

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF MARCH 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.

TENTATIVE 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.  
Approval of the January 19, 2022 meeting minutes.  
Approval of the February 16, 2022 meeting minutes.

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

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[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. **TABLED - PUBLIC HEARING REMAINS OPEN**

[3P-01-22](#) Application of 1925 South Clinton, LLC, owner, for Preliminary/Final Site Plan Approval (Phase 2) to construct a 9,200 +/- sf retail building and other associated site improvements, and Conditional Use Permit Approval allowing for the retail building to house a 2,300 +/- sf Starbucks Café with a drive-thru facility on property located at 1905-1925 South Clinton Avenue (Tax ID #136.15-1-18.1, Lot 3). All as described on application and plans on file.

- [3P-02-22](#) Application of Bright Future Realty Group, LLC, owner, and Jacob Ouyang, agent, for Conditional Use Permit Approval to allow for a sushi restaurant on property located at 2425 West Henrietta Road. All as described on application and plans on file.
- [3P-03-22](#) Application of Winton Acquisitions LLC, owner, and The Old Farm Café, lessee, for Conditional Use Permit Approval to allow for an interactive café on property located at 3450 Winton Place. All as described on application and plans on file.
- [3P-04-22](#) Application of Daniele SPC, LLC, owner, for Conditional Use Permit Approval to allow for a Jersey Mike's Sub Shop on property located at 2750 Monroe Avenue. All as described on application and plans submitted.

NEW BUSINESS:

- [10P-NB1-21](#) Application of 1950-1966 Monroe Avenue, LLC (Quicklee's), owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one and construct a 2,500 +/- sf convenience store, three new gas pump islands and a new gas pump canopy on properties located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file.  
**POSTPONED TO THE APRIL 20, 2022 MEETING AT APPLICANTS REQUEST**

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**

OLD BUSINESS:

- [12P-NB1-21](#) Application of University of Rochester, owner, for Preliminary Site Plan Approval,  
[Additional Info](#) Preliminary EPOD (woodlot) Permit Approval and Preliminary Conditional Use  
[Feb. Submittal](#) Permit Approval to construct a 61,000 sf, 3 story building addition to the  
[Mar Submittal](#) 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 - PUBLIC HEARING CLOSED**
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PRESENTATIONS:

NONE

## COMMUNICATIONS:

Letter from Timothy Beach, 200 Idlewood Road, dated February 15, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Frank and Kathleen Sacco, 20 Dartford Road, dated February 15, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Margaret Warrick, 215 Idlewood Road, dated February 15, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Aron Reina, 62 Poplar Way, dated February 15, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Mary Gagnier, 19 Birmingham Drive, dated February 15, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Bob Harding, 135 Northern Drive, dated in opposition to application 2P-01-22, 2771 West Henrietta Road.

Letter from Vince Hope, 30 Poplar Way, dated February 15, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from June Cuthbert, 106 Idlewood Road, dated February 16, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Elizabeth and James Palis, 85 Hunters Lane, dated February 16, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Kerry Bauer, Glenhill Drive, dated February 16, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Seth Holmes, 182 Idlewood Road, dated February 16, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Vince Hope, 30 Poplar Way, dated February 17, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Eloise Meyers, 70 Idlewood Road, dated February 17, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Vicki Reina, 62 poplar Way, dated February 24, 2022, with comments and concerns regarding the proposed Talmudical Institute development at 1666 South Winton Road.

Letter from Karen Finley, 151 Centre Drive, Dated March 7, 2022, in opposition to application 2P-01-22, 2771 West Henrietta Road.

Letter from Connie and Tom Taylor, 125 Centre Drive, Dated March 10, 2022, in opposition to application 2P-01-22, 2771 West Henrietta Road.

Letter from Jerry Goldman, Woods Oviatt Gilman LLP, dated March 14, 2022, requesting postponement of Application 10P-NB1-21, 1950-1966 Monroe Ave.

Letter from Charles Malcomb, Hodgson Russ LLP, Dated March 16, 2022, in opposition to application 3P-04-22, 2750 Monroe Ave.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<a href="#">1637</a>	Helio Health 1850 Brighton Henrietta Town Line Road	Bldg Face (2)	2/22/2022
ARB - Approved as presented.			



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

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## Application #2P-NB2-22 - Concerns of an Evans Farm Resident

1 message

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Tim Beach <tcbeach@gmail.com>

Tue, Feb 15, 2022 at 7:37 PM

To: ramsey.boehner@townofbrighton.org

Hello Town Planner Boehner,

I would like to begin with sharing my objection to the Brighton Central School Board's decision to sell off the public lands of Brighton to a private entity. I understand that the town could not intervene in this sale, but the loss of any public land should have been a larger conversation in our community. This valuable land was sold out from the township with little oversight or public discourse. My neighbors shared their concerns with this sale from the beginning and now we are seeing those concerns come to fruition with the application 2P-NB2-22.

From my understanding, Evans Farm, which includes the Brookside campus, is zoned as a Residential Low Density District. Any multiple dwelling or residence, which is implied within this application, seems to be contrary to how this land is zoned. Building a dormitory would be no different than having a hotel or a boarding house on that parcel of land. I have not been able to find any example of a school dormitory being allowed in a Low Density District. What are the town's steps to address the disparity between how the land is zoned and the proposed dormitory on the Brookside campus?

Further, my neighbors and I have concerns that this new boarding school will turn the building into a 24-hour/7-day a week building. Besides a few functions throughout the year (Election Day, etc), the Brookside campus has been a relatively car-free, noise-free location weekly between 6pm & 7am and on weekends. The increased presence of students living on the campus throughout the nights and weekends will deteriorate the serenity and tranquility of our neighborhood.

In addition to an increased presence at Brookside, I am also concerned about the increased traffic in the Evans Farm neighborhood. My family lives on the corner of Idlewood & the entrance to Brookside and I fear for the safety of my children with the amount of unsafe, distracted, and/or speedy drivers that already populate our roadways every school day. With more students in attendance throughout the days, nights, and weekends, this traffic will only assure more unsafe conditions for my family and my neighbors.

Continuing on the noise & traffic concerns, another concern I have is on the actual construction of this building and the impact it will have on our community. Just today, RG&E installed a new utility pole in our backyard and the real damage done to our fence, our yard, and our trees was devastating and has altered our landscape. This is just one house and one electric pole. I can't imagine what a larger construction project will have on traffic and the environment if a new building is placed on Brookside.

Finally, with any new addition to this campus, there is an environmental impact that has not been addressed either by the proposal or by an independent study. In the last year alone, I have seen more standing water beyond my fence on the Brookside property that is not draining properly into Allen's Creek than any previous year. More buildings and parking lots just means more water flowing into the fields and streams. Threats to our environment need to be taken seriously and are not assuaged with conceptual plans of proposed buildings.

I respectfully ask the Town Planning Board to reject this application until there is further evidence and studies done showing that my concerns and those concerns of my neighbors are addressed. Thank you for your time,

Timothy Beach  
200 Idlewood Rd  
14618

February 15, 2022

Ramsey Boehner  
Associate Planner  
Planning Board Executive Secretary

Brighton Town Hall  
Department of Public Works  
Building and Planning Offices  
2300 Elmwood Avenue  
Rochester, NY 14618

Dear Mr. Boehner:

As residents of the Evans Farm neighborhood, we are writing with concerns regarding Application 2P-NB2-22 for concept review of a 23,000 SF building addition at 1666 South Winton Road.

The current Brookside property serves as an amenity to the neighborhood, providing a parklike setting with open green space and playgrounds. The recreation fields are used daily by residents as an extension of our neighborhood and backyards, providing space to walk, have a larger area to play sports, run dogs and even cross-country ski and snowshoe in the winter. Having a large playground to walk to within the neighborhood is also a significant asset for families, which provides space for children to safely play and run and serves as a central gathering space for residents.

If the property changes to private ownership, we request that the Planning Board and Zoning Board require a provision of current greenspace that includes playing fields and playgrounds to remain protected for public use.

The open land is a neighborhood asset and maintaining open recreation space is in keeping with the Envision Brighton 2028 vision for development along Westfall Road and Winton Road. There are many examples throughout Brighton where incentive zoning has been used to maintain public recreation spaces in conjunction with private properties. With the town focusing on the development of Buckland Park, especially as a future home to the Brighton Farmers Market, which used to be located at Brookside during the winter months, it is important to consider this land as a pedestrian connection from the Evans Farms and Willowbend neighborhoods to Buckland Park. Refer to Envision Brighton 2028 Volume 2, Page 49 (attached), where the proposed Creek Trail and Winton Sidepath have the potential to connect across the bridge into the Brookside property to provide pedestrian and bicycle access to Buckland Park.

Another zoning concern is that the proposed residential dormitories does not fit within the allowable uses of Residential Low Density RLA or RLB zones. Once the building changes to private ownership, its use and occupancy fall within the Conditional Use restrictions, which do not allow for dormitory-style residency. Per Brighton Code Chapter 203, conditional uses for RLA/RLB zones allow for a private school; however, the only residency that might be applicable to TIUNY's business type might be "parish houses, convents, rectories or parsonages," which are expected to "conform to the requirements for a one-family dwelling"; not apartment or dormitory style occupancy. According to District Use Regulations Article II, the purpose of Residential Low Density RLB zoning is to "promote and encourage a suitable environment for family living by protecting and stabilizing the residential character of the Town's established neighborhoods." Many of us are concerned that a

student dormitory is not a suitable use for a property that is directly adjacent and connected to our single-family residential neighborhood. Changing the occupancy from day/evening use to full-time residency would greatly impact the neighboring properties and could decrease housing values. Consider the impact of having 20-40 dorm rooms directly adjacent to single family homes; trepidations include noise and light pollution, security, potential for lack of supervision and rowdiness. A residential school is best suited for a large campus setting, with appropriate campus security and monitoring. This proposed change of use will be a detriment to adjacent households and will impact resale.

We greatly appreciate the Planning Board's time and consideration of our comments.

