

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF SEPTEMBER 14, 2021  
Brighton Town Hall  
2300 Elmwood Avenue

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 September 14, 2021 at 12:00 PM.

Applications subject to public hearings are available for review on the town's website.

**AGENDA**

7:00 P.M.

**CHAIRPERSON:** Call the meeting to order.

**SECRETARY:** Call the roll.

**CHAIRPERSON:** Approval of the July 21, 2021 meeting minutes. **To be done at the October 20, 2021 meeting.**  
Approval of the August 18, 2021 meeting minutes. **To be done at the October 20, 2021 meeting.**

**CHAIRPERSON:** Public meeting notice announcement.

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**7P-01-21** Application of 150 Metro Park LLC, owner, for Preliminary / Final Site Plan Approval and Conditional Use Permit Approval to construct a 9000 +/- sf pole barn storage building for the use of two tenants on property located at 150 Metro Park. All as described on application and plans on file. **WITHDRAWN BY APPLICANT**

**CHAIRPERSON:** Announce that public hearings are closed.

**NEW BUSINESS:**

**8P-NB1-21** Application of The University of Rochester, owner, for Concept Review (revised plans) to construct a 3 story, 55,000 +/- sf building addition (LLE Building) and a 102 space parking lot on property located at 250 East River Road. All as described on application and plans submitted. All as described on application and plans submitted.

**OLD BUSINESS:**

Review draft advisory report For proposed Local Law Providing for Amendment to Wireless Telecommunication Structures and Devises Regulations. (Wireless Facility Local Law 2021, Design Manual)

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**PRESENTATIONS:** NONE

COMMUNICATIONS:

Letter from Bernard Birnbaum, Birnbaum Companies, dated September 14, 2021, withdrawing application 7P-01-21, 150 Metro Park.

Letter from David Fader, Planning Board Member, with comments regarding application 8P-NB1-21, 250 East River Road.

PETITIONS: NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
<b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>			
<u>1623</u>	Dirty Laundry 1900 S. Clinton Avenue	Bldg Face	8/24/21
ARB - Approved as presented.			
<u>1624</u>	Comprehensive Dermatology of Rochester 900 Winton Road South	Bldg Face	8/24/21
ARB - Approved with conditions: 1. Pictorial element of the sign must be reduced to 25% of the total sign area.			
<u>1625</u>	UR Medicine, Brighton Health Center 2613-2619 W Henrietta Road	Bldg Face	8/24/21
ARB - Tabled, will be reviewed in conjunction with the ARB application for facade changes.			
<u>1626</u>	POD Computers 1515 Monroe Avenue	Bldg Face	8/24/21
ARB - Approved as presented.			
Old Business			
<u>1622</u>	Brighton Gardens Apartment Homes 2125 Monroe Avenue	Freestanding Sign	7/27/21, 8/24/21
ARB - Revised plan approved as presented.			

MOTION TO GO INTO EXECUTIVE SESSION:

Litigation



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Pittsford, NY 14534  
+585 381 0696  
[info@birnbaumcompanies.com](mailto:info@birnbaumcompanies.com)

September 14, 2021

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

**RE: Letter of cancellation for Planning Board application**

Dear Jeff:

After much consideration, we have decided to not move forward with the project located at 150 Metro Park. We would like to withdraw our application and will not attend tonight's planning meeting. Thank you for the opportunity.

Please contact me if you have any questions.

Very truly yours,

Bernard Birnbaum, CPM, CFE  
President and CEO  
Birnbaum Companies

RECEIVED  
SEP 14 2021  
TOWN OF BRIGHTON  
BUILDING & PLANNING

MEMO

TO: Ramsey Boehner, Associate Planner

FROM: Rick DiStefano, Planner

DATE: September 8, 2021

RE: Conservation Board's comments concerning the September 14, 2021 Planning Board meeting.

