

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

CHAIRPERSON: Announce that the public hearings, as advertised for the Planning Board in the Brighton-Pittsford Post of June 10, 2021 will now be heard.

6P-01-21 Application of Mansai Ladrigan, agent, and Arroyo Esonido, LLC, owner, for Site Plan Modification to install a standby emergency generator in a side yard on property located at 900 Winton Road South. All as described on application and plans on file.

6P-02-21 Application of Westfall Medical Realty, LLC, owner, for Demolition Review and Approval and Preliminary / Final Site Plan Approval to raze a 6,015 sf medical building and reuse the existing foundation to construct a new 6,425 +/- sf medical building on property located at 2233 South Clinton Avenue. All as described on application and plans on file.

6P-03-21 Application of Brighton Twelve Corners Associates, LLC, owner, for Conditional Use Permit Approval to allow for a new restaurant use on property located at 1881 Monroe Avenue (2602 Elmwood Avenue). All as described on application and plans on file.

NEW BUSINESS:

9P-NB1-20 Revised Plans 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 JULY 21, 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. **WITHDRAWN BY APPLICANT**

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. **ADJOURNED TO THE JULY 21, 2021 MEETING AT APPLICANT'S REQUEST**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Matt Tomlinson, Marathon Engineering, dated June 10, 2021, requesting postponement of application 9P-NB1-20, 1075 Clover Street, to the July 21, 2021 meeting.

Letter from Emma Oakes, Costich Engineering, dated June 15, 2021, requesting postponement of application 5P-NB2-21, 2041 South Clinton Avenue, to the July 21, 2021 meeting.

Letter from Al LaRue, McMahon LaRue Associates, dated June 15, 2021, withdrawing application 5P-NB1-21, 1402 Blossom Road.

Letter from Rachael Hittinger, Warrington Drive, dated June 15, 2021, in support of application 6P-02-21, 2233 South Clinton Avenue.

Letter from Emily Heider, 15 Turnabout Lane, dated June 14, 2021, in support of application 6P-02-21, 2233 South Clinton Avenue.

Letter from Matthew D'Augustine, 382 Hollywood Avenue, dated June 15, 2021, in support of application 6P-02-21, 2233 South Clinton Avenue.

Letter from Rikki Brodsky and Lisa Vangellow, Co-Chairs, NCIW-GRS Public Affairs Committee, dated June 16, 2021 in support of application 6P-02-21, 2233 South Clinton Avenue.

Letter from Carol and Dick Crossed, 1675 Clover Street, dated June 15, 2021, with comments and concerns regarding application 6P-02-21, 2233 South Clinton Avenue, and requesting the Board to adjourn the matter.

Letter from Kathleen Cosgrove, dated June 16, 2021, in opposition to application 6P-02-21, 2233 South Clinton Avenue.

Letter from Cindy Hirschberg, 80 Barkley Square Drive, dated June 16, 2021 in support of application 6P-02-21, 2233 South Clinton Avenue.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<u>1611</u>	Vitalize 2900 Monroe Avenue	Bldg Face Sign	5/25/21
<p>ARB - Approved with conditions.</p> <ol style="list-style-type: none">1. Sign will be centered under the gable.			
<u>1612</u>	Feet First Shoes and Pedorthics 2041 S. Clinton Avenue	Bldg Face Sign	5/25/21
<p>ARB - Approved as presented.</p>			
<u>1613</u>	1833 / 1835 Monroe Avenue Brighton Commons Plaza	Plaza Sign Plan (multiple tenants)	5/25/21
<p>ARB - Tabled</p> <ol style="list-style-type: none">1. Provide additional information on X height, kerning, margins, alignment.2. Provide alternative fonts.3. Show how longer business names will be displayed.			
<u>1614</u>	Seasoning Thai Bistro 1881 Monroe Avenue	Bldg Face	5/25/21
<p>ARB - Approved as presented.</p>			
<u>1615</u>	Firehouse Subs 2830 W Henrietta road	Bldg Face (2), Menu Boards, Canopy signs	5/25/21
<p>ARB - Approved with conditions.</p> <ol style="list-style-type: none">1. All necessary variances shall be obtained.			
<p>OLD BUSINESS</p>			
<u>1609</u>	Mattiacio Orthodontics 1835 Monroe Avenue	Bldg Face Sign	4/27/21 TABLED
<p>ARB - Tabled</p> <ul style="list-style-type: none">- 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.			