Sincerely,

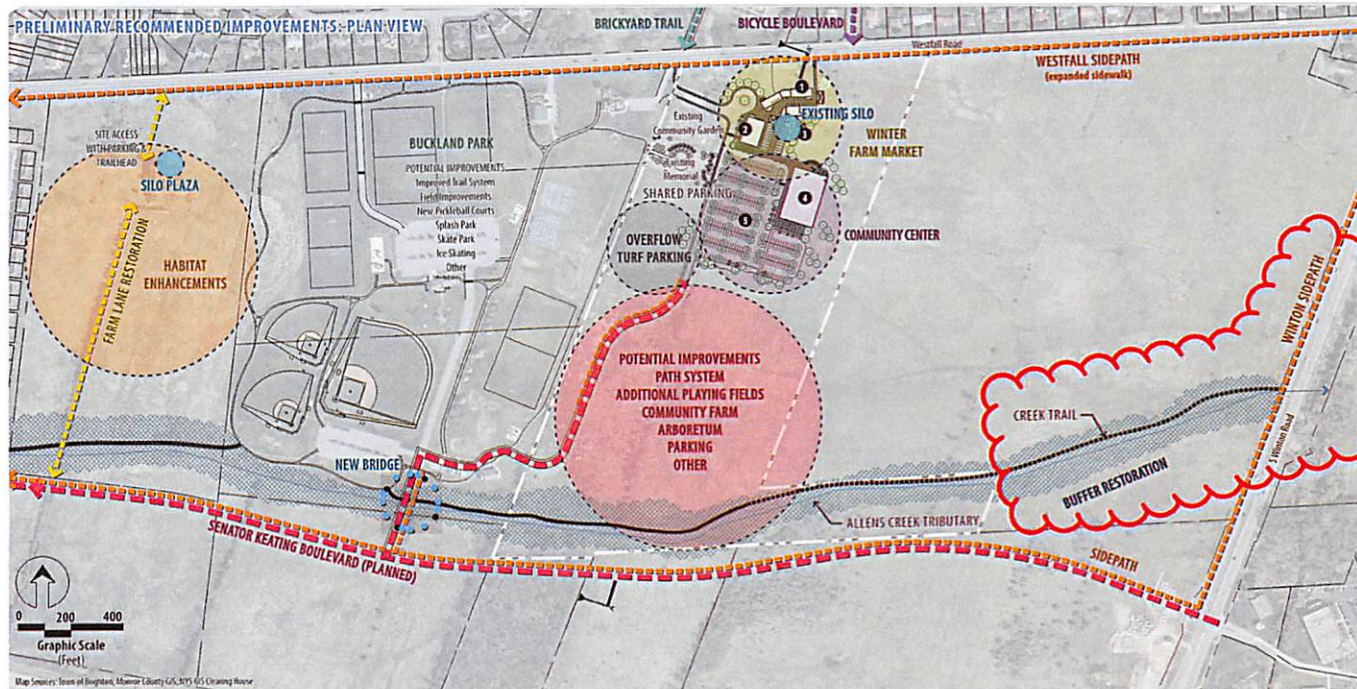
Frank and Kathleen Sacco

20 Dartford Road  
Rochester, NY 14618  
585.305.1332



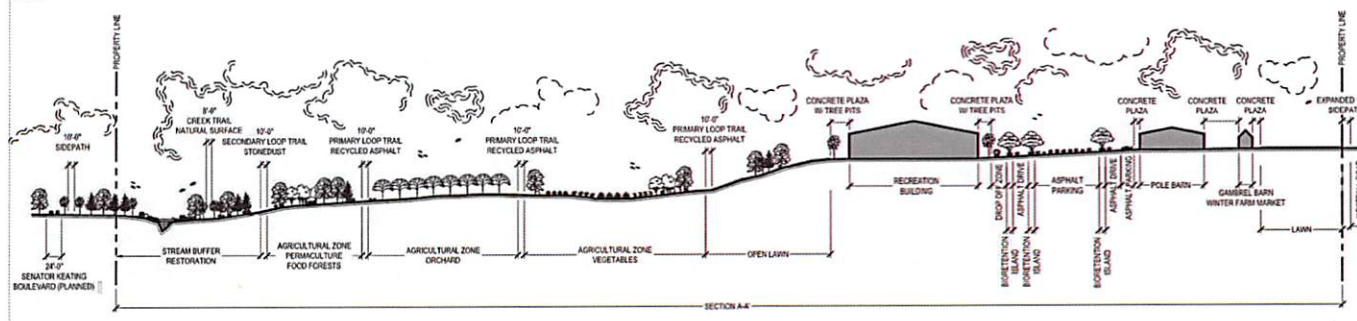
## MAP 9

### Buckland Park Master Plan Concepts



#### PRELIMINARY RECOMMENDED IMPROVEMENTS: CROSS SECTION A-A'

Scale: NTS





February 15, 2022

To: Ramsey Boehner  
Town of Brighton Building and Planning

From: Margaret Warrick (Peg)  
215 Idlewood Road

This note is to express my concerns with application 2P-NB2-22 at 1666 S. Winton Road for TIUNY's modifications of the Brookside School.

#### **CONSTRUCTION and DELIVERY VEHICLES**

First: Can the Columbus Way bridge off Winton Road handle the expected construction traffic and the future Delivery traffic or will commercial vehicles need to use Idlewood Road?

Second: If construction and commercial delivery vehicles are allowed to use the Idlewood Road entrance, has the impact on the Evans Lane / Westfall Road intersection been studied? That backs up half way down Evans Lane during the Montessori School drop off times already.

Third: Has there been a study of increased commercial vehicle traffic driving down Evans Lane and Idlewood Road been completed? Is there a way to limit commercial vehicles to the Winton Road entrance? That traffic will impact multiple areas on the Envision Brighton Document including walkability. Increased commercial traffic will have a significant impact. Walking in the mornings is tricky enough with school busses and garbage trucks. Those are expected in a residential neighborhood, but the increase of construction and delivery vehicles in our neighborhood will make walking on Idlewood Road completely unsafe.

In summary: Can commercial traffic be required to use the Columbus Way / Winton Road entrance?

#### **ENVISION BRIGHTON DOCUMENT:**

##### LEED Specifications:

Will the new space be built to LEED specifications as suggested in Environmental Policy Recommendation 24 in the Envision Brighton document?

##### Environmental Policy Recommendation 25:

Have other commercial, office or industrial areas in the town been considered in order to preserve open space as suggested in Environmental Policy Recommendation 25 in the Envision Brighton document?

##### Sense of Community Policy:

Objective D opens with "Protect our established residential neighborhoods".

First, the school yard is a significant asset in the well established Evans Farm neighborhood. The open green space is used by many of us in our neighborhood, as is the playground. From the plans it is apparent there will be a significant loss in green space by the new buildings, parking lot, roadways, and retention pond. I am concerned that the loss of this open space impacts our established residential neighborhood.

Second, it has been stated verbally that the playground will be available to residents. Will that be put in writing? Who will maintain the playground to the standards we are accustomed to in Brighton?

Vision and Development section:

Throughout the Vision and Development section there are notes about increased walkability and reduced vehicular traffic. My concerns in this area include:

First: If less open space is available in our neighborhood people will instead be driving to open spaces like Buckland Park. Keeping the open space at Brookside available would maintain the existing walkability of our neighborhood and would avoid adding vehicular traffic between us and other parks.

Second: New traffic from both construction vehicles in the near future and delivery vehicles forever will make Idlewood Road too risky to go for a casual walk. Many in our neighborhood walk the Idlewood - Glenhill loop for exercise and to visit our neighbors. A new influx of commercial traffic each day will remove the comfort of such walks in sharp contrast with the desire for increased walkability.

Economic and Viability section:

One paragraph in this section states: "Attract and promote the sustainable development of quality office, retail, commercial, medical, light industrial and residential uses in areas with existing infrastructure, in an effort to expand Town's local tax base while providing needed and desired goods and services without compromising other community goals."

I presume being an educational institution that this will not expand the Town's local tax base and in fact the town will eventually need space elsewhere, which will reduce the town's tax base. Have options been considered for the Brookside site that meet the "effort to expand the Town's local tax base ..."

Thank you for considering my concerns.

*Peg Warrick*

Sincerely,  
Margaret Warrick  
215 Idlewood Road

February 15, 2022

Town of Brighton, Planning Board

Dear Chairman Boehner:

Regarding the application by the Talmudic Institute of Upstate New York (TIUNY), for a Dormitory and Other Improvements at the location currently known as "Brookside School" (220 Idlewood, 1666 Winton Road South), I have significant concerns. These concerns are likely more than might be reasonably considered within a single letter, and should require additional conversations and investigations by the Planning Board; and, likely other boards and committees of the Town.

My family chose to move to Brighton, and specifically to Evans Farm, with three things in mind: Education, Families, and Diversity. We've been pleased with the global nature of our school district, even when we disagree with its leadership. We have also been pleased with the vast diversity of backgrounds and beliefs within the school district, and throughout the Town; a true pleasure of exposure and experience to be had. What struck us most when visiting our new home, was the volume of people, joggers, walkers, dogs, and bicycles throughout Evans Farm. Visiting our future home while awaiting our closing, we were shocked by the truly interactive, pedestrian-dense vibe of our neighborhood.

Over the past years, we, and many neighbors, have repeatedly discussed the traffic conditions with Town leaders, in public forums, and more. These conversations have sited the traffic to and from Brookside's former bus-loop, and other programming already resident at the Brookside facility. We've individually, and as a neighborhood, pushed to have the existing bus loop permanently closed to regular vehicle traffic, repeatedly asking the Brighton Police to monitor vehicle speeds on roads shared by both vehicles and pedestrians. The proposal by the TIUNY proposes to uniformly increase occupancy of the property, which puts our neighborhood in the likelihood of persistently increased vehicle traffic.

**On this point, we would like the Planning Board to:**

- Restrict all construction vehicles to the already established Winton Road entrance/exit.
- Request a plan to close the Idlewood entrance, instead physically planning for the Winton Road entrance/exit as the only exit.

This school, and its surrounding property, has been unused as its original intended school building since 1987 (35 years). Most of us moved here (more than 20% turnover of our 400+ homes in the past 5 years!) believing the "Town Community Center" of Brookside would remain in place. Access to open fields, a playground, and other amenities are a true selling point for our neighborhood. While disappointing that the BCSD and Town could not find a way to keep this asset open to the public, these proposed changes, by a party who has yet to take ownership of the property, are dramatic.

**It's our hope the Planning Board will strongly consider, and account for:**

- Current 1957-implemented lighting is minimal and downward facing. It's possible the current after-hours lighting is minimalistic, and for security purposes only. Updated and increased lighting needs to remain minimal and downward facing, particularly at night.
- There are no current evening/overnight tenants, and these changes propose non-owner, temporary tenants to be on property 24/7. The new owners are a business. While educational,

and religious exemptions exist, Town code conforms these exemptions to the family dwelling equivalent of the given zoning. The proposed tenants (students) are bound by educational admission. Their stay is the equivalent of temporary assignment, or that of a temporary apartment setting. This building application is not consistent with the property's current zoning, nor our neighborhood's setting, and should be referred for a Zoning Variance Request and Public Review (Residential – Low Density increasing to Residential – High Density per the Town of Brighton's Code <https://ecode360.com/9440434>)

- The current property sits adjacent on two sides to Allen's Creek. Studies need to be conducted, and actively provided for public scrutiny. While at first-glance, it may seem only relevant to the creek side property owners – some of whom are already experiencing recorded negative impacts – the entire water table may be impacted. Those of us, my family included, may see increases in basement humidity and moisture. Mitigation studies are necessary. This is supported by the Town's recognized plan for Envision Brighton 2028, the Westfall Road section, pages 36 through 38 ([https://www.townofbrighton.org/DocumentCenter/View/9703/Final-EnvisionBrighton2028-VOL2\\_VisionDevelopment\\_09-26-18](https://www.townofbrighton.org/DocumentCenter/View/9703/Final-EnvisionBrighton2028-VOL2_VisionDevelopment_09-26-18)).
- Brighton will need to provide additional school busing to and from the TIUNY's new facility. We would like to see the submitted plans overtly, and directly, illustrate how that busing will be restricted to the Winton Road entrance/exit, eliminating need for the existing bus loop.
- Green space is valuable in any town, particularly those of the inner ring suburbs where land is already developed. How will this new property construction mitigate the proposed loss of green space? How will this new property construction mitigate the loss of a neighborhood play space used by generations of residents from our neighborhood and beyond? "The amount of existing open space in this focus area is an important factor because the manner in which it develops will have a significant impact on traffic volumes, and ultimately, the character and sense of place in this part of Town." (Page 36, Envision Brighton 2028)

It's my hope you, and your board, will represent our concerns as neighbors, and fellow Brightonians, while appropriately mitigating any potential negative impacts to our homes, and immediate surroundings.

All my best,  
Aron Reina

Aron Reina  
62 Poplar Way





Ramsey Boehner <ramsey.boehner@townofbrighton.org>

## Brookside Concerns - Gagnier

1 message

Mary Gagnier <gagnier02@gmail.com>

Tue, Feb 15, 2022 at 3:03 PM

To: ramsey.boehner@townofbrighton.org

Hello,

I am concerned about the proposed changes to Brookside location, which has been bought over by a private group.

My concerns are as follows:

### Walking/biking access to Winton Road

Many neighbors use the Brookside property for access to Buckland Park and the high school, as it is much shorter than walking to Westfall Road 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 walk 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 guaranteed, legal access to Winton Road from Idlewood Road?

### 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.

### 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?

### Access to the playground

Almost since it was built, the Evans Farm neighborhood has had walking access to a public playground/play area. It has been a valuable asset and continues to attract younger residents to this neighborhood. Brighton officials say they want to expand the walking and biking access to recreational spaces, yet here is a case where such access might be eliminated. TIUNY has said that nothing will change and neighbors will have access (see Fact Sheet provided by BCSD on July 1, 2021), but the sale itself appears to be contingent on getting a permit for a major change to the property. *We need more than vague assurances.*

### Noise pollution & Increased Traffic

A larger number of people will be on the Brookside campus than in the past ten years or more. School staff and students may stay late, visitors may come by, large events might be scheduled for evenings, etc. The neighborhood, and especially nearby property owners, have never had to contend with the property being used 24/7. What actions can be taken to address the potential for increased noise disturbing the neighborhood?

