

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF FEBRUARY 16, 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 2022, 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 December 15, 2021 meeting minutes. **To be done at the March 16, 2022 meeting.**  
Approval of the January 19, 2022 meeting minutes. **To be done at the March 16, 2022 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of February 10, 2022 will now be held.

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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**

2P-01-22 Application of Cortese Properties, owner, and Cortese Cycle Sales, agent, for Conditional Use Permit Approval allowing for a motorcycle sales and service facility on property located at 2771 West Henrietta Road (Tax ID #148.50-2-20.1). All as described on application and plans on file.

2P-02-22 Application of 2900 Monroe Avenue, LLC, owner, and Unlimited Nutrition, LLC, lessee, for Conditional Use Permit Approval allowing for a retail facility which prepares and sells nutritional shakes and teas on property located at 2900 Monroe Avenue. All as described on application and plans on file.

2P-03-22 Application of Daniele SPC, LLC, owner, for Conditional Use Permit Approval allowing for outdoor display in conjunction with an approved supermarket on property located at 2740 Monroe Avenue. All as described on application and plans on file.

2P-04-22 Application of James Tabbi, owner, for Final Site Plan Approval and Final EPOD (steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first floor garage (858 sf) 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.

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.

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.)

2P-NB1-22 Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC, contract vendee for Concept Review to repurpose property located at 3108 East Avenue for use as a convenience store and gas fueling facility. All as described on application and plans on file. **POSTPONED TO THE MARCH 16, 2022 MEETING AT APPLICANTS REQUEST**

2P-NB2-22 Application of Brighton Central School District, owner, and Talmudical Institute of Upstate New York, contract vendee, for Concept Review to re-purpose an existing

school building (Brookside School) and construct a 23,000 sf building addition for classrooms and dorm rooms allowing for educational and public uses on property located at 1666 South Winton Road. All as described on application and plans on file.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jeff Green, Chelmsford Road, dated February 7, 2022, in opposition to the construction of a new convenience store with gasoline sales at 1950-1966 Monroe Avenue.

Letter from Jim Flynn, dated February 7, 2022, in opposition to the construction of a new convenience store with gasoline sales at 1950-1966 Monroe Avenue.

Letter from Edward Campany, dated February 7, 2022, with comments regarding the construction of a new convenience store with gasoline sales at 1950-1966 Monroe Avenue.

Letter from Jerry Goldman, Woods Oviatt Gilman LLP, dated February 10, 2022, requesting postponement of application 10P-NB1-21, 1950-1966 Monroe Avenue.

Letter from Jerry Goldman, Woods Oviatt Gilman LLP, dated February 10, 2022, requesting postponement of application 2P-NB1-22, 3108 East Avenue to the March 16, 2022 meeting.

Letter from Vicki Reina, 62 poplar Way, dated February 9, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Shannon Sadik, dated February 9, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Anne and Chris D'Angelo, 2 Glenhill Drive, dated February 12, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Judy Massare, 126 Idlewood Road, dated February 13, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Howard Gordon, dated February 14, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from June Cuthbert, 106 Idlewood Road, dated February 9, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Sharon Emerson, 100 Greenvale Drive, dated February 9, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Sharon Dickman, 2 Birmingham Drive, dated February 9, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Shannon Sadik, dated February 15, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Nathan Schroeder, 190 Idlewood Road, dated February 15, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Vince Hope, 30 Poplar Way, dated February 15, 2022, with comments and concerns regarding application 2P-NB2-22, 1666 South Winton Road.

Letter from Ben Potsid, Monroe Avenue, dated February 15, 2022, in opposition to the construction of a new convenience store with gasoline sales at 1950-1966 Monroe Avenue.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<u>1636</u>	ATAX 1707 Crittenden Road	Bldg Face	1/25/2022
ARB - Approved as presented.			
Old Business			
<u>1635</u>	Whole Food Market 2740 Monroe Avenue	Free Standing Sign	12/28/21, 1/25/2022
			TABLED ON 1/19/22
ARB - 1/25/22 Approved as resubmitted.			

From: **Jeff Green** <jhg14841@gmail.com>  
Date: Mon, Feb 7, 2022, 1:27 PM  
Subject: Planning board  
To: <Ramsey.boehner@townofbrighton.org>

Hello Mr. Boehner,

I am writing in response to the planning board application of Quickly gas station. I must state my strong opposition to the building of a new gas station at this site. Brighton's comprehensive plan Envision Brighton explicitly states that this area in future developments should be developed into 2-3 story mixed use buildings that front the main streets of Monroe, and 12 corners in generally and contribute to the walkable nature of this area. Doubling down on car focused infrastructure like gas stations is exactly the opposite of this, and it's also directly in opposition with Brighton's started goals of improving its climate performance. While this new proposed station might be a tiny bit better than what is there currently, a small amount less parking and a few fewer curb cuts, it's nowhere near his enough. As was stated in the comprehensive plan (which even has legal implications), and in line with all known best practices within metropolitan planning and development, this location, is far more well suited for a development pattern and building style like 92 s main st in Fairport, Main and state/Monroe in Pittsford village, Monroe or park avenue just over the town line into the city, I square in Irondequoit, etc.

It would be a travesty to allow a doubling down on bad suburban development like this gas station. Why not build a 3 story building with a convenience store below and office or condos above? This would even get the town a greater amount of tax revenue and be a much more welcoming feature for hundreds of school kids to walk by every day.

Please consider denying this application for the reasons stated above (and probably others I'm not thinking of) thank you

Jeff Green  
Chelmsford Rd  
Brighton NY

Done.

Here you go.

Did you get this?

From: **Jim Flynn** <jf9119@gmail.com>

Date: Mon, Feb 7, 2022, 2:45 PM

Subject: Elmwood & Monroe

To: <ramsey.boehner@townofbrighton.org>

I am writing to state my objection to the proposed gas station at the  
cors of Elmwood and Monroe. The Town of Brighton can and should do  
better

Jim Flynn

ph. 585.721.2763

Done.

Will do.

Got it.

From: **Edward Campany** <[edward.campany@gmail.com](mailto:edward.campany@gmail.com)>

Date: Mon, Feb 7, 2022, 6:18 PM

Subject: PB Meeting 02-16-2022, New Business Item 10P-NBI-21

To: <[ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)>

Brighton Planning Board,

I am writing to submit a public comment in favor of application 10P-NBI-21 concerning 1950 and 1966 Monroe Avenue, LLC (Quicklee's) site plan approval and demolition approval to raze two commercial buildings, combine two lots into one and construct a 2,500 +/- sf convenience store, three new gas pumps islands and a new gas pump canopy on properties located at 1950 and 1966 Monroe Avenue:

Gas stations create environmental damage requiring clean up prior to redevelopment at a private cost around \$2,500 per soil sample and \$300,000 for remediation. Once built, there are no economically viable alternative uses for the property without cleanup; most often requiring subsidy from both the Federal and New York State governments. Needlessly burdening either fund damages the public's opportunity to clean other sites. This proposal keeps one contaminated lot marketable thus mitigating the spread of contaminants over Monroe County's watershed. Approval is preferable to increasing public exposure to substances causing cancer and harm in developing children which we should expect to result from a new gas station on a greenfield site elsewhere in Brighton.

Best wishes,

Edward Campany



Rick DiStefano <rick.distefano@townofbrighton.org>

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## Quicklee's/1950-1966 Monroe Avenue - Planning Board Application 10P-NB1-21

1 message

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Goldman, Jerry A. <jgoldman@woodsoviatt.com>

Thu, Feb 10, 2022 at 8:27 AM

To: "Town of Brighton-Rick DiStefano (rick.distefano@townofbrighton.org)" <rick.distefano@townofbrighton.org>

Cc: Ken Perelli <k.perelli@quicklees.com>, "Quicklee's- Lou Terragnoli (l.terragnoli@quicklees.com)" <l.terragnoli@quicklees.com>, "John H. Sciarabba (john@landtechny.com)" <john@landtechny.com>

Rick-

We would request that the above referenced application continue to be adjourned as the applicant and the Town proceed with the early stages of the desired Incentive Zoning process.