8P-NB1-21 250 E River Road - U of R Laser Lab (revised concept)

- Although options 1A and 1B do not directly impact the vernal pond, they do impact the upland area needed for this sensitive habitat. Options 2 and 3 have a direct impact on the vernal pond which is not acceptable. It appears option 1B has the least amount of direct impact on the Chorus Frog habitat of the options provided, however the Board feels greater buffering around the vernal pond (greater upland area) is needed.
- Can the 102 space parking lot be eliminated, or placed elsewhere on site to minimize its environmental impact? Will this parking lot need to be expanded with construction of the 2<sup>nd</sup> addition? There are numerous parking areas that already exist throughout the southern campus, could these lots be utilized/improved to handle the proposed increase in parking demand. Consider shared parking with the Imaging Building. A parking survey should be conducted to verify the need of a new parking lot.
- As shown on the Southern Campus Master Plan, a parking structure is considered for this area, why can't it be built with this phase, reducing overall surface parking with the construction of a parking structure should be considered.
- Offsite parking with the use of the U of R shuttle system and RTS should be considered.
- A tree/woodlot mitigation plan needs to be submitted. This plan should identify and consider conflicts with the Master Plan so that mitigation from this project will not be impacted by future development.
- Woodlot mitigation should include reducing impacts from heat islands, alternative mowing practices which can provide a more diverse habitat offering ecological benefits, and a diverse tree planting plan using native plant material.
- What are the impacts on existing stormwater management facilities, what improvements will need to be incorporated? Stormwater management shall avoid the vernal pond.
- Green infrastructure techniques should be incorporated.
- The Board will have additional comments as plans progress.

Dear Mr. Boehner and Members of the Planning Board:

I may not be able to attend the September meeting so I would like to share my thoughts on the Laser Energetics Expansion Project Concept Review.

The last time the Laser lab expanded they set aside a protected area to mitigate the habitat disturbance. This included a man-made vernal pool and adjacent woodlot. The woodlot would provide habitat and the pool would provide a breeding area for amphibians.

I was a planning board member at the time. I attended the site visit where we discussed the planned mitigation. I have included an edited image to show the area that I understood was going to be left undisturbed. The delineation may not be exact but it illustrates the concept.



All of the alternative concepts include removal of the surrounding woodlot. A vernal pool with no adjacent habitat serves no purpose. The previous mitigation is eliminated.

There is no point preserving the pool if the woods are removed. In fact, the pool could be eliminated as it is likely to have a detrimental effect on any amphibians attempting to navigate parking lots and roads.

I believe there are several possible paths forward.

- Move the parking lot and roads out of the woodlot, preserving a majority of the adjacent woodlot, and maintaining wildlife corridors.
- Accept that the original mitigation needs to be impacted. Provide replacement mitigation, including vernal pools if conditions permit.
- Find that the original mitigation is no longer needed

Sincerely,

David Fader



Town of  
**Brighton**

# Public Works Department

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

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

## MEMO

Date: September 14, 2021

From: Evert Garcia

To: Ramsey Boehmer

Copy: File

Re: *Application No. 8P-NB1-21*

*Application of the University of Rochester, Owner, for Concept Review to construct a 3 story, 55,000 +/- sf building addition (LLE Building) and a 102-space parking lot  
250 East River Road*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. Many of the comments noted below were included as part of the previous review of this application. Written responses to the following comments must be provided:

### **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.
2. Parking stalls shall be 9ft. x 18ft, all drive aisles shall be 24 feet wide for two-way travel, and fire lanes shall be designated and comply with the Town of Brighton and NYS Fire Codes. The final layout option must be submitted to the Town Fire Marshal for review and comment.
3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: restoration, utility improvements, stormwater water management facilities, landscaping and sediment and erosion control. 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.
4. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
5. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
6. 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.
7. The Site Plan should include; locations and dimensions of principal and accessory structures, parking areas, signs, general topography contours of the site, existing utilities, existing and

proposed trees and other vegetation and other existing or planned features; a narrative describing anticipated changes to existing topography and natural features, including but not limited to trees, landscaping, utilities, proposed storm sewer infrastructure, and proposed stormwater management facility.

8. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at:  
<http://www.townofbrighton.org/DocumentCenter/View/4557>.
9. All conditions set forth by the amenity agreement, resolutions, regulations, and environmental finding statements associated with the South Campus IPD district shall be adhered to.
10. The wetland delineation for this parcel which was included as part of the S-DGEIS was completed in 2014. The wetland delineations are valid for five years, a timeline which began in January of 2014 based on NYS DEC and USACOE verification of the delineation. Additional delineations will be required for the proposed development to determine the impact that the project will have on the wetlands in the vicinity to this development.
11. Appropriate notes and construction details pertinent to this project should be provided on the plans.

