

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF JANUARY 19, 2022
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.

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.
Approval of the November 17, 2021 meeting minutes.
Approval of the December 15, 2021 meeting minutes. **To be done at the February 16, 2022 meeting**

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of January 13, 2022 will now be held.

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. .
TABLED AT THE DECEMBER 15, 2021 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE FEBRUARY 16, 2022 MEETING

1P-01-22 Application of Ahead Energy, owner, and Ionomr Innovations, Inc., lessee, for Conditional Use Permit Approval to allow for a research and development facility for new component polymer films for use with hydrogen fuel cells and water electrolysis on property located at 285 Metro Park. 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. **ADJOURNED AT APPLICANT 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. **TABLED AT THE DECEMBER 15, 2021 MEETING - PUBLIC HEARING REMAINS OPEN**

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. **TABLED AT THE DECEMBER 15, 2021 MEETING - PUBLIC HEARING REMAINS OPEN**

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS: (cont.)

1P-NB1-22 Application of 1925 South Clinton, LLC, owner, for Concept Review (Phase 2) to construct a 9,200 +/- sf retail building with a drive-thru facility and associated site improvements on property located at 1905-1925 South Clinton Avenue (Tax ID #136.15-1-8.1, Lot3). All as described on application and plans on file.

Review and prepare an advisory report on proposed code amendment(s) regarding the "2022 Cannabis Local law Amendment." (See letter and proposed law)

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jess Sudol, Passero Associates, dated December 22, 2021, requesting postponement of application 12P-02-21 to the February 16, 2022 meeting.

Letter from Evan Gefell, Costich Engineering, dated January 17, 2022 requesting adjournment of application 10P-NB2-21 to the February 16, 2022 meeting.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<u>1634</u>	Salon Social 2949 Monroe Avenue	Bldg Face	12/28/2021
ARB - Approved as presented.			
<u>1635</u>	Whole Food Market 2740 Monroe Avenue	Free Standing Sign	12/28/21
ARB - Tabled for the following: 1. Label materials and colors including stone. 2. What is the depth of the monument? 3. What is the letter depth? 4. What is on the backside of the sign? 5. Is the sign internally illuminated and also ground lit? 6. What color will the night time lighting be? 7. Will the proposed landscaping blocking the ground flood lights also block the address number? 8. Sign shall not be located within the easement.			



Rick DiStefano <rick.distefano@townofbrighton.org>

RE: 3300 Brighton Henrietta TL Rd Variances

1 message

Jess Sudol <jsudol@passero.com>

Wed, Dec 22, 2021 at 1:53 PM

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

Cc: Pam Freeman <pfreeman@passero.com>

Shoot, my mistake!

Pam, can you please get the application started (updated) for the variance referenced below?

Since we won't be on the January agenda lets also push the PB Site Plan mtg to February since I believe they won't issue Final Approval without the variances.

Have a great Christmas and Happy New Year!

Sincerely,

Jess D. Sudol, PE

President

PASSERO ASSOCIATES

Direct: 585-760-8543

Cell: 585-469-6532

jsudol@passero.com

Service. Solutions. Results.

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

Sent: Wednesday, December 22, 2021 1:30 PM

To: Jess Sudol <jsudol@passero.com>

Subject: 3300 Brighton Henrietta TL Rd Variances

EXTERNAL

Jess

It appears a third variance (front yard parking) was not included in your submittal packet. That variance was approved and renewed along with the other two. Unfortunately, it is too late to get it on January's agenda. You may want to consider postponing the other two variances to the February meeting so the Board will hear them all together.

Let me know.

Rick

Rick DiStefano, Planner

Building & Planning Dept.

Town of Brighton

2300 Elmwood Avenue

Rochester, NY 14618

(585) 784-5228

rick.distefano@townofbrighton.org

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01/17/2022

Ramsey Boehner
Town of Brighton
2300 Elmwood Ave.
Rochester, NY, 14618

Re: 830 Highland Ave.
10P-NB1-21- letter of adjournment

Dear Mr. Boehner:

We are requesting to adjourn application 10P-NB2-21 from the 01/19/2022 Planning Board meeting until the 02/16/2022, Planning Board Meeting.

