

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF DECEMBER 15, 2021  
Brighton Town Hall  
2300 Elmwood Avenue

Due to the public gathering restrictions because of COVID-19 and the adoption of Chapter 417 of the laws of 2021, this Planning Board meeting will be conducted remotely beginning at 7:00 pm or as soon thereafter as possible. Members of the public will be able to view the meeting via Zoom.

Written comments may be submitted to 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).

Applications subject to public hearings are available for review on the town's website no later than twenty-four hours prior to the meeting.

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: Agenda Review with Staff and Members

CHAIRPERSON: Approval of the October 20, 2021 meeting minutes. **To be done at the January 19, 2022 meeting.**  
Approval of the November 17, 2021 meeting minutes. **To be done at the January 19, 2022 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of December 9, 2021 will now be held.

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12P-01-21 Application of Premium Mortgage Corporation, owner, and Charles Sciortino, agent, for Site Plan Modification to install a roof top standby emergency generator on property located at 2541 Monroe Avenue. All as described on application and plans on file.

12P-02-21 Application of FSI Construction - Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for Preliminary/Final Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single family home and construct a 10,000 sf medical office building on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans on file.

NEW BUSINESS:

10P-NB1-21 Application of 1950-1966 Monroe Avenue, LLC (Quicklee's), owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one and construct a 2,500 +/- sf convenience store, three new gas pump islands and a new gas pump canopy on properties located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file. **POSTPONED AT APPLICANTS REQUEST**

10P-NB2-21 Application of James Tabbi, owner, for Preliminary Site Plan Approval and Preliminary EPOD (steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first floor garage and storage area on property located at 830 Highland Avenue (Tax ID #136.07-1-28.2). All as described on application and plans on file.

12P-NB1-21 Application of University of Rochester, owner, for Preliminary Site Plan Approval, Preliminary EPOD (woodlot) Permit Approval and Preliminary Conditional Use Permit Approval to construct a 61,000 sf, 3 story building addition to the Laboratory for Laser Energetics and construct an additional 100 parking spaces on property located at 250 East River Road. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Matt Dye, 21 Avalon Drive, dated November 11, 2021, supporting a store forward design fo the Mobile at 12 Corners, 1950-1966 Monroe Avenue.

Letter from Ryan Breault, Bonnie Brae Avenue, dated November 12, 2021, supporting a store forward design fo the Mobile at 12 Corners, 1950-1966 Monroe Avenue.

Letter from Heather Coyne, 382 Hollywood Avenue, dated November 16, 2021, supporting a store forward design fo the Mobile at 12 Corners, 1950-1966 Monroe Avenue.

Letter from Michael Willoughby, 86 Edgewood Avenue, dated November 17, 2021, supporting a store forward design fo the Mobile at 12 Corners, 1950-1966 Monroe Avenue.

PETITIONS:

NONE

**SIGNS:**

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<u>1631</u>	Echelon Wealth Advisors 1441 Monroe Avenue	Bldg Face	11/23/2021
ARB - Approved as presented.			
<u>1632</u>	Conway Beam Truck Group 2674 W Henrietta Road	Bldg Face Signs	11/23/21
ARB - Approved with conditions 1. All required variances shall be obtained.			
<u>1633</u>	Lattimore Physical Therapy 1655 Elmwood Ave, Suite 130	Bldg Face	11/23/21
ARB - Approved as presented.			



Ramsey Boehner <ramsey.boehner@townofbrighton.org>

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## 12 Corners Mobil redevelopment

1 message

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**Matt Dye** <englishmatt@gmail.com>

Thu, Nov 11, 2021 at 2:29 PM

To: ramsey.boehner@townofbrighton.org

Dear Ramsey,

I'm writing to express my support for the redevelopment of the Mobil garage on 12 Corners that moves the gas pumps to the rear, and has the store and seating facing the gazebo in the 12 Corners central park. This arrangement will help to create a more beautiful Town center for Brighton, and also increase foot traffic for the new store attached to the gas station.

Sincerely,

Matt Dye

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21 Avalon Dr  
Brighton, NY 14618



Ramsey Boehner <ramsey.boehner@townofbrighton.org>

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## Mobil/Quicklee's Project

1 message

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**Ryan Breault** <rpbreault@gmail.com>  
To: ramsey.boehner@townofbrighton.org

Fri, Nov 12, 2021 at 7:19 AM

Good morning,

My name is Ryan Breault. My wife Holly, son Remy, and I are residents on Bonnie Brae Ave. near 12 Corners. It is my understanding that the owners of the Mobil station at 12 Corners will be razing and rebuilding. After looking at the proposed drawings - I feel strongly that the option to have the store and some café tables out front with the gas pumps behind the store would be much more visibly appealing. Is there a downside to this plan? To me it seems like a much better option than having the pumps out front.

Thank you for the consideration,  
Ryan Breault



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

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**Mobil/Quicklee's project**

1 message

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**Heather Coyne** <coynehl@gmail.com>  
To: ramsey.boehner@townofbrighton.org

Tue, Nov 16, 2021 at 4:23 PM

Dear Mr. Boehner,

I'm writing to express my ardent hope that the Planning Board will pause to reconsider an older version of the site plan for the Mobil/Quicklee's project. Of the three original designs, I'm thinking of the third one with the store up front (imagine looking from the gazebo in the center of Twelve Corners) and café tables out front with gas pumps behind the store. This version clearly aligns with the Town's Comprehensive Plan:

- It helps create a more welcoming, village-like feel.
- It makes a store more likely to succeed (which helps the Town).
- The tables and likely planters/flowers help beautify the area and bring community together.

Standing in the gazebo area right now, you see traffic, gas pumps, and parking lots, the exact opposite of what a vibrant, people-friendly, non-car-focused area would have. Any designs that keep the gas pumps up front would maintain the status quo and do nothing to advance the vision outlined in the Comprehensive Plan. While I understand that the store-forward plan requires more variances per the current code, and moving the gas tanks is a big endeavor, I know that moving ahead with this creative vision is the right thing for the future of our town.

I sincerely hope that the Planning Board, along with the Town's other boards, will reconsider the plan that aligns with the Town's own vision for itself, one that encourages community connection and business in a way that improves the aesthetics of what should be a beautiful area for our whole community.

