow paths used to develop the Tc for all the drainage areas should be included in the SWPPP.
- Evaluation of the 25- and 50-year storm events should also be considered in the stormwater runoff computations. A table comparing the stormwater runoff rates for all storm events under existing and proposed conditions should be included with the SWPPP.
- Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the demands associated with this project must be provided.

#### Plans

- Existing Conditions and Demolition Plan, Sheet 1 of 7*
  - The plans indicate that the boundary information provided are referenced from plans by others and shown for graphical representation only. Sufficient survey information to precisely define the boundaries of the property must be provided. The benchmark used for horizontal and vertical controls for this project must be provided on the plans.
  - Why are trees 11, 12, 15, and 16 designated for removal at the time of construction of the addition and/or the banked parking areas as called out on Note 3 of this sheet? The aforementioned trees do not appear to be impacted by the construction of the building addition and/or the banked parking areas.
  - The plans indicate that the existing playground will be removed as part of the demolition of the site. Is the playground to be relocated for the daycare center which will operate on this site for another three years?
  - Will the existing water service and spigot called out in the northern lawn area be abandoned as part of the demolition?
  - The footprint of the proposed building addition appears to conflict with the location of an existing grease trap. What is the applicant's intent with the existing grease trap? Please review and clarify.
  - Where does the 3' diameter crock in the front of the building with the crushed pipes connect to? Will this feature be repaired as part of the proposed improvements?

2. *Utility Plan, Sheet 3 of 7*
  - a. Will this project require a backflow prevention device? If so, will the device be located inside of the building or will a hot box be required?
  - b. Where does the inlet manhole just east of the proposed addition connect to?
  - c. A detail for the proposed yard overflow structure should be provided on the plans.
  - d. A detail for the sanitary sewer lateral and cleanout should be provided on the plans.
  - e. What is the size and material of the storm sewer system being connected to?
  - f. Is the underdrain along the southern property line depicted on this being installed as part of the initial build out of the site or at the time of construction of the porous pavement?
3. *Grading and E.C. Plan, Sheet 4 of 7*
  - a. Orange construction fencing for all trees which are to remain should be depicted on this sheet.
  - b. The location of soil stockpiles should be depicted on this sheet.
  - c. The location of material storage and staging areas should be depicted on this sheet.
  - d. The logs associated with the perc tests performed should be included in the SWPPP.
  - e. The limits of disturbance calculations should include areas which are to be disturbed for proposed utility work and proposed site grading.
4. *Landscape and Lighting Plan, Sheet 5 of 7*
  - a. The cut sheets for the proposed light fixtures should highlight the model to be used on site. The proposed fixtures should be full shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.
  - b. The photometrics provided indicate that the light fixtures proposed at the entrance drives to the site have light intensity values ranging from 5.2-foot candles to 7.5-foot candles. Are these fixtures fully shielded?
  - c. A landscaping plan should be provided for the proposed infiltration facility
5. *Details*
  - a. Standard Town of Brighton sanitary sewer details should be provided on the plans.
  - b. A detail for the proposed connection to the storm sewer catch basin should be provided.
  - c. Standard Town of Brighton sidewalk details should be provided for areas that need replacement of the existing sidewalk in the right of way.