We have met with Town staff to address the latest round of comments and will be submitting updated material for review.

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

Very truly yours,

COSTICH ENGINEERING, D.P.C.

Evan Gefell, RLA

PLANNING BOARD REPORT

HEARING DATE: January 19, 2022

APPLICATION NO: 1P-01-22

APPLICATION SUMMARY: Application of Ahead Energy, owner, and Ionomr Innovations, Inc., lessee, for Conditional Use Permit Approval to allow for a research and development facility for new component polymer films for use with hydrogen fuel cells and water electrolysis on property located at 285 Metro Park.

COMMENTS:

- The subject property is presently zoned IG-Light Industrial District
- The total square footage of the subject building is 20,460 square feet.
- The facility was built for and previously operated for hydrogen use. It was a hydrogen safe facility and will be brought back up to those standards.
- The proposed storage of large quantities of hydrogen via a tube truck is exempt for the requirements that it be stored below ground.
- The proposed tenant will test fuel cell technology including electrolysis and fuel cells. No production currently planned.
- The parking lot has 59 available parking spaces of which 16 spaces are currently used by other tenants. Town Code requires 69 spaces for the proposed and existing uses. The subject site has enough land area to accommodate the additional 10 spaces needed. The proposed use by Ionomr requires 5 parking spaces initially with an estimate of 30 in 2024. Adequate parking exists for the applicant's request.
- Site will not be altered and the internal components will be recommissioned and refurbished to standards required.

CONSERVATION BOARD: No Comments

TOWN ENGINEER: No Comments

QUESTIONS:

- Please describe the operations of the proposed use?
- Are you proposing any production or manufacturing on-site?
- What type of hazardous materials will be stored on the property?

- How will the hazardous materials be stored?
- Will there be any changes on the exterior of the building(s) that would need to be reviewed and approved by the Town of Brighton Architectural Review Board?
- What will the hours of operation be?
- What type of provisions are you providing for trash and other wastes?
- What type of materials will be stored in the building?
- Will anything be stored outside?
- Is there a fire sprinkler system? Is it up to date?
- Will a generator be provided?
- The top of the floor plan shows area for Microera. What is Microera?

SEQRA:

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

APPLICATION:

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. The entire building shall meet or exceed performance standards for the intended use especially with regards to hydrogen safety.
4. Prior to issuance of any building permits, plans for discharge into the sanitary sewers 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. Only domestic waste shall be discharged into the sanitary sewer system. Plans for waste discharge shall be reviewed and approved by Monroe County Pure Waters.

5. If utilized, 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 (6) feet.
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. Outside storage shall be prohibited.
9. The proposed building shall be sprinklered in accordance with Town requirements.
10. There shall be no bulk storage of hazardous or flammable materials.
11. When determined necessary by the Town of Brighton, an additional 10 parking spaces shall be installed on site at the expense of the property owner. Site Plan approval shall be obtained prior to construction of the parking spaces.
12. The proposed use shall meet all Performance Standards of the Comprehensive Development Regulations.
13. This Conditional Use Permit is granted only for a research and development facility for new component polymer films for use with hydrogen fuel cells and water electrolysis. On-site production and manufacturing shall require further Town review and approval.
14. All hazardous or flammable waste shall be stored in fire proof containers and shall be collected by authorized waste haulers and sent to approved landfills or other waste collectors capable of receiving and properly processing such waste.
15. No hazardous, unusual, or flammable liquid or solid waste shall be sent to the sanitary sewer system as a result of this use.
16. All outstanding comments and concerns of the Fire Marshal shall be addressed.
17. All quantities of chemicals to be used at this site shall be small and shall be stored inside the building in accordance with all federal, state and local requirements. All quantities of chemicals shall be stored as required by the fire marshal, and in particular there shall be no outside storage of fuels.
18. 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.
19. A letter or memo in response to all Planning Board comments and conditions shall be submitted.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 1P-01-22

Date: 1/19/22

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: 285 Metro Park

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Ahead Energy, owner, and Ionomr Innovations, Inc., lessee, for Conditional Use Permit Approval to allow for a research and development facility for new component polymer films for use with hydrogen fuel cells and water electrolysis on property located at 285 Metro Park.