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

June 10, 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 July 21, 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.

June 15th, 2021

Rick Distefano
Town of Brighton
2300 Elmwood Avenue
Rochester, NY, 14618

Re: POSTPONE – Planning Board Application
Feet First Building Addition - 2041 South Clinton Ave.

Dear Mr. Distefano:

On behalf of our client, Thomas Fantauzzo, we are respectively requesting that the pending Planning Board Application (5P-NB2-21) be postponed until the July 21st meeting for the above referenced project.

Please feel free to contact me with any questions or comments you may have.

Very truly yours,

COSTICH, D.P.C.



Emma L. Oakes





Engineers & Surveyors

June 15, 2021

Town of Brighton
2300 Elmwood Avenue
Rochester, N.Y. 14618
Attn: Ramsey Boehner

Re: 1402 Blossom Road

Dear Mr. Boehner,

On behalf of Claire Streb we wish to withdraw our application at this time for the Town Planning Board.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Al LaRue, P.L.S." It is written in a cursive, flowing style with a large, stylized "A" at the beginning.

RECEIVED
JUN 16 2021
TOWN OF BRIGHTON
BUILDING & PLANNING

rom: **Rachael Hittinger** <super7rachael@gmail.com>

Date: Tue, Jun 15, 2021 at 12:55 AM

Subject: Wednesdays town hall meeting

To: <ramsey.boehner@townofbrighton.org>

Dear Mr. Boehner,

I am writing a letter in support of the second item on the agenda of Wednesdays (6-16-2021) Brighton Town Hall meeting. I am a Brighton resident on Warrington Dr. I am in full support of having a Planned Parenthood in our community. Planned Parenthood provides essential health care.

Rachael Hittinger



From: **Emily heider** <eheider923@gmail.com>
Date: Mon, Jun 14, 2021 at 8:00 PM
Subject: Planned Parenthood
To: <ramsey.boehner@townofbrighton.org>

Dear Mr. Boehner,

I'm writing to extend my support for the possibility of building/opening a Planned Parenthood in Brighton. In college, I interned for PP, and found that they provided necessary and important services to people from all parts of our society and I would be glad to have those services available to all in Brighton and the surrounding areas.

Thank you for taking note of my support for this valuable development project.

Sincerely,

Emily Heider
15 Turnabout Ln. 14618
585-356-7563



From: Matt D'Augustine <nubdaug@gmail.com>
Date: Tue, Jun 15, 2021 at 7:05 PM
Subject: Planned Parenthood
To: <ramsey.boehner@townofbrighton.org>

Hello, I'm writing this email to express my support for the approval of the Planned Parenthood location here in Brighton. Planned Parenthood provides crucial medical services for women in need and is an organization that reflects Brighton's values.

Thank you.

Matthew D'Augustine
382 Hollywood Ave



June 16, 2021

VIA EMAIL TO Ramsey.Boehner@townofbrighton.org

Mr. Ramsey Boehner, Executive Secretary
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Application from Planned Parenthood to open a facility in the Town of Brighton

Dear Mr. Boehner,

We represent the National Council of Jewish Women, Greater Rochester Section (NCJW-GRS). We are a grassroots organization of volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. Our local section has over 450 members, many of whom live in the town of Brighton.

NCJW-GRS is in full support of the proposed Planned Parenthood facility in the Town of Brighton. Planned Parenthood provides essential medical care to women, and we believe that it is important to maintain access to quality care for all who need it and not interfere or create challenges to the relationship between women and their doctors.

Please approve this application.

Thank you for your consideration.

Sincerely,

Rikki Brodsky and Lisa Vangellow, Co-Chairs
NCJW-GRS Public Affairs Committee



1675 Clover Street
Rochester, NY 14618

June 15, 2021

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



Re: App. 6P-02-21: Westfall Medical Realty, LLC/2233 S. Clinton Ave.

