

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF MAY 19, 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 May 19, 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.  
Approval of the April 21, 2021 meeting minutes. **To be done at the June 16, 2021 meeting.**

CHAIRPERSON: Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of May 13, 2021 will now be heard.

\*\*\*\*\*

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.

5P-01-21 Application of Benderson Development, owner, and Jennifer Blaine / Firehouse Subs, lessee, for Conditional Use Permit Approval to allow for a restaurant with dive-thru and outdoor dining to be located at 2830 West Henrietta Road. All as described on application and plans on file.

5P-02-21 Application of McQuaid Jesuit High School, owner, for modification of Conditional Use Permit approval (7P-03-93 and 7P-01-10) to replace existing sports field lighting with Musco LED lighting on four (4) 80 ft. poles on property located at 1800 South Clinton Avenue. All as described on application and plans on file.

5P-03-21 Application of St. Thomas More of Rochester, owner, and Mary Cariola Center, lessee, for Conditional Use Permit Approval to allow for a school, accredited by the

New York State Department of Education, serving students with intellectual disabilities on property located at 2617 East Avenue. 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 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. **APPLICATION TABLED - PUBLIC HEARING REMAINS OPEN, SEQRA PUBLIC HEARING CLOSED AND NEGATIVE DECLARATION ADOPTED WITH REVISIONS - ADJOURNED TO THE JUNE 16, 2021 MEETING AT APPLICANT'S REQUEST**

5P-NB1-21      Application of Claire Streb, owner, and McMahon LaRue Associates, agent, for Preliminary Site Plan Approval to construct a 1,153 +/- sf single family house with a 419 sf attached garage on property located at 1402 Blossom Road (Tax ID #122.12-2-46). All as described on application and plans on file.

5P-NB2-21      Application of Thomas Fantauzzo, owner, for Preliminary Site Plan Approval to construct a 600 +/- sf building addition and to make other minor site improvements on property located at 2041 South Clinton Avenue. All as described on application and plans on file.

CHAIRPERSON:      Announce that public hearings are closed.

OLD BUSINESS:

NONE

---

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Gardner, Julie and Tenley Odenbach, 5 Whitney Lane, dated April 19, 2021, in support of the variance requests for the Country Club of Rochester, 2395 East Avenue.

Letter from Lucy and Phil Shells, 3 Whitney Lane, dated April 20, 2021, in support of the variance requests for the Country Club of Rochester, 2395 East Avenue.

Letter from Charlie and Maggie Symington, 6 Whitney Lane, dated April 20, 2021, in support of the variance requests for the Country Club of Rochester, 2395 East Avenue.

Letter from John Trickey, 2615 East Avenue, dated April 10, 2021, in support of Mary Cariola Children's Center at 2615 East Avenue, application 5P-03-21.

Letter from Christopher Calabrese on behalf of Marcia Calabrese, 2669 East Avenue, in support of application 3P-03-21, 2617 East Avenue.

Letter from Matt Tomlinson, Marathon Engineering, dated May 14, 2021, requesting adjournment of application 9P-NB1-20 to the June 16, 2021 meeting.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<u>1608</u>	Jenny's Bakery 125 White Spruce Blvd. #200	Bldg Face Sign	4/27/21
ARB - Approved as presented.			
<u>1609</u>	Mattiacio Orthodontics 1835 Monroe Avenue	Bldg Face Sign	4/27/21
ARB - Tabled - Sign is dissimilar to current signage in the plaza - Provide sign concepts for the rest of the building or information on how this sign will fit with future signage. Stakeholders are welcome to attend the meeting.			
<u>1610</u>	Bees Salon 2241 Monroe Avenue	Bldg Face Sign	4/27/21
ARB -Approved as presented.			



Rick DiStefano <rick.distefano@townofbrighton.org>

---

## Support for CCR Tennis Court Site Plan

1 message

---

**gardner odenbach** <gardyodenbach@gmail.com>

Mon, Apr 19, 2021 at 12:12 PM

To: rick.distefano@townofbrighton.org

Cc: Tenley Odenbach <tenleyodenbach@yahoo.com>, "Julie H." <jhodenbach@yahoo.com>

Town of Brighton Zoning and Planning Board  
Attn: Rick DiStefano,

Dear Rick,

We live at 5 Whitney Lane in Brighton and support the proposed Country Club of Rochester new tennis complex which is located directly South of our property. CCR has addressed all of our concerns and we look forward to the new addition to the tennis area. CCR management and staff have been excellent neighbors and cooperative in all aspects of property concerns.

Thank you for your assistance in this matter.

Regards,  
Gardner, Julie and Tenley Odenbach  
5 Whitney Lane  
Rochester, NY 14610  
585-738-7080

3 Whitney Lane,  
Rochester, NY 14610

April 20, 2021

Dear Mr. DiStefano,

Our home at 3 Whitney Lane is directly north of the proposed tennis court addition to the Country Club of Rochester. While we initially had concerns about the placement of the courts and the lighting that was proposed, we have had the opportunity to discuss our concerns with various members of the CCR staff and committee members, and feel that the new plan addresses those concerns successfully.

