

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF APRIL 20, 2022  
Brighton Town Hall  
2300 Elmwood Avenue

Due to the public gathering restrictions because of COVID-19 and the adoption of Chapter 417 of the laws of 2022, this Planning Board meeting will be conducted remotely beginning at 7:00 pm or as soon thereafter as possible. Members of the public will be able to view the meeting via Zoom.

Written comments may be submitted to Ramsey Boehner, Executive Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org).

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

The public may join the Zoom meeting and share comments with the Board. For Zoom meeting information, please reference the town's website at <https://www.townofbrighton.org> prior to the meeting.

## AGENDA

7:00 P.M.     Public Hearing Via Virtual Platform

CHAIRPERSON:     Call the meeting to order.

SECRETARY:     Call the roll.

CHAIRPERSON:     Agenda Review with Staff and Members

CHAIRPERSON:     Approval of the February 16, 2022 meeting minutes. **To be done at the May 18, 2022 meeting**  
Approval of the March 16, 2022 meeting minutes. **To be done at the may 18, 2022 meeting.**

CHAIRPERSON:     Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of April 14, 2022 will now be held.

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2P-01-22     Application of Cortese Properties, owner, and Corteses 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 AT THE MARCH 16, 2022 MEETING - 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. . **TABLED AT THE MARCH 16, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

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. **. TABLED AT THE MARCH 16, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

4P-01-22 Application of 1057 E. Henrietta Road LLC, owner, and Pure Precision Moving, lessee, for a Conditional Use Permit Approval to allow a moving company with on-site furniture storage to be on property located at 1057 East Henrietta Road. All as described on application and plans on file.

4P-02-22 Application of Loyal Group REM LLC, owner, and Jenny's Bakery, lessee, for Conditional Use Permit Approval to allow for outdoor dining in conjunction with an existing bakery/café on property located at 125 White Spruce Blvd. All as described on application and plans submitted.

4P-03-22 Application of University of Rochester, owner, for Final Site Plan Approval, Final EPOD (woodlot) Permit Approval and Final Conditional Use Permit Approval to construct a 61,000 sf, 3 story building addition to the Laboratory for Laser Energetics and construct an additional 100 parking spaces on property located at 250 East River Road. All as described on application and plans on file.

**NEW BUSINESS:**

10P-NB1-21 Application of 1950-1966 Monroe Avenue, LLC (Quickee'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.

CHAIRPERSON: Announce that public hearings are closed.

**NEW BUSINESS:** (cont.)

Review and advisory report for proposed technical code amendments.

**OLD BUSINESS:**

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. **TABLED AT THE MARCH 16, 2022 MEETING - PUBLIC HEARING IS CLOSED**

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**PRESENTATIONS:**

NONE

COMMUNICATIONS:

Letter from Mindy Zoghlin, Zoghlin Group, dated March 16, 2022, in opposition to 3P-04-22, 2750 Monroe Avenue.

Letter from John Cortese, Cortese Cycle Sales, with additional information regarding 2P-01-22.

Letter from Jerry Goldman, Woods Oviatt Gilman LLP, dated April 12, 2022, requesting postponement of application 10P-NB1-22.

Letter from Seth Holmes, writing on behalf of a group of residents living in the Evans Farm neighborhood, dated April 17, 2022, requesting the Planning Board consider certain conditions for any Conditional Use Permit approval requested by TIUNY for property located at 1666 South Winton Road.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
<b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>			
<u>1638</u>	Unlimited Nutrition 2900 Monroe Avenue	Bldg Face	3/22/22
<b>ADMIN REVIEW</b>			
Approved as presented.			
<u>1639</u>	OFC's The Old Farm Cafe 3450 Winton Place	Bldg Face	3/22/22
<b>ARB - Approved as presented.</b>			
<u>1640</u>	Empy Nails 2298 Monroe Avenue	Bldg Face	3/22/22
<b>ARB - Approved as presented.</b>			
<u>1641</u>	Liberty Wine and Liquor 1900 South Clinton Avenue	Bldg Face	3/22/22
<b>ADMIN REVIEW</b>			
Approved as presented.			

**BY EMAIL TO** [Ramsey.boehner@townofbrighton.org](mailto:Ramsey.boehner@townofbrighton.org)  
**and** [Daniel.aman@townofbrighton.org](mailto:Daniel.aman@townofbrighton.org)

March 16, 2022

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”)**

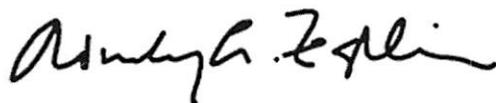
Dear Chairperson Price and Members of the Board:

We represent Brighton Grassroots, LLC. Please accept 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. BGR further incorporates the arguments it raised in litigation it commenced regarding the Project, including in Monroe County index numbers E2022001511; E2021010836; E2021000039; E2019011722; E2019008518; E2018008343; E2018007330; and E2018002961.

For these reasons, the Application should be denied. Thank you for your time and attention to this matter.

Sincerely,



Mindy L. Zoghlín

The Town of Brighton  
2300 Elmwood Ave.  
Rochester, NY 14623

To the Brighton Town Board members:

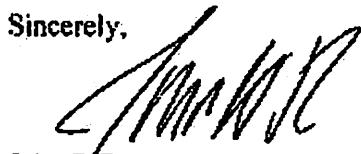
In response to the application for a conditional use permit for 2771 West Henrietta Rd I am responding to the letter I received requesting a detailed plan which addresses the neighbors' concerns regarding excessive noise.

