

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF APRIL 21, 2021  
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 April 21, 2021 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 March 17, 2021 meeting minutes.

CHAIRPERSON:      Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of April 15, 2021 will now be heard.

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4P-01-21      Application of the Country Club of Rochester, owner, for Site Plan Modification to construct three (3) clay tennis courts and 19 parking spaces on property located at 2935 East Avenue. All as described on application and plans on file. **POSTPONED TO THE MAY 19, 2021 MEETING AT APPLICANTS REQUEST**

4P-02-21      Application of 2290 East Avenue Properties, LLC, owner, for Site Plan Modification to construct an accessible ramp to an existing carriage house and add eight (8) parking spaces on property located at 2300 East Avenue. All as described on application and plans on file.

4P-03-21      Application of Insite Development, Inc., owner, for extension of site plan approval (6P-06-19) allowing for the construction of a single family dwelling on property located on Penfield Road (between 525 and 555 Penfield Road) known as Tax ID #123.17-2-25. All as described on application and plans on file.

## NEW BUSINESS:

9P-NB1-20      Application of Baptist Temple, owner, and Clover Park Properties, LLC, contract Revised Plans vendee, for Preliminary Site Plan Approval to convert an existing church building

into high end office space (construction of a 2 story, 10,000 sf building addition has been eliminated) on property located at 1075 Clover Street. All as described on application and plans on file. **TABLED - PUBLIC HEARING REMAINS OPEN**

CHAIRPERSON:      Announce that public hearings are closed.

OLD BUSINESS:

NONE

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**PRESENTATIONS:**

NONE

**COMMUNICATIONS:**

Letter Maggie and Charles Symington, 6 Whitney Lane, dated April 1, 2021, with comments and concerns regarding application 4P-01-21, 2935 East Avenue.

Letter from Andrew Spencer, BME Associates, dated April 5, 2021, requesting postponement of application 4P-01-21 to the May 19, 2021 meeting.

Letter from J. Michael Wood, Boylan Code, dated April 21, 2021 in opposition to application 9P-NB1-21, 1075 Clover Street.

Letter from Larry Heininger, P.E., Marques and Associates, dated April 21, 2021, with comments regarding application 9P-NB1-21, 1075 Clover Street.

**PETITIONS:**

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
<b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>			
<u>1605</u>	Starbucks 2750 Monroe Avenue	Bldg Face Signs Freestanding Signs Direction Signs	3/23/21
ARB - Approved as presented.			
<u>1606</u>	Lakeside Restorations 1 1833 Monroe Avenue	Bldg Face Sign	
<b>OLD BUSINESS</b>			
<u>1604</u>	Upper Cervical Chiropractic of Rochester 749 E. Henrietta Road	Bldg Face Sign Freestanding Sign	2/23/21
ARB - Tabled Freestanding sign okay. The building face sign must not overlap the architectural arch details.			
<b>PB - TABLED</b>			

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## quesiton about item 4A-07-21 for zoning board of appeals on 4/7

1 message

**Maggie symington** <maggielondon2000@gmail.com>  
To: rick.distefano@townofbrighton.org

Thu, Apr 1, 2021 at 2:13 PM

Hi Rick -

we have a several of questions regarding CCR's variance request for the tennis courts.

1) is there any setback code for tennis courts? in their application dated March 15, in answer to question 1, they state: "Additionally, approximately 175' exists between the proposed tennis courts and the nearest property line." It is clear from the diagram, however, that the tennis courts are in fact located much closer to the property lines of #3 and #5 Whitney Lane (it is certainly less than 100', judging both by the length of parking spots and the width of the proposed tennis court).

2) Are there any restrictions on tennis court lighting? We are a bit concerned, because they have moved the orientation of the courts further towards Whitney Lane than the existing footprint of the ice rink, and they have added extensive lighting, which they implied they weren't going to. This means there will be light and noise at night, both of which will be detrimental to the adjoining neighbors. And the proposed new tennis courts with lighting have a more significant impact on neighbors than a lighted ice rink that operates at most 3 months a year, in the winter, when most neighbors are inside (and in fact, in the past few years, the ice rink has only been operational approximately 10 days each year).

3) The shed they reference seems not to be fixed spatially, as it is sometimes referred to as being 185' from the nearest property line (e.g., question 1) and 175' from the property line (question 3).

4) The 16' fence height along the golf course side of the proposed courts will certainly be necessary to protect tennis players from stray golf balls. However, they state in question 1 that "the project will provide nearly contiguous (sic) evergreen plantings between the tennis court and the golf course which will aid in disguising the fence from view." That's nice for the golfers (an internal property view), but does nothing for shielding adjoining neighbors from the sight of a 16' fence.

5) What are the requirements for them to plant new landscape shielding for the Whitney Lane residents? They state, in question 5, that "this area is visually shielded from neighboring properties by existing mature trees and shrubs." This was more true before they cut down several trees recently in order to make way for a shift in the orientation of the tennis courts from the existing footprint of the ice rink.

6) We don't see that they've asked for a variance for the additional parking spots they plan to add (and the plan they submitted to the town has even more spots than originally shown to the members for approval)? is that because the additional spots are all on 'their' side of the access road? does that imply that they can continue to add as many parking spots as they want, as long as they are all on the "inside" of the access lane?