Thank you,  
Heather Coyne  
382 Hollywood Avenue



Ramsey Boehner <ramsey.boehner@townofbrighton.org>

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## Twelve Corners Mobil Project

1 message

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**Michael Willoughby** <michaelwilloughby@gmail.com>

Wed, Nov 17, 2021 at 8:28 AM

To: ramsey.boehner@townofbrighton.org

Good morning Mr. Boehner,

I am writing as a Brighton resident (86 Edgewood) to express my desire that the Mobil site project in Twelve Corners be kept with the original plan where the pumps are situated behind the building. Not only is it better looking, but it appears that it moves the driveway entrances away from the corner, which is in my opinion better for safety and traffic.

Thanks for this consideration.

-Michael Willoughby

## **PLANNING BOARD REPORT**

**HEARING DATE: 12/15/2021**

**APPLICATION NO: 12P-01-21**

**APPLICATION SUMMARY:** Application of Premium Mortgage Corporation, owner, and Charles Sciortino, agent, for Site Plan Modification to install a roof top standby emergency generator on property located at 2541 Monroe Avenue.

### **COMMENTS:**

- The subject property is presently zoned BF-1
- The generator will be powered by natural gas.
- The proposed generator will be placed on the roof.

### **CONSERVATION BOARD:**

**TOWN ENGINEER:** See memo from Assistant Engineer, Brendan Ryan, dated December 14, 2021.

### **QUESTIONS:**

- Will the generator be enclosed?
- What are the decibel levels of the generator?
- Has an analysis been completed by an engineer showing the structure can support the load and vibration created by the proposed equipment?
- Where will associated equipment be located?
- What time of day will the generator be tested?

### **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. Meet all requirements of the Town of Brighton's Department of Public Works.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed within 30 days.
5. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
6. All comments, concerns and requirements of the Assistant Engineer as contained in the attached memo dated December 14, 2021 from Brendan Ryan, Assistant Engineer, to Ramsey Boehner, shall be addressed.
7. The location of any proposed generator is approved. Documentation shall be submitted that shows that all other requirements for generators in the Comprehensive Development Regulations will be met or Planning Board approval for the generator will be obtained. The generator shall not exceed 72 decibels.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 12P-01-21

**Date:** December 14, 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:** 12P-01-21 2541 Monroe Ave

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Premium Mortgage Corporation, owner, and Charles Sciortino, agent, for Site Plan Modification to install a roof top standby emergency generator on property located at 2541 Monroe Avenue.

**Location:** 2541 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. 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. The duration of all impacts will be short term in nature.
4. The project is supported by the immediate community.
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



**Brendan Ryan**  
Assistant Engineer

## MEMO

Date: December 14, 2021

From: Brendan Ryan

To: Ramsey Boehner

Copy: File

Re: *Application No. 12P-01-21*  
*Application of Charles Sciortino, Premium Mortgage Corporation, for Preliminary Site Plan Approval to*  
*install a gas backup generator*  
*2541 Monroe Avenue*

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

**General:**

1. Several options are given for enclosure and sound attenuation options in the manufacturer documentation, but it is not clear what option is being selected. Please confirm this information.
2. Documentation of the noise levels for the proposed generation unit must be provided for the selected enclosure type for this generator.
3. The generator is proposed to be sited on top of an existing elevator shaft. Has a structural analysis been performed to confirm that this structure can support the load? Please provide documentation.
4. Will any other site work be required for this generator installation or will it all be contained on the roof?

## PLANNING BOARD REPORT

HEARING DATE: December 15, 2021

APPLICATION NO: 12P-02-21

APPLICATION SUMMARY: Application of FSI Construction - Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for Preliminary/Final Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single-family home and construct a 10,000 sf medical office building on property located at 3300 Brighton Henrietta Town Line Road.

### COMMENTS:

- The EPOD (watercourse) Permit Approval and Demolition Review and Approval have expired and must be reapproved by the Planning Board.
- Final Site Plan Approval was granted on October 16, 2019. The Planning Board had extended the approval for two (2) years from the date of original approval. Therefore, the Planning Board could only grant an extension to October 15, 2021, which has now expired.
- §203-129.B(2) of the Comprehensive Development Regulations requires that a 100 ft. vegetative buffer be maintained from the banks of the watercourse (Allens Creek). The building and parking lot are within an environmental EPOD. A variance was obtained for disturbance in the EPOD under Zoning Board of Appeals application 10A-08-19 and has expired.
- §203-164.A of the Comprehensive Development Regulations does not permit front yard parking. The proposed parking area is located in the front yard. A variance was obtained to allow front yard parking under Zoning Board of Appeals application 9A-04-19 and has expired.
- The proposed building location does not meet the zoning requirements for front setback. A variance, 10A-07-19, was obtained from the Zoning Board of Appeals to allow the proposed building to be constructed with a 42' front setback in lieu of the minimum 75' required by code. The variance has since expired.
- The Zoning Board of Appeals granted the necessary extension for the above variances October 2020, which has now expired.
- The project was approved by the Architectural Review Board under application number 8AR-7-19.
- The subject property is zoned as Technology and Office Park (TOP) District.
- The gross square footage of the proposed building is 10,000 square feet.

- The total project area is 2.2 acres.
- Calculations for gross footage/acre is 4,546 sf/acre.
- Calculations for green space are 43%. Impervious coverage is 56%.
- There is only one access route to the site.
- There is an existing single-family home on the property that will be demolished prior to the new construction and current entrance to property shall be closed and curb replaced.
- Construction of a sidewalk is proposed along BHTL Road.
- Demolition application was reviewed for HPC and it was decided that a public hearing to consider landmark status was not needed.
- Portions of the project are within the 100-year floodplain.
- The proposed first floor building elevation is at 499' and the floodplain elevation is 495.8'. The building is not within the floodplain.
- The proposed project fills 342.42 cy of floodplain, and mitigates it by creating 358.24 cy of storage resulting in a net positive volume increase of 15.82 cy.
- The proposed use requires 67 parking spaces. 69 parking spaces have been proposed meeting the applicant's requirements.
- The proposed generator is in the side yard.
- Canal View Boulevard is a private road. Documentation was presented granting the property access Canal View Boulevard. Limits of the easement are shown on the site plan.
- A traffic study was completed and submitted. It concluded "...the project does not negatively impact the adjacent street network or intersections during high traffic times." MCDOT has also reviewed and approved and didn't require any additional improvements.
- The survey is from May 2019. Previous discrepancies between floodplain elevations have been addressed.
- HVAC units will be located on the roof.
- A monument sign is proposed on the corner of BHTL Rd and Canal View Blvd and would require a variance.