Specifically, the new plan places the courts farther from our property, in the location of the existing skating rink. Now, the courts will extend only 15 feet (or less) closer to our property than the existing rink. In addition, lights will be placed on the one court farthest from us (only); no lights will be placed on the two courts close to us.

In the new plan, landscaping has been added to the south side of the road entrance to CCR, which will provide us with visual screening and noise dampening from the new courts. The club will also plant trees on the north side of the road to provide us with more privacy. Finally, new signs will be put up and announcements made in the CCR publications (online and by mail) and at various board meetings to remind staff, members and their guests that the entrance road is one way from East Avenue to the courts, and should not be used as an exit to East Avenue for any purpose.

These are the measures that the CCR representatives have agreed to. We appreciate the respect they have shown us, and are grateful that our concerns have been successfully addressed. We welcome the new project, in all of its proposed detail.

Sincerely,

Lucy and Phil Sheils



Rick DiStefano <rick.distefano@townofbrighton.org>

---

**Re: quesitons about item 4A-07-21 for zoning board of appeals on 4/7**

1 message

---

**margaret symington** <maggielondon2000@gmail.com>

Tue, Apr 20, 2021 at 6:21 PM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

This email is to confirm that we are satisfied with the new plan presented by CCR that mitigates the effects of the new tennis courts on the Whitney Lane neighbors.

Charlie and Maggie symington

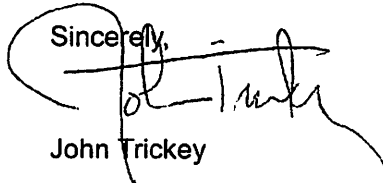
6 whitney lane

John Trickey  
2615 East Ave.  
Rochester, NY 14610  
April 10, 2021

Dear Karen,

I wanted to write this letter to formally show my support for Mary Cariola Children's Center moving in at the property next to my personal residence at 2615 East Ave. in Brighton.

I welcome you as a new neighbor and wish you well on getting set up to provide a safe environment for your students.

Sincerely,  
  
John Trickey

ELLIOTT | STERN | CALABRESE LLP  
ATTORNEYS

CHRISTOPHER J. CALABRESE, ESQ.  
[chris@rochester-law.com](mailto:chris@rochester-law.com)

May 18, 2021

VIA EMAIL ([ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org))

Ramsey Bochner, Executive Secretary  
Town of Brighton Planning Board  
2300 Elmwood Avenue  
Rochester, New York 14618

**RE: Mary Cariola Center – 2617 East Avenue**  
**Hearing: May 19, 2021**

Dear Sirs:

I am sending this letter on behalf of my mother Marcia Calabrese who resides at 2669 East Avenue next to St. Thomas More of Rochester.

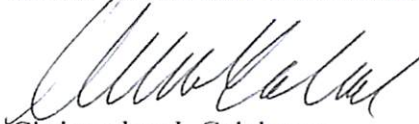
My mother and I met with Karen Zandi, President of Mary Cariola Center regarding its proposed use of the property at 2617 East Avenue.

My mother fully supports the application for Conditional Use Permit to allow for a school, accredited by the New York State Department of Education, serving students with intellectual disabilities on property located at 2617 East Avenue.

If you have any questions, please feel free to contact me.

Very truly yours,

ELLIOTT STERN CALABRESE LLP



Christopher J. Calabrese  
Cell: 703-5903

CJC/aes

c: Karen Zandi, President, Mary Cariola Center (via email [kzandi@marycariola.org](mailto:kzandi@marycariola.org))  
Marcia Calabrese





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

May 14, 2021

Ramsey Boehner  
Town of Brighton  
2300 Elmwood Drive  
Rochester NY 14618



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

Dear Ramsey,

On behalf of our client, Clover Park Properties LLC, we are submitting this request to table the submitted application for Preliminary Site Plan Approval for the above-referenced project until the Planning Board meeting of June 16, 2021.

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

Respectfully submitted,

Matt Tomlinson CPESC  
MARATHON ENGINEERING

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

*Going the distance for you.*

## **PLANNING BOARD REPORT**

**HEARING DATE:** May 19, 2021

**APPLICATION NO:** 4P-01-21

**APPLICATION SUMMARY:** 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.

### **COMMENTS:**

- The plans indicate that 0.4 acres of soil will be disturbed as part of the proposed development. However, a cursory review of the dimensions provided for the tennis courts indicates that more than 20,000 sf. soil disturbance will be required for the installation of the courts. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer.
- The existing ice rink and the adjacent ice-rink shed will be removed from the site. The proposed tennis courts will replace the area currently utilized as the ice-rink. Improvements include a fence around the tennis courts. The fence is proposed to be 16 feet in height along the golf course and then transition between ten- and four-foot-high sections along the northern, eastern, and western ends of the courts.
- Lighting on the western most court is being proposed to allow evening play.
- 19 new parking spaces are proposed.
- The project received approval from the Zoning Board for three variances. Tennis courts in the front yard, fencing that ranges from 4 to 16 feet, and a shed located in a front yard.
- The access drive for the courts is around 16' which meets the Town's standard for one-way travel but would not meet standards for two-way traffic.
- Additional landscape screening is proposed on the northern property line.
- Site plan only shows western court being lit, but lighting exhibit submitted indicates that all three tennis courts will be lit as part of the proposed improvements.