7) are there any restrictions that the town could impose in exchange for granting all of these variances? For example, could the town require that the lighting on the new tennis court be off from 10pm-8am? could there be a restriction on CCR cutting down healthy mature trees that provide neighbor shielding?

The addition of 3 lighted tennis courts and 19 new parking spaces will absolutely adversely affect adjacent Whitney Lane residents. Whether those adverse affects can be mitigated is the question. However, these additions will certainly lower the property values of the houses on the CCR side of Whitney Lane.

Thank you,  
Maggie & Charlie Symington  
6 Whitney Lane  
585-586-0681



April 5, 2021

Planning Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618  
Attn: Rick DiStefano

**Re: Country Club of Rochester – Tennis Court**

**2439B**

Dear Board Members:

On behalf of the Country Club of Rochester, we request to post-pone the April 21<sup>st</sup> Planning Board meeting presentation. We will be submitting a revised Site Plan application by April 20<sup>th</sup> to be placed on the May 19<sup>th</sup> meeting agenda.

Thank you for your consideration.

Sincerely,  
BME ASSOCIATES

Andrew R. Spencer, RLA

/ARS

Encl.

c: Mike Smith; Country Club of Rochester  
Rick Holfoth; Country Club of Rochester

April 21, 2021

**Via Email**

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

Re: Application of Baptist Temple and Clover Park Properties, LLC for Preliminary Site Plan Approval to Convert an Existing Church Building into Office Space on Property Located at 1075 Clover Street

Dear Planning Board Members:

We are co-counsel, along with Nixon Peabody LLP, for the Country Club Condominium Board of Managers and submit this letter in opposition to the application by Baptist Temple and Clover Park Properties, LLC for preliminary site plan approval of the redevelopment of the property located at 1075 Clover Street (the “Property”). The Property is located on the southwest corner of the intersection of Clover Street and Highland Avenue. Country Club Condominium is located directly across Highland Avenue from the Property. We oppose the proposed project and request that the Planning Board not approve the preliminary site plan. We also intend to oppose the applicant’s application to the Zoning Board of Appeals for a use variance.

**State Environmental Quality Review Act (SEQRA)**

As an initial matter, the Planning Board must conduct a review of the proposed project pursuant to SEQRA. We respectfully submit that the Planning Board should issue a positive declaration under SEQRA and require an Environmental Impact Statement because the proposed project has the potential for one or more significant adverse environmental impacts.

In determining whether a proposed project may have a significant adverse impact on the environment, “the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [6 NYCRR 617.7(c)].” 6 NYCRR 617.7(c)(1) contains an illustrative, but not exhaustive, list of criteria that are considered indicators of significant adverse impacts on the environment. The proposed project implicates at least the three of the items in the list of criteria: (iv) the creation of a material conflict with a community’s current plans or goals as officially approved or adopted; (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; and (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. *See* 6 NYCRR 617.7(c)(1)(iv); (v); and (viii).

The proposed project creates a material conflict with the Town of Brighton’s current plans or goals as officially approved or adopted because, as discussed more fully below, the proposed project conflicts with the Town’s Zoning Ordinance and Comprehensive Plan Update.

*See* 6 NYCRR 617.7(c)(1)(iv). The proposed project impairs the existing community or neighborhood character because, again as discussed more fully below, it will bring a new, commercial use into a residential neighborhood. *See* 6 NYCRR 617.7(c)(1)(v). The proposed project will result in a substantial change in the use of land because the project changes the current use of the Property from use for a church and daycare, both of which are conditionally permitted uses under the current zoning, to a commercial use that is not permitted under current zoning. *See* 6 NYCRR 617.7(c)(1)(viii).

As the proposed project undoubtedly significantly implicates three of the criteria set forth in 6 NYCRR 617.7(c), the project certainly may have a significant adverse impact on the environment, including but not limited to on the neighborhood character. *See* New York State Environmental Conservation Law § 8-0105(6). Accordingly, it is respectfully submitted that the Planning Board should determine that the proposed project may have a significant adverse impact on the environment, which in turn requires preparation of an Environmental Impact Statement.

### **Preliminary Site Plan Approval**

As discussed above, the Planning Board should require an Environmental Impact Statement pursuant to SEQRA, and therefore delay any decision on applicant's application for preliminary site plan approval until completion of the SEQRA process. To the extent the Planning Board acts on the application for preliminary site plan approval, we respectfully submit that it should not be approved.

The factors the Planning Board must consider during preliminary site plan review are set forth in Section 217-12(C) of the Brighton Town Code. Those factors include the project's “[o]verall impact on the neighborhood ...”; “[c]onformance with the Town Master Plan and other plans which the Town uses as a guide for appropriate development”; “[a]dequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls”; “[l]ocation, arrangement, appearance and sufficiency of off-street parking and loading areas”; and “[p]rotection of adjacent properties from noise, glare, unsightliness or other objectionable features.” *See* Brighton Town Code §§ 217-12(C)(10), 217-12(C)(11), 217-12(C)(1), 217-12(C)(3), and 217-12(C)(8).

### **Overall Impact on Neighborhood**

The project will have a negative “[o]verall impact on the neighborhood ...” *See* Brighton Town Code §§ 217-12(C)(10).