Location: 285 Metro Park

Reasons Supporting This Determination:

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

1. No threatened or endangered species of plants or animals will be affected by this project.
2. The requirements of the State Environmental Quality Review Law have been complied with.
3. There will be no resources of value irreversibly lost.
4. The Planning Board finds traffic will result in an acceptable level of service.
5. All hazardous or flammable waste will be stored in fire proof containers and will be collected by authorized waste haulers and sent to approved landfills of other waste collectors capable of receiving and properly processing such waste.

6. No hazardous, unusual, or flammable liquid or solid waste will be sent to the sanitary sewer system as a result of this use.

For further information:

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

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

Telephone: (585)784-5229

PLANNING BOARD

HEARING DATE: January 19, 2022

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 Master Plan for the project has been revised to show the proposed modifications to the Master Plan and how it fits in with the rest of the proposed development.
- 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. This submission indicated the disturbed area will be mitigated and the quality of the wetland area will be improved as part of the site improvements. 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 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.
- The Planning Board is in the process of seeking lead agency status and coordinating 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.
- Sidewalks have been proposed to extend to Murlin Drive along the north side of the laser lab as shown in the FGEIS. Pedestrian access to Merlin Drive along the southern side of the LLE has been considered, but applicant would prefer to defer pedestrian access.
- 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 has been 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 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 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 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 January 12, 2021.

QUESTIONS:

- How has the revised Master Plan been revised?
- How will modified "Wetland L" and its upland be protected from future disturbance? Have you considered creating a Conservation Easement for this area?
- 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?
- 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 considered 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?
- Given the proximity of the potential future expansions to the vernal pool how do you propose construction of the structure without disturbing the wetland?

- Many proposed plantings would be removed with future developments, will those be mitigated for?
- What is the differentiation between the main conservation easement and the 25 foot non-impervious conservation easement?
- With the proposed expansion will there be enough room on the access road for fire vehicle with aerial need?
- Has the site plan been revised to show all the proposed improvements to the water distribution system? The connection to the water main on W. Henrietta Rd looks like it will require the removal of trees in the EPOD. How many trees will be removed, will they be mitigated for, and how will those remaining be protected?

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 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 shall not be disturbed by any future development. The impacts to this area and it uplands shall be identified and mitigated. A Conservation Easement should be created for this area and the area located south of the LLE Parking and Service area as shown on the revised Master Plan
3. Trees to be removed as part of the water connection on W. Henrietta Rd will be shown on the plans and a protection plan shall be provided for the trees to remain.
4. The process for lead agency status and coordinated review pursuant to SEQRA must be completed.
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. Pedestrian access and a sidewalk from Merlin Drive along the southern side of the LLE should be installed with future development of the LLE.
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. 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.
10. Review comments have been developed by our traffic engineer in response to the updated TIS. Written responses to these outstanding comments must be provided.
11. The entire building/store shall comply with the most current Building & Fire Codes of New York State.
12. 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.
13. Meet all requirements of the Town of Brighton's Department of Public Works.
14. All Town codes shall be met that relate directly or indirectly to the applicant's request.
15. 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.
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. Fire hydrants shall be fully operational prior to and during construction of the building.
18. All County Development Review Comments shall be addressed.
19. The RTS Bus Stop shall be considered for reestablishment in the future as expansions or other drivers create greater need for public transit.
20. The proposed building shall be sprinklered in accordance with Town requirements.

21. 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.
22. 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.
23. The location of the HVAC shall be shown on the site plan.
24. All comments and concerns of the Town Engineer as contained in the attached memo dated January 12, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
26. 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.
27. The plans shall be revised to address the following comments of the Conservation Board:
 - a. 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.
 - b. Low mow areas provide upland habitat and should be clearly documented that these areas require minimal maintenance throughout the year.
 - c. Woodlot tree mitigation plantings should be 3 -3.5" in caliper for deciduous trees and 7 - 8 ft. in height for evergreen trees.
 - d. Green infrastructure techniques should be incorporated.