First and foremost the building is not a separate business but an ancillary building to Cortese Cycle Sales that would be used primarily for the storage of motorcycles. The front part of the building would serve as a secondary showroom and would allow us to display another 30 bikes or so. The backend of the building would hold customer bikes that are in for service. We currently stage the bikes outside during business hours due to lack of space. Also we may move 1 technician from our current shop now to the proposed building in order to create more room and better working conditions for our employees. If a technician is working on a motorcycle he would make sure it is inside the building with the door shut in order to contain any noise.

After speaking with my employees and General Manager we have decided to no longer use Centre Drive to test drive any motorcycles. We spoke about the issues with the neighbors and they understand their dissatisfaction and agreed it's not imperative for us to use that section of road.

Lastly, selling motorcycles is the primary business plan of Cortese Cycle Sales. We service mainly our customer's bikes because it is necessary to be able to provide the ability to repair their bikes if and when needed. Our service revenue is around 5% of our total business and would not be increasing much if at all. We simply need room and will not be adding any additional disruption to the area.

Sincerely,



John P. Cortese  
President  
Cortese Cycle Sales

From: Seth Holmes <[sethholmes@gmail.com](mailto:sethholmes@gmail.com)>

Date: Sun, Apr 17, 2022, 11:12 AM

Subject: Fwd: Conditions request for 1666 S Winton property conditional use permit

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

Cc: Tim Beach <[tcbeach@gmail.com](mailto:tcbeach@gmail.com)>, Judy Massare <[jmassare@aol.com](mailto:jmassare@aol.com)>, Vicki Wood

<[phriendly2001@hotmail.com](mailto:phriendly2001@hotmail.com)>, Casey Sacco <[casey.sacco@gmail.com](mailto:casey.sacco@gmail.com)>, Nathan & Audrey Schroeder

<[nathanaudreys@gmail.com](mailto:nathanaudreys@gmail.com)>, Peg Warrick <[warrickpeg@gmail.com](mailto:warrickpeg@gmail.com)>, Ray Warrick

<[rwarrick215@gmail.com](mailto:rwarrick215@gmail.com)>

Dear Mr. Boehner and the Brighton Planning Board,

I am writing to you, on behalf of a group of Brighton residents living in the Evans Farm neighborhood, with a request regarding the 1666 S Winton Road property and the 2/16/2022 concept proposal (2P-NB2-22) by the Talmudical Institute of Upstate New York (TIUNY). Please note that the full list of residents in our group are listed below and CC'd on this email.

We are requesting 1) that two specific conditions be included in any Conditional Use Permit approval requested by TIUNY for changes to the RLB-zoned 1666 S. Winton Road property, and 2) that we may present these requested conditions to the board at a future planning board meeting.

The two conditions are outlined below with a summary of the rationale for each condition followed by the Condition language in ***bold italicized*** font. Attached to this email is a 21-page PDF that includes the summary and Condition language below, as well as extensive supporting information supporting our two requested conditions. This document is titled "*Conditions Requested for 1666 S Winton Road Conditional Use Permit*" and dated 4/4/2022. Please note that we currently have the support of over 125 neighbors who have signed onto the conditions request letter, and we expect that support to grow as more neighbors become aware of what we propose. We will submit the signature sheets to the board prior to presenting our conditions at a future meeting.

#### **Condition 1**

The current traffic volume entering and exiting the property at the Idlewood Road entrance is heavy, particularly during the Montessori school pick-up/drop-off periods, which coincide with public school bus pick-up/drop-off and the commuting rush-hours in the neighborhood. Idlewood Road is a narrow 19-ft wide road without sidewalks; therefore, neighborhood children walk to and from bus stops and school in the roadway at these times. We consider this current traffic condition unsafe. The proposed 2/16/2022 plan by TIUNY does not improve this hazardous condition and could exacerbate it as tenant spaces will remain and future uses are uncertain. The 1666 S Winton property has an existing entrance on Winton Road which should be used as the sole entrance and address to the property by connecting the existing east parking lot to the west parking lot. Therefore we request the following condition be included in the conditional use permit:

***The Property Owner must permanently close the Idlewood Road vehicle entrance to the 1666 S. Winton Road property. The Town will also permanently close its portion of the vehicle entrance located between Idlewood Road and the property.***

#### **Condition 2**

Currently, Brighton Central School District owns the 1666 S Winton Road property, leases space to Brighton Parks and Recreation, and neighborhood residents effectively use the property grounds and playground as a neighborhood park. Evans Farm does not have any other town-owned open space or park within, or adjacent to, the neighborhood. The Brookside property also provides direct access from the neighborhood to the open space west of S Winton Road, which the town is purchasing to expand Buckland Park and create a public 'Central Green' open space per the Envision Brighton 2028 plan. When the Brookside property changes to privately owned land, the neighborhood will lose official access to the open space and playground on the property and will have reduced accessibility to the expanded Buckland Park open space. The 2/16/22 TIUNY proposal does not include open space or paths officially designated for public use via an easement, right of way, or equivalent means. Therefore, we request the following condition be included in the conditional use permit:

***The Property Owner must provide the Town and its residents legal access (easement, right of way, land lease, or equivalent) to a portion of the property grounds for open space use and a pedestrian pathway connecting Idlewood Road to S Winton Road and the planned expansion of Buckland Park.***

We recognize that the 2/16/2022 proposal presented by TIUNY was a concept site plan and that there will likely be a preliminary and final plans, which will be presented to the board and eventually brought up for public hearing. However, given the nature and extent of our request, we are submitting this document to you know and would like to present to the board at

an upcoming meeting to provide you with adequate time to review our requested conditions in relation to the TIUNY proposal. Similarly, we want to provide TIUNY with adequate time to consider and hopefully include these conditions in their final design for the 1666 S Winton Rd Property.