### **CONSERVATION BOARD:**

- No Comments

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated May 17, 2021.

**QUESTIONS:**

- Where will the spoil material be stored?
- 
- What is the amount of disturbance being proposed for this project?
- Have all the necessary variances for this project been obtained from the Zoning Board of Appeals?
- What will the hours of operation be?
- Will all the courts be lit? What is the color temperature of the proposed lights?
- Does lighting meet dark sky requirements?
- What type of materials will be stored in the shed?
- Will any existing trees be removed?
- Will the drive allow two-way travel?
- Can the large tree near the proposed easternmost parking area be saved?

**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. Prior to issuance of any 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.
2. All conditions of the Zoning Board of Appeals shall be met.

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 contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
6. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
7. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
8. Maintenance of landscape plantings shall be guaranteed for three (3) years.
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. As shown on the submitted site plan, only one tennis court shall be lit. The submitted lighting exhibit shall be revised to address this condition.
11. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. Maintenance of landscape plantings shall be guaranteed for three (3) years.
13. All proposed landscaping shall be installed prior to the new courts being used.
14. Erosion control measures shall be in place prior to site disturbance.
15. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
16. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated May 17, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 4P-01-21

**Date:** May 19, 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:** 4P-01-21

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Construction of three (3) clay tennis courts and 19 parking spaces on property located at 2935 East Avenue.

**Location:** 2935 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 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



# Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

## MEMO

Date: May 17, 2021  
From: Evert Garcia  
To: Ramsey Boehner  
Copy: File  
Re: *Application No. 4P-01-21  
Country Club of Rochester, Owner  
Site Plan Modification to construct three (3) clay tennis courts and 19 parking spaces  
2935 East Avenue*

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

### General:

1. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
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 construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.

### Sustainability:

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. Pervious pavements should be considered where applicable such as sidewalks and parking areas.

### Lighting Exhibit:

1. The lighting exhibit submitted indicates that all three tennis courts will be lit as part of the proposed improvements, however, the site plans indicate that only the westernmost court is being lit. Please review and clarify.
2. Cut sheets for the proposed light fixtures should be provided. The applicant should consider installing fixtures which are consistent with dark sky guidelines and should be fully shielded, aimable, and consists of a correlated color temperature (CCT) of no more than 3000 Kelvins.
3. Anticipated light spread to other portions of the site should be considered in the provided lighting exhibit. Please review and revise.

### Engineer's Report:

1. The project narrative indicates that a new water service will be installed to supply the “baffles” within the clay courts in periods of extended drought conditions. Supporting documentation for existing pressures and flow rates of the water main which will serve this property should be provided.
2. What is the amount of disturbance being proposed for this project? The plans indicate that 0.4 acres of soil will be disturbed as part of the proposed development. However, a cursory review of the dimensions provided for the tennis courts indicates that more than 20,000 sf. soil disturbance will be required for the installation of the courts. Chapter 215 of the Brighton Town Code

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373

<http://www.townofbrighton.org>



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. A sediment and erosion control SWPPP should be developed for this project.

3. A sequence for construction of the development, including installation of erosion control measures, stripping and clearing, rough grading, construction of utilities, infrastructure, construction of proposed facilities, and final grading and landscaping shall be provided. The sequence of construction should also be outlined on the plans.
4. Removal of the existing ice rink and excavation for the proposed tennis courts will generate a substantial volume of spoil material. Will this material be distributed across the project or removed from the site? The storage area for the spoil material must be shown on the plans including the appropriate erosion control measures.
5. A stabilized construction entrance to the project area should be provided. The location of this entrance along with the appropriate detail should be shown on the plans.

## Plans

1. *Site Plan, Drawing No. 7*
  - a. The Brighton Town Code indicates that parking stalls shall be a minimum of 9 feet wide by 18 feet long and shall be served by an aisle not less than 24 feet wide for two-way travel or 15 feet wide for one-way travel. The drive aisle which serves the proposed parking spaces scales out to about 16 feet on the plans. Is this drive aisle one-way travel? Please clarify.
2. *Demo Plan, Drawing No. 8*
  - a. The species and size of all trees to be removed should be noted on the plans.
  - b. Can the large tree near the proposed easternmost parking area be saved? It does not appear that this tree will conflict with the location of this parking area. Please review.
3. *Grading/Utility Plan, Drawing No. 9*
  - a. Invert elevations for the proposed storm sewers should be provided on the plans.
  - b. Can the grading plan be revised to show one-foot contour intervals? Better topographic definition would help our review of the proposed grading improvements.
  - c. The location of the proposed water service which will serve the new tennis courts should be shown on the plans.
4. *Landscape and Lighting Plan, Drawing No. 10*
  - a. Landscape note number 12 on this sheet should be revised to indicate that all new landscaping shall be guaranteed for 3 years.
5. Details
  - a. A cross section detail of the proposed clay courts should be provided on the plans.
  - b. A detail for the proposed tennis court perimeter fence should be provided on the plans
  - c. A detail for the proposed 12'x10' equipment shed should be provided on the plans