As always, thank you very much for your courtesy.

Best and stay safe,

Jerry

Jerry A. Goldman, Esq.

Partner

Direct Dial: 585-987-2901

Direct Fax: 585-362-4602

jgoldman@woodsoviatt.com

Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

woodsoviatt.com



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Rick DiStefano &lt;rick.distefano@townofbrighton.org&gt;

**3108 East Avenue- Planning Board Application 2P-NB1-22**

1 message

**Goldman, Jerry A.** <jgoldman@woodsoviatt.com>

Thu, Feb 10, 2022 at 12:56 PM

To: "Town of Brighton-Rick DiStefano (rick.distefano@townofbrighton.org)" &lt;rick.distefano@townofbrighton.org&gt;

Cc: Ken Perelli &lt;k.perelli@quicklees.com&gt;, "Quicklee's- Lou Terragnoli (l.terragnoli@quicklees.com)" &lt;l.terragnoli@quicklees.com&gt;, "John H. Sciarabba (john@landtechny.com)" &lt;john@landtechny.com&gt;

Rick-

Pending receipt of our traffic report, which is due at the end of this month, we believe that the consensus was that the concept review should be deferred. Accordingly, we would request that this matter be tabled until the March 16 meeting of the Planning Board.

Best and stay safe,

Jerry

Jerry A. Goldman, Esq.  
Partner

Direct Dial: 585-987-2901

Direct Fax: 585-362-4602

jgoldman@woodsoviatt.com

Firm Phone: 585-987-2800

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February 9, 2022

Dear Mr. Boehner,

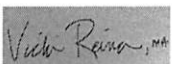
I am writing to express concerns over the proposed modification to the property that the Brookside school sits on. First, I find this disconcerting that a proposal is being submitted when the property is not yet formally sold. BCSD still owns the property, more than 7 months after the sale was approved. Nonetheless, TIUNY will submit a preliminary 'concept plan' to the Planning Board at the next meeting (Feb. 16, 7 PM), to develop the Brookside property. Side note, can you imagine me submitting a proposal to make property modifications to a property I do not yet even own?

It is my understanding that TIUNY would like to build a 23,000 sq. ft. addition to the Brookside School, which will include six classrooms and twenty dorm rooms. Their plan also includes a future 9000 sq. ft. dormitory with an additional 20 dormitory rooms. Fortunately, the building will be on the Winton Road side of the property, partially hidden from view from Evans Farm homes by one wing of the existing Brookside school. Traffic will be directed to a new 'main entrance' on the Winton Road side of the building (although tenants will still use the Idlewood Road entrance). The new building and access roads will substantially increase the amount of impervious surfaces on the property (i.e., pavement and roofs). That will no doubt increase runoff to the creek, raising water levels higher than historical levels during heavy rains. This will result in increased erosion and flooding of property downstream (i.e., the neighbors on Idlewood, Westfall, and Del Rio). The engineer's plan includes a small retention pond, but this likely falls far short of addressing the runoff problem.

My preference would be this is not approved at all, and I show no good faith in my elected officials or the planning committee to make an informed and widely approved decision regarding this. It would be nice, and surprising, to see leadership listen to their current community members, if you will, versus the ones proposing to become tenants. However, under the assumption it will be approved:

1. I request that no special allowances/ incentive zoning be made for this project.
2. I request that any proposal that is approved explicitly states that the Evans Farm access point (road/entrance) to the school be closed permanently and not used for any traffic to that locations (and subsequently all address changes made to the Winton Road address for any and all businesses on property).
3. I request that an environmental study be mandated as part of any sale and that any recommendations made by the outside third party be adequately addressed.
4. I request that at no time is the road to the property from Idlewood/Evans Farm neighborhood (until it is permanently closed) be used for any construction vehicles, etc.
5. The proposal, if approved, is only done after a formal sale has been completed, and appropriate zoning variances applied for.

Sincerely,



Vicki Reina

62 Poplar Way



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

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**re: Brighton Town Rec Center**

1 message

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**Shannon Sadik** <shannonsadik@gmail.com>  
To: ramsey.boehner@townofbrighton.org

Wed, Feb 9, 2022 at 1:13 PM

Hello

I am a resident of Evans Farm and a member of our neighborhood board association. We as a neighborhood have concerns about the purchase and build out of the Brighton Town Rec Center property. We have seen the additions that have been proposed and feel this is different than what we were originally told. We have concerns about the following:

1. The traffic this will bring to our neighborhood given that the parking and road are still open to Evans Farm. We propose closing off the entrance and removing the pavement so all traffic enters and exits from Westfall. This is no longer a neighborhood offering but a private school and should not be given any access to our neighborhood or roads.
2. This was intended to be a school, which has normal daytime hours. This will now include several dormitories with live-in students and faculty, open all day and through the night, with additional noise and light pollution.
3. The new building and access roads will substantially increase the amount of impervious surfaces on the property (i.e., pavement and roofs). That will no doubt increase runoff to the creek, raising water levels higher than historical levels during heavy rains. This will result in increased erosion and flooding of properties downstream (i.e. our neighbors on Idlewood, Westfall, and Del Rio). The engineer's plan includes a small retention pond, but I think that it falls far short of addressing the runoff problem.
4. The application does not indicate that an Environmental Impact study will occur, surprising considering how close the structure will be to federally designated wetlands. It is also considered best practice and expected.
5. The plan appears to exceed the definition of 'Low Density Residential', which is its present zoning designation but would more meet the definition of R3 Medium Density. This would mean it would need a variance, which the surrounding neighbors would have to approve. When can we expect to see this?

There is more that I have not gone into, but all in all, the neighborhood is upset. Why were we not allowed a vote on the approval of this sale? Why are we not allowed to comment on this new addition and change in what was originally told to us? Why is everything done in private and neighbors have to dig to find this information. Such large, public land paid for by our taxes and managed by our elected governing school board should be put to the citizens to vote on. I would appreciate an answer so that I can let my neighborhood know when and where we can expect to voice our concerns.

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Thanks,  
Shannon Sadik



Ramsey Boehner <ramsey.boehner@townofbrighton.org>

## Concerns regarding TIUNY's proposed plans for Brookside Property

1 message

Anne & Chris D'Angelo <am.ct.dangelo@gmail.com>  
To: ramsey.boehner@townofbrighton.org

Sat, Feb 12, 2022 at 6:40 PM

Dear Mr Boehner,

I'm writing as a resident of Evans Farm Neighborhood residing at 2 Glenhill Drive. It was recently brought to our attention that TIUNY has proposed plans to add a 23K sq ft addition to Brookside to include a future 9K sq ft. dormitory. As a resident with a home that backs to Allen's Creek, we have concerns about the development resulting in increased flooding of properties downstream. Our property already experiences significant flooding into our backyard during heavy rainstorms. We can't afford increased water levels or we will surely have flood waters entering our walk-out basement. While the risk of flooding is OUR greatest worry, please consider all of these concerns when the proposal is presented to the Planning Board this coming Wednesday:

### Storm water runoff into Allen Creek

The new building and additional pavement will increase the runoff into Allen Creek and could affect properties that back onto the creek. During large rain events, this could increase erosion and flooding. Will a stormwater plan by a licensed stormwater engineer be developed to control runoff to the creek? Will the design storm take into account the effects of climate change? Studies suggest that the size of rain events will increase in this part of the country.

### Changes to the 100-year floodplain

The new wing will be adjacent to the 100-year floodplain. Any change in the floodplain will affect the amount of water going downstream during flood events. Will a floodplain study be done to ensure that neither the new building nor especially the construction process itself will alter the floodplain?

### Traffic on Idlewood Road

The Evans Farm neighborhood does not have sidewalks, so traffic is more than an annoyance; it is a safety issue. Neighbors walk throughout the neighborhood all year long. In warmer months, the number of bicycles and scooters on the roads often outnumber cars. The plan for the Brookside campus intends to use Winton Road as the main entrance to the school, but as long as the Idlewood Rd entrance remains, it will be used for access to the property. In fact, the plan indicates that the Idlewood Rd entrance will be maintained for tenants. Eventually, Brighton Recreation and other town offices will relocate to a new recreation center. We do not know what kind of traffic new tenants could generate, nor whether that traffic will continue all day or all evening. The solution to the traffic safety issue in the neighborhood would be to close the Idlewood Rd entrance.