Thank you for your time and consideration for this request. We hope to be able to present to you and the board about these requested conditions soon.

Signed:

Tim Beach - 200 Idlewood Road; [tcbeach@gmail.com](mailto:tcbeach@gmail.com)

Seth Holmes - 182 Idlewood Road; [setholmes@gmail.com](mailto:setholmes@gmail.com)

Judy Massare - 126 Idlewood Road; [jmassare@aol.com](mailto:jmassare@aol.com)

Vicki Reina - 62 Poplar Way; [phriendly2001@hotmail.com](mailto:phriendly2001@hotmail.com)

Casey Sacco - 20 Dartford Road; [casey.sacco@gmail.com](mailto:casey.sacco@gmail.com)

Audrey Schroeder - 190 Idlewood Road; [nathanaudreys@gmail.com](mailto:nathanaudreys@gmail.com)

Peg Warrick - 215 Idlewood Road; [warrickpeg@gmail.com](mailto:warrickpeg@gmail.com)

Ray Warrick - 215 Idlewood Road; [rwarrick215@gmail.com](mailto:rwarrick215@gmail.com)



Rick DiStefano <rick.distefano@townofbrighton.org>

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

1 message

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

Tue, Apr 12, 2022 at 5:12 PM

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

Cc: Ken Perelli <k.perelli@quickees.com>, "Quicklee's- Lou Terragnoli (l.terragnoli@quickees.com)"

<l.terragnoli@quickees.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

Firm Fax: 585-454-3968

woodsoviatt.com



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## PLANNING BOARD REPORT

**HEARING DATE:** April 20, 2022

**APPLICATIONS NOS:** 2P-01-22

**APPLICATION SUMMARY:** 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.
- Monroe County comments have been received.
- 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.
- A letter was submitted by the owner that included the following additions:
  - “If a technician is working on a motorcycle he would make sure it is inside the building with the door shut in order to contain any noise.”
  - “... we have decided to no longer use Centre Drive to test drive any motorcycles.”
  - “...selling motorcycles is the primary business plan.... Our service revenue is around 5% of our total business.”

**TOWN ENGINEER: N/A**

**QUESTIONS**

- How will the concerns of the neighbors be addressed?
- Is the building sprinklered? Are you planning on adding sprinklers?
- Where will the dumpster be located? How will it be screened? Will you have recycling or fluid recycling containers? Where will they be located?
- What types of improvements will be made in/to the building?
- What exterior changes are proposed? Is any exterior lighting proposed?
- Is any air handling equipment proposed? How will fumes/exhaust inside the building be controlled?
- 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?

**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.

## **CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, complies with the standards of the General Commercial (BF-2) District.
2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the store, the intensity (hours of operation), size of the site and access from West Henrietta Rd. have all been taken into account in the Board's review.
3. The Planning Board finds that the establishment and operation of a motorcycle sale and service business in this location, on a property currently developed for commercial uses, on a West Henrietta Rd in the General Commercial District will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed motorcycle sale and service business will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of a motorcycle sale and service business in an existing building on a site designed for such commercial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed motorcycle sale and service business in an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed motorcycle sale and service business in an existing building on a site designed and built for such commercial uses will not result in the loss or damage to trees.
8. The proposed restaurant essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives.
9. The location and size of the proposed conditional use, the nature and intensity of the operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.

10. The location and height of the existing buildings in which the proposed conditional use will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **APPLICATION:**

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

1. The dumpster shall be enclosed with materials that are compatible with the building. A building permit is required for the dumpster enclosure.
2. Any events may require additional Town approval.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. The entire building shall comply with the most current Building & Fire Codes of New York State.
5. Any storage of bulk petroleum products or any other flammable or hazardous products/materials shall be reviewed by the Town Fire Marshal.
6. All required town permits shall be obtained.
7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. No outdoor storage or display of goods, materials, or equipment shall be permitted without town approval.
9. All Monroe County requirements/conditions shall be addressed.
10. Any permits required from Monroe County Pure Waters shall be obtained.
11. All requirements of Chapter 149, Sewer Use Law of the Town of Brighton, shall be met.
12. An operational permit shall be obtained from the Town Fire Marshal (Chris Roth, 784-5220).
13. Any signs shall require separate review and approval.
14. An oil separator shall be installed in the service area if there are floor drains.

15. A letter or memo in response to all Planning Board comments and conditions shall be submitted.
16. 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.
17. All activities will comply with the Town's noise ordinance in chapter 102 of the Town Code.
18. The sale and service of motorcycles shall be conducted within a fully enclosed building with the doors shut.
19. Maintenance and repair services shall take place only as accessory services to sales operations located on the same premises.
20. Based on the testimony given and application materials submitted, there shall be no test driving of motorcycles on Town Highways.
21. Conditional Use Permit approval shall last for one year until April 20, 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:** April 20, 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.
3. Business will implement steps to reduce noise impacts to the surrounding neighborhood.