### Construction Traffic

Evans Farm has no sidewalks. The construction itself could be disruptive to a wider area than just for homes adjacent to Brookside. Neighborhood roads might be used for access to the Brookside property. Heavy vehicles, construction deliveries, on any road other than Winton etc. present possible dangers to our residents.

### 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. I live near Allen's Creek, and Del Rio. I am well aware of how the creek will be impacted. Brighton requires its marshes to support ALL of us. Don't forget what happened to Irondequoit Mall - we don't need something built only to sink or cause more problems once uninhabited.



Please consider these issues, and make sure current zoning requirements are met. The current proposal does not present as though it meets expectations.

Thank you,

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Mary Gagnier  
19 Birmingham Drive  
Rochester NY 14618



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

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**2P-01-22**

1 message

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**Bob Harding** <bobharding47@gmail.com>

Tue, Feb 15, 2022 at 2:10 PM

To: ramsey.boehner@townofbrighton.org

Why do we need two motorcycle sales and repair shops in Brighton, they already have one at 2781 West Henrietta rd, which is owned by Cortese now , As it is the mechanics and buyers ride up and down Center dr with unregistered bikes with no helmets on "test riding", and it will be worse if they have two Shops/sales within 50 feet of each other.. There are no sound barriers to stop the sound from homeowners as they work on motorcycles outside in the summer revving them up and down all day long, which is against town code (ie:noise ordinance). Also they have no green space or setbacks as required by town code? I believe the plans as is, needs substantial work to say the least, and I think it is a bad place to put another motorcycle shop in West Brighton. Thank you for your time in reviewing this matter and I am looking forward to your reply in this matter.

Sincerely;  
Robert Harding

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Robert Harding  
Harding & Sons Enterprise Inc.  
Harding Enterprise LLC.  
West Brighton Delivery Inc.  
135 Northern Dr.  
Rochester NY 14623  
(O) 585-424-4230  
(C) 585-202-3449  
(F) 585-424-2828  
[bobharding47@gmail.com](mailto:bobharding47@gmail.com)  
[hardingent@hotmail.com](mailto:hardingent@hotmail.com)

Vince Hope

30 Poplar Way

585/314-0970 cell

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**From:** V W Hope <[vwhope5@gmail.com](mailto:vwhope5@gmail.com)>

**Sent:** Tuesday, February 15, 2022 8:31 AM

**To:** Aron~ Reina <[ajreina@hotmail.com](mailto:ajreina@hotmail.com)>; [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)

**Subject:** Talmudic Building Proposal

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 <ramsey.boehner@townofbrighton.org>

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## Brookside School as a Polling Place

1 message

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**June Cuthbert** <jcuthbert106@gmail.com>

Wed, Feb 16, 2022 at 9:20 PM

To: ramsey.boehner@townofbrighton.org

Dear Mr. Boehner,

Brookside School has always been a polling site for general elections. Will this continue if the property is transferred to Talmudic Institute? Voters enter Brookside from both Idlewood Road and Winton Road. Traffic on Idlewood on election day is heavy from 6 a.m. to 9 p.m. The parking lots on both sides of Brookside are busy. The parking areas at Brookside were discussed at this evening's planning board meeting.

Thank you.

June E. Cuthbert  
106 Idlewood Rd.



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

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## Brookside Sale and development plans

1 message

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**Elizabeth Palis** <betsypalis@gmail.com>

Wed, Feb 16, 2022 at 4:28 PM

To: ramsey.boehner@townofbrighton.org

Dear Ramsey,

My family has lived in Evan's Farm for over 30 years and we are very disturbed at the lack of public and neighborhood input regarding the sale and reuse for the large Brookside parcel.

Even more worrisome is the latest news of major construction of a dormitory to house students on the premises! This will affect our neighborhood in many ways and will likely result in the loss of our quiet private family atmosphere, the low traffic which allows children to play and pedestrians to stroll, and the unique environmental beauty of Allens Creek.

I am sure you personally would not welcome a boarding school as a sudden neighbor! Especially when feeling that all the planning was done with no neighborhood input. We have no idea of the student ages and how much they will be supervised during evenings and weekends! Another worrisome complication that may have very negative consequences for Evans Farm.

Please kindly forward this email to Bill Moehle and the town board.

Thank you,  
Elizabeth and James Palis  
85 Hunters Lane





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

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**(no subject)**

1 message

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**Kerry Bauer** <kerryabauer@gmail.com>

Wed, Feb 16, 2022 at 2:41 PM

To: ramsey.boehner@townofbrighton.org

Cc: Christina B &lt;cbabo107@gmail.com&gt;

Hello Mr. Boehner,

I wanted to express my personal concerns about the sale of the Brookside property and the development of additional building structures as well as dormitories for additional residents on the property and in our area. I am concerned that this violates zoning laws, has environmental implications for our neighborhood and area, and will negatively impact quality of life in the neighborhood, property values, etc. Concerns are more specifically related to impacting water levels and runoff in Allens Creek effecting adjacent properties, as well as the impact of light pollution, noise pollution, and the impact of use of our neighborhood streets. I am concerned that at least 40+ future residents and visitors of this school could be impacting our neighborhood with use of the entrance and exit on Idlewood. This would significantly impact the safety of our family-friendly walking neighborhood. Closing this off and separating it from the neighborhood would be my suggestion if this deal is indeed finalized. That being said, finalizing a deal which includes adding this many new residents to a family neighborhood would come with much dismay from our area residents. Separating and closing this entrance off seems like the least the town could work toward in this deal, as well as including a plot of green space and trees planted for our children to continue to use for a neighborhood playground, as well as a town path used for access to Winton Rd to access to Buckland Park through.

We specifically chose to move to Brighton because we discovered this gem of a family-friendly neighborhood of Evans Farm. The reason we moved here was to raise our family in this little neighborhood. With a neighborhood playground, an Evans Farm Organization which holds annual parades, Easter egg hunts, gatherings, as well as daily walks to the playground, a community center to walk to and vote, take a dog or yoga class at, walk to the winters farmers market, etc. This is not only being taken away from our loyal and enthusiastic neighborhood residents, but it is now becoming a serious concern for the future of our neighborhood. It has brought into question if this is where we can enjoy raising our family, with the same quality of life we have come to know. I feel we have been disregarded by our town. This property has brought us joy and memories, a safe place to play and walk or bike around, and is now being turned into an enormous private facility which includes many, many new residents in our little neighborhood. Not to mention the concerns I have for my small children, freely walking through a neighborhood with transient, adolescent and teen males living in our space, and yet not part of the family Evans Farm community we have grown and maintained with our fellow family neighbors for generations. This is terribly dismaying and a sad day that I have to question if we can stay in our beloved neighborhood. Please take into consideration how this is significantly effecting 100's of loyal and dedicated Brighton residents, who made a choice to move to this town and more specifically to Evans Farm neighborhood, with the understanding that it was a safe, family space to raise a family, and in many cases, even retire in because they just love Evans Farm that much. There is no place like Evans Farm and I would be heartbroken to see it impacted with this new development. I hope these real-life implications are considered.

Sincerely,  
Kerry Bauer  
Glenhill Drive





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

## Brookside School property - comments for the planning board

1 message

Seth Holmes &lt;setholmes@gmail.com&gt;

Wed, Feb 16, 2022 at 12:43 PM

To: ramsey.boehner@townofbrighton.org, Julie Chen &lt;juliechen.net@gmail.com&gt;

Mr. Boehner,

My name is Seth Holmes and I am writing to provide comments to the Town of Brighton Planning Board regarding the concept review proposal by TIUNY for the [1666 South Winton Road](#) Property. I am a town resident residing in the Evans Farm neighborhood at [182 Idlewood Rd](#), which borders the former Brookside School property. Professionally, I am an architect and a full-time Associate Professor at RIT in the Department of Architecture where I specialize in sustainable design and development ([Bio link](#)). I am also writing on behalf of my wife, Julie Chen, who is in agreement with these comments and is CC'd on this email.

I have reviewed the proposal letter and site plan (attached) dated 18-JAN-2022 and submitted by Woods Oviatt Gilman LLP on behalf of TIUNY. It is my understanding that these are the documents the Planning Board will initially discuss at the 16-FEB-2022 planning board meeting. My comments assess the information in this proposal with respect to the town's development plans and zoning regulations to the best of my knowledge. I have consolidated my comments into 4 categories below.

**1. Envision Brighton 2028 applicability.** How will the Planning Board assess this proposal with respect to the Envision Brighton 2028 (EB28) plan? In particular, how are the objectives and recommendations in the EB28 'Sense of Community Policy (SoCP)' statement considered in relation to the development of the 1666 S. Winton property? I am in support of the EB28 plan and its recommendations and believe recommendations SoCP#4 (implement a form-based code) and SoCP#5 (encourage mixed-use housing development) should be strongly considered in evaluating the use and development of the 1666 S. Winton property. When analyzing the EB28 plans, the 1666 S. Winton property lies directly between the existing Evans Farm neighborhood to its east, and the EB28 proposed 'Central Green' to its west (complete with nature trail terminating opposite the property). Given this location, the 1666 S. Winton property appears prime for mixed-use development that could provide walkable public space and potential retail amenities for the existing and proposed residential and commercial spaces surrounding 1666 S. Winton to the north, south, east, and (eventually) west. With a 21 acre parcel, I am sure a school could co-exist with other development if planned accordingly. So, in short, how is the Planning Board considering the implementation of the EB28 plan with respect to this property?

**2. Property use and zoning.** The TIUNY proposal indicates the addition of a boarding school component to the existing building, and also indicates that existing tenant spaces will be maintained. The site is zoned RLB which appears to allow certain conditional uses under 203-2.1, such as school (subsection C.2) Two questions about zoning and use. 1) The 203-2.1.C.2 subsection of the code is silent on the distinction between a day-school and a boarding school. Having spoken with many neighbors about this property sale and potential development, the idea that the existing facility will change from daytime uses (day-school and small offices) to a 24-hr institutional facility is of concern in terms of the property use. Adding more housing is one thing, but a private boarding school is quite different in shaping the character, use, and social interactivity of the neighborhood. 2) Similarly, what are the rules around tenant types in the existing structure? The proposal indicates current tenants will continue; however, it is unclear what uses are permitted if tenants were to leave and new tenants moved in. The town of Brighton Rec Center will likely eventually move to the proposed new building on Westfall in the aforementioned Central Green. Who will take their space in the Brookside facility? The existing zoning seems limited in terms of the types of tenants that could occupy such a facility. Clarity on the long term use of the building would be helpful to the community if this proposal were to move forward in its current form (for that matter, even in its current state, what uses are permitted and is the zoning regulations appropriately being adhered to).

**3. Idlewood Road use impact.** The proposal indicates that tenant spaces will maintain the use of the Idlewood road entrance while the TIUNY facility will use the Winton Road entrance. I appreciate that a traffic study is underway; however, I am concerned about the continued use of the Idlewood road entrance, particularly given that Idlewood road (and all of Evans farm for that matter) does not have sidewalks. Idlewood Road, in combination with Glenhill Drive, creates a 'loop road' which is effectively used as a pedestrian recreation site for walking, running, and biking by the residents of Evans Farm and surrounding neighborhoods (the lack of sidewalks emphasizes this pedestrian use). Though the traffic is not heavy all of the time, there are times that it does get busy and many neighbors are concerned with potential for increased traffic if the existing entrance to the 1666 S Winton property is maintained. Having attended programs at Brookside building, I appreciate that Parks & Rec currently directs attendees to use the Winton Road entrance (a rule which many attendees abide by). However, if only TIUNY were to use the Winton road entrance, and the

tenants were accessed only via the Idlewood entrance, then Idlewood Road would undoubtedly see more vehicular use as tenants could not direct traffic to the Winton Road parking lot. This could potentially negatively affect how the residents of Evans Farm currently use Idlewood Road and the existing social and recreational patterns in the neighborhood. With all of that in mind, as an alternative, could TIUNY and its tenants all use the Winton Rd entrance via a loop drive on the property around the existing/expanded building, and could the Idlewood entrance be eliminated (or changing it to emergency use only)?