### Construction Traffic

A second, short-term traffic concern is related to the construction itself. Construction vehicles, delivery vehicles, or private vehicles of construction workers might use neighborhood roads for access to the Brookside property. What steps can be taken to ensure that this does not occur?

### Zoning

Shouldn't a zoning variance be required? The concept plan seems to indicate that the structure meets the zoning requirements, but how is that possible. Zoning permits a school or religious institution but neither of those typically includes residences. This plan proposes a 20 room dormitory (20-40 residents) with the option of an additional 20 rooms. A group home in a residential neighborhood requires a zoning variance, why wouldn't a dormitory, housing many more unrelated individuals than a typical group home, not require an exception to current zoning?

### Access to Winton Road

Neighbors use the property for access to Buckland Park as it is much shorter than walking to Westfall Rd via Evans Lane. When the Brighton Winter Market starts up in the renovated buildings adjacent to Buckland Park, we

anticipate that even more neighbors might want to cut through the property. Could the town get an easement to construct a walking path along the north edge of the Brookside property (or the south edge of the DEC land) to provide long-term walking or bicycling access to Winton Road from Idlewood Road?

**Potential light pollution**

What are the plans for lighting for the exterior of the new building, basketball court, parking areas, etc. The present lighting has a minimal effect on adjacent properties. How much will this change?

**Noise pollution**

A large number of people will be on the Brookside campus in the evening and overnight. The neighborhood, and especially nearby property owners, have never had to contend with the property being used throughout the day and night. What actions will be taken to address the potential for increased noise? Expecting even well-behaved teenagers to be quiet doesn't always work when there are so many of them.

**Visual impact**

The new wing will be visible from several properties on Hunters Lane and Idlewood Road. This could impact their privacy. Can fencing or trees be added to address this concern.

Thank you for your attention and consideration of our concerns. Please feel free to contact me with any questions.

Sincerely,

Anne & Chris D'Angelo

2 Glenhill Drive

585-781-4924



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

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## Concept Plan for Brookside Property

1 message

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jmassare@aol.com &lt;jmassare@aol.com&gt;

Sun, Feb 13, 2022 at 10:59 PM

Reply-To: jmassare@aol.com

To: "ramsey.boehner@townofbrighton.org" &lt;ramsey.boehner@townofbrighton.org&gt;

Dear Mr. Boehner,

I have recently learned that the Talmudic Institute of Upstate NY would like to build a 23,000 sq. ft. addition (with the option of an additional 9000 sq. ft. addition) to the old Brookside School building when the sale of the property is finalized. I have some concerns about a new large structure on the site and the conversion of the property use from a day school to a residential school.

My backyard borders Allen Creek. As you might expect, I am very concerned about the effect that a substantial increase in impervious surfaces on the Brookside property will have on water levels in the creek. More runoff into the creek could potentially increase flooding and erosion, and that would affect my property. I hope that the Planning Board will require a stormwater management plan for the site. Moreover, houses along the creek are here for the long-term, so the management plan should account for effects of climate change over the next couple of decades. Climate studies suggest that in our part of the world, rainfall events will become larger, even if the total annual rainfall does not change. The management plan should take this into account in order to adequately protect downstream property going forward.

The new structure will be very close to the 100-year floodplain, and the construction site itself will be more than just the footprint of the new addition. I am worried that the construction process could alter the topography of the floodplain, even if the addition itself is outside of the floodplain. If this happens, it could adversely affect how much floodwater moves downstream in a severe rain event. I don't think this is considered in a stormwater management plan, but I would like it to be considered in issuing a permit for the project.

The new addition will mean a major change in how the Brookside campus is used. The property has been used as a school in the past, but it has never been a residential school. The two additions proposed will have a total of 40 rooms and could house up to 80 students. This change is more akin to a group home (or more exactly several adjacent group homes) than to a typical private school in Brighton. The developer should have to apply for a zoning variance.

The Brookside property is used by many neighbors as a short-cut to Winton Road. When the Brighton Winter Market relocates to the Westfall Road site, even more neighbors will want to cut through Brookside. I would like to see the town get an easement to construct an unpaved walking path along the north edge of the Brookside property to provide guaranteed (and legal) access to Winton Road from Idlewood Road. An easement will ensure that subsequent owners will continue to provide access.

Finally, I would like to see the Idlewood Road entrance to the property closed, or at least gated so that only emergency vehicles have access. The Evans Farm neighborhood has no sidewalks. Many of us walk around the neighborhood for exercise or to walk our dogs. Children in the neighborhood walk to/from the high school and the middle school, and some younger children even bike to French Road Elementary School. An increase in traffic in the neighborhood is a serious safety issue, especially in the winter. Even though the concept plan indicates that the main entrance will be moved to the Winton Road side, as long as the Idlewood Road entrance is open, roads in Evans Farm will be used to access the property, especially when it is a quicker route than going to Winton Road.

Thank you for your considering these issues. I would appreciate it if you could share this email with other members of the Planning Board.

Judy Massare  
126 Idlewood Road



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

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**TIUNY Site Plan**

1 message

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**Howard Gordon** <howard7nt@gmail.com>  
To: ramsey.boehner@townofbrighton.org

Mon, Feb 14, 2022 at 1:11 PM

Mr. Boehner:

As a member of the Evans Farm Neighborhood, I strongly object to the TIUNY site plan proposal, which I understand the Planning Board will consider on February 16th. My reasons are as follows:

**Zoning**

The application indicates that TIUNY and their representatives believe that this project fits the requirements for 'Low Density Residential' zoning. The zoning permits a school or religious institution but neither of those typically includes residences. The property has never had a residential school. This is a major change that does not meet current zoning requirements. The plan proposes a 20 room dormitory (20-40 residents) with the option of an additional 20 rooms. A group home in a residential neighborhood (4-6 unrelated residents) requires a zoning variance. Why wouldn't that be the case for a dormitory housing many more unrelated individuals?

**Changes to the 100-year floodplain**

The new wing will be adjacent to the 100-year floodplain. Any change in the floodplain will affect the amount of water going downstream during flood events. Will a floodplain study be done to ensure that neither the new building nor the construction process itself will alter the topography of the floodplain or add more sediment to the stream channel?

**Storm water runoff into Allen Creek**

The new building and additional pavement will increase the runoff into Allen Creek and could affect properties that back onto the creek. During large rain events, higher water levels could increase erosion and flooding. Will a stormwater plan by a licensed stormwater engineer be developed to control runoff to the creek? Will it take into account the effects of climate change? Studies suggest that the size of rain events will increase in this part of the country.

The Planning Board should consider these issues, along with others that may be raised by concerned tax paying citizens of the Town of Brighton before issuing any site plan approvals.

Sincerely,

Howard Gordon

February 14, 2022

To: Ramsey Boehner, Town of Brighton Planning Board  
e-mail: [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)

I live at 106 Idlewood Road, and have been a resident there since 1955. Allens Creek runs through my backyard. I am concerned about more extensive flooding and erosion that may occur with the building plans by the Talmudic Institute when they acquire Brookside School. And I am concerned about debris that may flow downstream. I have watched the creek flooding my backyard every year since 1955. I am aware of the normal flood levels. The rebuilding of the Evans Lane bridge did not reduce these levels as we had previously thought it would. Has a licensed stormwater engineer thoroughly studied the plans for the Brookside construction site?

As an Idlewood Road resident, I am concerned about the traffic on Idlewood and how the Talmudic Institute and the Brookside School tenants will impact our neighborhood of families. We are a neighborhood of walkers, baby strollers, and bicycles. We do not want sidewalks, which would be an eyesore for our neighborhood and would lower our homes' values and curb appeal. Our road safety should take priority.