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:** April 20, 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. This appears to be adequate for the building based on parking allowances in the approved incentive zoning.
- 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 seating area has been adjusted to provide a better sight line for the vehicles exiting the drive through.
- Revised architectural design and building materials of the proposed building were reviewed and approved by the Town of Brighton Architectural Review Board at their March meeting.
- Page CS100 of the resubmitted plans show site modifications on the south of the property that have not been previously seen and weren't a part of the previously approved incentive zoning. It will require separate approval.

**CONSERVATION BOARD:** All previous comments appear to have been adequately addressed.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated April 15, 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?

- When will the sidewalks along South Clinton Ave be installed?
- What type of provisions are you providing for pedestrians crossing the drive to access the multi-tenant buildings?
- What are the days and hours of operation?
- What is being proposed to screen the drive through from South Clinton Ave?
- How much green infrastructure is intended to be built with this phase?
- What utilities are to be constructed as part of this phase?
- How much of the parking area will be constructed?
- What is being shown of page CS100? Has this been previously submitted to the Town?

**SEQRA:**

The following determination is recommended for the Planning Board's consideration and adoption:

The application is consistent with the previously approved Negative Declaration issued for this project on November 15, 2017. No further environmental review is required.

**CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, a restaurant, complies with the standards of the Town Code and the Incentive Zoning adopted for this parcel per Town of Brighton Code Section 203-84B(3)
2. The Planning Board finds that the proposed use, a restaurant, is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the restaurant, the intensity (hours of operation), size of the site and access from S. Clinton Avenue have all been taken into account in the Board's review.
3. The Planning Board finds that the establishment and operation of a restaurant in this location, on a property currently being developed for commercial uses, on S. Clinton Avenue will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed restaurant will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.

5. The Planning Board finds that the establishment of a restaurant in an existing building on a site designed for such commercial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed restaurant in an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed restaurant in an existing building on a site designed and built for such commercial uses will not result in the loss or damage to trees.
8. The proposed restaurant essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically the Economic Vitality Policy Statement and Objectives.
9. The location and size of the proposed conditional use, the nature and intensity of the operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.
10. The location and height of the existing buildings in which the proposed conditional use will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **APPLICATION:**

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

1. The access driveway to the Brookdale property and associated improvements including the new traffic light located south of the project site will be construction during this phase.
2. The shared use trail along the western property line and access to it shall be constructed as part of this phase.
3. The piles of excess materials shall be removed as part of this phase.
4. The stock piles of dirt shall be removed from the site no later than June 30, 2022 and all sidewalks that are required to be constructed pursuant to the incentive zoning approval shall be installed no latter than June 30, 2022. Until this condition is met, only a foundation permit may be issued for the construction of the proposed building.

5. Prior to the issuance of a Certificate of Occupancy, construction of and connections to the shared use trail, and connection to Brookdale Senior Living Facility, as shown on the approved plans shall be completed.
6. All areas depicted on the landscaping sheet as being stabilized with processed aggregate from the site shall also receive a layer of topsoil (4" minimum) and seed. Stabilization with processed aggregate only is not adequate. A detail depicting this requirement shall be included on the plans.
7. The current 5-acre waiver for this development has expired. The applicant must renew the 5-acre waiver before construction activity which disturbs more than five (5) acres can resume.
8. Sight distance at the drive through and parking area entrances/exits shall be maintained.
9. 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.
10. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
11. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
12. All Town codes shall be met that relate directly or indirectly to the applicant's request.
13. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
14. All County Development Review Comments shall be addressed.
15. The parking lot lights shall be placed on a timer.
16. 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.
17. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated April 15, 2022 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed prior to issuance of a Building Permit.
18. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
19. A revised phasing plan shall be submitted as part of future approvals.

20. The entire building/store shall comply with the most current Building & Fire Codes of New York State.
21. 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.
22. The landscape plan must be revised to address the western portion of the site that will be regraded.
23. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
24. All County Development Review Comments shall be addressed.
25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
26. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
27. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
28. 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.
29. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
30. Erosion control measures shall be in place prior to site disturbance.
31. Maintenance of landscape plantings shall be guaranteed for three (3) years.
32. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
33. All proposed landscaping shall be installed prior to the issuance of any certification of occupancy.
34. 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.

35. 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.
36. 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.
37. 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.
38. Outside storage and display shall be prohibited.
39. All easements must 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.
40. The parking lot lighting color temperature shall be 3000K. The parking lot lights shall be placed on a timer. The plans must include the following note: All lighting shall be designed to eliminate light overflow onto adjacent residential properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day 1/2 hour before the business is open to the public and to terminate 1/2 hour after the close of business.