28. 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.
29. The site plan shall be revised to show all improvements proposed to the water distribution system. The connection to the water main on W. Henrietta Rd looks like it will require the removal of trees in the Woodlot EPOD. How many trees will be removed? What is the proposed mitigation for the loss of trees? How will they be mitigated for, and how will those remaining be protected? Will a hot box be required?
30. 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: January 12, 2022

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: 12P-NB1-21

University of Rochester

Preliminary Site Plan Approval, Preliminary EPOD (woodlot) Permit Approval, and Preliminary Conditional Use Permit Approval to construct a 61,000 +/- sf, 3-story addition to the University of Rochester Lab for Laser Energetics and construct an additional 100 parking spaces
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:

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. The applicant is proposing a conservation easement to protect the existing habitat and provide greater buffer to the southerly neighbors. 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. 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 applicant has indicated that a preliminary meeting was held with Deputy Fire Marshal Bardeen. Has there been any further discussion with the Fire Marshal's office on the proposed development?
4. 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 considered this requirement in the future "LLE Development Plan"? Meeting this requirement without impacting Wetland L in future development phases might prove to be difficult. The applicant should review the "LLE Development Plan" with the Town of Brighton Fire Marshal to confirm the requirements of the fire apparatus access roads.
5. What provisions are being proposed to prevent disturbance of Wetland L in future development phases?

6. The site plans for this development should depict all areas where disturbance will occur and improvements are being proposed. As submitted, the site plans appear to be incomplete and do not consider the improvements associated with the extension of the watermain from West Henrietta Road.
7. Additional comments will be developed as the site plans progress and more detailed information on the proposed development is provided.

Roadway and Traffic:

1. Review comments which have been developed by our traffic engineer in response to the updated TIS have been forwarded to the Design Engineer under separate cover. We await to review the responses to these comments from the applicant's Traffic Engineer.

Engineer's Report:

1. The hydraulic calculations submitted as part of this application appears to be same as what has been previously submitted. Town staff previously met with the Design Engineer and requested additional information to help us complete our review of the proposed hydraulic system. An appropriate system layout must be provided for the Watercad model so that we can correlate the nodes and pipe runs called out in the model with their appropriate locations on the site. Our review of the hydraulic system cannot be completed until this information is adequately provided.
2. The fire demand values provided in the Engineer's report appears to be low based on typical values provided in Appendix B- Fire Flow Requirements for Buildings in the NYS Fire Code. Additionally, the NYS Fire Code indicates that fire-flow requirements shall be determined by an approved method. What methodology was used to develop the fire-flow demand for this project? Has the methodology used to determine the fire-flow demand been approved by the Fire Marshal?
3. Currently, the Engineer's report consists of multiple appendices and submittals from the applicant's Engineer. A comprehensive Engineer's report for the overall project must be provided that addresses all of the Engineering comments. The various appendices, Sustainability Initiatives report, and the Waste Reduction Plan which have been provided under separate cover should be incorporated into the report.

SWPPP:

1. The hydrograph 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. Additionally, the information provided in Appendix I is not consistent with the design parameters included in the hydrograph model. Some of our questions include:
 - a. How much WQv is available in SMP-1? How was that established/confirmed? Please provide supporting documentation.
 - b. Is the WQv available in SMP-1 consistent with the current NYS DEC Stormwater Design Manual requirements for stormwater management practices?
 - c. The composite outlet structures highlighted as part of Drainage Area 2B in Appendix I is not consistent with the detail depicted on the plans and the outlet structure in the hydrograph model.
 - d. The SWPPP indicates that WQv is provided by the deep pool feature of SMP-1, however, none of the bioretention facilities route directly to the deep pool component of SMP-1.
 - e. The deep pool does not appear to be included for SMP-1 in the hydrograph model.
 - f. The reservoir parameters for all of the bioretention facilities appear to be inaccurately modeled and not consistent with the grading plan for each facility.
 - g. Pipe length [A] for Bioretention 1 is inconsistent with the site plans. The pond report lists 47 feet versus 37 feet on the plans. Please revise.
 - h. Invert [A] on the pond report for SMP-3 is inconsistent with the plans.
 - i. The stage discharge graphs for Bioretention 1 and 2 appear to have some modeling issues. Please review and revise.
2. The SWPPP indicates that 1.731 ac-ft are required to discharge the CPv over 24 hours at a rate, Q, of 0.79 cfs. The hydrograph model suggests that the pond outflow for the 1-year storm event is 1.470 cfs. The 24-