Dear Mr. Price:

We are longtime Brighton residents, Brighton Residents Against Violence (BRAVENY) supporters, and advocates for causes promoting the dignity of human life and nonviolent solutions. We write to request an adjournment of the Town Planning Board's (the "Town" or "Board") consideration of the above application, until a later date, when all necessary facts can be known. This correspondence also apprises the Board of serious concerns that BRAVE has to date that are based on the few facts that are known so far about this application. As a summary overview: (1) the Environmental Assessment Form ("EAF") paragraph 8(a) wrongly *denies* that the proposal will "result in a substantial increase in traffic above present levels" - as detailed below, detailed traffic and parking studies will be required before this application can be considered; and (2) dangerous abortions are not a legitimate "medical use," as contemplated by the BE-1 zone.

First, the applicant is essentially anonymous. Despite substantial research and investigation, we have been unable to find a website or identify the principals behind "Westfall Medical Realty LLC," although it has been registered with the New York Secretary of State since 2017. Further, the attached Securities and Exchange Commission filing lists mysterious individuals, all purportedly with the same last name, i.e., Westfall. None appear to live in Rochester or be Rochester physicians.

Mystery and Deliberate Concealment Surround This Application. On Behalf of Brighton Residents, The Board Should Require Honesty and Transparency.

Why is this application so cloaked in secrecy? The tenant is Planned Parenthood, the largest provider of abortions in this country. If the applicant cannot be honest about its tenant, we certainly can't count on it to be a good citizen in the Town.

This Proposal Would Increase Traffic and Parking Problems to Dangerous Levels. At the Very Least, An Expert Traffic Engineering Study Is Required.

The secrecy about Planned Parenthood is not difficult to understand: it opposes the numerous protests and sidewalk advocates that surround nearly every one of their abortion clinics in the country. They are aware that conscientious, concerned volunteers are entitled to exercise their free speech rights that are included under the federal and state constitutions. This right to

public education contrasts sharply with Planned Parenthood's record of concealment and mendacity, extending even to this pending application before the Board.

Many BRAVE supporters educate expectant parents, providing services that assist in making life-affirming choices for their children. Volunteer sidewalk advocates from Rochester area organizations reach out to mothers every day with offers of real help and support - help that they do not receive from Planned Parenthood. These mothers and families deserve material and financial help and ongoing support both during and after their pregnancy. We know from longstanding experience with the University Avenue Planned Parenthood what this will mean for Brighton and surrounding businesses: the presence of sidewalk advocates on Westfall and South Clinton during all business hours, every single business day of the week.

This disrupts the community and the numerous, neighboring medical facilities. Advocates and care-givers will regularly be on the busy intersection of Westfall and South Clinton with signs. Because of excess traffic noise, voice amplifiers will need to be used. There will also be increased noise from cars honking. University Avenue residents often complain about the number of cars who pass by and honk, whether in support of or in opposition to Planned Parenthood. Large pro-life gatherings at the University Avenue Planned Parenthood will now also occur in Brighton.

The EAF Is Wrong and Abortions Should Not Be Permitted In The Town's BE-1 Zone, Which Is Designed for Legitimate "Medical Uses."

Inevitably, a Planned Parenthood in Brighton will also mean a higher police presence and strain on police resources. Police are stationed regularly at the University Avenue Planned Parenthood, including to pull drivers over for honking. Neighbors also needlessly call the police multiple times, which forces the police to respond to the scene only to have their valuable time wasted at Brighton tax payers expense.. Clearly, paragraph 8(a) of the EAF is materially wrong.

As a Brighton resident, I am proud of the Town's state of the art medical facilities, particularly in the Westfall-South Clinton area. But abortion is *not* "health care." Quite the opposite, in fact: the University Avenue Planned Parenthood has increased medical emergencies, necessitating multiple ambulance calls to that site. Planned Parenthood's track record reveals that abortions are not a legitimate "medical use," as contemplated by the Town's BE-1 zone.

Thank you for considering our request for the adjournment that is necessary to allow the development of a sufficient factual record to substantiate the objections stated in this application.