Town of  
**Brighton**

# Public Works Department

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

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

## MEMO

Date: April 15, 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. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
2. The applicant should submit supporting documentation which demonstrates that the amount previously designated as surety for future phases in the existing letter of credit is sufficient to cover the current Phase 2 proposal. An additional letter of credit may be required to cover the balance of the scope of work associated with Phase 2.
3. The applicant has indicated that their contractor will remove all topsoil with the exception needed for final stabilization of future phases of the project by May/June and that any topsoil that remains will be stockpiled away from adjoining properties in a visually concealing manner. No topsoil piles are to remain on site in any configuration after June. The existing topsoil pile must either be spread across the site or be removed from the site in its entirety.
4. All areas depicted on the landscaping sheet as being stabilized with processed aggregate from the site shall also receive a layer of topsoil (4" minimum) and seed. Stabilization with processed aggregate only is not adequate. A detail depicting this requirement shall be included on the plans.
5. The current 5-acre waiver for this development has expired. The applicant must renew the 5-acre waiver before construction activity which disturbs more than five (5) acres can resume.
6. The applicant previously indicated that the balance of the sidewalks which are being constructed as part of the Incentive Zoning amenities will be installed by June 30, 2022. What is the status of the installation of the remaining sidewalks along Lac de Ville, Rue de Ville, and South Clinton Avenue?

### **Engineer's Report/SWPPP:**

1. The applicant's engineer has indicated that the proposed partial build out of the bioretention facilities in Phase 2 is sufficient to address the RRv associated with the impervious area being directed to them. Please provide supporting documentation to substantiate this statement.

**Plans**

1. *Phase II Existing Features/Demolition Plan, Sheet 3 of 21*
  - a. Orange construction fencing should be used to delineate the limits of clearing as part of the proposed work on 2001 S. Clinton Avenue's property.
2. *Site and Pavement Marking Plan, Sheet 5 of 21*
  - 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. A note indicating this information appears to have been omitted from the plans.
  - b. The pedestrian connection to the shared used trail being proposed as part of the Phase 2 improvements should be depicted in this sheet.
  - c. Our understanding is that the shared use trail is currently in need of maintenance. Please review the existing conditions of the shared use trail and provide the appropriate maintenance as needed.
3. *Phase II Landscape Plan, Sheet 15 of 21*
  - a. The area depicted on this sheet as being stabilized with a 6" layer of processed aggregate appears to be greater than the amount of aggregate currently stockpiled on the site. Is there sufficient aggregate currently stockpiled to spread across the site as indicated on this sheet? Please provide supporting technical documentation.

## PLANNING BOARD REPORT

**HEARING DATE: April 20, 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, 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-striped?
- 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.

#### **CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, a restaurant, complies with the standards of the General Commercial (BF-2) District for this parcel per Town of Brighton Code Section 203-84B(3)
2. The Planning Board finds that the proposed use, a restaurant, is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the restaurant, the intensity (hours of operation), size of the site and access from W Henrietta Rd have all been considered in the Board's review.
3. The Planning Board finds that the establishment and operation of a restaurant in this location, on a property developed for commercial uses, in the General Commercial District will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed restaurant will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of a restaurant in an existing building on a site designed for such commercial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed restaurant in an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed restaurant in an existing building on a site designed and built for such commercial uses will not result in the loss or damage to trees.
8. The proposed restaurant essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives.
9. The location and size of the proposed conditional use, the nature and intensity of the

operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.

10. The location and height of the existing buildings in which the proposed conditional use will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **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:** 4/20/22

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-02-22

**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: April 20, 2022**

**APPLICATION NO: 4P-01-22**

**APPLICATION SUMMARY:** Application of 1057 East Henrietta Road, LLC/Flaum Management Company, Inc., for Conditional Use Permit Approval allowing for a storage and office space in an existing structure on property located at 1057 East Henrietta Road, Suite 250, Rochester, NY 14623.

### **COMMENTS:**

- A floor plan and other information have been submitted.
- Applicant stated that no exterior changes are planned.
- Applicant stated that hours of operation will be Monday-Saturday, 7AM-7PM, with three to four employees on site at any one time. This is a “back office” function and no public access is anticipated.
- Applicant stated the previous use was also office and storage.
- The subject property is presently zoned IG Light Industrial District.
- The total project area is 5.1 acres.
- The total square footage of the subject building is 34,973 square feet.
- There is roughly 240 sq ft of office, 2000 sq ft of warehouse, and 4 employees on their largest shift which requires 6 parking spaces. 8 Spaces are available to this business.

**CONSERVATION BOARD:** No comments

**TOWN ENGINEER:** No comments

### **QUESTIONS:**

- Please describe the use.
- How will trash be managed/stored?
- Where will new heating and cooling be installed? Will it be screened?
- Any changes proposed to existing exterior and parking lot lighting?
- 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, Town Staff suggests that the Planning Board adopts the prepared negative declaration.

## **CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, office and storage, complies with the standards of the Light Industrial (IG) District.
2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the facility, the intensity (hours of operation), size of the site and access from East Henrietta Rd have all been considered in the Board's review.
3. The Planning Board finds that the establishment and operation of office and storage in this location, on a property currently being used for commercial uses will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed use will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of an office and storage space in an existing building on a site designed for such commercial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed use in an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed use in an existing building on a site designed and built for such uses will not result in the loss or damage to trees.
8. The proposed use essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives.
9. The location and size of the proposed conditional use, the nature and intensity of the operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.
10. The location and height of the existing buildings in which the proposed conditional use

will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **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. Signs shall require separate review and approval.
7. A permit shall be obtained for work being completed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 4P-01-22

**Date:** 4-20-2022

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:** 1057 E Henrietta Rd – Conditional use

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

**Conditioned Negative Declaration:** No

**Description of Action:** Interior renovation of existing space (Suite 250). No site or structural changes proposed.

**Location:** 1057 East Henrietta Road, Suite 250, 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. There will be no resources of value irreversibly lost.
3. The proposed use, considering its intensity (nature of operation, number of employees, hours of operation, etc.) will not have a negative impact on the environment.
4. The reuse of a commercial structure with a permitted or conditionally permitted use is pre-determined to not have any negative impact on the environment.