## Notes:

1. The following notes should be added to the plans:
  - a. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
  - b. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
  - c. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
  - d. All inlets to the storm system shall be protected on all sides to control siltation. The utility contractor shall be responsible to maintain the protection until ground cover is established.
  - e. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans and shall be subject to the inspection and approval of the Town of Brighton.
  - f. Tree protection and erosion control measures shall be in place prior to clearing or construction.





- g. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
- h. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation
- i. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
- j. Sanitary and/or storm sewer cleanouts on site or within the right of way shall be protected during construction.
- k. As part of the redevelopment process, all existing utility laterals that are proposed to be used for serving this site shall be televised to determine their condition and adequacy for doing so. If the laterals require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant.
- l. 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.



## **PLANNING BOARD REPORT**

**HEARING DATE:** May 19, 2021

**APPLICATION NO:** 5P-01-21

**APPLICATION SUMMARY:** Application of Benderson Development, owner, and Jennifer Blaine / Firehouse Subs, lessee, for Conditional Use Permit Approval to allow for a restaurant with dive-thru and outdoor dining to be located at 2830 West Henrietta Road.

### **COMMENTS:**

- The subject property is presently zoned BF-2 General Commercial.
- An outdoor dining area, 364 sf in area, is proposed in front of the building. It appears that 12 seats are proposed.
- A 40" high decorative fence is shown on the site plan around the outdoor dining area.
- The outdoor dining area complies with the number of seats, size (area) and setbacks required by Town Code.
- 46 parking spaces are provided, including two accessible spaces.
- The drive thru is in compliance with Comprehensive Development Regulations.
- The original Conditional Use granted to Tim Horton's has expired.
- A traffic impact study was prepared for Tim Horton's and was reviewed and approved by NYSDOT.

### **QUESTIONS:**

- How many seats are you proposing inside and outside?
- What will the hours of operation be?
- Will the parking lot be lighted?
- What type of provisions are you providing for trash?

### **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. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire building/store shall comply with the most current Building & Fire Codes of New York State.
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 dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet.
6. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
7. The drive-thru speaker is required to be less than 50 dbA at four feet from the speaker and not audible above daytime ambient noise levels at the property line.
8. Building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day ½ hour before the business is open to the public and to terminate ½ hour after the close of business.
9. All requirements of NYSDOT shall be addressed.
10. The proposed use shall comply with Sections 207-14.1 Waste container and grease/oil container standards, 207-14.2 Supplemental restaurant regulations and 207-14.3 Drive-through standards of the Comprehensive Development Regulations.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 5P-01-21

**Date:** 5/19/21

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 Benderson Development, owner, and Jennifer Blaine / Firehouse Subs, lessee

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Conditional Use Permit Approval to allow for a restaurant with dive-thru and outdoor dining to be located at 2830 West Henrietta Road.

**Location:** 2830 West Henrietta 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. No threatened or endangered species of plants or animals will be affected by this project.
2. The requirements of the State Environmental Quality Review Law have been complied with.
3. There will be no resources of value irreversibly lost.
4. The Planning Board finds traffic will result in an acceptable level of service.
5. The storm water drainage system is in accordance with all applicable Town requirements.

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:** 5/19/21

**APPLICATION NO:** 5P-2-21

**APPLICATION SUMMARY:** Application of McQuaid Jesuit High School, owner, for modification of Conditional Use Permit approval (7P-03-93 and 7P-01-10) to replace existing sports field lighting with Musco LED lighting on four (4) 80 ft. poles on property located at 1800 South Clinton Avenue.

### **COMMENTS:**

- The original approval for the lights was granted in 1993 and amended in 2010.
- The proposed poles are 10' taller than the existing poles.
- Airport approval has been granted for this application.
- A site plan, and lighting detail sheets have been submitted

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated May 18, 2021.

### **QUESTIONS:**

- What has changed on the Site Plan since the last Planning Board Meeting?
- How does the new lighting compare with the existing lighting?
- Are the proposed fixtures shielded and aimable?
- What is the correlated color temperature (CCT) of the proposed light fixtures?
- Does the proposed lighting meet the ANSI/IES RP-6-20, Recommended Practice for Lighting Sports and Recreational Areas?
- Does the light spill plan provided consider the existing tree line to the north of the field?
- Will there be any site work associated with the installation of the new MUSCO light fixtures?
- Why do the proposed light poles have to increase in height by another ten (10) feet?
- What is the difference in impact between the existing and proposed lights on the

properties on Elmwood Avenue?