Sincerely,

Carol N. Crossed
Dick Crossed

From: **Kathy Cosgrove** <kathycosgrove300@gmail.com>
Date: Wed, Jun 16, 2021 at 11:59 AM
Subject: objection to Planned Parenthood in Brighton
To: <ramsey.boehner@townofbrighton.org>

My name is Kathleen Cosgrove , a regional coordinator of the Silent No More Awareness Campaign (the largest network of mothers and fathers of aborted children worldwide). I strongly oppose Planned Parenthood coming to Brighton due to the harmful consequences abortion causes - psychological, emotional, spiritual, and physical damage it can cause to women. Abortion has many harmful tentacles that affect all of society. It has nothing to do with healthcare. The last thing we need in Monroe County is more death and the destruction of families.

Thank you,

Kathleen Cosgrove



To: Brighton Town Board

Date: June 16, 2021

I am writing to the Town Board as both a resident of Brighton and a Board member of the Greater Rochester section of the National Council of Jewish Women (NCJW). I strongly support one of NCJW's critically important missions: to create a world where all people, regardless of race, class, gender, sexuality, ability, or immigration status, have the right to build their families and live their lives with dignity. To that end, NCJW is committed to advancing the goals of reproductive justice so that every person can make their own moral and faith-informed decisions about their body, health, and family. Abortion is health care and health care is a human right. Jewish law teaches that providing health care is part of the commandment of saving a life. NCJW believes every single person's health is unassailable; all deserve fair treatment and access to the resources needed to make their own decisions about abortion without political interference or economic coercion. [source: ncjw.org]

Planned Parenthood provides vital healthcare services, which includes preventive care, including birth control, testing and treatment for sexually transmitted infections, and screenings for cervical and other cancers. The Brighton community and our surrounding neighbors would benefit greatly from the addition of these essential services to individuals who may not otherwise have access to such care.

It is my hope the Board will support Planned Parenthood's efforts during this preliminary stage, and ultimately will approve Planned Parenthood's construction and opening of a new facility in Brighton.

Cindy Hirschberg
80 Barclay Square Drive



PLANNING BOARD REPORT

HEARING DATE: June 16, 2021

APPLICATION NO: 6P-1-21

APPLICATION SUMMARY: Application of Mansai Ladrigan, agent, and Arroyo Escondido, LLC, owner, for Site Plan Modification to install a standby emergency generator in a side yard on property located at 900 Winton Road South.

COMMENTS:

- The subject property is presently zoned BE-2 Office.
- Emergency standby generators not in compliance with the requirements of Section 207-14.4 of the Town Code require Planning Board approval prior to application for a building permit.
- Section 207-14.4 requires:
 - (1) The generator shall be located in a rear yard behind the principal building, not extending past the side of the building;
 - (2) The generator shall not be located closer than 10 feet to any lot line;
 - (3) The placement of the generator shall not interfere with the safe passage of pedestrians or vehicles;
 - (4) The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes;
 - (5) Maintenance operation of the generator shall take place only during daylight hours;
 - (6) The generator shall only operate on LP or natural gas; and
 - (7) Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.
- Due to constraints of existing site, the applicant is seeking approval to install an emergency standby generator in the side yard of the property, 6.4' from the property line. It appears all other requirements of Section 207-14.4 are met.
- The applicant is proposing to remove existing asphalt area and plant 9 Hetz Midet Arborvitae to help screen the generator.
- The neighboring property is zoned BE-2 Office

CONSERVATION BOARD: No comments.

TOWN ENGINEER: See memo from Town Engineer, Evert Garcia, dated June 14, 2020.

QUESTIONS:

- Can you please explain your project?
- Why can't the generator be located in a rear yard behind the building?
- Why does the generator have to be closer than 10 feet to the lot line?
- Will the placement of the generator interfere with the safe passage of pedestrians or vehicles?
- Will the generator be used only during electrical power outages and as required by the manufacturer for maintenance purposes?
- When will maintenance operation of the generator take place?
- Will the generator operate on natural gas?
- What is the noise level of the generator per manufacturer's specifications?
- Why does the site plan shows two (2) 4x14 equipment pads

SEQRA:

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

APPLICATION:

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

1. The generator shall comply with the most current Building & Fire Codes of New York State.
2. Prior to the installation of the air conditioner units, the units must meet the Town Code and a building permit must be obtained.
3. The generator is approved to be installed in the side yard with a minimum side setback of 6 ft.
4. The placement of the generator shall not interfere with the safe passage of pedestrians or vehicles;

5. The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes;
6. Maintenance operation of the generator shall take place only during daylight hours;
7. The generator shall only operate on LP or natural gas.
8. Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed the decibels documented in the submitted application.
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. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
12. Maintenance of landscape plantings shall be guaranteed for three (3) years.
13. All proposed landscaping shall be installed.
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. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
17. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated June 14, 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: 6P-01-21

Date: June 16, 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 Mansai Ladrigan, agent, and Arroyo Esondido, LLC, owner,

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Site Plan Modification to install a standby emergency generator in a side yard.

Location: 900 Winton Road South.

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: June 14, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 6P-01-21*
Mansai Ladrigan, Agent, and Arroyo Escondido, LLC, Owner
Site Plan Modification to install a standby emergency generator in a side yard
900 Winton Road South

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

General:

1. What type of fuel is being proposed for the generator? The cut sheets indicate that LP or Natural Gas can be used. Will any new utilities need to be extended to the generator?
2. The proposed asphalt removal work encroaches onto the neighboring property to the south. Does the applicant have permission from the neighboring property to perform this work?
3. Cut sheets for the proposed A/C condensing units should be provided with the application documents.
4. The plans should depict the location of existing and proposed utilities within the limits of the project area.
5. Existing topography within limits of the project area should be shown on the plans.
6. A construction detail for the proposed equipment pad should be provided on the plans.
7. A seed mix for the proposed lawn restoration areas should be called out on the plans.

PLANNING BOARD REPORT

HEARING DATE: June 16, 2021

APPLICATION NO: 6P-2-21

APPLICATION SUMMARY: Application of Westfall Medical Realty, LLC, owner, for Demolition Review and Approval and Preliminary / Final Site Plan Approval to raze a 6,015 sf medical building and reuse the existing foundation to construct a new 6,425 +/- sf medical building on property located at 2233 South Clinton Avenue.

COMMENTS:

- The subject property is presently zoned BE-1 Office
- Calculation for gross footage/acre is 5,113 sf/acre.
- The proposed project meets all the parking and area requirement of the Town Code.
- Westfall Park Medical is located at the southwest corner of Westfall Road and South Clinton Avenue.
- The site contains five medical office buildings and one utility building. Existing building 1, which is approximately 6,015 sf and located in the northeast corner of the property, is proposed for partial demolition. The building's roof and first floor are proposed for removal.
- The building demolition will be reviewed by the Historic Preservation Commission at its June 24 meeting.
- The foundation and utility connections would remain in place. A new 6,425 SF building is proposed using the existing foundation and two minor infill areas along the south side of the building. The infill areas will accommodate a new entry vestibule and additional office space.
- The new building will be sprinklered.
- No other site improvements are proposed at this time.
- The site and landscaping surrounding the existing building will be protected during construction. Any damage to the landscaping, diseased, or dead vegetation will be replaced in kind at the completion of the new building.
- The architectural design and building materials of the proposed buildings have been reviewed and approved by the Town of Brighton Architectural Review Board.

CONSERVATION BOARD:

- Existing foundation plantings if to remain will need to be analyzed after construction and replaced where needed. If foundation plantings are to be removed as part of demolition then a foundation planting plan should be submitted for town review.
- Consider planting a few deciduous shade trees throughout the campus.
- The Board applauds the use of geothermal technology.

TOWN ENGINEER: See memo from Town Engineer, Evert Garcia, dated June 15, 2021.

QUESTIONS:

- Why are you demolishing the building?
- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- Has the project been reviewed by the Conservation Board?
- Where is the geothermal located on the site?
- Has MCWA reviewed and approved the proposed 4" fire service?
- Will the proposed building require the installation of an RPZ? Will the RPZ be located in the building?
- Will this project modify more than 20,000 sf?
- Will any trees be removed as a result of this project?
- How will access to the office park be maintained throughout the construction of the new facility?
- Has the proposed demolition been reviewed by the Historic Preservation Commission?
- Will the parking lot be lighted?
- What is the proposed height of the new building?