**Sustainability:**

1. Pervious pavements should be considered where applicable such as sidewalks, parking areas and drive aisles to control the stormwater generated by the proposed parking lot expansion.
2. 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.
3. The engineering report should demonstrate how the proposed development meets the goals and objectives outlined in the University of Rochester Council on Environmental Sustainability.
4. Will any component of the project be LEED certified? The applicant should identify which components will be certified and the level of certification.

**Roadway and Traffic:**

1. The environmental finding statements for the South Campus IPD indicate that a regional Traffic Impact Study (TIS) shall be updated every five years to monitor potential traffic impacts and identify commensurate traffic mitigation starting in 2015. The Town review feels will be paid for by the University. An update to the TIS is overdue and shall be provided by the University. The Town will provide review comments upon receipt of the TIS update.
2. A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be provided.
3. The parking analysis must demonstrate why an additional 100 parking stalls are being proposed. The trip generation data provided in Appendix D does not appear to warrant the number of parking stalls being proposed.
4. We are in receipt of comments from MCDOT which were not included as part of Appendix D of the submittal package. All comments from MCDOT and NYSDOT with regards to the TIS must be addressed.



## **Engineer's Report:**

1. An Engineer's Report must be provided. The Engineers Report should include technical information regarding sanitary sewer demand, change in runoff, and justification of the proposed stormwater quality/quantity mitigation.
2. The proposed project is within the Irondequoit Creek watershed. Will the proposed project exceed the thresholds for requiring a stormwater management report identified in the Irondequoit Creek Watershed Stormwater Management Report Requirements Packet for Developers?
3. What is the proposed area of disturbance for this project? 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. Please develop a SWPPP for this project. 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.
4. Stormwater mitigation must be provided to meet the requirements of Chapter 215, Stormwater Management, of the Brighton Town Code. Technical calculations demonstrating compliance with the Code of the Town of Brighton must be provided.
5. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the domestic and fire protection demands associated with this project must be provided. Historically, there has been concerns about the available pressure in the water system to accommodate development of the South Campus.
6. Has the new water main connection from Southland Drive to East River Road and associated fire pump and water boosters been installed to serve this development as outlined in the FGEIS?
7. A sequence for construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping shall be provided. The sequence of construction should also be outlined on the plans.

## **Site Plan, Sheet 2:**

1. The proposed building additions and associated parking lot appear to be located within the wetland area known as "Wetland L" as part of the South Campus IPD district. How does the applicant intend to mitigate the loss of this area? Furthermore, the environmental finding statements for the South Campus IPD indicates that disturbance of this wetland area will be avoided by future development. Please review and clarify.
2. The extent of the woodlot EPOD and wetlands must be shown on the plans.
3. The proposed development shall comply with all requirements set forth in Chapter 203, Woodlot Protection District, of the Brighton Town Code.
4. Sidewalk should be extended to Murlin Drive along the north side of the laser lab as shown in the FGEIS. The trail should also be extended south along Murlin Road to the LLE entrance as shown on the FGEIS.
5. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting

this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

6. All existing and proposed utilities on the site should be identified on the plans.
7. Light fixtures proposed as part of the improvements should be fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.
8. A plan showing proposed lighting photometrics must be provided.

**Notes:**

The following notes should be included on the plans:

1. 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.
2. All utility services shall be installed underground.
3. 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.
4. 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
5. 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.
6. Erosion control measures shall be installed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
7. 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.
8. All construction of the water supply system shall conform to the specifications, rules and regulations of the Monroe County Water Authority.
9. Installation of sewer and water lines shall conform to the requirements of the New York State Department of Health and the Monroe County Water Authority.
10. Minimum separation between water mains and sewer lines shall be 18" vertically measured from the outside of the pipe at the point of crossing. Minimum horizontal separation between parallel water mains and sewer pipes shall be 10' measured from the outside of the pipes. One full length of water main shall be centered under or over the sewer so that both joints will be as far from the sewer as possible. Adequate structural support (compacted #2 crusher run stone) shall be provided for the sewers to prevent excessive deflection of the joints, and settling on and breaking the water mains.
11. 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. Sanitary sewer mains shall be air tested and manholes shall be vacuum tested in compliance with the specifications and sewer policy of the Town of Brighton.
12. All hydrants shall be installed and operational prior to any above grade construction. The pumper connection shall be positioned towards the roadway.
13. Granite curbing shall be installed with 3' minimum transition sections at driveways and 1:12 maximum slope transition for sidewalks, or according to ADA requirements. Radius curbs must be used at all curves. Minimum distance between transition sections of adjoining driveways shall be