The proposed project involves the conversion of the existing building on the Property from use as a church to use as a commercial office building, including medical offices. The Property is located in a zoning district designated as Residential Low Density “A”. Permitted uses in the Residential Low Density “A” district are limited to single family detached dwellings, Town of Brighton municipal buildings, family child-care homes (meaning child-care provided in a home), and, subject to certain conditions, home occupations. Brighton Town Code § 203-2.1(A). Conditional uses in the district include uses that are typically found in a residential

district and are limited to places of worship, schools, private golf courses, fire and ambulance facilities, day care centers and comfort care homes. Brighton Town Code § 203-2.1(C).

The proposed project calls for a use not permitted at the Property and thus requires a use variance. The fact that the proposed project requires a use variance demonstrates that the development is not consistent with the surrounding neighborhood. It would bring a completely new commercial use, professional and medical offices, into a residential neighborhood and is inconsistent with, and will have a negative impact on, the surrounding residential uses. The medical offices in particular, which carry the potential for voluminous patient visits, will absolutely increase the traffic in the area and the intensity of the use of the Property.

Indeed, the proposed use is a commercial use in a district that is not only zoned residential, but is zoned as *low density* residential. The Property is surrounded on all sides by property that is zoned as residential. Additionally, by all outward appearances, all immediately surrounding properties are in fact used for residential purposes and do not have any commercial uses on them. The project therefore will certainly have a negative “[o]verall impact on the neighborhood.

In a prior Planning Board meeting, a statement was made that there was a restaurant and medical offices in the surrounding area. While there was a restaurant in the Venue building (formerly the Renaissance), it is believed that restaurant has not operated since approximately 2017. Moreover, not only is the Venue building property not on an immediately surrounding property, but it is surrounded by Route 590 on one side and multi-family uses on all other sides. Additionally, a restaurant use is neither a permitted use nor a conditionally permitted use in the zoning district in which the Venue building is located and so if the restaurant was in compliance with current zoning, it must have either had a use variance or been prior non-conforming use.

With respect to medical offices, there is no signage or other visibly recognizable indications of the presence of medical offices on any property immediately surrounding the Property. As is the case for a restaurant, medical offices are not a permitted use nor a conditionally permitted use in the zoning district in which any adjacent properties are located so if such a use did exist, it is only in compliance with current zoning if it has a use variance or was a prior non-conforming use.

#### Conformance with Town Master Plan.

The proposed project is not in “[c]onformance with the Town Master Plan and other plans which the Town uses as a guide for appropriate development.” *See* Brighton Town Code § 217-12(C)(11). The Brighton Comprehensive Plan Update specifically includes as one of its objectives “protect[ing] [the Town’s] established residential neighborhoods.” Envision Brighton 2028, Volume 2, page 12. Establishing an office park on the Property certainly does not protect the established residential neighborhoods that surround the Property on all sides, and include low density neighborhoods to the immediate west, south, and southeast of the Property.

The Brighton Comprehensive Plan Update identifies a number of areas within the Town for potential changes to the existing land use. *See* Envision Brighton 2028, Volume 2, page 25

et. al. None of the Land Use Recommendations in the Comprehensive Plan Update contemplate changing the land use or zoning of the Property or its surrounding area. *See Envision Brighton 2028, Volume 2, page 25 et al.*

The Project is thus inconsistent with both the Town's Zoning Ordinance and Comprehensive Plan.

Adequacy and arrangement of vehicular traffic access and circulation.

The applicant's updated traffic study focuses only on "peak" morning and evening commute times. Use of the Property for commercial and medical offices, however, will substantially increase traffic around the Property at all times of day. Medical office use particularly has the potential to very significantly increase the intensity of traffic throughout the day due to entering and exiting patients.

Location, arrangement, appearance and sufficiency of off-street parking and loading areas.

The proposed project expands the overall parking lot area on the Property. In particular, based on the Greenspace Figure submitted by Marathon Engineers prior to the March 17, 2021 Planning Board meeting, due to net increases of the parking area, the impervious areas on the Property will increase by a net 7,545 square feet, which is approximately 7.2% more than the existing impervious area.

Protection of adjacent properties from noise, glare, unsightliness or other objectionable features.

Apart from whether the existing roadways can handle the additional traffic associated with the proposed project, it is undeniable that the proposed project will subject the adjacent properties to increased noise and glare and other objectionable features due to increased traffic. As discussed above, the commercial office use, and even more so, the medical office use, will result in more traffic at and around the Property on a continuous basis throughout the day when compared to the current use of the Property as a church and daycare facility. Commercial and medical offices will also increase weekday evening traffic thereby increasing not only traffic noise, but headlight glare from increased traffic on weekday evenings.

For all of the foregoing reasons, we request that the Planning Board not approve the application for preliminary site plan approval.