I understand the zoning for the Brookside property is for single-family homes, and not for dormitories and group homes. Will the zoning be changed to accommodate Talmudic Institute's plans? Will Brighton restrict noise levels, and provide additional security if Talmudic Institute builds their dormitories?

The Evans Farm Neighborhood is **not** within convenient walking distance to any town parks and playgrounds. It is not safe for children to ride bicycles along Winton Road South and along Westfall Road to reach the existing town parks. The Brookside School property is ideally located to our families for access to that playground and playing fields. Will some of Brookside's land be set aside for neighborhood use?

Personally, I would like to see Brookside School become the Brighton Community Center, housing Brighton Recreation, Brighton Seniors, Brighton Food Cupboard & Clothing Center, Brighton Ambulance meeting rooms as well as meeting space for other community groups including scout troops and recreational sports.

Respectfully submitted,  
June E. Cuthbert, resident since 1955  
106 Idlewood Road, 14618  
585-244-6521  
[jcuthbert106@gmail.com](mailto:jcuthbert106@gmail.com)



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

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**re: proposed TIUNY project in Evans farm neighborhood**1 message

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Sharon Emerson &lt;skeb.1956@gmail.com&gt;

Mon, Feb 14, 2022 at 2:44 PM

To: ramsey.boehner@townofbrighton.org

Dear Mr. Boehner-

As a resident of the Evans Farm neighborhood for nearly 30 years, I have some concerns about the proposed development of the Brookside School property for the TIUNY.

One of the main reasons we were attracted to the neighborhood in the first place was the green space, playground and creek access afforded by the Brookside property. Although *our* children have grown and gone, the ability to utilize that space continues to attract new families and to be a feature that affects neighborhood property values. So--I would hope that some of that space would continue to be available to the neighborhood.

Our neighborhood is full of walkers, runners, and bicyclists at all times of the year. Because we do not have sidewalks, the relatively low rate of traffic within the neighborhood has been a factor in feeling safe while my husband and I walk. I am concerned especially with the thought that construction vehicles might be routed through the neighborhood, making getting out for some exercise feel much less safe--not to mention the increased noise factor. I hope that any construction traffic would be routed via Winton Rd.

Although I do not live on Hunter's Lane, I can imagine the negative effect of the loss of backyard privacy, the visual effect of seeing the larger building footprint, and especially the effect of any outdoor security lighting. I would hope that a "buffer" of trees, shrubs and/or fencing would be a part of the plan. Light pollution is a serious quality of life issue, and should be addressed when designing any security lighting.

My neighbors who live on Idlewood with property that backs to Allen's Creek are very concerned about rising water levels, increased run off, and possible erosion (due to a greater surface area of impermeable surfaces at an expanded Brookside) and we are all concerned about the environmental impact on the wetland area that borders the property. I would hope that a thorough environmental review would be conducted well before any ground is broken for TIUNY.

Thank you for your consideration of these important issues. I believe Evans Farm is willing and able to be a good neighbor to the Talmudic Institute, and hopefully they are concerned with being a good neighbor as well. Attention to the above issues will go a long way toward fostering a happy and mutually satisfying co-habitation.

Sincerely-  
Sharon Emerson  
100 Greenvale Dr.



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

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**Comment about 2P-NB2-22**

1 message

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**Sharon Dickman** <sdickman2012@gmail.com>

Mon, Feb 14, 2022 at 12:05 AM

To: "ramsey.boehner@townofbrighton.org" &lt;ramsey.boehner@townofbrighton.org&gt;

Hi Mr. Boehner,

I plan to listen to the Zoom meeting set for Feb. 16, 2022, on the topic of repurposing the Brookside School property and constructing a building addition at 1666 South Winton Road. I am a longtime resident of Evans Farm, which is a neighborhood community that borders this site.

As far as I know, there has been no information shared by the potential owner on a vision for the site. The request to construct a 23,000 sf building near a long-standing residential community like Evans Farm is certainly one that should be of the utmost importance to the Town of Brighton Planning Board. The open space around the former Brookside School has been a welcome attraction for residents for decades. It is used extensively by residents for walking, biking and enjoying the open spaces for themselves and their families and friends. As you and the Planning Board know, outdoor space in Brighton is in short supply and treasured by many residents wherever it can be found. Protecting the land and the environmental features that feed the natural plantings and animals and the creeks and streams near the Brookside site deserve serious attention - especially at this time.

I join others who also are concerned about the future impact of this proposal and encourage the Planning Board to gather as many facts and details necessary to make the best decision for the Evans Farm community and for the quality of life in Brighton as a whole.

Sincerely,  
Sharon Dickman  
2 Birmingham Drive  
Rochester, NY 14618  
sdickman2012@gmail.com



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

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**re: Zoning Approval for Brookside**

1 message

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**Shannon Sadik** <shannonsadik@gmail.com>

Tue, Feb 15, 2022 at 10:13 AM

To: ramsey.boehner@townofbrighton.org

Hello,

I am writing in regards to the proposed changes to Brookside which are being proposed to the board. After some further research, according to Chapter 203 of the Town Code, it is apparent that the proposed 20-40 room dormitories do not fit within the Residential Low Density RLA or RLB, so rezoning should be required to make this project viable and I do not support this rezoning, especially being directly adjacent and connected to our single-family residential neighborhood. Purchasing the property to use as a school is one thing, but building dormitories for 40 students and faculty is quite another.

Also, the Envision Brighton 2028 vision for future development has a section pertaining to development along Westfall, which has a large focus on *conserving* open spaces, ecological considerations regarding Allens Creek and the 100-year flood plain, and increasing recreation opportunities and pedestrian connections to Buckland Park. Allowing for the building of the proposed structures would be in direct violation of this by:

1. reducing green space
2. potentially losing the playground that so many use
3. causing more noise and sound pollution
4. reducing walking/biking in the neighborhood due to more traffic in and out both day and night (unless the entrance to Idlewood is closed) and reducing a pedestrian connection to Buckland Park which so many use right now.
5. causing disruption to the flood plain

Brookside has limited hours now, and it is perfectly acceptable and expected for neighbors to walk all over the property; however once the new buyers take over and are there all the time, folks won't feel as comfortable to walk around or through. We have already tried to reach out to the buyers to discuss these issues and have not been met with friendliness or even a return phone call. Instead, a *lawyer* finally called us back. This is not a good start and surely shows what is to be expected of the neighbor relations in the future.

Surely the town sees how this can greatly affect the adjacent neighbors and would oppose its vision for the town and will not approve these requests.

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Thanks,  
Shannon Sadik



Ramsey Boehner <ramsey.boehner@townofbrighton.org>

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## TIUNY/Brookside concerns, please close Idlewood entrance

1 message

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Nathan Schroeder <npschroeder@gmail.com>

Tue, Feb 15, 2022 at 8:12 AM

To: ramsey.boehner@townofbrighton.org

Hello Ramsey,

My family is a resident of the Evans Farm Neighborhood. We live on Idlewood Rd. Overall, I have very few concerns with TIUNY prospectively building a dormitory. However, as a family with young kids, I want to see the Idlewood Rd entrance to Brookside closed to vehicle traffic.

Already the tenants and visitors to the Brookside campus use Idlewood excessively, many speeding through to save a few seconds. So, I'm not sure about the long term plans for the Brookside tenants (i.e., Montessori School, Rec Center), but for a street with no sidewalks, I always have serious concerns during the rush hour through our neighborhood as parents speed through to drop off/pick up their kids. I'm amazed no one has been hurt since moving in.

Please relay my concerns to the Planning Board.

Thanks and best,  
Nathan Schroeder  
190 Idlewood Rd



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

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## Talmudic Building Proposal

1 message

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**V W Hope** <vwhope5@gmail.com>

Tue, Feb 15, 2022 at 8:30 AM

To: Aron~ Reina &lt;ajreina@hotmail.com&gt;, "ramsey.boehner@townofbrighton.org" &lt;ramsey.boehner@townofbrighton.org&gt;

I'm a resident of Evans Farm and have questions about drainage plans of the proposal. We've lived here since 2000 and have walked dogs on the Brookside property all these years. We've found the southern field to be soggy with water at the surface more days than not, weather permitting walks. The land proposed for their sports field hasn't been used by the town in our memory despite goal posts erected running north south. Field mowers occasionally leave deep tracks, but any given morning can be wet enough to drench sneakers.