- What type of provisions are you providing for trash?
- Will all new roof leaders tie back in to the existing storm sewer system?
- A sanitary sewer permit must be obtained from the Town of Brighton sewer department before construction and/or demolition can begin. The sanitary sewer must be plugged prior to the start of construction.
- A sprinkler permit must be obtained from the Town's Fire Marshal before the start of new construction.
- The location of the existing geothermal utility lines should be depicted on the plans.
- Will there be any new lighting proposed as part of the site improvements?
- Does this project impact any wetlands?
- Does this project impact any archeological resources?
- Do you propose to install a fire sprinkler system?
- Do you propose to install fire and smoke detection systems and a fire sprinkler system?
- Will a generator be provided?
- Where will the HVAC units be located?

APPLICATION:

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. A pre-demolition asbestos survey shall be submitted to and reviewed by the building and Planning Department.
3. The entire building shall comply with the most current Building & Fire Codes of New York State.

4. 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.
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. Maintenance of landscape plantings shall be guaranteed for three (3) years.
11. 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.
12. 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
13. 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.
14. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
15. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
16. 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.

17. All County Development Review Comments shall be addressed prior to final approval.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
19. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
20. Prior to the issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.
21. The proposed building shall be sprinklered in accordance with Town requirements.
22. Erosion control measures shall be in place prior to site disturbance.
23. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
24. The location of any proposed generators 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.
25. The location of the HVAC shall be shown on the site plan
26. All comments and concerns of the Town Engineer as contained in the attached memo dated June 16, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
27. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

28. The plans shall be revised to address the following comments of the Conservation Board:

- a. Existing foundation plantings if to remain will need to be analyzed after construction and replaced where needed.
- b. If foundation plantings are to be removed as part of demolition then a foundation planting plan should be submitted for town review.
- c. Consider planting a few deciduous shade trees throughout the campus.
- d. The Board applauds the use of geothermal technology.

29. 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.

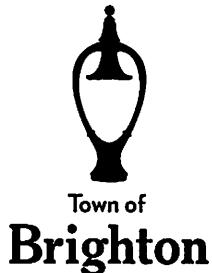
30. A sanitary sewer permit must be obtained from the Town of Brighton sewer department before construction and/or demolition can begin. The sanitary sewer must be plugged prior to the start of construction.

31. A sprinkler permit must be obtained from the Town's Fire Marshal before the start of new construction.

32. The location of the existing geothermal utility lines should be depicted on the plans.

33. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, 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.

34. The location of the existing storm sewer utilities should be depicted on the plans.



Public Works Department

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

Evert Garcia, P.E.
Town Engineer

MEMO

Date: June 15, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 6P-02-21*

Westfall Medical Realty, LLC, Owner

Demolition review and approval and Preliminary/Final Site Plan approval to raze a 6,015 sf medical

building and reuse the existing foundation to construct a new 6,425 +/- sf medical building

2233 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 letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
4. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractor(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
5. A sequence for construction of the proposed improvements, including installation of sediment and erosion control measures, tree protection, stripping and clearing, rough grading, construction of utilities, building construction, and final grading and landscaping shall be provided on the 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. Has MCWA reviewed and approved the proposed 4" fire service? 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.
2. Will the proposed development require the installation of an RPZ? If required, the location of this infrastructure must be shown on the plans.

SWPPP:

1. The plans indicate that the project will disturb 0.53 acres of soil as part of the proposed improvements. Chapter 215 of the Brighton Town Code states that *modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. The SWPPP must meet the design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer.* Does the proposed development meet this criterion? Please clarify.
2. Will the proposed improvements increase the impervious cover for this site? If so, by how much?