- How will glare be prevented from impacting adjacent properties and right-of-ways? Will the lights be aimable? How will they be shielded?
- What are the proposed hours/days that the lights will be used?
- For what events will the lights be used?

#### **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 applicant must demonstrate that the proposed lighting meets the ANSI/IES RP-6-20, Recommended Practice for Lighting Sports and Recreational Areas.
3. All County Development Review Comments shall be addressed. The applicant is required to ensure that the proposed Stadium Lights are Dark Sky Complainant and will not cause glare to the pilots approaching RW 10-28. The applicant shall follow the instructions for filing an Airspace Case on <https://OEAAA.FAA.GOV>. The applicant should contact Michael Wall at the Frederick Douglass - Greater Rochester International Airport if they have any questions or would like additional information.
4. Lights shall be aimable and sheilded.
5. The lights shall be installed and configured so as to prevent glare on adjoining properties and rights-of-way.
6. A building permit shall be obtained for installation of the lights. With the building permit application, structural information shall be submitted for the poles.
7. The installation of the lights shall comply with the New York State Building Code.
8. All requirements of the town Department of Public Works shall be met.
9. All Town codes shall be met that relate directly or indirectly to the applicant's request.
10. Illumination of the lights shall cease at 10:00 PM.

11. As required in the original, activities using the lights shall be limited to only sporting activities.
12. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated May 18, 2021 From Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
13. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
14. The Conditional Use Permit shall be renewed within one year to review the adequacy of control of off-site lighting impacts. The lights shall be aimable and shielded to help mitigate off-site lighting impacts.



State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 5P-02-21

**Date:** May 19, 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 McQuaid Jesuit High School, owner

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Conditional Use Permit approval (7P-03-93 and 7P-01-10) to replace existing sports field lighting with Musco LED lighting on four (4) 80 ft. poles

**Location** 1800 South Clinton 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. No threatened or endangered species of plants or animals will be affected by this project.
2. The requirements of the State Environmental Quality Review Law have been complied with.
3. There will be no resources of value irreversibly lost.
4. The proposed lighting will meet ANSI/IES RP-6-20, Recommended Practice for Lighting Sports and Recreational Areas.
5. The applicant will ensure that the proposed Stadium Lights are Dark Sky Complainant and will not cause glare to the pilots approaching RW 10-28. The applicant shall follow

the instructions for filing an Airspace Case on <https://OEAAA.FAA.GOV>.  
For further information:

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

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

Telephone: (585)784-5229



## Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

### MEMO

Date: May 18, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 5P-02-21*  
*McQuaid Jesuit High School, Owner*  
*Modification of conditional use permit approval to replace existing sports field lighting with Musco LED lighting*  
*on four (4) 80ft. poles*  
*1800 South Clinton Avenue*

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

#### General:

1. Cut sheets for the proposed light fixtures should be provided. Are the proposed fixtures shielded and aimable?
2. What is the correlated color temperature (CCT) of the proposed light fixtures?
3. Does the proposed lighting meet the ANSI/IES RP-6-20, Recommended Practice for Lighting Sports and Recreational Areas?
4. Photometrics which compares light spill between existing and proposed conditions should be provided.
5. Does the light spill plan provided consider the existing tree line to the north of the field?
6. Will there be any site work associated with the installation of the new MUSCO light fixtures? If so, the extent of these improvements must be shown on the plans.
7. Why do the proposed light poles have to increase in height by another ten (10) feet?
8. A construction detail for the proposed light pole should be provided with the plans.



## PLANNING BOARD REPORT

**HEARING DATE:** 5/19/21

**APPLICATION NO:** 5P-03-21

**APPLICATION SUMMARY:** Application of St. Thomas More of Rochester, owner, and Mary Cariola Center, lessee, for Conditional Use Permit Approval to allow for a school, accredited by the New York State Department of Education, serving students with intellectual disabilities on property located at 2617 East Avenue.

### COMMENTS:

- Mary Cariola Center (MCC) has entered into an agreement with STM to lease the school portion of the existing building in order to operate a secondary school.
- A church with adjoining school (formerly Sienna Catholic Academy and Our Lady of Mercy School for Young Women), a parsonage and other associated buildings currently occupy the site.
- MCC is a not-for-profit entity that is accredited by New York State Education Department (NYSED).
- MCC's School Age Program provides full-day educational programming.
- MCC currently has a school campus located at 151 East Henrietta Rd.
- A fenced playground is to be constructed in two phases on the north west corner of the lot. Initially in 2021, the existing grassed area will be enclosed by a six-foot high, black vinyl coated chain link fence. An existing 36"+/- Maple tree located within the proposed play area that is showing signs of distress will be removed. Phase 2 to be constructed in 2022, will entail the installation of fitness/play equipment with poured-in-place surfacing material.
- The remainder of the site work includes constructing two handicap sidewalk ramps in proximity to exterior doors along the east side of the school building.
- Appropriate signage indicating handicap parking spaces will also be installed where necessary.
- The application notes that MCC students do not participate in high school sports; therefore, there are no plans to light any outdoor playing fields. In fact, no outdoor, nighttime events for the School are anticipated.
- In 1993, a Town approval for an addition to the school portion of the building was granted. A condition of that approval was that although 234 parking spaces were required per zoning regulations (3/700 seats in the church plus 1 per resident),

only the existing 164 paved spaces were needed to operate the school and church. Land was to be "reserved" in the event that the school and/or church prove to need additional parking to accommodate staff, students, parishioners, etc.