The proposed map we've seen only has one permanent retaining pond (I believe) along the North edge of the property. And it appears they plan to build WITHIN the 100 year floodplain of Allens Creek (something the School District never did).

1. Do they plan to insert field drainage and/or elevate the south field? How does water drain from the south to their one north retaining pond?
2. Can you explore (and require) sound engineering plans to make their field plans viable WITHOUT introducing new runoff to the creek?
3. Will there be a formal environmental impact study required to assess water runoff and thus amendments to their plans if required? (Not just for creek impact on immediately adjacent homes, but Allens Creek levels impact local roads and bridges and it eventually runs through Oak Hill Country Club with impact on members and professional events held there.)

Thank you. We plan to watch your hearing via zoom

Vince Hope  
30 Poplar Way  
From my cell



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

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**Planning Board Brighton**1 message

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**B P** <bpotsid@gmail.com>

Tue, Feb 15, 2022 at 12:31 AM

To: Ramsey.boehner@townofbrighton.org

Cc: Christine.corrado@townofbrighton.org

Hello Mr boehner

I want to write you with concern about the applications for the gas stations in Brighton most importantly the one at Monroe and 12 corners. I urge you and the planning board to deny these applications.

Everything the town puts out pushes 12 corners as the center of a walkable Brighton. But the gas stations and car centered businesses there do anything but that. The town really should not be letting a developer further expand a gas station that is already there, and instead work with them to move past this awful land use and put something better in its place. This will only further reduce the density around 12 corners by tearing down another old house for a crappy sprawl box, and leave a conduit for cars crossing through the area where it kids walk to school. If the town wants to get serious about quality of life, they had better not let this go through

Also, Brighton swears up and down that we are leading the forefront of climate change. But then we are preparing to allow the expansion of a gas station even though we know that car usage is the number one contributor to climate change? Both of these stations, and 12 corners in particular, are right on active busy bus routes, like I take to get downtown every day. And have lots of people walking already. People will claim that having car services is necessary because most people currently drive cars, but the first step to undoing that is to plan better developments that have more density, apartments above shops, just like Monroe up in the city, or college town. This would be a perfect fit here. And it would help increase the tax base of the town because more building equals higher assessed values. Even the smallest building at college town, which would probably fit here, is assessed at 6 million and Brighton it would be even higher with our school district.

Permitting new and expanding gas stations, tearing down buildings to give more room to fill gas guzzlers, is not at all what's best for the town and I hope that the town does not let this go through. If this developer is not prepared to build something better there at 12 corners, then I say leave it as is, and someone else is bound to come along soon with more progressive ideas, don't have to capitulate to the lowest bidder

thanks

Ben potsid  
Monroe Ave

## PLANNING BOARD REPORT

**HEARING DATE:** February 11, 2022

**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, extended, and has since expired.
- All expired variances have been reobtained from the Zoning Board of Appeals at their February meeting and are as follows:
  - To allow the proposed building and parking lot to be within an environmental EPOD as per §203-129.B(2) of the Comprehensive Development Regulations that require a 100 ft. vegetative buffer be maintained from the banks of the watercourse (Allens Creek). 1A-04-22
  - To allow for parking in the front yard as required by §203-164.A of the Comprehensive Development Regulations. 2A-02-22
  - To allow the proposed building to be constructed with a 42' front setback in lieu of the minimum 75' required by code. 1A-03-22
- 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:**

- 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 January 14, 2022.

**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?
- Will there be a basement?
- Has a written access easement been provided for Canal View Blvd?
- Have you considered the addition of a fence between the sidewalk and the bioretention area to protect pedestrians from the change in grade?

**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.

**DEMOLITION:**

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

1. The existing building, if currently designated as a landmark, has received required approvals from the Historic Preservation Commission, and if not currently designated, has been found by the Commission not to be a candidate for designation by the Historic Preservation Commission as a landmark.
2. The Architectural Review Board and Conservation Board have reviewed the project per the requirements of this article and their determinations and

recommendations have been considered.

3. The project is consistent with the Brighton Comprehensive Plan.
4. The project meets all Town zoning requirements, or a variance has been granted by the Brighton Zoning Board of Appeals.
5. The Brighton Department of Public Works has approved the proposed grading plan for the project.
6. The project complies with the requirements of the Town's regulations regarding trees.
7. A restoration/landscaping plan has been approved by the Planning Board.
8. 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 project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants, the licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
9. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
10. The project does not have a significant negative impact on affordable housing within the Town.

**APPLICATION:**

If the Board entertains approving the application, I would suggest including, among 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. 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. 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.
37. All comments and concerns contained in the attached memo dated January 14, 2022 from Brendan Ryan to Ramsey Boehner, shall be addressed.
38. Bioretention area shall be moved as far north as reasonably possible to limit disturbance in the right of way.
39. All review comments shall be addressed and plans signed by the Commissioner of Public works within 90 days of approval or as otherwise required by the Commissioner.
40. A letter or memo in response to all Planning Board comments and conditions shall be submitted prior to final approval.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

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

**Date:** 2/11/22

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:** 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 will be created 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



**Brendan Ryan**  
Assistant Engineer

## MEMO

Date: February 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. We are in receipt of the proposed Town easement maps and descriptions. This will department will review the maps and description for adequacy and closure. We will forward any discrepancies noted during our review to the applicant's engineer for revision. Templates of standard easement language for the proposed Town easements will be provided to the applicant's engineer under separate cover.
2. 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. We await to review the draft maintenance agreement for the stormwater facility.
3. 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. The letter of credit estimate was not included with the latest submission. Additionally, the probably cost of construction should be updated to reflect current construction costs as the initial estimate was developed in 2019.
4. 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.

### Traffic Impact Study:

1. We are awaiting 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 total load calculated for the sewer demand appears to be very low at 3.5 gpm. The stated sewer demand is likely much lower than the potable water consumption demand of the proposed facility. Please review and revise as necessary. Additionally, excerpts from the NYS Design Manual for Intermediate Sized Wastewater Treatment Systems was not included with the report as indicated by the applicant's engineer.
2. The NYS Fire Code indicates that the fire-flow requirements shall be determined by an approved method. Please provide supporting documentation that fire flow demand has been designed in accordance with the NYS Fire Code. This information must be reviewed and approved by the Town Fire Marshal.

**Plans**

1. *Utility Plan, Sheet C105*
  - a. 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's engineer has indicated that a joint application was submitted to the NYS DEC permit office for review. What is the status of the aforementioned joint application?
  - b. The proposed inverts for sanitary sewer cleanouts should be called out on the plans.
  - c. There are discrepancies on what is depicted on the digital plans included with the latest submission versus what is shown on the paper plans included with the latest submission. Please clarify what is being proposed with regards to the sanitary sewer system improvements. We cannot complete our review until this information is clarified.
  - 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. The note provided on the plans shall indicate that the end section not extend past the existing bank slope.
  - e. The location of the proposed sanitary sewer easement does not appear to consider the proposed location of the bioretention facility along BHTL. A majority of the infrastructure and improvements associated with the bioretention facility will likely have to be disturbed during the installation of a sanitary sewer main within the proposed easement. Can the proposed bioretention facility be moved further north towards the building to mitigate this issue? Please review.
2. *Grading Plan, Sheet C106*
  - a. The grading plan does not appear to consider the installation of the sidewalk along BHTL and in areas near the proposed sediment basin. Please review and revise accordingly. Additionally, a split rail fence should be considered behind the sidewalk in areas adjacent to the bioretention facility and stormwater pond to protect pedestrians along this path.
  - b. The proposed grading plan indicates that a two foot drop will occur between the front and the back of the dumpster pad. How will this proposed grading be reconciled with the 42" footers depicted for the dumpster enclosure on the detail sheet? Please review and revise the grading in this area as necessary.
3. *Profiles, Sheet C107*
  - a. The water service profile depicted on this sheet is inaccurate. Please revise.
  - b. The location of the water service should be depicted on the storm sewer profile.
4. *Landscaping & Lighting Plan, Sheet C108*
  - a. The trees proposed within the sanitary sewer easement should be relocated or removed from this area. Trees are generally not desired over a sanitary sewer system as their root system impacts the long-term viability of the sewers.
  - b. Why is landscaping being proposed within the dumpster enclosure? Please review.
5. *Details*
  - a. A standard Town of Brighton sidewalk detail should be provided on the plans for sidewalk which will be dedicated to the Town. This detail does not appear to have been included on the plans.
  - b. A detail for the proposed sewer manhole and its connection to the existing sewer main shall be provided on the plans.