**4. Stormwater management.** I appreciate that an environmental review is underway; however, I have questions regarding stormwater management in the proposal. The proposed site plan indicates additional impervious surfaces (building and driveways) on the site as well as a new stormwater management system just north of the existing Winton Rd parking lot. I am concerned that this stormwater retention area is within the 100-yr flood plain. Should the stormwater management area be above that elevation line, as stormwater retention is intended to reduce flooding, not be inside a flood? The ground around our properties near Allen's Creek seems to be always saturated with water, there are certainly concerns with where stormwater ends up in any development near the creek. More clarity is required for how new development will mitigate its stormwater runoff.

Thank you for your time and for the Board's attention to our considerations regarding this property.

\_Seth

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Seth H. Holmes, AIA, LEED AP bd+c  
182 Idlewood Rd, Rochester, NY 14618  
[setholmes@gmail.com](mailto:setholmes@gmail.com)  
c: 860.461.9437



TIUNY proposal.pdf  
6031K





Ramsey Boehner <ramsey.boehner@townofbrighton.org>

## RE: Talmudical Institute Building Proposal - follow up

1 message

V W Hope <vwhope5@gmail.com>

Thu, Feb 17, 2022 at 12:15 PM

To: ramsey.boehner@townofbrighton.org

Cc: Aron~ Reina <ajreina@hotmail.com>, setholmes@gmail.com, jmassare@aol.com

Mr. Boehner

After watching your session last night, as an Evans Farm resident, many questions remain.

I am unfamiliar with your committee protocols, so defer to legal, architectural and engineering experts for assurances, but will appreciate a public airing by your members for the benefit of us "lay residents" on many follow-up topics as this project progresses. For example,

1. The lawyer claimed the Institute would not impact or involve outside field activities (re: existing playground, etc) yet they propose a new sports field on the southern edge of the property. Others in the community believe that drainage concerns (for Allens Creek, retaining ponds, etc) will be handled adequately by the engineers on the project. And I trust their and your committee expertise. But I would like to understand how a dry landscape for a field can be created on historically wet land along the southern property area, with no retaining ponds except on the northern side of the property, WITHOUT impacting Allen's Creek. And, if so, at what logical expense, especially given the floodplain and wetlands restrictions at play.
2. The use of existing building space was only vaguely answered, as I'm sure you are aware, except with a general note that the Institute intends to use Brookside for rental income (from just two organizations noted by name). Existing Brookside use speaks also to classroom capacity which came up in questioning. I would appreciate hard numbers as those questions are answered more specifically in the future. For example, what is the 10 year enrollment history along with numbers of faculty of the current operations? How many adults will reside onsite, and what will actual commuting numbers look like? How many new classrooms are being built and how many of Brookside's will be used by the Institute. Are there guarantees that future renter organizations wouldn't impact traffic patterns in Evans Farm? Wouldn't an exclusive entrance from Winton Road obviate that traffic pattern uncertainty?
3. Events were mentioned several times. Is an auditorium being built? Does the existing gym play a role in future events? How do they define or envision events (especially vis a via parking space and continued use of the Evans Farm entrance)? The town currently uses the gym for voting. Perhaps this is a minor concern, but will the convenience of that local voting location for us be displaced or will there be arrangements with the Institute for that type of town/community benefit and use?
4. Thank you for bringing up the capacity of the existing bridge over Allen's Creek. Besides the weight bearing capacity, while I have never driven over the bridge myself I have walked past it hundreds of times, and it certainly appears to be less than a full two-lane bridge appropriate for a main entrance to a campus. Does it require replacement?
5. Was the reference to MCC, as a residential campus model, accurately appropriate? Was MCC built in a similar zoning district? Is it or was it ever situated in a residential community setting? How do dormitory style rooms fit into our residential zoning restrictions, despite the engineers' attempt to mitigate impact of their facility on Idlewood Road residents?
6. I will be curious to hear how one of Mr. Holmes' written questions is addressed? How does this use of the property fit with the Envision Brighton 2028 plan? And I defer to Mr. Holmes letter in entirety as he presents a series of inquiries from his professional perspective, which is greatly appreciated by his fellow residents.

Thank you and your fellow committee members for the due diligence that you pursue on an on-going basis in supporting our town's quality of life.

*Vince*



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

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**Evans Farm concerns regarding TIUNY**

1 message

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**eloisemyers@juno.com** <eloisemyers@juno.com>

Thu, Feb 17, 2022 at 12:08 AM

To: ramsey.boehner@townofbrighton.org

Hello, My house is on the corner of Evans and Idlewood Road. Quite a bit of traffic comes by and I fear this could become much worse. Seems the planning committee for Brookside school keeps adding more expansion to our quiet little rec center gathering place. We want our neighborhood to remain a safe area to walk and bike with grandkids. Please keep in mind the character and safety of our neighborhood when planning changes. We don't want our Evans Farm to become Evans Eyesore/Nuisance. Thank you for considering the safety and happiness of current residents, Eloise Myers 70 Idlewood Rd 271-3922



February 24, 2022

Dear Mr. Boehner,

I am writing to express concerns over the proposed modification to the property that the Brookside school sits on. I appreciated the information received at the meeting on 2/16/2022 as it helped clarify and hone some concerns. First, I am considerably less concerned with the environmental considerations; explanation surrounding the storm water design and the necessary requirements mitigated many concerns.

However, I continue to be concerned with regards to traffic through Evan's Farm, particularly on Idlewood. Traffic on this road to tenants of Brookside has been an on-going concern and the Evans Farm Neighborhood Association has had several dialogues with the Montessori school about general traffic and obeying speed limits for some time. Evan's Farm neighborhood and streets are multi-use: vehicles, people (including a lot of children) and pets. The streets are our sidewalks. Traffic through the neighborhood is a public safety issue. TIUNY representation mentioned doing a traffic study, but I am unaware of the scope of this. I would request the use of a traffic expert to produce a study analyzing the need to close the Idlewood entrance. Not a study that simply looks at the traffic count, but to do a holistic evaluation looking at the fact that we don't have sidewalks, the multi-modal use of the roadway (pedestrian, bicycles, cars, etc.) and evaluate this in reference to the current and potential vehicular traffic produced by the entrance. It is improbable to suggest that traffic will not increase on Idlewood with the proposed changes, nor that construction vehicles will not go through our neighborhood.

Given the site's RLB single family residential zoning, TIUNY is required to apply for conditional use permit for their school use as well as the Montessori school and any other tenants in the building. Schools and religious groups are allowed conditional use in the RLB zone type, but this must be approved by the town. TIUNY's lawyer indicated that Monroe Community College also has a conditional use permit for a residential school in an RLB zone in Brighton. The MCC lot is significantly larger and bordered by an interstate, the Erie canal, and two major roadways. It does not immediately touch any other residential neighborhood. Whereas the Brookside site directly borders our neighborhood to the east, has a building in closer proximity to houses, and has a primary vehicular entrance feeding into our neighborhood. The MCC comparison is not equivalent and has completely different "conditions" than the Brookside site. Further, Envision Brighton 2028 has a focus and intention on protecting "our established residential neighborhoods"; closing the entrance to Brookside/TIUNY will meet that intention.

In sum, concerns are:

1. Close the entrance/exit on Idlewood. It is important that this not just be a gate put up, as it is likely people will still park in the paved area and along Evan's Farm streets, especially during events. Specifically, a third-party traffic study analyzing not just traffic numbers, but the dynamic use of the roads and the potential impact of the development on this.
2. Conditional future tenants that are only school or community-based tenants (I do find it questionable that TIUNY will be tax exempt, and be receiving rent; do they have to pay taxes on that rent?).
3. All necessary conditional permits and variances applied for and approved, including for the current tenants.

Sincerely,

Vicki Reina



Rick DiStefano <rick.distefano@townofbrighton.org>

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## Fwd: Cortese Cycle Sales 2-P-01-22

1 message

Ramsey Boehner <ramsey.boehner@townofbrighton.org>

Mon, Mar 7, 2022 at 3:40 PM

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

Please add this to the communications for the March PB meeting. Jeff, FYI. TX

----- Forwarded message -----

From: **karen finley** <viper14623@hotmail.com>

Date: Mon, Mar 7, 2022, 12:40 PM

Subject: Cortese Cycle Sales 2-P-01-22

To: ramsey.boehner@townofbrighton.org <ramsey.boehner@townofbrighton.org>

Good morning Mr. Boehner,

My name is Karen Finley and I live at 151 Centre Dr. directly kitty corner from Cortese Cycle Sales. I am writing to inform you that I oppose The planning board application for Cortese Cycle Sales 2-P-01-22. I am 66 years old and have lived here for 25 years and have never had any issues with any businesses around my home until Cortese Cycle Sales took this building over. I have spoken to them on the phone, in the street, at their shop and at one point had a Brighton PD mediator speak to them on multiple situations that Cortese have created. The 2 main issues that have been going on is their excessive revving of the motorcycles all day, everyday 6 days a week Monday through Saturday, Spring, Summer, and Fall are the worst! In those seasons I literally have to close my windows just to be able to hear if I'm on a phone call, or trying to hear the TV. I don't know about you but I enjoy having my windows open. They are definitely NOT following any of Brightons noise ordinances or motorcycle exhaust volume ordinances. The next issue is their test driving up and down Northern Dr. Centre Dr., and Southern drive. These are not scooters racing down the side streets but Motorcycles with extremely loud exhaust pipes and racing down the streets. This is totally uncalled for and unsafe! There also is a problem getting out of Centre Dr. because there is no green space in front of Cortese Cycle Sales and when cars are parked in front of the shop we cannot see what is heading south on W.Henrietta to pull out safely. I'm also curious why they are asking for an additional service bay. They already have 3 bays! More bays equals more noise.

I want to thank you for listening to my concerns. it is greatly appreciated. If you would like, I would gladly go to each house with a petition on Southern, Centre, and Northern so you can hear their views as well as mine. Just let me know and I can do that for you.

Have a great day and thanks again,

Karen Finley.      03/07/22    Viper14623@hotmail.com  
Sent from my iPad

From: <tmtcmt@rochester.rr.com>  
Date: Thu, Mar 10, 2022 at 7:55 PM  
Subject: 125 Centre Drive  
To: <ramsey.boehner@townofbrighton.org>

To whom it may concern, on Planning Board:

We have heard there will be a proposal to expand Cortese Cycle. Does Brighton really need another cycle repair shop? If, we do, maybe put on Monroe Avenue or Elmwood Avenue, or newly acquired property on Westfall Road. They have been the concern of the neighborhood, since they moved in. They test drive the cycles up & down street with no helmets and at a speed, higher then needed on residential streets. They tell customers, it is ok to test drive on Center [Centre Drive], told to me by a customer, I stopped and spoke to. There are children on street playing and are our concern for their safety. And with Spring & Summer upon us, we can't open our windows, due to motorcycle motors revving. Do the neighbors not have a say in granting permission, for new business in their neighborhoods?

Hopefully Brighton reconsiders any expansion of this cycle shop.