For further information:

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

Address: Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618

Telephone: 585-784-5229  
Email: [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)

## PLANNING BOARD REPORT

**HEARING DATE:** April 20, 2022

**APPLICATION NO:** 4P-02-22

**APPLICATION SUMMARY:** Application of Loyal Group REM LLC, owner, and Jenny's Bakery, lessee, for Conditional Use Permit Approval to allow for outdoor dining in conjunction with an existing bakery/café on property located at 125 White Spruce Blvd.

### **COMMENTS:**

- 3 tables with 2 seats each will be places on an existing sidewalk below and overhand outside a bakery.
- Dining will only operate during business hours, 10 AM to 6 PM
- The area of the outdoor dining area is less than 750 sq ft.
- Tables and chairs will be foldable.
- Staff will regularly patrol the area and pick up ant trash or litter that might be generated.
- There is outdoor garbage receptacle near the dining areas and there are also garbage cans available in the restaurant.
- No alcohol will be served and there will be no music playing outdoors.
- There are already plants located in greenspace areas.

### **QUESTIONS:**

- Will the dining be brought inside when the business closes?
- How wide is the sidewalk? Will there still be space available for the public travel between the tables and the edge of the sidewalk?
- Will there be table service for this dining?

### **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.

## **CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, outdoor dining at a restaurant, complies with the standards of the General Commercial (BF-1) District.
2. The Planning Board finds that the proposed use, outdoor dining at a restaurant, is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the restaurant, the intensity (hours of operation), size of the site and access have all been considered in the Board's review.
3. The Planning Board finds that the establishment of outdoor dining at a restaurant in this location, on a property currently being used for commercial uses, in a General Commercial will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed outdoor dining will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of outdoor dining at an existing restaurant in an existing building on a site designed for such commercial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed dining at an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed outdoor restaurant dining at an existing building on a site designed and built for such commercial uses will not result in the loss or damage to trees.
8. The proposed restaurant essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives
9. The location and size of the proposed conditional use, the nature and intensity of the operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.
10. The location and height of the existing buildings in which the proposed conditional use will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **APPLICATION:**

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

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. The project shall comply with the most current Building & Fire Codes of New York State.
3. The total number of seats in the outdoor dining area shall not exceed 6 seats.
4. There shall be no waiter/waitress service outside without further approval.
5. All requirements of Section 203-64(B)(4) - Outdoor Dining Facilities - of the Comprehensive Development Regulations shall be met.
6. The outdoor dining area shall be used only for dining by seated patrons. No live or broadcast music or other entertainment, no outdoor food preparation, and no bars for service of alcohol shall be allowed in conjunction with the outdoor dining facility.
7. During each day of operation of the outdoor dining area, a restaurant employee shall regularly patrol the area within 300 feet of the outdoor dining area to collect any trash or litter which may have been generated by the restaurant operations or customers, to the extent that such a patrol can be done safely and that permission is obtained from neighboring property owners, where necessary.
8. The outdoor dining area shall only be operated during the hours of operation of the associated restaurants.
9. There shall be no exterior lighting installed in conjunction with the outdoor dining use without further approval by the Planning Board.
10. All Town codes shall be met that relate directly or indirectly to the applicant's request.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 4P-02-22

**Date:** April 20, 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:** 4P-02-22

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Loyal Group REM LLC, owner, and Jenny's Bakery, lessee, for Conditional Use Permit Approval to allow for outdoor dining in conjunction with an existing bakery/café on property located at 125 White Spruce Blvd.

**Location:** 125 White Spruce Lane

**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 Review Act have been met.
2. There will be no resources of value irreversibly lost.
3. No threatened or endangered species of plants or animals will be affected by this project.
4. The proposed use, considering its intensity (nature of operation, number of employees, hours of operation, etc.) will not have a negative impact on the environment.

For further information:

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

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

Telephone: (585)784-5229

## PLANNING BOARD

**HEARING DATE:** April 20, 2022

**APPLICATION NO:** 4P-03-22

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

### COMMENTS:

- The Town Board granted Incentive Zoning/Rezoning approval for the University's South Campus of the project site from Residential - Low Density District (RLB) to Institutional Planned Development District (IPD) on May 15, 2015.
- The Master Plan for the project has been revised to show the proposed modifications to the Master Plan and how it fits in with the rest of the proposed development.
- The applicant has submitted proposed conservation easement maps and descriptions. Staff will review the provided maps and description for adequacy and closure. Additionally, the Town Attorney must review the proposed easement language prior to approval.
- An updated hydraulic model was provided. A final review of the proposed water distribution system will be completed by the Town engineer.
- 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.
- Tree removal plan shows an additional 2 trees being removed without mitigation in the planting plan.
- Traffic comments have been received and reviewed and all Town comments have been addressed.