## CONSERVATION BOARD:

- It appears the plans have not changed from that as approved under application 10P-01-19 and, therefore, have no additional site plan comments. The Board would like to stress the importance of limiting snow storage to the southern portion of the lot (as shown on plans) to help protect Allens Creek, and hopes the owner is vigilant to insure there will be no snow storage along the northern portion of the parking lot.

TOWN ENGINEER: See memo from Assistant Engineer, Brendan Ryan, dated December 14, 2021.

## QUESTIONS:

- Are you proposing any changes to the plans previously reviewed and approved by the Planning Board?
- When do you plan on commencing demolition and construction?
- Have you contacted NYSDEC regarding the necessary approvals needed for the proposed improvements?
- Has an application been submitted for the expired variances?
- Have comments and additional requests provided by the town with the previous approvals been completed and submitted to the town?

## APPLICATION:

If the Board entertains tabling the application, I would suggest including, among others suggested by the Board, the following items shall 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. All conditions of the Zoning Board of Appeals shall be met.



5. The proposed sidewalk must meet all town requirements.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
9. 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.
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 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. Erosion control measures shall be in place prior to site disturbance.
13. Maintenance of landscape plantings shall be guaranteed for three (3) years.
14. Deciduous shade trees shall be planted at 3 - 3 ½ inches in diameter. Pine trees shall be planted at 7 - 8 ft. in height.
15. A detailed lighting plan which shows the type, location and lighting contours shall be submitted. Specifications for the proposed light shall be submitted and light shall not exceed 3000k.
16. The dumpster shall be enclosed with building materials that are compatible with the existing building. The enclosure shall equal the height of the dumpster. The plans shall be revised to include details of the proposed dumpster.
17. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
18. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
19. Fire hydrants shall be fully operational prior to and during construction of the building.



20. All County Development Review Comments shall be addressed.
21. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
22. The location of any proposed generator is approved. Documentation shall be submitted that shows that all other requirements for generators in the Comprehensive Development Regulations will be met or Planning Board approval for the generator will be obtained. The generator shall not exceed 72 decibels.
23. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, 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.
24. The proposed building shall be sprinklered in accordance with Town requirements.
25. 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.
26. 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.
27. The location of the HVAC shall be shown on the site plan.
28. Prior to the issuance of any permits the applicant shall obtain and submit a 239-F Permit from Monroe County DOT.
29. A letter or memo in response to all Planning Board and Town Engineer comments shall be submitted prior to the issuance of a building permit.
30. 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.
31. Construction activities shall be limited to 7 AM to 6 PM Monday to Friday, and 9 AM to 6 PM on Saturday.
32. 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.
33. 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.

34. Prior to above ground construction, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
35. Prior to the final plans being signed by the Commissioner of Public Works, the easement to allow access to Canal View Blvd shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Town of Brighton for its records.
36. All conditions of Planning Board Applications 8P-NB1-19, 10P-01-19 & 10P-01-21 shall apply
37. The Town of Brighton's Floodplain Development Permit Application shall be completed by the applicant's engineer and submitted to the Town of Brighton for review and approval.
38. All comments and concerns contained in the attached memo dated December 14, 2021 from Brendan Ryan to Ramsey Boehner, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 12P-02-21

**Date:** 12/11/21

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:** 12P-02-21

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of FSI Construction - Frank Imburgia, owner, and 3300 BHTL Partners, LLC, for Preliminary/Final Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single-family home and construct a 10,000 sf medical office building on property located at 3300 Brighton Henrietta Town Line Road.

**Location:** 3300 Brighton Henrietta Town Line Rd.

**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. There will be disturbance in the EPOD and floodplain that will be minimized and additional plantings will be added to the area outside the floodway. The building is located outside of the floodplain.
3. A traffic survey was completed and showed that the proposed development will not negatively affect street networks or intersections. Monroe County Department of Transportation has reviewed and approved the project. All required County permits will be obtained.

4. Some areas in the floodplain will be filled affecting flood storage, however enough compensatory storage is proposed to result in net positive flood storage on site.
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 storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.
7. The requirements of the State Environmental Quality Review Law have been complied with.
8. The duration of all impacts will be short term in nature.
9. There will be no resources of value irreversibly lost.
10. No threatened or endangered species of plants or animals will be affected by this project.

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 – Michael Guyon, P.E.

Brendan Ryan  
Assistant Engineer

## MEMO

Date: December 14, 2021

From: Brendan Ryan

To: Ramsey Boehner

Copy: File

Re: *Application No. 12P-02-21*  
*Frank Imburgia/FSI Construction, Owner*  
*Concept Review to Construct a 10,000 +/- sf Medical Office Building with Related Site Improvements*  
*3300 Brighton Henrietta Town Line Road*

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

### General:

1. The proposed Town easement maps and descriptions do not appear to have been included with the submittal package. We await to review the texts, maps and descriptions of all the proposed easements associated with this project. 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. Upon filing all easements will have to be noted upon the resub map (with ownership, purpose and liber/page) prior to the site or subdivision plans being signed by the DPW.
2. An easement for the proposed sidewalk along the frontage of the property should also be provided and depicted on the plans.
3. The owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Town, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by the Code of the Town of Brighton, if necessary, implement emergency repairs to protect the health, safety and welfare of the public.
4. We await to review the Engineer's Estimate for construction to establish the value of the letter of credit. The letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: restoration, sanitary sewer, storm sewer, water main, stormwater water management facilities, landscaping and sediment and erosion control.
5. The liber and page for the proposed access easement to Canal View Boulevard must be recorded on the plans prior to final approval of the plans.
6. Town of Brighton code section 203 Article XVII, Watercourse and Floodplain Protection District EPOD requires a natural vegetative buffer of 100 feet from each bank of the watercourse. This development is landscaped with grass within 20 feet of the southern bank, and the building is proposed within about 40 feet of the southern bank. A variance for encroachment into the vegetative buffer will be required for this development.

2300 Elmwood Avenue Rochester, New York 14618 [www.townofbrighton.org](http://www.townofbrighton.org)  
Brendan.Ryan@townofbrighton.org 585-784-5253

7. A floodplain development permit will be required for the proposed development.
8. What has changed on the proposed development from the previous application in 2019?