Concerned Citizens @ 125 Centre Drive

Connie & Tom Taylor



Rick DiStefano <rick.distefano@townofbrighton.org>

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

1 message

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

Mon, Mar 14, 2022 at 3:29 PM

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 continue to 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

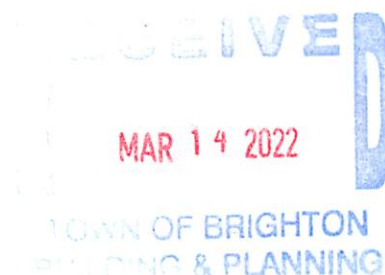
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Charles W. Malcomb  
Direct Dial: 716.848.1261  
cmalcomb@hodgsonruss.com



March 16, 2022

**Via E-mail [ramsey.boehner@townofbrighton.org]**

Town of Brighton Planning Board  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Application of Daniele SPC, LLC – 3P-04-22 (the “Application”)

Dear Chairperson Price and Members of the Board:

This firm represents Save Monroe Ave., Inc. (“SMA”). I submit this letter in opposition to Daniele SPC, LLC’s (the “Developer’s”) request for a conditional use permit to permit a sub shop to be located at the Whole Foods Plaza Project (the “Project”). Please include this correspondence in the public hearing record on the Application.

The Application seeks to locate a restaurant business into the Project, which is subject to several legal challenges because the environmental review, incentive zoning approval, and site plan approval for the Project violated applicable law. The proposed rear entry/loading will not be available as contemplated for this tenant. Accordingly, the Planning Board cannot issue a conditional use permit that is premised on invalid approvals. SMA further incorporates the arguments it raised in litigation it commenced regarding the Project, including in Monroe County index numbers E2018000937, E2018002894, E2018007331, E2019009858, E2021000033, E2021007288, E2021010816, and E2022001532.

For all these reasons, the Application should be denied. We thank the Planning Board for its attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Malcomb", written in a cursive style.

Charles W. Malcomb



## PLANNING BOARD REPORT

HEARING DATE: March 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.
- Several communications have been received regarding excessive noise associated with the maintenance and sale of motor cycles at the existing building.

**TOWN ENGINEER: N/A**

## **QUESTIONS**

- Please describe your operation, activities & equipment?
- How will the concerns of the neighbors be addressed?
- 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?
- Will any maintenance of vehicles be done outside the building?
- Will excess noise be created in association with the maintenance of vehicles?
- Where will motorcycles be test driven?

#### **APPLICATION:**

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

1. A detailed plan shall be submitted which addresses the neighbors’ concerns regarding excessive noise associated with the maintenance and sale of motor cycles.
2. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

**OR**

#### **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. 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. No outdoor storage or display of goods, materials, or equipment shall be permitted without town approval.
11. All Monroe County requirements/conditions shall be addressed.
12. Any permits required from Monroe County Pure Waters shall be obtained.
13. All requirements of Chapter 149, Sewer Use Law of the Town of Brighton, shall be met.
14. An operational permit shall be obtained from the Town Fire Marshal (Chris Roth, 784-5220).
15. Any signs shall require separate review and approval.
16. 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.
17. A letter or memo in response to all Planning Board comments and conditions shall be submitted.



18. 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.
19. All activities will comply with the Town's noise ordinance in chapter 102 of the Town Code.
20. Conditional Use Permit approval will last for one year until March 16, 2023 at which time it will need to be renewed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 2P-01-22

**Date:** March 7, 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. 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:** March 15, 2022

**APPLICATION NO:** 3P-01-22

**APPLICATION SUMMARY:** Application of 1925 South Clinton, LLC, owner, for Preliminary/Final Site Plan Approval (Phase 2) to construct a 9,200 +/- sf retail building and other associated site improvements, and Conditional Use Permit Approval allowing for the retail building to house a 2,300 +/- sf Starbucks Café with a drive-thru facility on property located at 1905-1925 South Clinton Avenue (Tax ID #136.15-1-18.1, Lot 3).

### COMMENTS:

- The Project has previously received Preliminary Overall Site Plan Approval and Final Phase 1 Site Plan approval which consisted of the 11,600 square foot Doodlebugs Children's Center facility.
- Plans are seeking approval for one 9,200 square foot building.
- The Project is subject of an Incentive Zoning Approval and is located in a BE-L Zoning District.
- The application should be revised to address each proposed conditional use in greater detail.
- 59 Spaces are proposed. Depending on the uses to occupy the building there may not be adequate parking per town requirements. A parking analysis will be required for each tenant occupancy.
- The proposed multi-use building has been designed to accommodate tenants of varying sizes with the northern building anchored by a Starbucks Cafe and sandwich shop (to be named).
- Pursuant to the Incentive Zoning Approvals, restaurant uses including cafes and sandwich shops are conditional uses permitted subject to approval by the Planning Board in accordance with Chapter 217, Article II of the Town Code. Additionally, drive-through facilities as accessory uses are also permitted subject to drive-through standards set forth under the Incentive Zoning Regulations.
- The Applicant is constructing the building shell and demised premises for the restaurant use with the fit-out of each space subject to preparation of detailed floor plans by the perspective tenants for submission under separate cover.
- The access driveway to the Brookdale property located south of the project site will be constructed.



- The remainder of the retail buildings is speculative at this point in time and will be tenanted based upon demand and in conformance with either permitted or conditionally permitted uses as allowed under the regulations.
- The application should identify any differences between the proposed plan and the approved overall plans.
- The Fire Apparatus Access and Fire Hydrant Worksheet for Phase 2 of the proposed project must be submitted for review.
- The location of the proposed dumpsters will require that the waste haulers block the drive through entrance.
- A turning radius analysis was prepared considering vehicles entering the drive through from the southernmost access drive. Also, the radius analysis reviews vehicles exiting the northern most drive through and making a right turn onto the Rue Deville access drive.
- Provisions must be provided for pedestrians crossing the drive to access the multi-tenant buildings.
- The outdoor eating area could block the sight line for the vehicles exiting the drive through. Confirmation must be provided that there is adequate sight distance at this location.
- Revised architectural design and building materials of the proposed building will be reviewed by the Town of Brighton Architectural Review Board at their March meeting.

#### **CONSERVATION BOARD:**

- A more substantial (at maturity) street tree should be incorporated into the proposed landscaping plan perhaps replacing the October Glory maple. These street trees should be continued to the south along the entire project frontage, strategically placed to prevent disturbance during future phases, providing uniform street tree growth along South Clinton Avenue.
- Use of native plantings is encouraged.
- Continue the use of green infrastructure techniques.
- All other comments appear to have been adequately addressed.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated March 12, 2022.

## QUESTIONS:

- What has changed on the Preliminary Site Plan? Please identify any differences between the proposed plan and the approved overall plans?
- What are your plans for removal or dispersal of the topsoil and other earthwork that was to be completed previously?
- Have you revised the Traffic Impact Study to address the proposed uses?
- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- What type of provisions are you providing for pedestrians crossing the drive to access the multi-tenant buildings?
- How many customers or visitors will be on the premises during maximum activity hours?
- What are the days and hours of operation?
- How many parking spaces are available for the uses and who are they shared with?
- What is being proposed to screen the drive through from South Clinton Ave
- Will a generator be provided?
- Where will the HVAC units be located?
- Previously this phase of the development consisted of a 9,200 square foot retail building, and a 4,500 square foot building with associated parking and drive-through facilities. Is this still the plan?
- What is being constructed as a part of this improvement?
- How much green infrastructure is intended to be built with this phase?
- What utilities are to be constructed as part of this phase?
- Will access to the existing shared use trail along the western property line be provided and constructed as part of this phase?

- Will the access driveway to the Brookdale property located south of the project site will be constructed as part of this phase?
- Will the southern most drive be completed?
- How much of the parking area will be constructed?
- Will the cross access easement to 1969 South Clinton and the Brookdale Living Community properties need to be revised because of the driveway realignment?

## **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 access driveway to the Brookdale property located south of the project site will be construction during this phase.
2. The traffic projections included in the 2016 TIS indicate that drive through restaurants generate a significant volume of traffic. The TIS shall be revised if proposed changes will increase traffic.
3. The entire building/store shall comply with the most current Building & Fire Codes of New York State.
4. The approved erosion control plan indicates that the topsoil pile was temporary and was to be removed within 6 months. The topsoil pile has been in place for well over 6 months and must be removed.
5. The application should identify any differences between the proposed plan and the approved overall plans.
6. The Fire Apparatus Access and Fire Hydrant Worksheet for Phase 2 of the proposed project must be submitted for review.
7. A turning radius analysis must be prepared for emergency and large vehicle traffic. Also, the radius analysis must review vehicles exiting the northern most drive through and making a right turn.
8. The plans must be revised to provide for pedestrians crossing the drive to access the multi-tenant buildings.
9. The plan must be revised to provide access to the existing shared use trail along the western property line should be provided and constructed as part of this phase.

10. The outdoor seating area could block the sight line for the vehicles exiting the drive through. Confirmation must be provided that there is adequate sight distance at this location.
11. A parking analysis shall be provided for each tenant occupancy to ensure adequate parking exists.
12. The landscape plan must be revised to address the western portion of the site that will be regraded.
13. Verification must be submitted that the landscaping will not obstruct the sight distance at the drive through and parking area entrances/exits.
14. The architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.
15. The dumpster shall be enclosed with building materials that are compatible with the existing building.
16. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
17. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
18. All County Development Review Comments shall be addressed.
19. The parking lot lights shall be placed on a timer.
20. The location of the HVAC shall be shown on the site plan
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
22. 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.
23. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
24. Documentation must be submitted by the project engineer that confirms that the proposed project complies with the Incentive Zoning Approval and the Negative Declaration that was adopted for this project.



25. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated March 12, 2022 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
26. A revised phasing plan shall be submitted as part of future approvals.
27. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.



## Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

### MEMO

Date: March 12, 2022

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: 3P-01-22  
1925 South Clinton, LLC  
Preliminary/Final Site Plan Approval (Phase 2) to construct a 9,200 +/- sf retail building and other associated site improvements, and Conditional Use Permit Approval allowing for the retail building to house a 2,300 +/- sf Starbucks Café with a drive-thru facility

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

#### General:

1. Will all of the improvements and striping associated with the project's southernmost driveway intersection be installed as part of Phase 2? The Phase 2 development plan must clearly indicate all portions of the parking lot and access road system which will be installed as part of this phase.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: restoration, driveway entrance within the MCDOT right of way, sanitary sewer, storm sewer, water main, stormwater water management facilities, landscaping and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
3. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
4. The final design of the sanitary sewer provides for its extension to the southern property line. The appropriate easement must be provided to permit this sewer to serve the existing properties along South Clinton Ave prior to final DPW approval.
5. The cross-access easements to 1969 South Clinton and the Brookdale Living Community properties may need to be revised to accommodate the re-aligned access drive between the properties. Please review.
6. The previously approved stabilization plan indicated that the topsoil pile was temporary and was to be removed within 6 months. The topsoil pile has been in place for well over 12 months and must be removed. How does the applicant intend to address this matter?
7. An updated earthwork phasing plan must be provided which identifies the areas to be disturbed and whether a five acre waiver will still be required for the project.

8. The developer obtained approvals to extend the utilities for this development in December of 2020. What utilities have been installed as part of the utility extension approvals? What utilities will be installed as part of the revised Phase II?
9. It is unclear whether some of the underdrain associated with the bioretention facilities is existing or will be installed as part of Phase II. Please clarify
10. Additional comments will be developed as the design of the proposed development progresses.

**Engineer's Report/SWPPP:**

1. Currently, the Engineer's report consists of multiple submittals from the applicant's Engineer. A comprehensive Engineer's report for the overall project must be provided that addresses all of the Engineering comments and changes resulting from the proposed Phase II improvements.
2. Is the grease trap sizing calculation consistent with the NYS Plumbing Code requirements? Please provide supporting documentation.
3. Documentation must be provided substantiating updated fire flow and sprinkler demands for the proposed development included in this phase.
4. An updated SWPPP report should be provided. The updated SWPPP report must identify any differences between the proposed plan and the approved overall plans. Furthermore, the report must identify the impacts that the proposed development will have on the green infrastructure and stormwater management facility.
5. Calculations and documentation showing that the proposed partial buildout of green infrastructure and stormwater management would be adequate to handle the water quality and quantity needs of the Phase II construction plan.
6. The SWPPP must be amended to consider the proposed plan modifications.
7. The Engineer's report should be updated to include traffic data that is sufficient to compare the trips generated by the proposed development to the information previously presented as part of the 2016 overall project Traffic Impact Study (TIS).