## PLANNING BOARD REPORT

HEARING DATE: February 16, 2022

APPLICATIONS NOS: 2P-01-22

APPLICATION SUMMARIES: Application of Cortese Properties, owner, and Cortese Cycle Sales, agent, for Conditional Use Permit Approval allowing for a motorcycle sales and service facility on property located at 2771 West Henrietta Road (Tax ID #148.50-2-20.1).

### COMMENTS:

- A floor plan, site plan, and notes have been submitted.
- The property is zoned BF-2 General Commercial.
- The building appears to be approximately 4,706 sf in area. The actual size has not been provided.
- Motorcycle sales and service are included under the definition of Small Engine Sales, which requires any service to be accessory to the principle use of sales. Both sales and service are required to be inside.
- There is no specific parking requirement for motorcycle sales or small engine sales, but the definition suggests it should be treated as a retail use.
- Parking for retail required is 16 spaces (1 space per 300 sf).
- Aerial photography shows 12 spaces in front and pavement in the rear that appears as though it could accommodate more parking, but isn't striped. The submitted site plans do not show parking spaces.
- Aerial photography shows 1 garage door in the rear of the building.
- The submitted notes say:
  - Cortese Cycle Sales will sell and service motorcycles.
  - We will not be adding any employees at this time but may add 1 or 2 more if business continues to grow.
  - I anticipate an estimate of 5-10 customers maximum during peak times of the day during the season.
  - We will be open Monday-Saturday year round.
  - We will have 10-25 parking spaces just for our business.
  - Deliveries will happen during business hours to our side garage door.
  - We will have a normal amount trash which will be put into dumpsters and removed weekly.

- No chemicals will be dumped and removed weekly.
- No chemicals will be dumped into any sewers.
- We will have some gatherings possibly inside the building but do not anticipate any major disruptions.
- Monroe County comments have been received.

**TOWN ENGINEER:** See memo from Assistant Engineer, Brendan Ryan, dated January 14, 2022.

## QUESTIONS

- Please describe your operation, activities & equipment?
- How many service bays will you have? Will service only be accessory to the motorcycle sales?
- Are you planning to add any striped parking spaces? It appears that there are only 12 useable striped spaces. How many do you anticipate needing? How many spots are designated to the other business?
- What and how much combustibles, hazardous materials/chemicals, oils, gasoline, etc. will be stored on site?
- How will flammable and hazardous materials be disposed of?
- Is the building sprinklered? Are you planning on adding sprinklers?
- What types of trash will be generated?
- Where will the dumpster be located? How will it be screened? Will you have recycling or fluid recycling containers? Where will they be located?
- Are you proposing to store or display anything outside?
- What will be your hours of operation?
- Will you have any company vehicles? Will there be stored on site?
- What types of improvements will be made in/to the building?
- What exterior changes are proposed? Is any exterior lighting proposed?

- Is a generator proposed? Is any air handling equipment proposed? How will fumes/exhaust inside the building be controlled?
- Will you be storing or using any hazardous or flammable substances? How will they be stored?
- Your notes mention having “gatherings.” Can you explain further?

#### **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 approving the application, I would suggest including, among others suggested by the Board, the following items be addressed:

1. Motorcycle service shall be accessory to motorcycle sales.
2. The location and screening of the dumpster and any other collection facilities outside of the building shall be submitted to and approved by the Building & Planning Department. The dumpster shall be enclosed with materials that are compatible with the building. A building permit is required for the dumpster enclosure.
3. Any proposed exterior lighting shall be reviewed by the Building & Planning Department and may require further Planning Board approval.
4. Any events may require additional Town approval.
5. Meet all requirements of the Town of Brighton's Department of Public Works.
6. The entire building shall comply with the most current Building & Fire Codes of New York State.
7. Any storage of bulk petroleum products or any other flammable or hazardous products/materials shall be reviewed by the Town Fire Marshal.
8. All required town permits shall be obtained.
9. All Town codes shall be met that relate directly or indirectly to the applicant's request.

10. All uses shall take place within an enclosed building. Noise and fumes shall be controlled so that they don't create a nuisance for the surrounding neighborhood.
11. No outdoor storage or display of goods, materials, or equipment shall be permitted without town approval.
12. All Monroe County requirements/conditions shall be addressed.
13. Any permits required from Monroe County Pure Waters shall be obtained.
14. All requirements of Chapter 149, Sewer Use Law of the Town of Brighton, shall be met.
15. An operational permit shall be obtained from the Town Fire Marshal (Chris Roth, 784-5220).
16. Any signs shall require separate review and approval.
17. An architect registered in the State of New York shall evaluate the building and the proposed use for compliance with the New York State Building and Fire Code. The architect's findings shall be submitted to the Building and Planning Department. All necessary building permits shall be obtained, and if determined necessary a Certificate of Occupancy shall also be obtained.
18. A site and parking plan shall be prepared and submitted to the Building and Planning Department for review and approval. The plan shall show the building meets the requirements for parking and shall show the required accessible parking space. 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.
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:** 2P-01-22

**Date:** February 8, 2022

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:** 2P-01-22

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of John Cortese, owner, for Conditional Use Permit Approval to allow for a motorcycle sales and service facility on property located at 2799 - 2781 West Henrietta Road

**Location:** 2771 West Henrietta Road

**Reasons Supporting This Determination:**

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

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. There will be no resources of value irreversibly lost.

For further information:

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

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

Telephone: (585)784-5229

## PLANNING BOARD REPORT

**HEARING DATE:** February 16, 2022

**APPLICATION NO:** 2P-02-22

**APPLICATION SUMMARY:** Application of 2900 Monroe Avenue, LLC, owner, and Unlimited Nutrition, LLC, lessee, for Conditional Use Permit Approval allowing for a retail facility which prepares and sells nutritional shakes and teas on property located at 2900 Monroe Avenue.

### COMMENTS:

- A floor plan and other information have been submitted.
- From applicant's cover letter:
  - The name of the business is Unlimited Nutrition.
  - They specialize in protein shakes and teas.
  - The applicant anticipates needing only 5 parking spaces at their busiest times, because the operation is about 95% delivery.
  - Deliveries will be made to front door during normal FEDEX deliver times.
  - Trash will be placed in outside dumpster.
  - There will be no unusual solid or liquid waste from chemicals
  - There will be no events that will require displays outside the building.
  - Hours of operation appear to be Mon-Fri 7am to 5pm and Sat & Sun 9am to 3pm.
- The use fits the definition of a restaurant
- The application notes other businesses it shares parking with other tenants. Applicant stated that there are 97 spaces on site.
- The proposed use will occupy  $\pm$  1,630 sf. A restaurant requires one space per 100 square feet plus one per employees (requiring 21 spaces). There are 14 seats and they anticipate at most 5 employees (requiring 12 spaces). Adequate parking exists on site due to vacancies in the building.

**CONSERVATION BOARD:** - No Comments

**TOWN ENGINEER:** No Comments

## **QUESTIONS:**

- Please describe your use.
- What was the previous use of the space?
- What will be sold?
- Will you do any bulk sales?
- What types of food preparation will be done?
- How many seats are proposed?
- Will you have any delivery service?
- Will you have a grease trap? Where is it located?
- How will trash and recycling be stored and disposed of?
- What are the proposed hours of operation?
- Do you anticipate any issues with having enough parking?
- What changes are proposed to the exterior of the building?
- What changes are proposed to the site?
- Will you have a sign?
- Have plans been submitted to Monroe County for review?