### CONSERVATION BOARD:

- All previous comments appear to have been adequately addressed.

**TOWN ENGINEER:** See memo from Town Engineer, Evert Garcia, dated April 17 2022.

**QUESTIONS:**

- What has changed since the previous submittal?
- Has the easement changed from last meeting? Has it been finalized?
- What is the area of disturbance for the proposed development? What is the total area of disturbance for the proposed modification to the Current Plan?
- What is the status of the water distribution plans?
- What is the status of reviews needed by other involved agencies?
- Will any trees be disturbed along W. Henrietta Rd?
- When will the wetland remediation take place?
- Will trees to be removed be remediated 1:1?
- Do you have all necessary approvals? What approvals do you still need?

**SEQRA:**

The following determination is recommended for the Planning Board's consideration and adoption:

The application is consistent with the previously approved Negative Declaration issued for this project on March 16, 2022. No further environmental review is required.

**CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, a laser energetics laboratory, complies with the standards of the Institutional Planned Development District (IPD) District and the Incentive Zoning adopted for this parcel per Town of Brighton Code Section 203-135.
2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the laser energetics laboratory addition, the intensity, size of the site, and access from East River Rd have all been considered in the Board's review.
3. The Planning Board finds that the establishment and operation of a laser energetics laboratory in this location in the Institutional Planned Development District with Incentive Zoning will not be detrimental to persons, detrimental or injurious to the

property and improvements in the neighborhood, or to the general welfare of the Town.

4. The proposed laboratory will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of a laser energetics laboratory in an addition to an existing building on a site designed for such uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed use in an addition to an existing building on a site designed and built for such uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed use in an addition to an existing building on a site designed and built for such uses will not result in the loss or damage to trees.
8. The proposed use essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives.
9. The location and size of the proposed conditional use, the nature and intensity of the operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.
10. The location and height of the existing buildings in which the proposed conditional use will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

#### **APPLICATION:**

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

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The entire building shall comply with the most current Building & Fire Codes of New York State.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.

4. 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. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. 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.
9. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
10. Maintenance of landscape plantings shall be guaranteed for three (3) years.
11. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
12. A pre, during and post protection plan for trees to be saved and moved shall be reviewed by the Conservation Board with final approval by the Planning Board.
13. All parking lot lighting shall be low in height and intensity and directed toward the building.
14. If any site lighting is proposed as part of this project, a lighting plan which shows the type, location and lighting contours shall be submitted. The proposed lights shall be designed to reduce impacts to the surrounding properties
15. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet.
16. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
17. Prior to the issuance of any building permits a landscape and parking plan shall be submitted, reviewed and approved by the Building and Planning Department.
18. Trees to be removed shall be mitigated 1:1.

19. A landscape plan and a protection plan for trees to be saved and moved shall be reviewed by the Conservation Board with final approval by the Planning Board.
20. Should excavation disturb any apparently archaeologically sensitive areas, there shall be immediate cessation of work and notification of the Town.
21. All proposed landscaping shall be installed prior to the issuance of any certification of occupancy.
22. A lighting plan which shows the type, location and lighting contours shall be submitted as part of the final application.
23. Fire hydrants shall be fully operational prior to and during construction of the building.
24. All County Development Review Comments shall be addressed prior to final approval.
25. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
26. Prior to the issuance of any building permits, a letter of credit shall be provided to the Town to cover the cost of materials and installation for all landscaping to ensure that all landscaping conforms to the approved plans and that the landscape survives in a healthy condition.
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.
28. The proposed building shall be sprinklered in accordance with Town requirements.
29. 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.
30. 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.
31. Erosion control measures shall be in place prior to site disturbance.
32. 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.
33. The location of the HVAC shall be shown on the site plan
34. A letter or memo in response to all Planning Board and Town Engineer comments and

conditions shall be submitted.

35. 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.
36. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated April 17, 2022 from Evert Garcia, Town Engineer, to Ramsey Boehner, shall be addressed.
37. 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.
38. Prior to the issuance of a building permit, the proposed conservation easement in a form approved by the Town Attorney shall be executed by the University and the Town Supervisor and shall be filed by the University in the Monroe County Clerk's Office, and a copy of said filed Conservation Easement with proof of recording shall be provided to the Town Building and Planning Department.
39. The wetland shall be remediated in accordance with submitted materials.



# Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

## MEMO

Date: April 17, 2022

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: 4P-03-22

University of Rochester

Application of University of Rochester, Owner, for Final Site Plan Approval, Final EPOD (woodlot) Permit Approval and Final 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

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. The proposed conservation easement shall be reviewed by the Town Attorney, finalized, endorsed by all parties involved, and filed at the Monroe County Clerk's Office with the Town being provided a copy with the liber and page of filing. Upon filing, the easement shall be noted upon the resub map (with ownership, purpose and liber/page) prior to the site or subdivision plans being signed by the DPW.
2. We have reviewed the engineer's probable cost of construction to establish the value of the letter of credit. The construction estimate should be revised as follows:
  - a. A line item for restoration should be included under Section E- Erosion.
  - b. A line item should be provided for orange construction fencing.