**Traffic Impact Study:**

1. Please submit confirmation that the provided Traffic Impact Study from 2019 does not need to be updated for any changes and that it still satisfies the requirements of MCDOT.

**Engineer's Report:**

1. The sanitary sewer lateral is specified at 5.95% on the utility plan and in sizing calculations, but the description in the engineer's report specifies 6.00%. Please reconcile accordingly.
2. The NYS Fire Code indicates that the fire-flow requirements shall be determined by an approved method. What methodology was used to develop the fire-flow demand for this project? Has this information been discussed with the Town Fire Marshal?

**SWPPP:**

1. Has the assumed soil percolation rate for the proposed bioretention facility been confirmed? The previously mentioned geotechnical report was not included with the application documents.

**Plans**

1. *Utility Plan, Sheet C105*
  - a. The NYS DEC indicates that a Protection of Waters Permit is required for disturbing the bed or banks of a stream with a classification of AA, A or B, or with a classification of C with a standard of (T) or (TS) (disturbance may be either temporary or permanent in nature). They further indicate that "Bank" means that land area immediately adjacent to and which slopes toward the bed of a watercourse and which is necessary to maintain the integrity of the watercourse. A bank will not be considered to extend more than 50 feet horizontally from the mean high-water line. Allens Creek is classified as a Class B stream by the NYS DEC. The installation of the storm sewer which discharges towards the creek will likely require a Stream Bank Disturbance permit from the NYS DEC/US Army Corp of Engineers. The applicant should engage the aforementioned agencies for guidance on the permitting process.
  - b. The proposed inverts for sanitary sewer cleanouts should be called out on the plans.
  - c. The resulting velocities of the proposed sewer lateral when flowing full is slightly over 10 ft/s. Permissible velocities generally range from 2.5 to 5.0 ft/sec and 10 state standards indicates that special provisions are necessary to avoid scour in the pipes and protect against displacement caused by erosion or impact when velocities in the system are in excess of 10 feet per second. Additionally, the increasing depth along the entire length of the lateral could make the construction of the sewer lateral difficult. Please review and revise as necessary.
  - d. The proposed storm sewer outfall structure located within the regulatory floodway shall not extend riverward of the existing adjacent natural bank slope. A note to this effect shall be provided on the plans.
  - e. Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.  
A note indicating this requirement shall be provided on the plans.
2. *Details*
  - a. Where is the concrete pavement depicted on this sheet being proposed on the site?
  - b. A standard Town of Brighton sidewalk detail should be provided on the plans for sidewalk which will be dedicated to the Town.
  - c. Inserta tees are not permitted when connecting to the sanitary sewer main. A detail for the proposed connection to the sanitary sewer main should be provided on the plans.

## **PLANNING BOARD REPORT**

**HEARING DATE:** 12/15/21

**APPLICATION NO:** 10P-NB2-21

**APPLICATION SUMMARY:** Application of James Tabbi, owner, for Preliminary Site Plan Approval and Preliminary EPOD (steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first floor garage and storage area on property located at 830 Highland Avenue (Tax ID #136.07-1-28.2).

### **COMMENTS:**

- The subject property is presently zoned RLA.
- The gross square footage of the proposed building is 2,022 square feet.
- The total project area is .53 acres.
- The architectural design and building materials of the proposed buildings have not been reviewed and approved by the Town of Brighton Architectural Review Board.
- The property is located in a Steep Slope and Woodlot EPOD.
- The updated plans don't show sewer laterals going past the north property line towards Summit Drive on the east side of the property. However, the Sanitary Sewer Extension Exhibit in the Engineering Report, and site plan in the geotechnical report shows the 2 laterals.
- Architectural plans have been revised to show only 3 garage doors.
- Proposing the removal of 15 trees and the addition of 4 for a net loss of 11 trees.
- Required front setback is 60' and should be taken from the closest lot line.
- Paving of the new driveway is within 4' of side lot line and would require a variance.

**CONSERVATION BOARD: - No Comments**

**TOWN ENGINEER:** See memo from Assistant Engineer, Brendan Ryan, dated December 14, 2021.

## QUESTIONS:

- What has changed since the last submission?
- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- Will the proposed project require any variances?
- Where do you propose to store snow during the winter?
- Do you propose to install fire and smoke detection systems and a fire sprinkler system?
- Will any existing trees be retained?
- Are any trees in the right of way being removed?
- Has a protection plan for trees to be saved before, during and after construction been reviewed by the Conservation Board?
- Will a generator be provided?
- Where will the HVAC units be located?
- What trees will be removed or affected by the installation of the sewer laterals?
- Where will materials be stored on the site?
- The grade is very steep. What measures are being proposed to minimize runoff when the site is disturbed?
- Will any paving be removed from neighboring properties or the right of way as part of the removal of the existing driveway?
- Will an engineering analysis be provided using the stable angle of repose as required by the Town's EPOD requirements?
- How will access be maintained to the western neighbor's driveway when the driveway is being disturbed for installation of storm sewer?



**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.

**PARKLAND:**

If the Planning Board finds that suitable park or park lands of adequate size cannot be properly located on the proposed subdivision, I would suggest requiring payment of a sum of money as adopted by the Town Board in lieu of the setting aside of recreation land.

**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. All conditions of the Zoning Board of Appeals shall be met.
5. 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.
6. Meet all requirements of the Town of Brighton's Department of Public Works.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

9. 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.
10. 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.
11. A landscape plan and a pre, during and post protection plan for trees to be saved and moved shall be reviewed by the Conservation Board with final approval by the Planning Board.
12. All proposed landscaping shall be installed prior to the issuance of any certification of occupancy.
13. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
14. Maintenance of landscape plantings shall be guaranteed for three (3) years.
15. 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.
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 other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
18. All easements must be shown on the subdivision map with ownership, purpose, and liber/page of filing with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
19. Prior to the issuance of any building permits, a letter of credit shall be provided to the Town to cover the cost of materials and installation for all landscaping to ensure that all landscaping conforms to the approved plans and that the landscape survives in a healthy condition.
20. 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.
21. Erosion control measures shall be in place prior to site disturbance.