## **SEQRA:**

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

## **APPLICATION:**

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

1. Prior to commencement of operations, an Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. Hours of operation shall be limited to 6:00 a.m. to midnight, unless further approval for extended hours has been granted by the Planning Board.
3. All requirements of the Building & Fire Codes of New York State shall be met and all required building permits shall be obtained.
4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.
6. All requirements of Sections 203-74.B.3 (restaurant regulations), 203-74.B.4 (outdoor dining regulations), 207-14.1 (waste container and grease/oil container standards), and

207-14.2 (supplemental restaurant regulations), as well as any other pertinent sections of the code, shall be met.

7. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
8. Signs shall require separate review and approval.
9. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
10. Permits may be required from the Town's Sewer Department and from other jurisdictional agencies. The applicant shall contact the Brighton Sewer Department to discuss the requirements for a grease trap.
11. A letter or memo in response to all Planning Board comments and conditions shall be submitted prior to final approval
12. With each future new tenant, a parking analysis shall be submitted showing compliance with Town Code requirements.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 2P-02-22

**Date:** 2/9/222

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:** 2900 Monroe Ave Unlimited Nutrition

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of 2900 Monroe Avenue, LLC, owner, and Unlimited Nutrition, LLC, lessee, for Conditional Use Permit Approval allowing for a retail facility which prepares and sells nutritional shakes and teas on property located at 2900 Monroe Avenue.

**Location:** 2900 Monroe Ave

**Reasons Supporting This Determination:**

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

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. There will be no resources of value irreversibly lost.
3. 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

## PLANNING BOARD REPORT

**HEARING DATE:** 2/16/2022

**APPLICATION NO:** 2P-03-22

**APPLICATION SUMMARY:** Application of Daniele SPC, LLC, owner, for Conditional Use Permit Approval allowing for outdoor display in conjunction with an approved supermarket on property located at 2740 Monroe Avenue.

### COMMENTS:

- The subject property is presently zoned BF-2.
- The applicant is requesting approval to allow outdoor display in the side yard under a canopy between the entrances to Whole Foods.
- Outdoor display requires a Conditional Use Permit in the BF-2 District pursuant to Code § 203-84(B)(20).
- Code § 203-84(B)(20) allows outdoor storage and display only in the rear yard and in an area screened with solid fencing to a height of six feet. The applicant has applied Zoning Board of Appeals from these two provisions to allow appropriate display. The application was tabled at the February Zoning Board of Appeals meeting.
- In addition to the outdoor display area, a public seating area is proposed. That public seating area is open to the public and is not restricted to Whole Foods customers.

**CONSERVATION BOARD:** No Comments

**TOWN ENGINEER:** No Comments

### QUESTIONS:

- Are you proposing to limit the outside display to the side yard under the entrance canopy?
- Does the proposed outdoor display meet all the requirements of Code § 203-84(B)(20).
- Have all the necessary variances for this project been obtained from the Zoning Board of Appeals?
- What are you proposing to display outside?

- What kind of seating will be provided? Will the seating be is open to the public and not restricted to Whole Foods customers?
- How does this application satisfy the standards set forth in Town Code Section 217- 7 for the granting of a conditional use permit?

**APPLICATION:**

If the Board is entertaining approval, I would suggest tabling the application to allow the Executive Secretary to prepare Conditional Use findings, conditions and a Determination of Significance for consideration by the Planning Board at its March meeting.

## PLANNING BOARD REPORT

**HEARING DATE:** 2/16/22

**APPLICATION NO:** 2P-04-22

**APPLICATION SUMMARY:** Application of James Tabbi, owner, for Preliminary and Final 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 approved by the Town of Brighton Architectural Review Board.
- The property is located in a Steep Slope and Woodlot EPOD.
- The updated plans show a stubbed and capped sewer lateral on the west side of the property. However, the site plan in the geotechnical report shows the 2 laterals.
- Building 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 has been revised to be greater than 4' of side lot line.

### CONSERVATION BOARD:

- Consider use of pervious pavement for parking area in front of the garage.

**TOWN ENGINEER:** See memo from Assistant Engineer, Brendan Ryan, dated February 14, 2022.

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## 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?
- Were any additional trees needed to be removed as part of the work being done near the road or the relocation of the driveway?
- Will heavy grading cause detrimental impacts on the trees to remain?
- What trees will be removed or affected by the installation of the sewer laterals?
- Will a generator be provided?
- 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?
- Has a geotechnical report been prepared for the project? What are its recommendations?
- 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?
- How will water flows down the driveway be captured to minimize water flowing onto Highland Ave?

## 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 approving the application, I would suggest including, among others suggested by the Board, the following conditions:

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. The plans shall be reviewed by an arborist to determine if the proposed site improvements

will affect the health of the trees that are to remain.

12. 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.
13. All proposed landscaping shall be installed prior to the issuance of any certification of occupancy.
14. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
15. Maintenance of landscape plantings shall be guaranteed for three (3) years.
16. 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.
17. 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.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
19. All easements must be shown on the siteplan 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.
20. 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.
21. 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.
22. Erosion control measures shall be in place prior to site disturbance.
23. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.
24. 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.

25. 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.
26. All comments, concerns and requirements of the Assistant Engineer as contained in the attached memo dated February 14, 2022 from Brendan Ryan to Ramsey Boehner, shall be addressed.
27. 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.
28. Provided calculations in the geotechnical report using the stable angle of repose as required by the Town's EPOD requirements.
29. 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.
30. 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.
31. The project design professionals shall review and incorporate the recommendations set forth in the Geotechnical Report completed by Glynn Group dated January 13, 2022.
32. A letter or memo in response to all Planning Board comments and conditions shall be submitted to the Town before final approval.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 2P-04-22

**Date:** February 14, 2022

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:** 2P-04-22

**SEQR Status:** Type 1

**Conditioned Negative Declaration:** No

**Description of Action:** Application of James Tabbi, owner, for Preliminary and Final 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).

**Location:** 830 highland 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. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.
4. 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.
5. The requirements of the State Environmental Quality Review Law have been complied with.
6. The duration of all impacts will be short term in nature.
7. There will be no resources of value irreversibly lost.
8. Geotechnical engineer has reviewed the site and says 'The subsurface conditions at this property are of good structural quality and will provide for the construction of a shallow foundation system consisting of standard strip and spread footings.'

For further information:

Contact Person: Ramsey A. Bohner, 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: February 14, 2022

From: Brendan Ryan

To: Ramsey Boehner

Copy: File

Re: *Application No. 2P-04-22*  
*Final Site Plan Approval and Final EPOD (steep slope and woodlot) Permit Approval to construct a 2,022 +/- sf single family home with a first-floor garage (858 sf) 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 final maps and descriptions for the 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. The LOC estimate was not included with the application package.

### **Geotechnical Report:**

1. 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. The MCWA correspondence was not included in the application package.
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. The calcs do not appear to have been revised and still consider one (1) polyethylene pipe.
3. What does the "STORM" subcatchment represent in the Hydrocad model? The STORM subcatchment does not appear to be routed through the "Developed Drainage Total." Please clarify.
4. A sanitary sewer district must be formed to accommodate the extension of the sanitary sewer to serve the proposed project. The district formation can be a lengthy process which requires Town Board review and approval. What is the applicant's anticipated timeline for establishing the district? Construction cannot commence on this development until the sewer district has been established.

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## Plans

### 1. *Utility Plan, Sheet CA110*

- a. The applicant's engineer has indicated that the Owner has been in communication with the neighbor regarding the removal of the existing driveway on adjacent property. Please provide a copy of the permission received by the Owner to perform this work.

### 2. *Utility Plan, Sheet CA120*

- a. The applicant's engineer has indicated that no vertical drop is being proposed at the initial point of connection from the house to the sanitary sewer lateral. The plans depict the starting point of the sewer lateral just north of the house and commencing underneath the proposed patio. How is the sewer lateral connecting to the house at this point?
- b. The location of the anti-seepage collars should be depicted on the plans.
- c. The invert on the 8" stub should be revised to allow for future connections.