Plans

1. *Existing Site and Demolition Plan, Sheet 2 of 5*
 - a. How will access to the office park be maintained throughout the construction of the new facility? Will construction vehicles for the new facility and passenger vehicles traveling to the other office buildings on this site utilize the same access drive? Conflicts between construction and passenger vehicles should be avoided. A designated construction entrance should be considered and outlined on the plans.
 - b. All trees and vegetation which has to be removed in order to accommodate the proposed improvements should be called out on the plans.
2. *Proposed Site and Utility Plan, Sheet 3 of 5*
 - a. Will all new roof leaders tie back in to the existing storm sewer system? The location of the existing storm sewer utilities should be depicted on the plans.
 - b. A sanitary sewer permit must be obtained from the Town of Brighton sewer department before construction and/or demolition can begin. The sanitary sewer must be plugged prior to the start of construction.
 - c. A sprinkler permit must be obtained from the Town's Fire Marshal before the start of new construction.
 - d. The location of the existing geothermal utility lines should be depicted on the plans.
 - e. Will there be any new lighting proposed as part of the site improvements?
 - f. Will the existing water service in Building 5 be impacted during construction of the new fire service?
 - g. The material type for the new 4" fire service should be called out on the plans.
 - h. Will the new 4" fire service be installed by open cutting the parking lot pavement?
3. Details
 - a. Standard construction details for the proposed water service should be included with the plans.
 - b. Pavement restoration details should be provided on the plans.

Notes:

- a. Standard MCWA water service notes should be provided on the plans.
- b. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.

PLANNING BOARD REPORT

HEARING DATE: June 16, 2021

APPLICATION NO: 6P-03-21

APPLICATION SUMMARY: Application of Brighton Twelve Corners Associates, LLC, owner, for Conditional Use Permit Approval to allow for a new restaurant use on property located at 1881 Monroe Avenue (2602 Elmwood Avenue).

COMMENTS:

- The subject property is presently zoned BF-1.
- The gross square footage of the building is 15,006 square feet.
- The gross square footage of the proposed restaurant use is 2,669 square feet. The building also includes 4 other businesses (UPS Store, Five Guys Restaurant, Urgent Care Facility, and ESL Federal Credit Union.)
- The total project area is 1.55 acres.
- The proposed use requires 33 parking spaces. 66 seats are proposed based on parking requirements
- A zoning variance for the property was previously granted allowing 88 spaces in lieu of the required 118 spaces for the building. 5A-09-16
- Variance was approved for building sign on second building face 6A-11-21

CONSERVATION BOARD:

- NO COMMENT

TOWN ENGINEER:

- NO COMMENT

QUESTIONS:

- Will the restaurant have a minimum square foot gross floor area space in the dining room area of 15 square feet per seat?
- Is the maximum total length of the bars at which alcohol is served 20 feet or less?
- Is the kitchen floor area of no less than 250 square feet?

- Will the sale of alcoholic beverages be incidental to food sales?
- What will the hours of operation be?
- Will the parking lot be lighted?
- What type of provisions are you providing for trash?
- Will any improvements be made to the front of the building or property?
- Will there be outdoor dining?
- Is there a grease trap?
- Will there be live entertainment?

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. All conditions of the Zoning Board of Appeals shall be met.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.
6. Applicant shall comply with the requirements of §207-14.2 of the Comprehensive Development Regulations regarding refuse and grease handling, cleaning of exhaust hoods/vents and other applicable regulations.
7. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.

8. Customer seating will not exceed 66 seats.
9. Prior to any outdoor dining, all required Town approval shall be obtained.
10. No live or broadcast music or other entertainment shall be allowed.
11. The restaurant shall have a minimum square foot gross floor area space in the dining room area of 15 square feet per seat.
12. The maximum total length of the bars at which alcohol is served shall be 20 feet or less.
13. The kitchen floor area shall be no less than 250 square feet.
14. The sale of alcoholic beverages be incidental to food sales.
15. Hours of operation shall be no earlier than 6:00 a.m. nor later than 12:00 midnight.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 6P-03-21

Date: June 16, 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: 6P-03-21

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Brighton Twelve Corners Associates, LLC, owner, for Conditional Use Permit Approval to allow for a new restaurant use on property located at 1881 Monroe Avenue (2602 Elmwood Avenue).

Location: 1881 Monroe Ave

Reasons Supporting This Determination:

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

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. There will be no resources of value irreversibly lost.
3. The duration of all impacts will be short term in nature.
4. No threatened or endangered species of plants or animals will be affected by this project.
5. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.

6. The requirements of the State Environmental Quality Review Law have been complied with.
7. 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