- 5'. Provide ADA compliant handicap ramp at all intersections. Sidewalk construction shall comply with the Americans with Disability Act.
14. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
15. 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.
16. Provisions for access to site shall be maintained at all times for emergency vehicles. The Town of Brighton Dept. of Public Works shall be notified a minimum of 24 hrs. in advance of any road closing.
17. Fire lanes shall be posted according to the Town of Brighton code.
18. 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.
19. All inlets to the storm system shall be straw-baled on all sides to control siltation. The utility contractor shall be responsible to maintain the bales until ground cover is established.
20. 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.
21. Tree protection and erosion control measures shall be in place prior to clearing, demolition or construction.





Town of  
**Brighton**

## Planning Board

Executive Secretary – Ramsey Boehner

**DRAFT**

September 14, 2021

Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

RE: Advisory Report - Code Amendment to Chapter 201; Amendment to Chapter 207, Article VIII; and Amendment to Appendix, Part 5, Design Plan Guidelines and Standards of the Code of the Town of Brighton

Dear Board Members:

At the September 14, 2021 Planning Board meeting, the Planning Board, pursuant to Section 225-6.A of the Comprehensive Development Regulations reviewed the Amendment to Chapter 201; Amendment to Chapter 207, Article VIII; and Amendment to Appendix, Part 5, Design Plan Guidelines and Standards of the Code of the Town of Brighton. The Planning Board offers the following findings:

The Town's wireless telecommunication facility regulations were originally adopted in 1997 and codified as Article VIII in Chapter 207 of the Town of Brighton Comprehensive Development Regulations. Since that time, The Town has been approached by "small cell" providers seeking to locate infrastructure both in the Town's right-of-way and on private property. Small cell was not contemplated when regulations were adopted in 1997. In addition, the Town is aware of amendments to the Telecommunication Act and the FCC Small Cell Order 18-133 that became effective on January 14, 2019 and the time constraints that are imposed on local governments to accomplish compliance. Mindful of the need to undertake a comprehensive review of the Town's wireless telecommunication facility regulations, Town Staff with the assistance of the Cohn Law Group have undertaken a comprehensive review of the Town regulations and the federal regulatory trends in this area and have prepared amendments consistent with the aims and principles embodied in the Code of the Town of Brighton Comprehensive Development Regulations.

The entire Town of Brighton and all its zoning districts will be affected by the proposed amendments and Design Manual. Small cells are used to improve capacity in heavy customer usage areas, including neighborhoods, business districts and community gathering places. A small cell is typically placed on existing utility poles, transit poles, street lights, signs, signal light poles in the typical ROW area and also on rooftops. The proposed amendment to the Design Plan Guidelines and Standards of the Code of the Town of Brighton include a Small Communications Facility Design Manual that establishes uniform standards for the design of Small Communications Facilities in the Town of Brighton. While the Planning Board recognizes the importance of Small Communications Facilities in providing high quality communications service to its residents, the Board also recognizes that it has an obligation to protect

public safety and to minimize the adverse effects of such facilities through the implementation of the Design Manual and the proposed amendments.

The proposed amendments are also consistent with Sense of Community Policy Statement and the Economic Vitality Policy Statement of Envision Brighton 2028 in that the Town will be able to:

- (a) Accommodate the need for Small Communications Facilities in the public rights-of-way while regulating their design so as to preserve the character of the Town and ensure compliance with applicable Town standards;
- (b) Provide for the managed development of Communications Facilities in a manner that enhances the benefits of Wireless communication and accommodates the needs of both Town residents and Wireless carriers in accordance with federal and state laws and regulations;
- (c) Establish procedures for the design, siting, construction, installation, maintenance and removal of Tower-Based Communications Facilities, Non-Tower Communications Facilities, and Small Communications Facilities in the Town, including facilities both inside and outside the public rights-of-way;
- (d) Address new Wireless technologies, including but not limited to, distributed antenna systems, data collection units, Small Communications Facilities, cable Wi-Fi and other Communications Facilities;
- (e) Minimize the adverse visual effects and the number of such Communications Facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of Wireless communications services collocate their commercial communications antennas and related facilities on existing towers;
- (f) Promote the health, safety and welfare of the Town's residents; and
- (g) Comply fully with the Federal Telecommunications Act of 1996 and its amendments.

Respectfully,

Ramsey A. Boehner  
Executive Secretary  
Planning Board