Very truly yours,

BOYLAN CODELLP

Michael Wood

JMW/glc

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

**MARQUES & ASSOCIATES, P.C.**

LAND SURVEYING and ENGINEERING

930 East Avenue, Suite 1000

Rochester, NY 14607

(585)723-1820 Tel. (585)723-1821 Fax

Est. 1988

Israel L. Marques, PLS  
Laurence E. Heininger, PE, PMP

April 21, 2021

**Ramsey Boehner**  
**Town of Brighton**  
**2300 Elmwood Avenue**  
**Rochester, NY 14618**

**RE:      Baptist Temple- 1075 Clover Street**  
**Review of Application No. 9P-NB1-20**  
**PN M20211.1-1**

Ramsey:

As requested by the Country Club Condominium Board of Managers and Mick Woods at Boylan Code LLP we have reviewed the plans dated 4/7/2021 and response letter dated 4/7/2021. In general, there are many review comments from November 2020 that have not been addressed and the applicant is asking for Preliminary Approval.

Granting Preliminary Approval before the technical information has been generated is highly unusual. Preliminary Approval is usually granted to plans that are "shovel ready" and just need agency signatures. All technical reports and data should have been completed. They are saying, "Give us the approval and then we'll do the work to show this project is buildable"

There are also several disconnects in the plans and SEQR Short Form. Examples include:

The SEAF from October 2020 had several errors. The disturbance was noted as 0.80 acre+/- . When measured the area of disturbance was 2.1 acres. The most recent SEAF indicates the disturbance will be 0.4+/- acres. Measuring the area of disturbance on Sheet V 1.0 the actual area is 1.2 acre.

The "Action is consistent with the predominant character of the existing built or natural landscape". We disagree, the area is solidly high end residential and there are no other commercial uses in the region

Is the project "substantially contiguous to, a building which is listed on the National or state Register of Historic Places?" The Stone-Tolan House was listed on the National Register in 1983. It is located 290 yards from the site. That's less than one lap around a high school track. Or a good golf drive.

Given the controversy of this project and experience with other projects we question why a SEQR Long Form was not required.

## Plans and Reports

There is no hydrant flow data shown on the plans. This information is readily available from MCWA.

Parking provided is 155 spaces. That seems light. If 65 are required for office space and 54 are required for medical office space that leaves 36 for day care and other uses. The traffic report indicates 90 students. At one space for every 5 students, 18 spaces are required. Assuming 9 staff members only 9 spaces remain. The traffic report indicates other daytime uses as;

ABCRGR	2 people
Prayer Group's	5-10 people <u>afternoons</u> and evenings
Concerts	30-100 people, times not specified
Arts & Crafts	Tuesdays 10:00-3:00, attendance not noted

## Engineers Report

The response letter indicates that the sanitary flow will be less than existing. This does not seem correct. NYS Plumbing Code under A-3 Assembly, Places of Worship lists 1 water closet for every 150 men and 1 per 75 women. Lavatories are 1/200 for both. Under Business use/professional services the requirement is one water closet for the first 25 men and 1/50 thereafter. For Women it is the same requirement. Lavatories are 1/50 for both men and women.

This means the anticipated usage is 3 to 4 times greater for Business/Office use than a church, not "significantly less"

Further more NYSDEC Hydraulic Loading Rates for a church are 3 gpd/seat. Day Care is 20 gpd/child. Doctor's office and dentist are 250 gpd. An office building is 15 gpd/employee. Again, the wastewater volume is significantly more for the proposed use than the existing religious use.

The response notes 26,000 SF of disturbance. The plans show an area of 54,800 SF, which is double. Disturbance should include utility trenches to light poles, light pole excavation and tree removal.

The existing west and south parking area are proposed to be milled and overlayed. Inspection of this pavement indicates that it is dried out, there is significant alligator cracking and we question whether milling will "blow up" the pavement and expose the subbase. We note in the south parking lot there are significant areas where there is no asphalt and the gravel/dirt subbase is exposed.

The Executive Summary indicates traffic loading of:

AM Peak	42 entering/27 exiting
PM Peak	21 entering/46 exiting

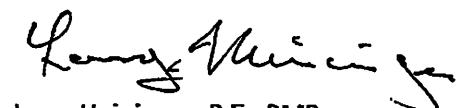
For comparison a 6-lot single family residential use developed under RLA zoning would generate:

AM Peak	1.1 entering/3.4 exiting
PM Peak	3.9 entering/2.2 exiting

The proposed use generates 38 x more traffic for the AM Peak Entering and 21 x more traffic for the PM Peak Exiting.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

Very truly yours,  
Marques and Associates, P.C.



Larry Heininger, P.E., PMP  
VP Engineering

xc: Israel Marques, PLS

D:\User\Documents\Marques\2020\Hanna-Clover Highland\Phase\H20211.1-1 Review of Marathon Re-submittal 042121.doc

## PLANNING BOARD REPORT

**HEARING DATE:** April 21, 2021

**APPLICATION NO:** 4P-02-21

**APPLICATION SUMMARY:** Application of 2290 East Avenue Properties, LLC, owner, for Site Plan Modification to construct an accessible ramp to an existing carriage house and add eight (8) parking spaces on property located at 2300 East Avenue.

### **COMMENTS:**

- The project will need to obtain a Certificate of Appropriateness from the Historic Preservation Commission.
- The Historic Preservation Commission will be reviewing the project at its May 22, 2021 meeting.
- The applicant must verify the ramp and the landing meeting all ADA requirements.
- The applicant must confirm that sufficient ADA compliant parking stalls are being provided to the meet the NYS Building Code requirements.