### 3. *Grading, Drainage, and Erosion Control Plan, Sheet CA130*

- a. The top elevation for the seat wall located in the southeast corner of the residence appears to be incorrect. Please review and revise.
- b. The proposed contours along the front of the property, south of the new driveway, need to be revised to tie in to existing grade.
- c. The grading plan indicates that substantial grading will occur beneath many of the trees which are to remain along the front of the property. Was an arborist consulted to determine if the proposed grading will be detrimental to the health of the trees? Additionally, the installation of the sanitary sewer main through this area might require the removal of some of these trees. Please review and revise as necessary.
- d. The plans indicate that the construction entrance driveway will be stabilized with crushed stone to the building pad to ensure the access is not washed out. This should be visually depicted on the plans.
- e. Although the stormwater runoff calcs provided indicate that there will be a minimal increase in stormwater runoff generated by the development, this department is concerned about stormwater runoff from the new, steeper, driveway sheeting onto Highland Avenue without attenuation. The project should consider ways to direct stormwater runoff from the end of the driveway to the existing Town storm sewer system. This can be accomplished by either providing a trench drain at the end of the driveway which connects to the storm sewer system or by providing a depression at the end of the driveway to attenuate the velocity of the runoff before it sheets onto Highland Avenue. Please review.

## PLANNING BOARD

**HEARING DATE:** February 16, 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 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 applicant has submitted proposed conservation easement maps and descriptions. Staff will review the provided maps and description for adequacy and closure. Additionally, the Town Attorney must review the proposed easement language prior to approval. The easement has two different portions—a non-disturbed conservation easement and an area of non-impervious easement.
- 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.
- Town staff met with the applicant's engineer on 2/4/2022 to discuss our concerns with the previously submitted hydraulic network analysis. We await to review an updated hydraulic model based on this discussion. A final review of the proposed water distribution system cannot be completed until this information is provided.
- A sequence for construction does not consider the installation of the proposed green infrastructure.
- A plan showing proposed lighting photometrics has been provided.
- 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:** (Previous Comments)

- 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 February 14, 2022.

**QUESTIONS:**

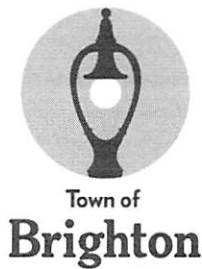
- How has the revised Master Plan been revised?
- How will modified "Wetland L" and its upland be protected from future disturbance?
- What are the different portions of the proposed easement? What is intended to be allowed in the non-impervious portion of the conservation easement?
- What is the area of disturbance for the proposed development? What is the total area of disturbance for the proposed modification to the Current Plan?
- Have you followed up with the Fire Marshal regarding Fire Apparatus Access and Fire Hydrant Worksheet and the proposed fire apparatus access shown on the plans?
- 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?
- 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? Will any trees be disturbed along W. Henrietta Rd?

#### **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 proposed conservation easement maps and descriptions. Staff will review the provided maps and description for adequacy and closure. Additionally, the Town Attorney must review the proposed easement language.
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 Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The applicant must contact the Fire Marshal for any outstanding comments.
4. An updated hydraulic model based on the Town Engineer comments must be submitted for review. The review of the proposed water distribution system cannot be completed until this information is provided.
5. The Executive Secretary shall prepare a Determination of Significance pursuant to SEQR for consideration by the Planning Board at its March meeting
6. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.
7. The applicant should review the "Laser Lab Development Plan (2021)" with the Town of Brighton Fire Marshal to confirm the requirements of the fire apparatus access roads for future phases.



Evert Garcia, P.E.  
Town Engineer

## MEMO

Date: February 14, 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. We are in receipt of the proposed conservation easement maps and descriptions. This department will review the provided maps and description for adequacy and closure. We will forward any discrepancies noted during our review to the applicant's engineer for revision. Additionally, the Town Attorney must review the proposed easement language prior to approval.
2. A comprehensive map depicting the different areas associated with the proposed conservation easement should be provided. As submitted, it is difficult to discern the boundaries of each conservation easement component from one another.
3. 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.
4. 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. What is the status of the Fire Marshal's office review for the proposed development?
5. The applicant should review the "Laser Lab Development Plan (2021)" with the Town of Brighton Fire Marshal to confirm the requirements of the fire apparatus access roads for future phases.

### Roadway and Traffic:

1. Our traffic engineer is in receipt of the revised 5-year traffic study developed in response to their comments and is currently finalizing their review. Final comments on this matter will be forwarded to the applicant's engineer under separate cover.

**Engineer's Report:**

1. Town staff met with the applicant's engineer on 2/4/2022 to discuss our concerns with the previously submitted hydraulic network analysis. We await to review an updated hydraulic model based on this discussion. A final review of the proposed water distribution system cannot be completed until this information is provided.
2. The NYS Fire Code indicates that fire-flow requirements shall be determined by an approved method. Has the methodology used to determine the fire-flow demand been reviewed and approved by the Fire Marshal?

**SWPPP:**

1. The invert elevation for orifice [A] on the pond report for SMP-3 is inconsistent with the plans. Additionally, the crest elevation for Weir structure [A] is inconsistent with the plans. Please review and revise.
2. The design engineer has indicated that the CPv for this development will be waived since the pond ultimately discharges to the Erie Canal, which is exempt from the CPv requirements. The NYS DEC Stormwater Design Manual indicates that the CPv can be waived if either of the following criteria is met:
  - a. Reduction of the entire Cpv volume is achieved at a site through green infrastructure or infiltration systems.
  - b. The site discharges directly tidal waters or fifth order (fifth downstream) or larger streams.Supporting documentation which demonstrates that the CPv can be waived for this development must be provided.
3. The crest elevation for Weir structure [A] on SMP-1 should be updated to match the plans.
4. The applicant's engineer has indicated that approximately 0.78 ac-ft of WQv is provided in the existing pond (SMP-1). How much of the 0.78 ac-ft of available WQv in SMP-1 is reserved for the existing LLE and Imaging Building site? How much WQv is available in SMP-1 to accommodate future development such as the current proposal? The SWPPP indicates that the remaining 3,156 cf. ft. of required WQv not reduced by the proposed bioretention facilities is being provided by SMP-1. Please provide supporting documentation which demonstrate that there is excess WQv capacity in SMP-1 to accommodate this development.

**Site Plan, Sheet 2:**

1. The proposed sidewalk along the front of the LLE should be shown in sufficient detail for this department to review for constructability. Please review and revise as necessary.
2. Sidewalk which is installed adjacent to curbing is generally 7' wide. Existing portions of sidewalk along the front of the LLE appears to be at least 7' wide. Why is the new sidewalk connecting the gaps along the front of the LLE being proposed as a 5' wide sidewalk?
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. This note has not been revised.

**Utility Plan, Sheet 5:**

1. 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. This note has not been added.

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

1. The sequence of construction still does not consider the installation of the proposed green infrastructure. Will the bioretention facility located to the east of the building addition be constructed early in the process? Silt fence should be considered upland of the facility to protect the filter media until final restoration has been achieved. Please review.
2. The sediment and erosion control plan should demonstrate that provisions will be incorporated during construction to limit disturbance to the wetlands. How will the wetland area be accessed from the site? The

use of ground protection mats should be considered in the construction of the wetland improvements to limit disturbance from construction equipment.

3. The sequence of demolition should indicate that the orange construction fencing will be installed prior to clearing and grubbing of the project area. This note should also be added to the Grading and Erosion Control plan.
4. 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. This comment does not appear to have been incorporated into the plans.

**Watermain Extension, Sheet 13:**

1. The watermain extension improvements are not depicted in sufficient detail on this sheet for this department to complete a final review. The plan should show at a minimum: existing topography, trees which will be removed to accommodate the improvements, existing features which will be impacted as part of this construction, boring and receiving pits, impacts to the sidewalks, pedestrian detours, etc.
2. Details of the proposed hotbox should be provided on the plans.

**Details:**

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