**Plans**

1. *Site and Pavement Marking Plan, Sheet 5 of 19*
  - a. Construction vehicles should not conflict with the Doodlebug traffic and should not use the northern access. Temporary signage should be provided directing construction vehicles to use the southern driveway.
  - b. The Phase II staging area depicted on this sheet should be included in the limits of disturbance calculations.
  - c. Two of the proposed pedestrian crossings are depicted at a skew on the Phase II site plan. Typically, pedestrian crossings should intersect roadways at angles as close to perpendicular as practical, so as to minimize the exposure of crossing path users and maximize sight lines. Can the alignment for these crossings be straightened?
2. *Utility Plan, Sheet 7 of 19*
  - a. The proposed sewer lateral shall have a minimum four (4) feet of cover along the entire length of the lateral.
3. *Grading and Erosion Control Plan, Sheet 9 of 19*
  - a. Substantial improvements, grading, and clearing is proposed as part of the construction of the access road to 2001 S. Clinton Avenue. Are provisions in places to provide access for this development?
  - b. It is our understanding that during the initial phase of this project the stone rubble found on the site was crushed and was to be used to establish the base of the proposed parking and access drives. This grading plan must illustrate the placement of this material.
  - c. Provisions to access 1969 South Clinton from the project site should be shown on the plans, including the appropriate cross access easements.
  - d. The shared use trail currently terminates at the western end of a proposed sidewalk which has not been constructed. Access from the shared use trail to the retail establishments being proposed as part of Phase 2 should be considered.

- e. A phasing plan showing the chronological progression of the proposed green infrastructure must be provided.
  - f. An updated phasing plan that defines the maximum disturbed area per phase, and the specific sequencing and phasing that will be done to minimize the amount and duration of exposed areas to the maximum extent practicable must be submitted for review and approval. The phasing plan must illustrate the successive grading, erosion control and restoration measures by phase. This plan shall be submitted to the Town of Brighton for review and approval. Any deviation from this plan must be reviewed and approved by the Town of Brighton. Grading activities shall be limited to the phase and/or section immediately under construction to decrease the time that soil is exposed, which, in turn, decreases the potential for erosion. Additional phases should begin only when the previous phase is stabilized.
4. *Grading and Erosion Control Plan, Sheet 9 of 19*
- a. The bio-retention facility nomenclature used on this sheet is inconsistent with the callouts on the site plans. Please review and revise as necessary.



## **PLANNING BOARD REPORT**

**HEARING DATE: March 16, 2022**

**APPLICATION NO: 3P-02-22**

**APPLICATION SUMMARY:** Application of Jacob Ouyang/Bright Future Reality Group LLC, owner, for Conditional Use Permit Approval allowing for a sushi restaurant on property located at 2425 West Henrietta Road, 2425 West Henrietta Road, Rochester, NY 14623.

### **COMMENTS:**

- A floor plan and other information have been submitted.
- Applicant stated that no exterior changes are planned except for painting the building and repairs to the existing parking lot.
- The subject property is presently zoned BF-2 General Commercial District.
- The total project area is 1.13 acres.
- The total square footage of the subject building is 4,250 square feet.
- Per Town of Brighton Code Section 205-12 Parking schedule, the proposed use requires 40 parking spaces (80 seats/2). Site plan shows 64 spaces. Adequate parking exists for the applicant's request.

**CONSERVATION BOARD:** No comments

**TOWN ENGINEER:** No comments

### **QUESTIONS:**

- Please describe the use.
- What are the proposed hours of operation?
- Will there be any delivery service or curbside pick-up?
- Will there be a walk-up service window?
- Will there be a grease trap? Where is it located?
- How will trash be managed/stored?
- What was the previous use?
- Will any site work be done?
- Where will new heating and cooling be installed? Will it be screened?
- Describe the proposed parking lot repairs in more detail. Will the parking lot be re-stripped?
- Any changes proposed to existing exterior and parking lot lighting?
- Where will snow storage occur?

- Will liquor be served?
- During what hours will deliveries occur?
- Are any deliveries or shipments proposed between midnight and 6am? Is it proposed to operate any trucks on the site during that period?

#### **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. Bar length shall not exceed 20 feet in length.
8. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
9. Signs shall require separate review and approval.
10. Plans shall be submitted to Monroe County for review. All Monroe County comments shall be addressed.
11. 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.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 3P-02-22

**Date:** 3-16-2022

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:** New restaurant operation in existing restaurant building.

**SEQR Status:** Type 2 (6 CRR-NY 617.5(c)18)

**Conditioned Negative Declaration:** No

**Description of Action:** Interior renovation of existing restaurant building, exterior painting and repair of existing parking lot. No site or structural changes proposed.

**Location:** 2425 West Henrietta Road, Rochester, NY 14623

**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. The duration of all impacts will be short term in nature.
3. There will be no resources of value irreversibly lost.
4. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements.

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: March 16, 2022**

**APPLICATION NO: 3P-03-22**

### **APPLICATION SUMMARY:**

Application of Winton Acquisitions LLC, owner, and The Old Farm Café, lessee, for Conditional Use Permit Approval to allow for an interactive café on property located at 3450 Winton Place.

### **COMMENTS:**

- The subject property is presently zoned BF-2.
- The gross leased space is 12,440 square feet. The café portion will occupy around 3000 square feet and include a stage and a café kitchenette. The remainder of the spaces will be used for storage, set building, flex space, and office.
- It appears adequate asphalt parking area exists to accommodate the required parking for the applicant's request.
- The area will be an “experienced-based counter service coffee shop” providing an interactive café and dining experience open for public hours and will also be available for private events.
- They are proposing that liquor will sometimes be served in the café. A liquor license will be acquired on a ‘per event’ basis.
- Food will be served along with hot and cold drinks.
- Proposed hours are 8am – 9pm Monday-Thursday, and 8AM to 2pm Friday to Sunday.
- OFC Creations currently runs a performing arts center in the same building near, but not directly adjacent to, the proposed café.
- They will be adding 2 fulltime employees to their current staff.

**CONSERVATION BOARD: N/A**

**TOWN ENGINEER: N/A**

**QUESTIONS:**



- What will the hours of operation be?
- Will the parking lot be lighted?
- What type of provisions are you providing for trash?
- Will any improvements be made to the front of the building or property?
- Do you propose to install fire and smoke detection systems and a fire sprinkler system?
- What kind of events will be held in the space?
- What will the stage be used for?
- Where will the food be prepared especially during busy time and large events?
- How often do you anticipate needing a per event liquor license?

#### **SEQRA:**

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

#### **APPLICATION:**

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire store shall comply with the New York State Uniform Fire Prevention and Building Code and shall comply with all occupancy limits as set by the Brighton Fire Marshal.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet.

6. The other tenants in the plaza shall not experience any noise impacts.
7. If the food service expands beyond what was presented by the applicant, additional Town approvals may be required.
8. A grease trap shall be provided as required by the New York State Building Code and the Brighton Sewer Department.
9. The proposed building shall be sprinklered in accordance with Town requirements.
10. The applicant's architect shall evaluate the project relative to the Town of Brighton sprinkler ordinance to determine if the building needs to be sprinklered. This evaluation shall be submitted with the final application.
11. 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.
12. All outstanding comments and requirements Town Building Inspector and Fire Marshal shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 3P-03-22

**Date:** 03-07-22

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:** 3P-03-22

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Winton Acquisitions LLC, owner, and The Old Farm Café, lessee, for Conditional Use Permit Approval to allow for an interactive café on property located at 3450 Winton Place.

**Location:** 3450 Winton Place

**Reasons Supporting This Determination:**

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

1. No threatened or endangered species of plants or animals will be affected by this project.
2. The requirements of the State Environmental Quality Review Law have been complied with.
3. The project is supported by the immediate community.
4. There will be no resources of value irreversibly lost.
5. 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: March 16, 2022**

**APPLICATION NO: 3P-04-22**

**APPLICATION SUMMARY:** Application of Daniele SPC, LLC, owner, for Conditional Use Permit Approval to allow for a Jersey Mike's Sub Shop on property located at 2750 Monroe Avenue.

### **COMMENTS:**

- A floor plan and other information have been submitted.
- Applicant stated that no exterior changes.
- The subject property is presently zoned BF-2 General Commercial District.
- The total square footage of the subject space is 1,123 square feet of a larger multitenant building.
- A trip generation report was submitted with the application.
- A letter was received from Charles Malcomb, dated March 16, 2022 regarding the application and pending litigation. The Planning Board should considering tabling the application for further review by the Town Attorney and Town Staff.

**CONSERVATION BOARD:** No comments

**TOWN ENGINEER:** No comments

### **QUESTIONS:**

- Please describe the use.
- What are the proposed hours of operation?
- Will there be any delivery service or curbside pick-up?
- Will there be a grease trap? Where is it located?
- How will trash be managed/stored?
- Will liquor be served?
- During what hours will deliveries occur?
- Are any deliveries or shipments proposed between midnight and 6am? Is it proposed to operate any trucks on the site during that period?



**APPLICATION:**

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

1. This application and letter from Charles Malcomb dated March 16, 2022 shall be reviewed by the Town Attorney and Town Staff for further guidance on this matter.



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

## MEMO

Date: March 14, 2022

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: 2P-NB1-22  
3108 East Avenue  
Concept Review to repurpose a property for use as a convenience store and gas fueling facility.

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

### General:

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. Parking stalls shall be 9ft. x 18ft, all drive aisles shall be 24 feet wide for two-way travel, and fire lanes shall be designated and comply with the Town of Brighton and NYS Fire Codes.
3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: improvements within the NYSDOT right of way, sanitary sewer, water service, utility improvements, stormwater management facilities, restoration, landscaping and sediment and erosion control. A letter of credit estimate should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
4. The project will require multiple jurisdictional approvals, including but not limited to: NYSDOT, MCPW, BCSD, and MCWA. All approvals must be obtained prior to the Town endorsing the final plans.
5. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
6. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
7. As the site plan progresses, it should include the following features; locations and dimensions of principal and accessory structures, parking areas, signs, general topography contours of the site, existing utilities, existing and proposed trees and other vegetation and other existing or planned features; a narrative describing anticipated changes to existing topography and natural features, including but not limited to trees, landscaping, utilities, proposed storm sewer infrastructure, and proposed stormwater management facility.
8. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review

2300 Elmwood Avenue Rochester, New York 14618 [www.townofbrighton.org](http://www.townofbrighton.org)  
Evert.Garcia@townofbrighton.org 585-784-5222

the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>.

9. Additional comments will be developed as the design plans progress and more detailed information on the proposed development is provided.

#### **Sustainability:**

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. The applicant should consider utilizing green infrastructure practices such as bioretention facilities and porous pavements to control the stormwater generated by the proposed development.
3. The applicant should consider provisions to promote alternative transportation such as bike racks.

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

1. We are in receipt of the Traffic Impact Study (TIS) which was prepared for this development. Has the TIS been submitted to the NYS DOT for review and comment? A final review of the TIS will be completed subsequent to receiving comments from the NYS DOT.
2. The TIS indicates that a growth rate of 0.50% was used in the study due to the proximity of the project to the Town of Penfield, which has a MCDOT designated growth rate of 0.50%, and NYSDOT traffic information, which shows decreasing traffic rates in the study area. Please provide supporting documentation to substantiate these statements for our reference.
3. A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be provided.

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

1. An Engineer's Report must be provided. The Engineers Report should include technical information regarding sanitary sewer demand, change in runoff and need for stormwater quality/quantity mitigation, and traffic generation.
2. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the domestic and fire protection demands associated with this project must be provided.

#### **SWPPP:**

1. What is the proposed area of disturbance for this project? Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. Please develop a SWPPP for this project. The SWPPP must meet the design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer.
2. Stormwater mitigation must be provided to meet the requirements of Chapter 215, Stormwater Management, of the Brighton Town Code. Technical calculations demonstrating compliance with the Code of the Town of Brighton must be provided.
3. A sequence for construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping shall be provided. The sequence of construction should also be outlined on the plans.