### **CONSERVATION BOARD:**

- Consider installing bicycle racks on the site.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated April 20, 2021.

### **QUESTIONS:**

- Has the project been reviewed by the Historic Preservation Commission?
- Will the ramp and the landing meeting all ADA requirements.
- Does number of ADA compliant parking stalls provided meet the NYS Building Code requirements?
- Will the new parking spaces be lighted?
- Are you proposing sprinklers as part of this project?
- Will any trees be removed as part of this project?
- Will any additional landscaping be planted as part of this project?

**SEQRA:**

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

**APPLICATION:**

1. If the Board entertains approval, I would suggest including, among any others suggested by the Board, the following conditions:
2. The project shall obtain a Certificate of Appropriateness from the Historic Preservation Commission.
3. A building permit should be obtained for the proposed ramp. The applicant must verify the ramp and the landing meeting all ADA requirements.
4. The applicant must confirm that sufficient ADA compliant parking stalls are being provided to the meet the NYS Building Code requirements.
5. An Excavation and Clearing Permit should be obtained as required by the Town Engineer for the installation of the proposed parking spaces,
6. The site plan shall be revised to show bike racks as recommended by the Conservation Board.
7. All proposed improvements shall comply with the most current Building & Fire Codes of New York State.
8. 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.
9. Meet all requirements of the Town of Brighton's Department of Public Works.
10. All Town codes shall be met that relate directly or indirectly to the applicant's request.
11. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
12. 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.

13. 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.
14. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
15. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
16. If new lighting is proposed for the new parking spaces, a lighting plan which shows the type, location and lighting contours shall be submitted to and review and approved by the Building and Planning Department.
17. 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.
18. All County Development Review Comments shall be addressed.
19. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
20. All comments and concerns of the Town Engineer as contained in the attached memo dated April 20, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
22. 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.



Town of  
**Brighton**

# Public Works Department

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

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

## MEMO

Date: April 20, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: 4P-02-21

*2290 East Avenue Properties, LLC*

*Site Plan Modification to construct an accessible ramp to an existing carriage house and add eight (8) parking spaces  
2300 East Avenue*

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

**General:**

1. All approvals from other jurisdictional agencies must be obtained prior to the Town endorsing the final plans.

**Sustainability:**

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.

**Engineer's Report:**

1. The applicant's engineer has indicated that the new water service should be labeled as a 1" domestic service instead of the 6" service called out on the plans. What is the material type proposed for the new 1" water service?
2. Copies of the MCDOH and MCWA approvals for the new domestic water service should be forwarded to this department for our records.

**Plans**

1. *Drawing No. 2578-08, Site, Utility, and Grading Plan*
  - a. Does the storm sewer in the middle of the parking lot connect to the NYS storm sewer system located to the north of the site? If not, where does the storm sewer in the parking lot discharge to?
  - b. Does the storm sewer manhole located to the north of the proposed parking area have a grated cover? If so, erosion control measures such as filter socks should be provided.
  - c. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.
  - d. The plans indicate that sheets 5-7 provide more information on the water service improvements and the backflow preventer. The aforementioned sheets were not submitted with the application packet. Please submit accordingly.
  - e. Jute mesh stabilization should be provided on all slopes greater than or equal to 3 horizontal vs 1 vertical. It appears that the graded area to the south of the new parking spaces meets this criteria and should be called out accordingly on the plans.
  - f. Does the landing for the proposed ADA ramp meet the minimum size requirements?



2300 East Avenue

April 20, 2021

- g. The plans indicate that four (4) ADA parking stalls will be removed/relocated and two (2) ADA parking stalls will be installed in the new parking area. Please confirm that sufficient ADA compliant parking stalls are being provided to meet the NYS Building code requirements.

**Details**

1. The following details should be incorporated into the plans:
  - a. A pavement transition detail should be provided on the plans.
  - b. Details for the appropriate erosion control measures should be provided on the plans.
  - c. A construction detail for the proposed planter should be included on the plans.



## State Environmental Quality Review

### NEGATIVE DECLARATION

#### Notice of Determination of Non-Significance

**Project Number:** 4P-02-21

**Date:** April 21, 2021

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 2290 East Avenue Properties, LLC, owner

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Modification to construct an accessible ramp to an existing carriage house and add eight (8) parking spaces.

**Location:** 2300 East 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 storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements.
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

## PLANNING BOARD REPORT

**HEARING DATE:** April 21, 2021

**APPLICATION NO:** 4P-03-21

**APPLICATION SUMMARY:** Application of Insite Development, Inc., owner, for extension of site plan approval (6P-06-19) allowing for the construction of a single family dwelling on property located on Penfield Road (between 525 and 555 Penfield Road) known as Tax ID #123.17-2-25.

### **COMMENTS:**

- Preliminary/Final Site Plan Approval was granted on July 19, 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, which in this case is June 19, 2021.
- The Final Site Plan has been signed by both the Town Engineer and the Commissioner of Public Works.
- Due to the current pandemic, the applicant/owner of the site has experienced hardship in securing a buyer for the parcel and continues to market the project site for sale and construction of a new home.
- The owner desires to coordinate the installation of the site driveway and utility installation (sanitary sewer) as the initial phase to prepare the site for future construction.
- The owner is aware of the site plan approval timeframes and expiration timeframe of June 2021 and acknowledges that, if all necessary Town permits are not secured prior to the site plan approval expiration date, he will re-apply for site plan approval with the Town Planning Board.