- Because STM Church and MCC School also have differing hours of operation, and to minimize paved surfacing and storm water runoff, it is the intention of STM and MCC to continue to share the existing 164 parking spaces.
- The Church's primary operating hours are Monday - Friday 8 to 9 AM, Saturday 4:30 to 6:00 PM, and 10:30 to 12:30 AM on Sundays. Church office hours are Monday - Thursday 8AM to 1PM. The Church will be conducting funerals primarily on weekends and rarely during school hours. However, the Church has noted that only smaller funerals occur during the week. The larger funerals occur on weekends. Weddings are conducted on weekends as well.
- Thirty-nine parking spaces will more than adequately address Church staff and parishioner parking needs during overlapping school hours.
- The School is in session Monday-Friday 8:45 AM to 2:15 PM. It is anticipated that 110 staff members will begin arriving at approximately 7:45 and leave between 3:45-5:00. Should all staff drive to work, which is not likely, 110 parking spaces for staff and ten to fifteen spaces for visitors will be needed for a total of 125 spaces (maximum).
- MCC operates uniquely due to the student population it serves. Students do not drive. They arrive/depart from school via bus; therefore, parking spaces do not need to be allocated to students.
- Evening events are very limited. Attendance at these events varies from 60 to 150 persons.
- Based upon the anticipated usage of the building by the Church and School as described, it is proposed that the parking be shared in the following manner:  
Church: 39 existing spaces School: 125 existing spaces  
Total No. of Parking Spaces: 164 existing spaces
- In the event that more parking is needed, an application for site plan approval will be submitted for town approval prior to constructing any new spaces.

#### QUESTIONS:

- Is MCC accredited by New York State Education Department (NYSED)?
- What exterior improvements are you making to the site?
- Are you proposing to have a playground?

- Will the playground meet ADA requirements?
- Have you met with your neighbors to discuss your application?
- Will you be installing any new parking as part of this application? Are you proposing to share the parking with the church?
- What will the hours of operation be?
- What type of provisions are you providing for trash?
- What type of traffic will be generated by the proposed use?

#### **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. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire building/store shall comply with the most current Building & Fire Codes of New York State.
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. 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.
6. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster.
7. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.

8. The proposed use shall be accredited by New York State Education Department (NYSED).
9. The proposed playground shall meet all ADA requirements.
10. In the event that more parking is needed, an application for site plan approval shall be submitted to the Planning Board for review prior to constructing any new spaces.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 5P-03-21

**Date:** 5/19/21

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 St. Thomas More of Rochester, owner, and Mary Cariola Center, lessee

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Conditional Use Permit Approval to allow for a school, accredited by the New York State Department of Education, serving students with intellectual disabilities.

**Location:** 2617 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. An existing 36"+/- Maple tree located within the proposed play area is proposed to be removed. The tree is showing signs of distress.
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. There will be no resources of value irreversibly lost.



5. The Planning Board finds traffic will result in an acceptable level of service.

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:** May 19, 2021

**APPLICATION NO:** 5P-NB1-21

**APPLICATION SUMMARY:** Application of Claire Streb, owner, and McMahon LaRue Associates, agent, for Preliminary Site Plan Approval to construct a 1,153 +/- sf single family house with a 419 sf attached garage on property located at 1402 Blossom Road (Tax ID #122.12-2-46).

### COMMENTS:

- The subject property is presently zoned RLB Residential.
- The existing drainage ditch located in the rear of the property should be depicted on the plans.
- The plans indicate that the existing driveway for 1400 Blossom Road encroaches onto the lot of 1402 Blossom Road.
- All trees which are to be removed from the site to facilitate the improvements should be called out on the plans. Any trees proposed to be removed from the right of way shall require approval according to Chapter 175 of the Brighton Town Code.
- NYS DOT needs to review and approved the proposed right of way improvements at 1402 Blossom Road.
- A driveway detail consistent with NYS DOT requirements should be provided on the plans.
- The location and direction of discharge for the roof leaders on the proposed residence should be depicted on this sheet.
- The location of any topsoil stockpile should be depicted on the plans along with the appropriate erosion control measures.
- Finished floor elevations for the neighboring properties should be provided on the plans.
- It appears the proposed house has a walkout basement. The applicant must verify compliance with the livable floor area and the height requirements of the Comprehensive Development Regulations.
- The site plan should be revised to shown all setback dimensions.

- Orange construction fencing should be used to delineate the limits of disturbance along the neighboring property lines.
- A sequence of construction for the development, including installation of erosion control measures, stripping and clearing, rough grading, installation of utilities, construction of buildings, and final grading and landscaping should be provided on the plans.