#### **General Utility:**

1. All existing and proposed utilities on the site should be identified on the plans.
2. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities 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 should be provided.

3. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
4. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.

#### **Concept Plan:**

1. Proposed changes in topography should be depicted on the plans.
2. More details should be provided on the "stamped/dyed" asphalt. Is this stamped corridor intended to delineate pedestrian access?
3. Employees using the designated parking spaces will have a hard time backing out of the parking stalls given the proposed configuration. Are these parking stalls needed? Can this situation be mitigated? Please review.
4. The proposed location for snow storage might cause issues for the neighbor to the east when the snow melts. Consideration should be given for an alternate location of snow storage on the site.
5. Will the sprinkler and backflow prevention system require improvements to the existing water service?
6. Orthoimagery suggests that trees and vegetation are located along the eastern property line. These should be depicted on the plans.
7. Details for the proposed bioretention area should be provided as the plans progress.
8. What is the point of discharge for the storm inlet depicted on the southern end of the parking lot?
9. An erosion and sediment control plan shall be developed for the proposed development.
10. Will there be any food preparation within the proposed facility that will require a grease trap?

#### **Notes:**

The following notes should be included on the plans:

1. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractor(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing.
2. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans, and shall be subject to the inspection and approval of the Town of Brighton.
3. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation.
4. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
5. Erosion control measures shall be installed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
7. All construction of the water supply system shall conform to the specifications, rules and regulations of the Monroe County Water Authority.
8. Installation of sewer and water lines shall conform to the requirements of the New York State Department of Health and the Monroe County Water Authority.
9. Minimum separation between water mains and sewer lines shall be 18" vertically measured from the outside of the pipe at the point of crossing. Minimum horizontal separation between parallel watermain and sewer pipes shall be 10' measured from the outside of the pipes. One full length of water main shall be centered under or over the sewer so that both joints will be as far from the sewer as possible. Adequate structural support (compacted #2 crusher run stone) shall be provided for the sewers to prevent excessive deflection of the joints, and settling on and breaking the watermain.
10. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or

- Monroe County Pure Waters Sewer use Law. Sanitary sewer mains shall be air tested and manholes shall be vacuum tested in compliance with the specifications and sewer policy of the Town of Brighton.
11. All hydrants shall be installed and operational prior to any above grade construction. The pumper connection shall be positioned towards the roadway.
  12. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
  13. 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.
  14. Provisions for access to site shall be maintained at all times for emergency vehicles. The Town of Brighton Dept. of Public Works shall be notified a minimum of 24 hrs. in advance of any road closing.
  15. Fire lanes shall be posted according to the Town of Brighton code.
  16. Linear straw bales or erosion control fabric shall be used on steep slopes and wherever necessary to control erosion and siltation of existing drainage systems as ordered by the Engineer.
  17. All inlets to the storm system shall be straw-baled on all sides to control siltation. The utility contractor shall be responsible to maintain the bales until ground cover is established.
  18. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
  19. Tree protection and erosion control measures shall be in place prior to clearing, demolition or construction.

## PLANNING BOARD

**HEARING DATE:** March 10, 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 submitted plans indicate that there will be disturbance to the area known as "Wetland L" referenced in the Finding Statements adopted by both the Town Board and the Planning Board. This submission indicated the disturbed area will be mitigated and the quality of the wetland area will be improved as part of the site improvements. The applicant's engineer has indicated on various instances that this wetland is considered non-jurisdictional, however, the IPD finding statement indicates that the 0.55 +/- acre marsh will not be disturbed by any future development. The Planning Board may want to have a Conservation Easement created for this area and the area located south of the LLE Parking and Service area as shown on the Current and Potential Development of the LLE Facility Plan.
- A proposed conservation easement has been provided over the wetland portion of the site and provides a corridor for the movement of wildlife. The easement has been drafted and under review by staff. .
- 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 has reviewed the fire apparatus access and is satisfied with access proposed to the addition.
- Town staff met with the applicant's engineer on 2/4/2022 to discuss our concerns with the previously submitted hydraulic network analysis. We received an updated hydraulic model with this submission.



- Sidewalks have been proposed to extend to Murlin Drive along the north side of the laser lab as shown in the FGEIS. Pedestrian access to Merlin Drive along the southern side of the LLE has been considered, but applicant would prefer to deter pedestrian access.
- 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.
- The proposed plan removes 102 trees and adds 102 new trees as mitigation.

#### **CONSERVATION BOARD:**

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

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated March 11, 2022.

#### **QUESTIONS:**

- What changes have been made since the previous submittal?
- How will modified "Wetland L" and its upland be protected from future disturbance? Can you please explain the proposed Conservation Easement?
- Are you proposing to install generator as part of the project? What is the fuel source is proposed for the generator?

- Has MCWA reviewed your plans for the proposed watermain to be extended from West Henrietta Rd.?
- Has a completed Fire Apparatus Access and Fire Hydrant Worksheet been submitted to the Town Fire Marshal for review?
- 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?
- Ash trees are being proposed as part of the new plantings. How will you prevent impacts from the Emerald Ash Borer?

#### **APPLICATION:**

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

1. The submitted plans indicate that there will be disturbance to the area known as "Wetland L" referenced in the Finding Statements adopted by both the Town Board and the Planning Board. The applicant's engineer has indicated on various instances that this wetland is considered non-jurisdictional, however, the IPD finding statement indicates that the 0.55 +/- acre marsh will not be disturbed by any future development. The impacts to this area and its uplands must be identified and mitigated. A Conservation Easement for this area and the area located south of the LLE Parking and Service area as shown on the Current and Potential Development plan shall be submitted for approval by the Planning Board and Town Board.
2. 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.
3. Pedestrian access and a sidewalk from Merlin Drive along the southern side of the LLE will be installed with future development of the LLE. A sequence for construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping shall be provided. The sequence of construction should also be outlined on the plans.
4. Details and verification shall be submitted that the proposed generators comply with Town Code.
5. Profiles for proposed sanitary and storm utilities should be provided on the plans.
6. Review comments have been developed by our traffic engineer in response to the updated TIS. All outstanding comments shall be addressed prior to final approval.
7. The submitted site plans have the incorrect square footage shown for the proposed addition. This must be corrected on the plans.

8. 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.
9. Meet all requirements of the Town of Brighton's Department of Public Works.
10. All Town codes shall be met that relate directly or indirectly to the applicant's request.
11. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet.
12. Fire hydrants shall be fully operational prior to and during construction of the building.
13. All County Development Review Comments shall be addressed.
14. The RTS Bus Stop shall be reassessed with future building additions.
15. The proposed building shall be sprinklered in accordance with Town requirements.
16. 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.
17. 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
18. 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.
19. The location of the HVAC shall be shown on the site plan.
20. All comments and concerns of the Town Engineer as contained in the attached memo dated March 11, 2021 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
21. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
22. 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.
23. The plans shall be revised to address the following comments of the Conservation Board:

- The Board is comfortable with the wetland mitigation as proposed per this application showing a 61,000 sf, 3 story addition, provided that the existing wetland area that is lost will be offset with an equal or greater land area contiguous with the Wetland "L." And, all recommendations by Gene Pellert, Ecologist (November 2, 2021) for improved wetland quality are incorporated. In addition, the Board would like some form of assurance from the U of R that this wetland as mitigated (revised Wetland "L") will not be subject to loss and /or encroachment due to future development of the southern campus.
  - Low mow areas provide upland habitat and should be clearly documented that these areas require minimal maintenance throughout the year.
  - Woodlot tree mitigation plantings should be 3 -3.5" in caliper for deciduous trees and 7 - 8 ft. in height for evergreen trees.
  - Green infrastructure techniques should be incorporated.
24. The project engineer shall confirm if additional accessible parking spaces are required to be installed as part of this project. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
25. An updated SWPP shall be provided prior to final approval that resolves all previous comments from the Town Engineer.
26. All easements shall be shown on the site plan 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.
27. 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.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-3-22

**Date:** March 16, 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 Supplemental Environmental Impact Statement will not be prepared.

**Name of Action:** University of Rochester - Addition to the Laboratory for Laser Energetics

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Approval, EPOD (woodlot) Permit Approval and Conditional Use Permit Approval to construct a 61,000 sf, 3 story building addition to the Laboratory for Laser Energetics (LLE) and construct an additional 100 parking spaces.

**Location:** 250 East River Road, Brighton N.Y., Monroe County

**Reasons Supporting This Determination:**

Based on information submitted to the lead agency and after considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant, the Criteria for determining significance in the SEQR regulations and other supplemental information, documentation, testimony and correspondence, the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following findings:

1. Topography, Geology & Soils

The Project will not create any significant adverse impacts to topography, geology and soil. The construction of the addition to the Laboratory for Laser Energetics will involve the stripping of topsoil and disturbance to the natural soils. All disturbed areas will be stabilized within 21 days when construction activities have temporarily or permanently ceased. Storm sewer inlet structures will be protected from sediment deposition. Swales and /or channels will include stone check dams to reduce the velocity of stormwater to non-erosive velocities. A Stormwater Pollution Prevention Plan, SWPPP, will be prepared. The SWPPP will be prepared in conformance with the latest NYSDEC, Town of Brighton and EPA requirements.

A Geotechnical Engineering Report was prepared by Terracom on March 25, 2021 for the building addition. This report does not offer recommendations for stormwater management improvements for this Project. The potential stormwater impacts from proposed addition will be addressed in the SWPPP.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential impacts to the topography, geology and soils resulting from the proposed addition.

## 2. Water Resources and Stormwater Runoff

The Project will not create any significant adverse impacts to the rate or volume of stormwater runoff released from the project site. The Project will also not significantly increase associated stormwater pollutant loading generated from the site.

Stormwater runoff from the site discharges to either on-site wetlands or the Erie Canal. The proposed stormwater management plan for the proposed addition directs runoff through the storm water facility to the Erie Canal.

The periodic flooding that occurs along a low-lying area along the Furlong Creek tributary at the Crittenden Road in the southwestern area of the South Campus has been mitigated consistent with the previous findings adopted for the by both the Town Board and the Planning Board.

The stormwater management facilities will be designed and constructed to meet and exceed the requirements of the latest NYS DEC Stormwater Management Design Manual and the Town of Brighton Comprehensive Development Guidelines.

Water quality measures will be installed to remove runoff pollutants prior to discharge from the site. Proposed stormwater management improvements will attenuate post development runoff rates to pre-development conditions prior to discharge to the Erie Canal to. Additionally, green infrastructure improvements will provide the required water quality volumes in accordance with the latest NYS DEC Stormwater Design Manual.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential stormwater related impacts resulting from the proposed addition.

## 3. Terrestrial and Aquatic Ecology

The Project will not create any significant adverse impacts to terrestrial and aquatic ecology.

The Project will disturb the Woodlot Environmental Protection Overlay District. As required by Town Code, a tree survey has been prepared indicates 102 trees will be removed from the Woodlot EPOD. A tree mitigation plan and landscape plan has been prepared which mitigates the potential impacts to the Woodlot EPOD by planting 102 trees on the project site.



The Project will disturb 0.05 acres of "Wetland L" referenced in the Finding Statements adopted by both the Town Board and the Planning Board. This area possesses certain forest space, wetlands space, upland habitat and a vernal pool which areas were, in part, identified in the Finding Statement as "no build zones" so as to protect the sensitive environmental features of these areas including but not limited to chorus frog habitat. The impact to this area will be mitigated by creating a 5.35 acre Conservation Easement which will include the remaining area of "Wetland L" plus the adjacent upland area. The mitigation plan calls out for 0.38 acres of the existing low-quality wetland to be enhanced and 0.17 acres of new wetland to be created within the proposed Conservation Easement area.