### **QUESTIONS:**

- When do you plan on commencing construction of the 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. Site Plan Approval shall expire on June 19, 2021 no further extensions shall be granted.
2. If all necessary Town permits are not secured prior to the site plan approval expiration date, the applicant shall re-apply for site plan approval with the Town Planning Board in order for construction of the project to commence.
3. All conditions of approval of Planning Board application 6P-06-19 shall remain in effect and shall be met.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 4P-03-21

**Date:** April 21, 2021

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 Insite Development, Inc

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Extension of site plan approval (6P-06-19) allowing for the construction of a single family dwelling

**Location:** Penfield Road (between 525 and 555 Penfield Road) known as Tax ID #123.17-2-25.

**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.
5. The requirements of the State Environmental Quality Review Law have been complied with.

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

## PLANNING BOARD REPORT

**HEARING DATE:** April 21, 2021

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

**APPLICATION SUMMARY:** Application of 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 (construction of a 2 story, 10,000 sf building addition has been eliminated) on property located at 1075 Clover Street.

**COMMENTS:**

- The subject property is presently zoned RLA, Residential Low Density.
- A Traffic Impact Study (TIS) was prepared for the Project and submitted to the Town for review. The TIS was submitted to and reviewed by NYSDOT and MCDOT. Letters declaring no impact have been provided by MCDOT and NYSDOT (see attached letters). The Town Engineer has reviewed the TIS and concurs with both the NYSDOT and MCDOT.
- The Planning Board has coordinated the review and the involved agencies concur with the Planning Board being lead agency for this project. At the March 17, 2021 Planning Board meeting, the Planning Board declare itself lead agency. The Planning Board must make a determination of significance regarding the Project's environmental impact.
- 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 applicant has submitted the necessary use variance to the Zoning Board of Appeals. The application will be heard on May 5, 2021. The Planning Board must make a determination of significance regarding the Project's environmental impact prior to the Zoning Board Appeals make a decision on the application. Town Staff has prepared a negative declaration for the Board consideration.
- Due to the modification made to the Project, the use variance is the only approval the Project need from the Zoning Board of Appeals.
- The total project area is 4.8 acres.
- The proposed site changes include a reduction paved area in the rear yard resulting in a decrease of paved area from 52.3% to 49.6%.

- The 10,000 sf addition has been removed. The applicant is proposing 16,200 sf of professional office and 8,000 sf of medical office, and 7,000 sf for a daycare. The day care in the building will remain for the foreseeable future and is now included in the Traffic Impact Study. Parking along the loop at Clover Street was also removed.

#### **CONSERVATION BOARD:**

- The Board reviewed the revised plans and supports the reduction in building square footage, reduction of impervious surface and the retaining of trees that were originally planned to be removed. This revision helps soften the office use in a residential district.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated April 19, 2021.

#### **QUESTIONS:**

- What has changed from the previous proposal?
- Has the daycare been included in the TIS? Has the MCDOT and the NYSDOT reviewed the TIS?
- What is the status of the use variances?
- What are the proposed square footages of the proposed uses for the building?
- How many parking spaces does the day care require?
- What is the area of disturbance for the site improvements? Will a SWPP be required?
- Will the proposed banked parking be restored to lawn area?
- 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?
- Will the existing mature trees be retained in the front yard?
- Have you verified that all radii are large enough for 40' long fire ladder truck?

#### **SEQRA:**

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

## **APPLICATION:**

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

1. All required variances shall be obtained.
2. The architectural design and building materials of the proposed building improvements 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 April 19, 2021 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 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. A SWPP will be required if area of disturbance is greater than 20,000 sf.
17. 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.
18. 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 and fencing shall be depicted on the plans.
19. The submitted plans shall be revised to show how many parking spaces are required for each use proposed for the building.



Town of  
**Brighton**

# Public Works Department

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

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

Date: April 19, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

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

*Application of 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 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. Some of the comments included below were developed as part of our previous review of Planning Board Application 9P-NB1-20. Our understanding is that the applicant's engineer will address all of the comments outlined below subsequent to the project's use variance determination.

#### **General:**

1. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water service, stormwater water management improvements, 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. The project will require multiple jurisdictional approvals. All approvals must be obtained prior to the Town endorsing the final plans.
3. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>

#### **Roadway and Traffic:**

1. We have received and reviewed the final draft of the Traffic Impact Study (TIS) for this development. We concur with the conclusions from authority having jurisdictions, including the Monroe County Department of Transportation and the New York State DOT, that this development should have minimal impact to traffic operations at off-site intersections and adjacent roadways. We have no further comments in this regard.

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

1. A final draft of the Engineer's Report which considers the current proposal must be provided. The report must provide technical information regarding sanitary demand, change in runoff, and need for stormwater quality/quantity mitigation.
2. The capacity of the sanitary sewer lateral being used to serve this development should be evaluated in the engineer's report.
3. The proposed project is located within the Irondequoit Creek Watershed (IWC) and appears to exceed the thresholds for requiring a stormwater management report as identified in the Irondequoit Creek Watershed Stormwater

Management Report Requirements Packet for Developers. Please develop and submit a SWPPP which addresses the IWC requirements.