**CONSERVATION BOARD:** No comment

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated May 17, 2021.

**QUESTIONS:**

- Will the proposed house have a walkout basement? Have you verified that the proposed house will meet the livable floor area and height requirements of the Comprehensive Development Regulations?
- The plans indicate that the existing driveway for 1400 Blossom Road encroaches onto the lot of 1402 Blossom Road. Can the existing driveway for 1400 Blossom Road be shared between both properties?
- How many trees will be removed as result of this project?
- Has the NYS DOT reviewed and approved the proposed right of way improvements at 1402 Blossom Road?
- Has the NYS DOT reviewed the proposed driveway geometry?
- The basement excavation for the proposed home will generate a large volume of spoil material. Will this material be distributed across the project or removed from the site?
- Do you know the finished floor elevations for the neighboring properties?
- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- Does this project impact any wetlands or archeological resources?
- Will any existing trees be retained?

## **APPLICATION:**

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

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of all dwelling units.
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. Prior to the issuance of any permits the architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. 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.
9. 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.
10. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
12. All County Development Review Comments shall be addressed.

13. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
14. All existing and proposed easements must be shown on the site plan.
15. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
16. The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
17. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
18. The zoning notes on the site plan shall include both required and proposed information for each zoning category. The information contained on the submitted Single Family Zoning Information form shall be shown on all plans.
19. Erosion control measures shall be in place prior to site disturbance.
20. The applicant's engineer shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
21. Prior to the issuance of any permits, the Single-Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.
22. The location of any proposed generators and air conditioner units shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
23. All comments and concerns of the Town Engineer as contained in the attached memo dated May 17, 2021 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.
25. The existing drainage ditch located in the rear of the property should be depicted on the plans.

26. The plans indicate that the existing driveway for 1400 Blossom Road encroaches onto the lot of 1402 Blossom Road. Consideration should be given to the driveway being shared between both properties.
27. All trees which are to be removed from the site to facilitate the improvements shall be called out on the plans by size, type and condition.
28. NYS DOT must review and approved the proposed right of way improvements.
29. A driveway detail consistent with NYS DOT requirements shall be provided on the plans.
30. The location and direction of discharge for the roof leaders on the proposed residence shall be depicted on this sheet.
31. The location of any topsoil stockpile should be depicted on the plans along with the appropriate erosion control measures.
32. Finished floor elevations for the neighboring properties should be provided on the plans.
33. It appears the proposed house has a walkout basement. The applicant must verify compliance with the livable floor area and the height requirements of the Comprehensive Development Regulations.
34. The site plan should be revised to shown all setback dimensions.
35. Orange construction fencing should be used to delineate the limits of disturbance along the neighboring property lines.
36. A sequence of construction for the development, including installation of erosion control measures, stripping and clearing, rough grading, installation of utilities, construction of buildings, and final grading and landscaping should be provided on the plans.



# Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

## MEMO

Date: May 17, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 5P-NB1-21  
Claire Streb, Owner, and McMahon LaRue Associates, Agent  
Preliminary Site Plan Approval to construct a 1,153 +/- sf single family house with a 419 sf attached garage  
1402 Blossom Road*

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

### General:

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: site restoration, driveway entrance within the NYSDOT right of way, sanitary sewer, water service, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
3. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
5. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.

### Sustainability:

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. Pervious pavements should be considered where applicable such as sidewalks and driveways.

### Engineer's Report:

1. Supporting documentation for existing pressures and flow rates of the water main which will serve this property should be provided.

### Plans

1. *Existing Site, Sheet 1 of 6*
  - a. The existing drainage ditch located in the rear of the property should be depicted on the plans.

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373

<http://www.townofbrighton.org>



30

- b. The plans indicate that the existing driveway for 1400 Blossom Road encroaches onto the lot of 1402 Blossom Road. Can the existing driveway for 1400 Blossom Road be shared between both properties? Otherwise an ingress/egress easement should be provided by the owners of 1402 Blossom Road to the owners of 1400 Blossom Road.
- c. All trees which are to be removed from the site to facilitate the improvements should be called out on the plans.
- d. Any trees proposed to be removed from the right of way shall require approval according to Chapter 175 of the Brighton Town Code.

2. *Site Plan, Sheet 2 of 6*

- a. Will the location of the proposed driveway at 1402 Blossom Road conflict with its proximity to the existing driveway at 1400 Blossom Road?
- b. Has the NYS DOT reviewed and approved the proposed right of way improvements at 1402 Blossom Road? Please provide a copy of their review comments for our records.
- c. Has the NYS DOT reviewed the proposed driveway geometry? A driveway detail consistent with NYS DOT requirements should be provided on the plans.
- d. A maintenance and protection of traffic plan should be developed and included with the plan set.

3. *Utility Plan, Sheet 3 of 6*

- a. Our records indicate that the existing sanitary sewer main is a 15" VTP. The contractor will have to cut a section of the existing main out and install a new 15"x4" SDR-21/35 wye to connect the lateral to the main.
- b. The location and direction of discharge for the roof leaders on the proposed residence should be depicted on this sheet.