22. 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.
23. 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.
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. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated October 19, 2021 From Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
26. The site is within two Environmental Protection Overlay Districts, the Steep Slope Protection District and the Woodlot Protection District, making it a Type 1 Action in the Town. All Town standards and requirements for these districts shall be adhered to and along form EAF shall be submitted prior to Final Site Plan Approval.
27. Provided calculations in the geotechnical report using the stable angle of repose as required by the Town's EPOD requirements.
28. The proposed sanitary sewer main shall be designed and installed in accordance with the Town of Brighton minimum specifications and requirements for dedication. The sewer dedication process shall be completed subsequent to the installation of the sewer and final inspection by the Town of Brighton Sewer District.
29. Revise documentation to reconcile the difference in sewer lateral number and arraignment between plans and submitted engineering and geotechnical reports. The reports show two laterals going to the northern property and the plans show none.



## Public Works Department

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

Brendan Ryan

Assistant Engineer

### MEMO

Date: December 14, 2021

From: Brendan Ryan

To: Ramsey Boehner

Copy: File

Re: *Application No. 10P-NB2-21*

*Application of James Tabbi, Owner, for Preliminary Site Plan Approval and Preliminary EPOD (steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first floor garage and storage area.*

*830 Highland Avenue*

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

#### General:

1. We await to review the maps and descriptions for proposed easements associated with this development. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. We await to review the engineer's probable cost of construction for the proposed development which will be used to establish the value of the letter of credit. An original Letter of Credit must be received by the Town prior to the start of construction.
3. Tree 7534 is listed for removal, however it is outside of the Limit of Disturbance (LOD). The LOD should be revised to encompass all areas where construction activity is proposed as part of this development.
4. Chapter 203, Article XV of the Brighton Town Code states that mature trees on steep slopes should not be removed unless absolutely necessary. Tree 7540 and possibly 7542 appear to be outside of the main area of construction (though within the L.O.D.) and may not need to be removed. Please review and revise as necessary.

#### Geotechnical Report:

1. Chapter 203, Article XV of the Brighton Town Code states the requirements of the required geotechnical report, which include the specification of the stable angle of repose. The geotechnical report included with this application specifies friction angle but not stable angle of repose. The stable angle of repose of the soil classes found on site shall be used to determine the proper placement of structures and other development-related facilities within the plateau area. The geotechnical report should be revised to meet this requirement.

2. Sheet S1 in the geotechnical report has the scale and title from an old unrelated project. Please revise accordingly.

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

1. How was the pressure at the watermain (75 psi) established in the domestic water calcs? Current MCWA flow test data should be provided to confirm the available water pressure for this development.
2. Chapter 199, Water, of the Brighton Town Code indicates that single family dwellings to which water is supplied to must be of copper material and no less than one (1) inch in diameter. The water calcs should be revised to meet this requirement.
3. The provided water calcs do not seem to consider losses through the domestic water meter. Please review and revise.
4. The engineer's report continues to reference the proposed 8" gravity sewer main as a force main sewer. Please review and revise.
5. The engineer's report includes an exhibit which references sewer laterals for future subdivision. The entire scope of the proposed development should be clearly outlined in the project application. Please clarify and revise as necessary.
6. The technical stormwater runoff and velocity calculations referenced in the engineer's report appear to have been omitted from the application package. Our review of the stormwater runoff and stormwater mitigation needs cannot be completed until this information is provided.

#### **Plans**

1. *Demolition Plan, Sheet CA100*
  - a. The demolition plan suggests that minor removal of the existing driveway will occur on neighboring property. Has the applicant obtained permission/coordinate this work with the neighboring property owner to the east?
2. *Site Plan, Sheet CA110*
  - a. This sheet makes a reference to a Geotechnical report by Foundation Design, P.C. Is there a separate geotechnical report prepared by Foundation Design for the proposed development? Please review and revise as necessary.
  - b. A detail for the proposed retaining walls should be provided on the plans.
3. *Utility Plan, Sheet CA120*
  - a. The invert of southernmost sanitary sewer cleanout should be called out on the plans.
  - b. The sanitary sewer lateral invert at the house should be called out on the plans.
  - c. The design engineer has indicated that the construction of the proposed storm sewer connection to the main in the right of way will result in the disturbance of the neighboring driveway to the west of this development. How will access to the driveway be maintained to the neighboring property during this process? Disturbance to the neighboring driveway must be coordinated with the adjacent property owner. We suggest that the designer strongly consider alternate methods to construct this storm sewer without impacting the neighboring property.
  - d. A stub should be provided to the property line from sanitary sewer manhole S-1 to facilitate future connections.
  - e. The revised storm sewer system suggests that the initial point of connection to the storm sewer system located on the western end of the site will result in a vertical drop in excess of 13 ft. This initial vertical drop could result in velocities greater than 10 feet per second and has the potential for scouring and displacement caused by erosion or impact to the storm sewer system. Special provisions for dissipating the energy at this initial point of connection to the storm sewer system should be provided.
  - f. The revised sanitary sewer system suggests that the initial point of connection to the sanitary sewer system located on the western end of the site will result in a vertical drop in

excess of 15 ft. This initial vertical drop could result in velocities greater than 10 feet per second and has the potential for scouring and displacement caused by erosion or impact to the sanitary sewer system. Special provisions for dissipating the energy at this initial point of connection to the sanitary sewer system should be provided.

- g. The applicant's engineer has indicated that anti-seepage collars were considered along the proposed sewer systems to prevent erosion along pipe trenches. Are anti-seepage collars being proposed as part of this development?
- h. The location of the bore pits for the sections of the sanitary sewer which will be bored should be called out on the plans.
- i. What type of construction methodology is being used to construct the portions of the sanitary sewer main underneath the driveway of the neighboring property to the east? This department is concerned about the ability of the installer to maintain the proposed sewer slopes if directional drilling is used. Please clarify and submit supporting technical documentation. Additionally, the pipe material used for the portions of the sewer which will be drilled/bored must be the same as the rest of the sewer main.
- j. Submittals must be reviewed and approved by the Brighton Sewer District for all portions of the sewer system which will be dedicated.
- k. Sediment and erosion control measures should be provided as part of the installation of the 8" sewer main to South Clinton Avenue.
- l. Existing topography should be depicted on the plans for all areas of the project. The utility plan for the 8" sewer main to South Clinton Avenue is missing this information.
- m. The applicant should review the dedication requirements for the sanitary sewer system as outlined in the Town of Brighton Minimum Specifications for Dedication. The following note should be provided on the plans: *The proposed sanitary sewer main shall be designed and installed in accordance with the Town of Brighton minimum specifications and requirements for dedication. The sewer dedication process shall be completed subsequent to the installation of the sewer and final inspection by the Town of Brighton Sewer District.*