4. 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 area of disturbance for this development?
5. The previously provided drainage area maps indicated that stormwater runoff from drainage area 4S would be re-directed towards a Town of Brighton storm sewer system located north of the site. Is this new point of connection still being considered as part of the revised proposal? If so, the Town storm sewer system which is being connected to should be evaluated for adequacy of existing conditions and hydraulic capacity.
6. Updated stormwater modeling and delineation of drainage areas consistent with the revised proposal should be developed and submitted for review.
7. The designer is proposing to re-direct 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. Concentrated discharge from the development should not be directed towards Clover Street and this situation must be mitigated on-site.
8. 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

1. *Existing Conditions and Demolition Plan, Sheet 1 of 7*
  - a. The plans indicate that the boundary information provided are referenced from plans by others and shown for graphical representation only. The Brighton Town Code states that as part of the final site plan approval: *In whatever manner is practical, the site boundary shall be referenced from two directions to establish United States Coast and Geodetic Survey monuments or New York State Plan Coordinate monuments. In the event that such monuments have been obliterated, the site boundary shall be referenced to the nearest highway intersections or previously established monuments. Any combination of types of reference points may be accepted which would fulfill the requirement of exact measurements from the boundary to reference points previously established for or by a public agency.* Please provide sufficient survey information to meet the required site boundary criteria prior to final site plan approval.
2. *Layout Plan, Sheet 2 of 7*
  - a. A surface treatment legend should be provided on this sheet. It is difficult to discern the surface treatment/improvements being proposed throughout the parking lot on this sheet.
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 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 fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.
  - b. The provided lighting plan indicates that light spill across the Clover Street and Highland Avenue right of way of up to 2 footcandles will be emitted as part of the proposed development. The illuminating engineering society (IES) suggests that light spill from commercial properties should not exceed 0.1 footcandles. Can this situation be mitigated? How do the proposed photometrics compare to existing conditions?

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 9P-NB1-20

**Date:** April 21, 2021

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:** Office Conversion – Clover Park Properties, LLC

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Conversion of an existing church building into high end office space on property located at 1075 Clover Street.

**Location:** 1075 Clover Street, Brighton N.Y., Monroe County

**Reasons Supporting This Determination:**

Based on information submitted to the lead agency and after considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant, the Criteria for determining significance in the SEQR regulations and other supplemental information, documentation, testimony and correspondence, the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following findings:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance.

The Project will not create any significant adverse impact in the existing air quality or water quality, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project can be sufficiently served by existing utility infrastructure, including water and sanitary sewer facilities. The storm water drainage system will be designed and will be constructed in accordance with all applicable Town requirements. Approximately 26,000 sf of disturbance will occur as part of the Project. All SWPPP and/ or storm water requirements will be complied with as part of the Project. The storm water drainage system will be designed and will be constructed in accordance with all applicable Town requirements. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.

2. Noise, Visual, and Neighborhood Character.

The Project will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. The Project will be visible from the Highland Avenue, Clover Street and neighboring properties. The appearance of the property will remain largely unchanged. Minimal site improvements will be made to the property and the exterior of the building. There are no additions or increase in building density proposed as part of this Project. The existing lot coverage has been reduced to 49.6% from 52.3%. The site lighting improvements will be consistent with the existing lighting levels and will be Dark-Sky compliant LED fixtures. No trees will be removed in the front yards. The large front yard park-like setting will be maintained with the existing trees and lawn. Attractive landscaping features throughout the remainder of the Project site will be installed, thereby further minimizing any potential noise, visual or community character impacts.

The nature of the improvements to be made as part of this Project and the intensity of the proposed uses are consistent with the existing uses within the surrounding neighborhood (i.e., single family residential and high density residential with a mixed of use office and restaurant).

The project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed uses or will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.

3. Agriculture, Archeology, Historic, Natural, or Cultural Resources.

The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The NYS Cultural Resource Information System (CRIS) indicates that the project area is located near archaeologically sensitive areas. Minimal site improvements disturbance will be made to the property. The Project area has also been previously disturbed during the construction of the existing parking areas and church. There are no known archaeological resources within project site.

4. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species, Wetlands, Flood Plains.

The Project will not have a significant adverse impact on plant or animal life. The property does not host any threatened or endangered species, and therefore the Project will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the property, and the property is not within any designated floodway or floodplain. Therefore, the Project will have no significant adverse impact on any wetlands or floodplains.

5. Community Plans, Use of Land, and Natural Resources.

The project is located in a RLA- Residential District and will need to obtain a use variance pursuant to NYS Town Law Section 267-b and Chapter 219 of the Code of the Town of Brighton from the Zoning Board of Appeals to convert the existing church building into high end office space. The Town's Comprehensive Plan does not specifically address the property. The Project is consistent with a number of the Plans recommendations. The project will foster a mix of residential and commercial investment that promotes vitality and walkability. The project will continue to preserve trees in reasonable health and condition. The project also includes appropriate tree replacement measures. No trees in front yards will be removed. Minimal site improvements will be made to the property and the large front yard park-like setting will be maintained with the existing mature trees and lawn. Attractive landscaping features will be installed throughout the Project site. The project will minimize any adverse effect on the health and longevity of trees through appropriate design measures and construction practices. The Project will have no adverse impacts on the natural resources found on the site.