### Engineer's Report:

1. The Laser Lab Fire Flow Analysis memo previously provided and the MCWA calculated flow data should be incorporated into the final engineer's report.
2. The applicant's engineer has indicated that the loop from the East River Road hydrant to the Southland meter and backflow has been upsized to simulate the loop flow of the existing system. Clarification on this methodology must be provided to the Town Engineer prior to final review of the WaterCAD model.

### SWPPP:

1. The "NOI Questions" in Appendix L, Water Quality Calculations, appears to be overreporting the Total RRV Provided and the Sum of Volume Reduced and Treated. Please review and revise accordingly.

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

1. The silt fence depicted in the area where jute mesh will be used to stabilize the slope should be installed downslope of the area being regraded. Please review and revise.

**Watermain Extension Plans:**

1. Approvals from NYS DOT will be required for the proposed watermain extension and associated work on West Henrietta Road.
2. The watermain extension plans include a note which indicates that the westernmost southbound lane on West Henrietta Road will be restored in kind as part of the installation of the proposed watermain. This note suggests that the watermain being installed within West Henrietta Road will be installed via the open cut method. Conversely, the plans also include a note which indicates that the portion of the watermain installed within West Henrietta Road will be jack and bored. Please clarify how the applicant intends to install the proposed watermain within West Henrietta Road and update the plans accordingly.
3. The plans should depict the location of the bore pits associated with the proposed jack and bore installation of the watermain.
4. Will the existing pedestrian sidewalk be impacted during the installation of the proposed watermain? If so, a pedestrian detour plan must be included with the site plans.
5. Will the entrance to 2024 West Henrietta Road be impacted during the connection to the existing 8" watermain? The applicant should notify and coordinate this work with the owners of 2024 West Henrietta Road.
6. The proposed watermain profile appears to indicate that adequate vertical separation is not being provided from the existing 12" storm pipe to the proposed watermain near station 0+90. Please review and revise.

April 20, 2022

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

RE: Advisory Report - Technical Code Amendments of 2022

Dear Board Members:

At the April 20, 2022 Planning Board meeting, the Planning Board reviewed the proposed technical code amendments. The Planning Board offers the following findings:

1. The intent of the proposed amendments is clarify provisions of the Code, correct titles and other matters needing correction, modify the Code in such places as to amend the Code to be more consistent with present practices and needs of Town Government and the community and to respond to specific requests to streamline or otherwise make more efficient Town Government based on observations of staff and members of the Town's volunteer boards.
2. The proposed amendments are consistent with the intent of the Comprehensive Development Regulations.
3. The proposed amendments are consistent with the aims of the Comprehensive Plan.

Respectfully,

Ramsey A. Boehner  
Executive Secretary  
Planning Board

## PLANNING BOARD REPORT

**HEARING DATE: April 20 2022**

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

**APPLICATION SUMMARY:** Application of Daniele SPC, LLC, owner, for Conditional Use Permit Approval to allow for a restaurant (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.

**CONSERVATION BOARD:** No comments

**TOWN ENGINEER:** No comments

**QUESTIONS:** Hearing is closed

**SEQRA:**

The following determination is recommended for the Planning Board's consideration and adoption:

The application for Conditional Use Permit Approval to allow a restaurant is consistent with the Findings Statement adopted by the Planning Board on August 15, 2018. No further environmental review is required.

**CONDITIONAL USE PERMIT FINDINGS:**

The following findings are recommended for the Planning Board's consideration and adoption.

1. The Planning Board finds that the proposed use, a restaurant, complies with the standards of the General Commercial (BF-2) District and the Incentive Zoning adopted for this parcel per Town of Brighton Code Section 203-84B(3)
2. The Planning Board finds that the proposed use, a restaurant, is in harmony with the purpose and intent of Chapter 217 Planning Board. The location and size of the

restaurant, the intensity (hours of operation), size of the site and access from Monroe Avenue have all been taken into account in the Board's review.

3. The Planning Board finds that the establishment and operation of a restaurant in this location, on a property currently being developed for commercial uses, on a Principal Arterial (NYS Route 31) in the General Commercial District with Incentive Zoning will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed restaurant will be in an existing building and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of a restaurant in an existing building on a site designed for such commercial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the proposed restaurant in an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
7. The Planning Board finds that the proposed restaurant in an existing building on a site designed and built for such commercial uses will not result in the loss or damage to trees.
8. The proposed restaurant essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically the Economic Vitality Policy Statement and Objectives A and F [Emphasis added]:
  - A. Attract and promote the sustainable development of quality office, retail, commercial, medical, light industrial, and residential uses in areas with existing critical infrastructure, in an effort to expand the Town's local tax base while providing needed and desired goods and services, and without compromising other community goals.
  - F. Conserve existing open space by promoting redevelopment of vacant, underutilized and obsolete commercial properties to enhance the Monroe Avenue and West Henrietta Road corridors.
9. The location and size of the proposed conditional use, the nature and intensity of the operations involved in and conducted in connection therewith, its site layout and its relation to existing streets are such that both pedestrian and vehicular traffic to and from the proposed use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood.
10. The location and height of the existing buildings in which the proposed conditional use will operate, the location, nature and height of walls and fences and the nature and extent of the existing landscaping on the site which is not proposed to be modified are

such that the proposed conditional use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **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. Signs shall require separate review and approval.
8. All Monroe County comments shall be addressed.
9. 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.
10. The dumpster shall be enclosed with building materials that are compatible with the existing building.