4. *Grading, Drainage, and Erosion Control Plan, Sheet CA130*

- a. Top and bottom of wall elevations for the proposed retaining walls should be called out on the plans.
- b. The top elevation for the border wall located in the southeast corner of the residence appears to be incorrect. Please review and revise.
- c. A detail for the proposed erosion mat treatment should be provided on the plans.
- d. The applicant's engineer has indicated that a grading release will be obtained for the minor grading being proposed along the front lawn area of 850 Highland Avenue. A copy of this grading release should be provided to our office for our records.
- e. A construction detail for the proposed temporary check dam should be provided on the plans.
- f. A construction detail for the proposed compost berm should be provided on the plans.
- g. Technical documentation for the basis of design of the proposed compost berm should be provided.
- h. What is the stabilization treatment being proposed for the compost berm?
- i. The erosion control plan should incorporate a technical narrative which considers how the slopes will be stabilized as construction progresses and the specific sequencing which will be implemented to minimize the amount and duration of exposed areas to the maximum extent practical. The erosion control narrative should be included with the sequence of construction and featured prominently on the erosion control plan sheet.

## PLANNING BOARD REPORT

**HEARING DATE:** December 15, 2021

**APPLICATION NO:** 12P-NB1-21

**APPLICATION SUMMARY:** Application of University of Rochester, owner, for Preliminary Site Plan Approval, Preliminary EPOD (woodlot) Permit Approval and Preliminary Conditional Use Permit Approval to construct a 61,000 sf, 3 story building addition to the Laboratory for Laser Energetics and construct an additional 100 parking spaces on property located at 250 East River Road.

### COMMENTS:

- The Town Board granted Incentive Zoning/Rezoning approval for the University's South Campus of the project site from Residential - Low Density District (RLB) to Institutional Planned Development District (IPD) on May 15, 2015.
- The submitted plans are incomplete and do not contain sufficient information for the Town to perform a thorough review of the proposed development. Additional comments will be developed as the plans progress and more detailed information on the proposed development is provided.
- The Current Plan dated April 28, 2015 should be revised to show the proposed modifications to the Current Plan and how it fits in with the rest of the plan. All potential impacts of the proposed modification must be identified and thoroughly mitigated.
- The submitted plans indicate that there will be disturbance to the area known as "Wetland L" referenced in the Finding Statements adopted by both the Town Board and the Planning Board. The applicant's engineer has indicated on various instances that this wetland is considered non-jurisdictional, however, the IPD finding statement indicates that the 0.55 +/- acre marsh will not be disturbed by any future development. The impacts to this area and its uplands must be identified and mitigated. The Planning Board may want to have a Conservation Easement created for this area and the area located south of the LLE Parking and Service area as shown on the Current and Potential Development of the LLE Facility plan submitted with the Concept Review application and as discussed at November Planning Board meeting.
- The Planning Board should seek lead agency status and coordinate the environmental review pursuant to SEQRA.
- 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 hydrocad model included in the SWPPP is inadequate and does not appear to consider the original design parameters for the existing stormwater management pond. Our review of the proposed stormwater design for this development cannot be completed until the design engineer can verify that the proposed stormwater model has been calibrated to reflect the existing functionality of the aforementioned stormwater management facility.
- Sidewalk should be extended to Murlin Drive along the north side of the laser lab as shown in the FGEIS. There are sidewalk gaps along the frontage of the LLE to Merlin Drive. Pedestrian access from Merlin Drive along the southern side of the LLE should also be considered as part of the proposed improvements.
- 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.
- A plan showing proposed lighting photometrics must be provided.
- Profiles for proposed sanitary and storm utilities should be provided on the plans. We cannot complete our review of the proposed sewer utilities without this information.
- Review comments have been developed by our traffic engineer in response to the updated TIS. Written responses to these outstanding comments must be provided.
- 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.
- The parking analysis does not appear to consider the additional parking available on the imaging building site. Sidewalk connecting the parking areas from the imaging building site to the LLE appears to be available for patrons to the LLE. Why is the parking available at the imaging building site not being considered in the parking analysis?
- The parking analysis must demonstrate why an additional 100 parking stalls are being proposed. The trip generation data provided does not appear to warrant the number of parking stalls being proposed. The parking analysis does not appear to consider the additional parking available on the imaging building site. Sidewalk connecting the parking areas from the imaging building site to the LLE appears to be available for patrons to the LLE.
- The hydraulic models and calculations submitted are inadequate and do not clearly demonstrate how the proposed water distribution network meets the required domestic and fire protection demands associated with this project. Our



review of the hydraulic system cannot be completed until this information is adequately provided. We also cannot determine the full impact of the proposed water distribution system.

- The submitted site plans have the incorrect square footage shown for the proposed addition. This must be corrected on the plans.
- 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:**

- The Board is comfortable with the wetland mitigation as proposed per this application showing a 61,000 sf, 3 story addition, provided that the existing wetland area that is lost will be offset with an equal or greater land area contiguous with the Wetland "L." And, all recommendations by Gene Pellert, Ecologist (November 2, 2021) for improved wetland quality are incorporated. In addition, the Board would like some form of assurance from the U of R that this wetland as mitigated (revised Wetland "L") will not be subject to loss and /or encroachment due to future development of the southern campus.
- Low mow areas provide upland habitat and should be clearly documented that these areas require minimal maintenance throughout the year.
- Woodlot tree mitigation plantings should be 3 -3.5" in caliper for deciduous trees and 7 - 8 ft. in height for evergreen trees.
- Green infrastructure techniques should be incorporated.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated December 11, 2021.

#### **QUESTIONS:**

- Have you revised the Current Plan referenced in the adopted Finding Statement as discussed at the November Planning Board meeting showing the proposed modifications to the Current Plan and how the modification fits in with the rest of the plan? Will this revised Current Plan be submitted for review by this Board?
- The submitted plans indicate that there will be disturbance to the area known as "Wetland L" referenced in the Finding Statement adopted by the Town Board and the Planning Board. You have indicated on various instances that this wetland is considered non-jurisdictional, however, the IPD finding statement indicates that the 0.55 +/- acre marsh will not be disturbed by any future development. Have you identified the impacts to this area and it uplands and proposed mitigation?
- Have you considered creating a Conservation Easement created for this area and

the area located south of the LLE Parking and Service area as shown on the Current and Potential Development plan discussed at November Planning Board meeting?