6. Critical Environmental Area.

The Project will not have an impact on any designated Critical Environmental Area as set forth in 6 N.Y.C.R.R. Section 617.14(g).

7. Traffic.

The Project will not have a significant adverse impact on vehicular, bicycle, or pedestrian traffic. A Traffic Impact Study (TIS), dated February 2021 prepared by SRF Associates was prepared for the project. The TIS identifies and evaluates the potential traffic impacts that can be expected from the proposed office conversion. The results of this study determine that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to study area intersections. The TIS has been reviewed by the Monroe County Department of Transportation (MCDOT) and New York State Department of Transportation (NYSDOT). The Monroe County Department of Transportation concurred with TIS that this development will have no significant impact to the Monroe County DOT roadway network. New York State Department of Transportation agreed "that there should be minimal impact to the NYSDOT highway system as a result of this development. No mitigation will be necessary." The Town Engineer has reviewed the TIS and concurs with both the NYSDOT and MCDOT. Thus, the Project will not result in any significant adverse traffic impacts.

8. Public Health and Safety.

The Project will not have a significant adverse impact on public health or safety. The Project is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements of the Town of Brighton, Monroe County Department of Transportation, Monroe County Water Authority, Monroe County Department of Health, and New York State Department of Environmental Conservation.

Pursuant to SEQRA, based on the abovementioned information, documentation, testimony, correspondence, and findings, and after examining the relevant issues, including all relevant issues raised and recommendations offered by involved and interested agencies and Town Staff, the Lead Agency determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration, and, therefore, SEQRA does not require further action relative to the Project.

The Lead Agency has made the following additional determinations:

- A. The Lead Agency has met the procedural and substantive requirements of SEQRA.
- B. The Lead Agency has carefully considered each and every criterion for determining the potential significance of the Project upon the environment as set forth in SEQRA, and the Lead Agency finds that none of the criteria for determining significance set forth in SEQRA would be implicated as a result of the Project.
- C. The Lead Agency has carefully considered (that is, has taken the required "hard look" at) the Project and the relevant environmental impacts, facts, and conclusions in connection with same.
- D. The Lead Agency has made a reasoned elaboration of the rationale for arriving at its determination of environmental non-significance, and the Lead Agency's determination is supported by substantial evidence, as set forth herein
- E. To the maximum extent practicable, potential adverse environmental impacts will be largely avoided or minimized by the Applicant's careful incorporation in its application materials of measures designed to avoid such impacts that were identified as practicable.

Date Issued: April 21, 2021

For Further Information: Contact Ramsey A. Boehner, Environmental Review Liaison Officer, Building and Planning Department, Town of Brighton, 2300 Elmwood Avenue, Rochester, New York 14618, (585) 784-5229 or [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)



# Department of Transportation

ANDREW M. CUOMO  
Governor

MARIE THERESE DOMINGUEZ  
Commissioner

KEVIN BUSH, P.E.  
Regional Director

March 11, 2021

Mr. David Kruse  
SRF Associates  
3495 Winton Place, Bldg E, Suite 110  
Rochester, New York 14623

Re: 1075 Clover Street  
Clover Street near Route 96  
Town of Brighton, Monroe County  
Traffic Impact Study Review

Dear Mr. Kruse,

We have completed our review of the February 2021 Traffic Impact Study for the subject project. Our review was limited to the impacts to NYSDOT owned intersections. No additional driveways or mitigation is proposed on any NYSDOT owned highways. Based on the small volumes of traffic generated, we agree that there should be minimal impact to the NYSDOT highway system as a result of this development. No mitigation will be necessary.

Since there is no work within the NYSDOT right-of-way, and no mitigation necessary at any of our intersections, a Highway Work Permit will not be required. If there are any changes that require work within the right-of-way or an increase in traffic generation, please contact us with any updated plans and studies.

If there are any questions regarding our review, please contact Mr. Zachary Starke at (585) 272-3472.

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Spitzer".

Paul J. Spitzer, P.E.  
Regional Traffic Engineer

PJS/ZJS

22



# Department of Transportation

Monroe County, New York

Adam J. Bello  
County Executive

James R. Pond, P.E., PTOE  
Director

March 9, 2021

Mr. Michael Guyon, P.E.  
Commissioner, Department of Public Works  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

**RE: 1075 CLOVER STREET OFFICE CONVERSION – TRAFFIC IMPACT STUDY**

Dear Mr. Guyon,

We have completed our review of the traffic impact study for the above referenced project, and we concur with the consultant that this development will have no significant impact to the Monroe County DOT roadway network.

If you have any questions, or require any additional information, feel free to contact John Raymond at (585) 753-7711 or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent H. Penwarden III, P.E.".

Brent H. Penwarden III, P.E.  
Chief of Traffic Operations & Permits

Cc: Jim Pond  
Amy Dake - SRF Associates  
Matt Tomlinson – Marathon Engineering  
File *H:\Sub\T\TRAFF OPS-PERMITS\PERMITS\TIR\Brighton - 1075 Clover St Office Conversion TIR approval.doc*