4. *Grading Plan, Sheet 4 of 6*

- a. The basement excavation for the proposed home will generate a large volume of spoil material. Will this material be distributed across the project or removed from the site? The location of any topsoil stockpile should be depicted on the plans along with the appropriate erosion control measures.
- b. Finished floor elevations for the neighboring properties should be provided on the plans.
- c. Orange construction fencing should be used to delineate the limits of disturbance along the neighboring property lines.
- d. All trees to be saved shall be protected with orange construction fencing placed at the drip line or, at the discretion of the Planning Board, at a distance greater than the drip line.
- e. A sequence of construction for the development, including installation of erosion control measures, stripping and clearing, rough grading, installation of utilities, construction of buildings, and final grading and landscaping should be provided on the plans.





## **PLANNING BOARD REPORT**

**HEARING DATE:** May 19, 2021

**APPLICATION NO:** 5P-NB2-21

**APPLICATION SUMMARY:** Application of Thomas Fantauzzo, owner, for Preliminary Site Plan Approval to construct a 600 +/- sf building addition and to make other minor site improvements on property located at 2041 South Clinton Avenue.

### **COMMENTS:**

- Calculation for gross footage/acre is 8,451/acre.
- Calculation for lot coverage is 51.6%.
- The submitted site plan shows 9 parking spaces, the proposed use requires 10 parking spaces. The applicant is seeking a parking variance from the Zoning Board of Appeals.
- The submitted plan also shows a 10' side setback, the code requires a 20' side setback. A setback variance must be obtained from the Zoning Board of Appeals.
- The architectural design and building materials of the proposed buildings have not been reviewed and approved by the Town of Brighton Architectural Review Board.

### **CONSERVATION BOARD:**

- Consider planting a couple of deciduous shade trees in the front yard area, preferably closer to the R.O.W, but not so close that they interfere with the overhead power lines.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated May 18, 2021.

### **QUESTIONS:**

- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- Does this project need to obtain any variances from the Zoning Board of Appeals?

- Has the project been reviewed by the Conservation Board? Have you considered planting a couple of deciduous shade trees in the front yard area, preferably closer to the R.O.W, but not so close that they interfere with the overhead power lines?
- Will the parking lot be lighted?
- What is the proposed height of the parking lot lighting?
- What type of provisions are you providing for trash?
- Do you propose to install a fire sprinkler system?

### **APPLICATION:**

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.
4. The architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. 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.
9. 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.

10. 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
11. If a dumpster is to be used on the property, the plans shall be revised showing its location and design details. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster.
12. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
13. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed prior to final approval.
14. All County Development Review Comments shall be addressed.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. All easements must be shown on the site plan.
17. 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 for review.
18. Erosion control measures shall be in place prior to site disturbance.
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. 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.
21. The plans shall be revised to address the following comments of the Conservation Board:
22. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.

23. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated October 20, 2020 From Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
24. A parking variance and a side setback variance must be obtained from the Zoning Board of Appeals.
25. The architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.



# Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

## MEMO

Date: May 18, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 5P-NB2-21*  
*Thomas Fantauzzo, Owner*  
*Preliminary Site Plan Approval to construct a 600 +/- sf building addition and to make other minor site improvements*  
*2041 South Clinton Avenue*

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

### General:

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
4. What does the thick gray line on the site plans represent?
5. Will the proposed building addition require that the building be sprinklered?

### Plans

1. *Existing Features/Demolition Plan*
  - a. All existing utilities serving the site should be depicted on the plans.
  - b. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
  - c. The species of the 20" tree to be removed should be noted on the plans.
  - d. The location of the nearest hydrant should be called out on the plans.
2. *Site, Grading & Erosion Control Plan*
  - a. Are there any new lights being proposed for this development?
  - b. The location of the roof leaders for the proposed building addition should be depicted on the plans
  - c. A sequence of construction for the development, including installation of erosion control measures, stripping and clearing, rough grading, construction of buildings, and final grading and landscaping should be provided on the plans.
  - d. A concrete washout area should be provided on the plans.
  - e. Will construction of the foundation system for the proposed building addition require substantial excavation? If so, will this material be distributed across the project or removed from the site?



3. Details

- a. A pavement transition detail should be provided on the plans.
- b. A concrete washout detail should be provided on the plans.

Notes:

1. The following notes must be included on the plans:
  - a. 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.
  - b. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
  - c. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans and shall be subject to the inspection and approval of the Town of Brighton.
  - d. Erosion control measures shall be installed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
  - e. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
  - f. All inlets to the storm system shall be protected on all sides to control siltation. The utility contractor shall be responsible to maintain the protection until ground cover is established.
  - g. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation
  - h. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
  - i. All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
  - j. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
  - k. Tree protection and erosion control measures shall be in place prior to clearing or construction.
  - l. Linear straw bales or erosion control fabric shall be used on steep slopes and wherever necessary to control erosion and siltation of existing drainage systems as ordered by the Engineer.