- What is the area of disturbance for the proposed development? What is the total area of disturbance for the proposed modification to the Current Plan?
- What is the status of reestablishing the RTS bus stop?
- Do the submitted plans show sidewalk extending to Murlin Drive along the north side of the laser lab as shown in the FGEIS?
- Have you also consider pedestrian access from Merlin Drive along the southern side of the LLE ?
- Why is the parking available at the imaging building site not being considered in the parking analysis?
- Has the completed Fire Apparatus Access and Fire Hydrant Worksheet been submitted to the Town Fire Marshal for review?
- What is the status of the water distribution plans?
- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?

#### **APPLICATION:**

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

1. The submitted plans are incomplete and do not contain sufficient information for the Town to perform a thorough review of the proposed development. Additional comments will be developed as the plans progress and more detailed information on the proposed development is provided.
2. The Current Plan dated April 28, 2015 shall be revised to show the proposed modifications to the Current Plan and how it fits in with the rest of the plan. All potential impacts of the proposed modification must be identified and thoroughly mitigated.
3. The submitted plans indicate that there will be disturbance to the area known as “Wetland L” referenced in the Finding Statements adopted by both the Town Board and the Planning Board. The applicant’s engineer has indicated on various instances that this wetland is considered non-jurisdictional, however, the IPD finding statement indicates that the 0.55 +/- acre marsh will not be disturbed by any future development. The impacts to this area and it uplands must be identified and mitigated. Consideration should be

given creating a Conservation Easement for this area and the area located south of the LLE Parking and Service area as shown on the Current and Potential Development plan submitted with the Concept Review application and as discussed at November Planning Board meeting.

4. The Planning Board shall seek lead agency status and coordinate the environmental review pursuant to SEQRA.
5. 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 completed Fire Apparatus Access and Fire Hydrant Worksheet be submitted to the Town Fire Marshal for review and comment.
6. The hydrocad model included in the SWPPP is inadequate and does not appear to consider the original design parameters for the existing stormwater management pond. Our review of the proposed stormwater design for this development cannot be completed until the design engineer can verify that the proposed stormwater model has been calibrated to reflect the existing functionality of the aforementioned stormwater management facility.
7. Sidewalk should be extended to Murlin Drive along the north side of the laser lab as shown in the FGEIS. Pedestrian access from Merlin Drive along the southern side of the LLE should also be considered as part of the proposed improvements.
8. 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.
9. A plan showing proposed lighting photometrics must be provided.
10. Details and verification shall be submitted that the proposed generators comply with Town Code.
11. Profiles for proposed sanitary and storm utilities should be provided on the plans. We cannot complete our review of the proposed sewer utilities without this information.
12. Review comments have been developed by our traffic engineer in response to the updated TIS. Written responses to these outstanding comments must be provided.
13. 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. The parking analysis does not appear to consider the additional parking available on the imaging building site. Sidewalk connecting the parking areas from the imaging building site to the LLE should be shown on revised plans.

14. The submitted site plans have the incorrect square footage shown for the proposed addition. This must be corrected on the plans.
15. The entire building/store shall comply with the most current Building & Fire Codes of New York State.
16. 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.
17. Meet all requirements of the Town of Brighton's Department of Public Works.
18. All Town codes shall be met that relate directly or indirectly to the applicant's request.
19. 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.
20. A lighting plan which shows the type, location and lighting contours shall be submitted.
21. 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.
22. Fire hydrants shall be fully operational prior to and during construction of the building.
23. All County Development Review Comments shall be addressed.
24. The RTS Bus Stop shall be reestablished.
25. The proposed building shall be sprinklered in accordance with Town requirements.
26. 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.
27. 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.
28. The location of the HVAC shall be shown on the site plan

29. All comments and concerns of the Town Engineer as contained in the attached memo dated December 11, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
30. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
31. 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.
32. The plans shall be revised to address the following comments of the Conservation Board:
- The Board is comfortable with the wetland mitigation as proposed per this application showing a 61,000 sf, 3 story addition, provided that the existing wetland area that is lost will be offset with an equal or greater land area contiguous with the Wetland "L." And, all recommendations by Gene Pellert, Ecologist (November 2, 2021) for improved wetland quality are incorporated. In addition, the Board would like some form of assurance from the U of R that this wetland as mitigated (revised Wetland "L") will not be subject to loss and /or encroachment due to future development of the southern campus.
  - Low mow areas provide upland habitat and should be clearly documented that these areas require minimal maintenance throughout the year.
  - Woodlot tree mitigation plantings should be 3 -3.5" in caliper for deciduous trees and 7 - 8 ft. in height for evergreen trees.
  - Green infrastructure techniques should be incorporated.
33. 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.
34. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.



## Public Works Department

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

Evert Garcia, P.E.

Town Engineer

### MEMO

Date: December 11, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 8P-NB1-21  
Application of University of Rochester, owner, for Preliminary Site Plan Approval,  
Preliminary EPOD (woodlot) Permit Approval and Preliminary Conditional Use  
Permit Approval to construct a 61,000 sf, 3 story building addition to the Laboratory  
for Laser Energetics and construct an additional 100 parking spaces on property  
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 reviews of this application. Written responses to the following comments must be provided:

#### **General:**

1. Are any additional easements required for the proposed water service improvements? Please review.
2. We await to review the engineer's probable cost of construction to establish the value of the letter of credit. The letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: restoration, utility improvements, stormwater water management facilities, landscaping and sediment and erosion control. An original Letter of Credit must be received by the Town prior to the start of construction.
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, or other permits from the Town or other agencies prior to starting work.
5. The "Town Notes" on the site plan sheet should be consolidated.
6. 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. Has the completed Fire Apparatus Access and Fire Hydrant Worksheet been submitted to the Town Fire Marshal for review?

7. The provided "Current and Potential Future Development Plan" should consider the overall south campus master plan approved as part of the IPD. How does the proposed development fit in with the rest of the plan? Please review and revise.
8. What is the area of disturbance for the proposed development?
9. The various attachments and appendices submitted as part of this development application should be coherently organized. It is difficult to discern what appendix/attachment goes with the corresponding documents.
10. The plans appear to be incomplete and do not contain sufficient information for this Department to perform a thorough review of the proposed development. Additional comments will be developed as the design plans progress and more detailed information on the proposed development is provided.