An updated Wetland Delineation Report dated February 10, 2021 was prepared by Environmental Resources, LLC. A letter of Jurisdictional Determination was issued on 05/10/21 which indicates that Wetland "A" is not a regulated wetland.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential terrestrial and aquatic ecology impacts resulting from this Project.

#### 4. Land Use and Zoning

The Project will not create any significant adverse impacts to land use and zoning.

The Architectural Review Board reviewed and approved the building design on 09/28/21. The proposed addition is below the maximum building height allowed by the Incentive Zoning approval. The proposed addition is located within the 75' maximum building height allowed in the Institutional/Nonresidential land use area. The proposed addition will be 55' +/- above grade, and will not be taller than the existing LLE building. The Project is also below the maximum density allowance of 1.29 million square feet allowed for institutional/non-residential development. With the LLE addition, the total building square footage in the IPD is 500,000 +/- square.

The Project is design to meet the required level of LEED silver with a minimum of LEED certification. To mitigate bird collisions with glass, reflective glass curtain wall systems will not be used for this Project. The Project will use LED light fixtures and meet dark sky requirements.

The LLE expansion project will not generate new operational noise. The proposed LLE addition offers offices and laboratory space, and does not include the use of chemicals or biological agents.

The Project is in close proximity to adjacent residential neighbors. The proposed Conservation Easement will add additional buffer area between the Project and the residential homes located to the south on the Project.

The mitigation measures proposed adequately address the identified impact to the Town's Comprehensive Plan, impacts to residential neighbors, and properly address the identified impacts to project density and land use.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential land use impacts resulting from this Project.

## 5. Historical and Archeological Resources

The Project will not create any significant adverse impacts to historical and archeological resources. Potential disturbance of historic places within or adjacent to the project site have been investigated. A Phase 1A and 1B Cultural Resource Investigation was performed by Powers Archaeology LLC on April 22, 2021. A letter from SHPO dated 05/13/21 indicates that in their opinion that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential historical and archeological resources impacts resulting from this Project.

## 6. Traffic

Development of the South Campus over time will result in an increase to traffic volumes at various times of the day and evening. The University Campus Master Plan is a long range plan that will likely occur over decades. As the Master Plan is built out in phases, additional traffic improvements may be required, such as the addition of traffic signals and/or road widening, and will be determined ahead of the construction for each phase in order to avoid adverse impacts to congestion and driver delay. During the Incentive Zoning and SEQR process South Campus IPD it was determined that regional Traffic Impact Study (TIS) would be updated every five years to monitor potential traffic impacts and identifies commensurate traffic mitigation starting in 2015. The Town review fees will be paid for by the University. The most recent update to the TIS found no significant impacts that need to be mitigated at this time.

LLE project information was sent to Monroe County Department of Transportation (MCDOT) and New York State Department of Transportation (NYSDOT). A response was received from MCDOT on March 4, 2021, indicating that no traffic impact report was needed for this project. A similar email response was received from NYSDOT on March 4, 2021, indicating that based on the low trip generation values and the fact that this area was recently all rebuilt; there is no need to review a traffic impact study.

A letter from RTS advises that the East River Road run was eliminated from main line service as a result of low ridership identified in their REIMAGINE RTS program, a four year study that concluded in May of 2021. The pre-covid ridership to the South campus was 2 riders per day on average, and 1 rider during COVID. RTS has no plans to extend service to East River Road. There is a bus stop on West Henrietta Rd that is a 6-7 min walk to the laser lab. The RTS Bus Stop shall be considered for reestablishment in the future as expansions or other drivers create greater need for public transit.

Pedestrian access and a sidewalk from Merlin Drive along the southern side of the LLE will be

installed with future development of the LLE.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation along with plans for further study over time to monitor growth, with the goal to minimize or eliminate the potential traffic impacts resulting from this Project.

## 7. Utilities/Energy

Existing utilities will be extended to the site, including electrical, sanitary sewers, public water and drainage piping. Completion of an RG&E substation on the north side of East River Road, and east of Kendrick Road, provides adequate capacity to accommodate the development of the Project.

Additional development on the South Campus will require additional water supply for domestic use and fire protection. The Water Supply Analysis Report provided in the S-DGEIS analyzed a portion of the study area for the anticipated first phase of South Campus development along East River Road. In a letter dated July 8, 2014, MCWA provided a "Letter of Intent to provide Water Service to the University of Rochester South Campus". The letter from MCWA is included in Appendix F of the FGEIS. The MCWA stated that any future development will require MCWA approval and improvements to the distribution system including but not limited to the installation of the following:

- A 12" watermain from Crittenden Road at the Lehigh Valley Trail to Murlin Drive; and
- An 8" connection from West Henrietta Road just south of East River Road, with a 6" Pressure Sustaining valve (PSV) on the private side.

The Project proposes to install the 8" connection to W. Henrietta Road is proposed.

As each building in the South Campus is proposed, the water demand and pressure will be calculated and potential impacts to the supply system will be re-examined to ensure there is adequate supply (flow and pressure) without impacting flow and pressure to the adjacent neighborhoods. Prior to final approvals, MCWA shall approve the proposed water system extension from and any necessary mitigation measures for the 751 high pressure zone. A complete water system evaluation report (suitable to the Town of Brighton) will be completed during the site plan application process and prior to any further development and as requested by the Town.

If additional water supply system mitigation measures are needed in the future, it will be the University's responsibility to obtain approvals from the Town and MCWA and to implement the improvements.

The U of R will continue to work with the MCWA to develop a schedule regarding the implementation of these improvements to the water system.

The site will be serviced by sanitary sewers. There appears to be adequate capacity to service the proposed Project.

The Fire Apparatus Access Road proposed for the Project is in compliance Appendix D of the Fire Code of New York State to the proposed addition.  
There are no adverse environmental impacts have been identified for electrical, natural gas or telecommunication services.

The Project is design to meet the required level of LEED silver with a minimum of LEED certification which will reduce energy consumption.

Based on the foregoing, the Planning Board has determined that there are adequate protective measures proposed as mitigation along with plans for further study over time to monitor growth, with the goal to minimize or eliminate the potential to utilities and energy impacts resulting from this Project.

#### 8. Community & Neighborhood Character

A 100 foot buffer has been placed along the campus edge adjacent to residential uses, consistent with the Incentive Zoning approval and Finding Statement adopted by both the Town Board and the Planning Board. Preservation of this natural buffer will help to screen future development from existing residences. Additionally, these buffers will be enhanced, where needed, by a landscaped buffer planting plan to increase the effectiveness of the buffer edge screening. The proposed addition will be 600+/- feet from the residential district boundary line located to the south. The proposed Conservation Easement will also offer additional buffer to the adjacent residential neighborhood.

The proposed addition is below the maximum building height allowed by the Incentive Zoning approval. The proposed addition is located within the 75' maximum building height allowed. The proposed addition will be 55' +/- above grade, and will not be taller than the existing LLE building.

The Project will use LED light fixtures and meet dark sky requirements.

The LLE expansion project will not generate new operational noise. The proposed LLE addition offers offices and laboratory space, and does not include the use of chemicals or biological agents.

The Project as proposed adequately addresses the community and neighborhood character impacts identified to date.

#### 9. Police, Fire and Ambulance

The development of the South Campus over time will increase the need for and demand on police, fire and ambulance service providers, especially with the proposed increase in residential use. The interagency cooperation and standing MOU is between UR Department of Public Safety (DPS) and the Brighton Police Department remains unchanged and is being implemented.

The amenity proposed adequately addresses the identified impacts to police, fire, ambulance and other municipal services.

10. Schools

During the Incentive Zoning process, the potential impact to the Rush Henrietta School District was raised, regarding whether there would be an increase in the number of school-aged children. The LLE expansion project does not include residential development and will not impact the Rush Henrietta School District.

11. Recreational Opportunities

Residential development is not proposed as part of this project. The mitigation measures remain in effect and will be implemented as development proceeds. The mitigation measures proposed adequately addresses the identified impacts to recreational opportunities.

12. Growth Inducement Aspects

No spin-off development is anticipated from the facility improvements and further development of the South Campus. The adjacent areas in the vicinity of the South Campus are already served by public water and sanitary services, and upgrades to the utility services needed to fully develop the Master Plan are relatively minimal. Much of the area adjacent to the site is already developed or designated parkland. Therefore, the development of the South Campus is not expected to trigger additional growth in the area.

The Lead Agency has made the following additional determinations:

A. The Lead Agency has met the procedural and substantive requirements of SEQRA.

B. The Lead Agency has carefully considered each and every criterion for determining the potential significance of the Project upon the environment as set forth in SEQRA, and the Lead Agency finds that none of the criteria for determining significance set forth in SEQRA would be implicated as a result of the Project.

C. The Lead Agency has carefully considered (that is, has taken the required “hard look” at) the Project and the relevant environmental impacts, facts, and conclusions in connection with same.

D. The Lead Agency has made a reasoned elaboration of the rationale for arriving at its determination of environmental non-significance, and the Lead Agency’s determination is supported by substantial evidence, as set forth herein

E. To the maximum extent practicable, potential adverse environmental impacts will be largely avoided or minimized by the Applicant’s careful incorporation in its application materials of measures designed to avoid such impacts that were identified as practicable.

Date Issued: March 16, 2022

For Further Information: Contact Ramsey A. Boehner, Environmental Review Liaison Officer,

Building and Planning Department, Town of Brighton, 2300 Elmwood Avenue, Rochester, New York 14618, (585) 784-5229 or [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)



## Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

### MEMO

Date: March 11, 2022

From: Evert Garcia

To: Ramsey Boehner

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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 have received the updated conservation easement maps and descriptions associated with this project. Various discrepancies and closure errors were found in the map documents which need to be corrected prior to final acceptance. Town staff will forward the noted errors to the project engineer under separate cover.
2. We await to review the engineer's probable cost of construction to establish the value of the letter of credit. The letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: restoration, utility improvements, stormwater water management facilities, landscaping and sediment and erosion control. An original Letter of Credit must be received by the Town prior to the start of construction.

#### Roadway and Traffic:

1. Our traffic engineer has finalized their review of the revised 5-year traffic study. Town staff will forward our traffic engineer's final comments on this matter to the project engineer. All outstanding comments must be addressed prior to final approvals.

#### Engineer's Report:

1. The map provided for the WaterCad model should depict the model in its entirety. Please provide information on the model components located to the west of the extents shown on map.
2. Pipe 21 (Southland Drive), which is depicted on the map provided, does not appear to be included in the hydraulic network analysis. Please review.
3. The WaterCad model indicates that under the fire scenario, 441 gpm is provided from the East River Road loop. Why do the pipes and GPV's associated with the Southland Drive water system not show any flows during the fire scenario?



4. The fire scenario in the model does not appear to consider the elevation of the highest floor in the proposed addition. Will a booster pump be required for the proposed sprinkler system? Please clarify.
5. Prior to final approvals from the Town, the MCWA shall sign off on the proposed water system extension from the 751 high pressure zone.

**SWPPP:**

1. An updated SWPPP was not provided with the current submission to confirm the various revisions noted by the design engineer. Our review of the proposed stormwater design for this development cannot be completed until a final SWPPP has been completed for this project
  - a. 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.
  - b. The design engineer has indicated that the CPv for this development will be waived since the pond ultimately discharges to the Erie Canal. Please provide supporting documentation which demonstrates that the Erie Canal is a 5<sup>th</sup> order or larger stream.
  - c. The crest elevation for Weir structure [A] on SMP-1 should be updated to match the plans.
  - d. 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.

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

1. Silt fence should be considered upland of the various bioretention facilities to protect the filter media until final restoration has been achieved.
2. The plans should depict the point of access from the site to the wooded area where the proposed wetland area will be constructed. Any additional trees that will need to be removed from the wooded area as part of the proposed wetland construction will require review and approval by the Town.

**Watermain Extension, Sheet 13:**

1. We await to review the additional information which will be provided to depict the proposed watermain extension improvements associated with this project in more detail.
2. The new watermain extension must be constructed and operational before a certificate of occupancy is issued for this development.

*Handwritten signature*