hour criteria is dependent on the volume of the facility and the discharge rate. How is the 24-hour extended detention of the post-developed 1 year storm event being met?

3. The detail provided for the outlet structure of the stormwater management facility is not consistent with the hydrograph model. Please review and revise as necessary.
4. 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.

Site Plan, Sheet 2:

1. The proposed sidewalk along the front of the LLE should be included in the Existing Conditions, Demolition, and Proposed Grading sheets. Pedestrian Access along the southern end of the LLE will need to be re-considered as LLE Development progresses in the future.
2. How will emergency vehicles access the proposed Fire Access Road when vehicles are parked in the accessible parking stalls? Please review and revise.
3. Note 16 on this sheet should be revised to indicate that six inches of topsoil should be spread over all of the disturbed areas.

Utility Plan, Sheet 5:

1. The slope for the proposed sanitary sewer is greater than 10%. A cursory review of the resulting sewer discharge velocities indicate that they will be in excess of 15 feet per second. 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. Please review and revise as necessary.
2. As part of the redevelopment process, all existing utility laterals that are proposed to be used for serving this site shall be televised to determine their condition and adequacy for doing so. If the laterals require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant. A note indicating this requirement shall be added to the plans.

Grading and Erosion Control Plan, Sheet 6:

1. The sequence of construction should consider the installation of the proposed green infrastructure. How will the bioretention facility located to the east of the building addition be protected during construction?
2. The grading plan should indicate how the proposed new wetland areas will be established and incorporated into Wetland L. Additionally, the sediment and erosion control plan should demonstrate that provisions will be incorporated into the plans to limit disturbance to the wetlands during construction.
3. Orange construction fencing shall be used to delineate the limits of disturbance on this site and shall be depicted on the plans accordingly.
4. The sequence of demolition should indicate that the orange construction fencing will be installed prior to clearing and grubbing of the project area.
5. All slopes steeper than 3V:1H should be stabilized with jute mesh. The location of jute mesh stabilization should be called out on the plans. A note indicating this requirement should be provided on the plans.

Details:

1. Details for the proposed sanitary sewer system and related appurtenances should be provided on the plans.

January 19, 2022

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

RE: Advisory Report - Code Amendments to the Code of the Town of Brighton Chapter 156 and Chapter 202 Regarding Cannabis

Dear Board Members:

At the January 19, 2022 Planning Board meeting, the Planning Board, pursuant to Section 225-6.A of the Comprehensive Development Regulations, reviewed the proposed amendments to Chapter 156 and Chapter 202 of the Town Code. The purposed amendments are to clarify that the use of cannabis and cannabis products are to be treated the same as the use of tobacco, tobacco products, clove cigarettes and similar substances under the Town's Adult Use zoning provisions and thereby prohibited in Town parks and on Town property and the location of establishments for on-site consumption or sales of cannabis and cannabis products are to be regulated under the Town's Adult Use zoning provisions and thus zoned in accordance with Chapter 202 of the Town Code.

The Planning Board offers the following findings:

1. The proposed amendments are consistent with the aims of the Comprehensive Development Regulations. The purposed amendments will clarify that the use of cannabis and cannabis products are to be treated the same as the use of tobacco, tobacco products, clove cigarettes and similar substances regulated under the Town's Adult Use zoning provisions.
2. The proposed amendments are consistent with the aims of the Comprehensive Plan. The proposed amendments will help preserve and enhance the Town residential and commercial areas.

Respectfully,

Ramsey A. Boehner
Executive Secretary
Planning Board