#### **Sustainability:**

1. The applicant's design engineer has indicated that green infrastructure will be incorporated into the design to meet the NYSDEC and Town guidelines for stormwater quality and control. Technical documentation which demonstrate how the projects meets the NYS DEC Unified Stormwater Sizing Criteria and the requirements of Chapter 215, Stormwater Management, of the Brighton Town Code shall be provided.
2. We await to review the waste reduction plan which will be developed and whose intent is to divert a minimum of 50% of construction debris from the waste stream.
3. We await to review the engineer's report which will demonstrate how the proposed development meets the goals and objectives outlined in the University of Rochester Council on Environmental Sustainability.

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

1. Review comments which have been developed by our traffic engineer in response to the updated TIS will be forwarded to the design engineer under separate cover. Written responses to these outstanding comments must be provided.
2. 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.
3. The parking analysis does not appear to consider the additional parking available on the imaging building site. Sidewalk connecting the parking areas from the imaging building site to the LLE appears to be available for patrons to the LLE. Why is the parking available at the imaging building site not being considered in the parking analysis?
4. We are in receipt of comments from MCDOT which were not included as part of Appendix D of the submittal package. All outstanding comments from MCDOT and NYSDOT with regards to the TIS must be addressed.
5. The trip generation data provided in Section 4.0 of the engineer's report is not consistent with the trip generation data previously submitted to the various DOT agencies and included as part of Appendix D of the previous application. One dataset indicates that 23 and 27 trips would be generated in the AM/PM peak hours, respectively, while the other dataset indicates that 56 and 43 trips will be generated in the AM/PM peak hours. What is the dataset being used as basis of design for this development? Quality control should be provided by the design engineer prior to submission of the information.



**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 hydraulic models and calculations submitted are inadequate and do not clearly demonstrate how the proposed water distribution network meets the required domestic and fire protection demands associated with this project. Our review of the hydraulic system cannot be completed until this information is adequately provided.

**SWPPP:**

1. The hydrocad model included in the SWPPP is inadequate and does not appear to consider the original design parameters for the existing stormwater management pond. Our review of the proposed stormwater design for this development cannot be completed until the design engineer can verify that the proposed stormwater model has been calibrated to reflect the existing functionality of the aforementioned stormwater management facility.
2. The CPv is defined in the Unified Stormwater Sizing Criteria as the 24-hour extended detention of post developed 1-year 24-hour storm event remaining after runoff reduction. The calculations provided in the SWPPP indicate that the CPv provided pre-development is 1.731 ac-ft and 6.887 ac-ft subsequent to development. How was an increase in almost 4x achieved in the post development CPv when no changes to the outfall structure of the existing stormwater management facility are being proposed?
3. A detail of the outfall structure for the existing stormwater management facility should be provided with the SWPPP as a reference. It is difficult to correlate the orifice and weir structures called out in the hydrocad model for the existing pond without this information. Our review of the stormwater model for this project cannot be completed until this information is adequately provided.
4. How will the perc rate for the media in the proposed bioretention facilities be confirmed?
5. The point of analysis for the hydrologic analysis should be provided on the drainage area maps.
6. Why has the flow path for proposed drainage area 1 been shortened but Tc remained the same from existing drainage area 1?
7. The location of SMP-2 should be called out on the plans. Is SMP-2 considered in the hydrocad model? Please clarify.
8. The hydrocad model indicates that Proposed Drainage Area 4 will be routed through a swale. Where is the swale being proposed? Please clarify.
9. The runoff reduction volume summary sheet appears to indicate that a pocket pond is being used to address some of the WQv requirements, however, the plans do not call out a proposed pocket pond. There are many inconsistencies between the information provided in the SWPPP and the proposed development plans. The technical calculations provide in the SWPPP are inadequate as presented and should be reconciled with the rest of the information provided as part of the application package. Our review of the stormwater design system cannot be completed until this information is adequately provided.
10. The WQv worksheets included as part of Appendix K in the SWPPP indicate that area reduction techniques were incorporated to reduce the required WQv. Where were these reduction areas provided?
11. Consistent nomenclature should be provided for the various green infrastructure features being proposed throughout the SWPPP, drainage area maps, and site development plans.





12. A copy of the Geotechnical Report developed by Terracom and referenced in the application package should be submitted for our reference.
13. 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 applicant's engineer has indicated that the previously proposed parking lot in the wetland area is no longer proposed and that no disturbance is being proposed to the wetland area known as "Wetland L." The proposed development plans and various conflicting sketches provided as part of the application package still indicate that there will be disturbance to Wetland L. The applicant's engineer has indicated on various instances that this wetland is considered non-jurisdictional, however, the IPD finding statement indicates that the 0.55 +/- acre marsh will not be disturbed by any future development. Therefore, the overall size of the wetland should not be reduced by the proposed current development. Mitigation to offset the disturbance and losses to Wetland L should be provided.
2. Sidewalk should be extended to Murlin Drive along the north side of the laser lab as shown in the FGEIS. There are sidewalk gaps along the frontage of the LLE to Merlin Drive. Pedestrian access from Merlin Drive along the southern side of the LLE should also be considered as part of the proposed improvements.
3. 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. Has the applicant reviewed the fire apparatus access roads with the Fire Marshal?
4. A plan showing proposed lighting photometrics must be provided.

**Utility Plan, Sheet 5:**

1. Profiles for proposed sanitary and storm utilities should be provided on the plans. We cannot complete our review of the proposed sewer utilities without this information.

**Grading and Erosion Control Plan, Sheet 6:**

1. This sheet depicts silt fence going through the eastern end of the bioretention facility. Please review and revise.
2. An erosion and sediment control plan should be developed for all areas where construction is being proposed on this site. The erosion control plan submitted as part of this application does not consider the additional parking areas being developed.

**Grading and Erosion Control Plan, Sheet 12:**

1. The preliminary grading near the new parking lot areas do not appear to consider the existing topography and could result in sidewalk areas that do not meet ADA requirements and/or steep slopes adjacent to the parking areas. Please review and revise.



**Details:**

1. A detail for the proposed retaining wall should be provided on the plans.

