

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF AUGUST 17, 2022
Brighton Town Hall
2300 Elmwood Avenue

PLEASE TAKE NOTICE that a public hearing will be held by the PLANNING BOARD of the TOWN OF BRIGHTON, Monroe County, at a meeting to be held remotely via a video conferencing platform on Wednesday August 17, 2022 at 7:00 P.M. (E.D.S.T.). Pursuant to the adoption of Chapter 1 of the Laws of 2022 amending Chapter 417 of the Laws of 2021 which permitted remote public meetings and the issuance of the Governor's Executive Order 11 and the suspension of in-person meeting requirements under the Open Meetings Law and the extensions thereof, this 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 and participate in the meeting via Zoom. Please go to the Town website (<https://www.townofbrighton.org>) for a link to the Zoom meeting. Should the suspension of in-person meeting requirements expire before the time and date of the above referenced meeting, said meeting will be conducted in-person at the Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton and will commence at 7:00 pm. Written comments may be submitted to Jeff Frisch, Executive Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to jeff.frisch@townofbrighton.org. Applications subject to public hearings and the documents to be considered by the Board will be available for review on the town's website no later than twenty-four hours prior to the meeting to the extent practicable. for the purpose of considering, modifying, approving or disapproving the following listed applications.

TENTATIVE AGENDA

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

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members

CHAIRPERSON: Approval of the May 18, 2022 meeting minutes.
Approval of the June 15, 2022 meeting minutes.
Approval of the July 20, 2022 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of August 11, 2022 will now be held.

[5P-02-22](#) Application of the Talmudical Institute of Upstate New York, contract vendee, and [Additional Info](#) the Brighton Central School District, owner, for Conditional Use Permit Approval to allow for The Montessori School of Rochester to be located at 220 Idlewood Road. All as described on application and plans submitted. **TABLED - PUBLIC HEARING REMAINS OPEN. POSTPONED BY THE APPLICANT TO THE SEPTEMBER MEETING**

[6P-03-22](#)

Application of Birnbaum Companies, owner, for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 3,050 +/- sf building addition for warehouse and office use on property located at 150 Metro Park. All as described on application and plans on file. **TABLED AT THE JUNE 15, 2022 MEETING - PUBLIC HEARING REMAINS OPEN.**

[7P-04-22](#)

Application of Mt. Read Emerson Street Properties, LLC, owner, and Herc Rentals, lessee, for Conditional Use Permit Approval to allow for a construction equipment rental facility on property located at 1220 Brighton Henrietta Town Line Road. All as described on application and plans on file. **WITHDRAWN BY APPLICANT**

[8P-01-22](#)

Application of Wendy Freida and Bruce Dan, owners, for Site Plan Modification to allow for changes to grading and stormwater control in conjunction with the construction of a new home (2P-02-21) on property located at 575 Winton Road South. All as described on application and plans on file.

[8P-02-22](#)

Application of Paychex of New York, LLC, owner, and Golisano Business COE, Inc., agent, for Conditional Use Permit Approval to allow for a college to be located at 150 Sawgrass Drive. All as described in application and plans in file.

NEW BUSINESS:

[10P-NB1-21](#)

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

[5P-NB1-22](#)

Application of the Talmudical Institute of Upstate New York, contract vendee, and [Additional Info](#) the Brighton Central School District, owner, for Preliminary Site Plan Approval, Preliminary EPOD (watercourse) Permit Approval and Preliminary Conditional Use Permit Approval to construct a 23,000 +/- sf building addition (with an additional 8,700 sf future phase), to re-purpose the former Brookside School for the use by the Talmudical Institute of Upstate New York Residential High School and make other site improvements on property located at 1666 South Winton Road. All as described on application and plans on file. **TABLED AT THE JULY 20, 2022 MEETING - PUBLIC HEARING REMAINS OPEN. POSTPONED BY APPLICANT TO THE SEPTEMBER MEETING**

[5P-NB2-22](#)

Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC, contract vendee for Preliminary Site Plan Approval to construct a 968 +/- sf gas pump canopy, renovate an existing 1,278 sf building, install two gas pump islands, and make additional site improvements for the purpose of operating a Quicklee's gas station and convenience store on property located at 3108 East Avenue. All as described on application and plans on file. **TABLED AT THE MAY 18, 2022 MEETING - PUBLIC HEARING REMAINS OPEN. POSTPONED BY APPLICANT TO THE SEPTEMBER MEETING**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Pamela and Scott Stewart, 474 Allens Creek Road, dated July 15, 2022, in opposition to applications 5P-NB2-22, 3108 East Avenue.

Letter from Nancy Williams and Carl Sardegna, 999 Allens Creek Road, dated July 19, 2022, in opposition to applications 5P-NB2-22, 3108 East Avenue.

Letter from Julie Jackson-Ray, 3861 Elmwood Avenue, dated July 18, 2022, in opposition to applications 5P-NB-22, 3108 East Avenue.

Letter from Allan Lesser, 144 Glenhill Drive, dated July 19, 2022, with comments and concerns regarding 5P-NB1-22, 1666 Winton Road South.

Letter from Bruce and Pam Baker, 500 Allens Creek Road, dated July 19, 2022, in opposition to applications 5P-NB2-22, 3108 East Avenue.

Letter, with attachment, from Howard Kravitz, Re/max Commercial, dated July 27, 2022, withdrawing application 7P-04-22, 1220 Brighton Henrietta Town Line Road.

Letter from a group of residents within Evans Farm, dated August 4, 2022 with comments, concerns and proposed conditions for applications 5P-02-22 and 5P-NB1-22.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated August 5, 2022, requesting adjournment of application 5P-NB2-22.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated August 5, 2022, requesting adjournment of application 10P-NB1-21.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated August 11, 2022, requesting adjournment of application 5P-02-22, and 5P-NB1-22.

Letter from James and Kathryn Whorton, dated August 12, 2022 with comments, concerns regarding applications 5P-02-22 and 5P-NB1-22.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	YPE OF SIG N	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
1655	Tipsi Wine and Liquor 30 Jefferson Road	Bldg Face	7/26/22
ARB - Tabled 1. The proposed sign has a lot going on. This creates a legibility issue, especially as read from driving speed and distance.			
1656	Tenant Names 3450 Winton Place	Directory Sign	7/26/22
ARB - Approved with conditions 1. Sign panel/box/supports shall be charcoal gray 2. All tenants shall have the same typeface			
1657	Lucky Folk 1470 Monroe Avenue	Bldg Face Sig	
HPC Review required - to be done at their 8/23/22 meeting.			
1658	Tenant Names 2601 Lac De Ville Blvd.	Directory Sign	7/26/22
ARB - Tabled 1. Details on proposed material(s) 2. Details on sign construction, how individual tenant info slats will be attached, overall height from ground, depth of sign panel/box, “cornice” treatment 3. Oval address numerals overlaps ‘Lac De Ville’ text 4. Higher resolution visualization images			

July 15, 2022

To: Town of Brighton Planning Board
Re: 5P-NB2-22 Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC

Dear Planning Board,

We're writing to express our strong opposition to granting a use variance for the proposed Quicklee's gas station at 3108 East Avenue. The size and scope of the proposed business, the intended hours of operation, and the proposed 17' high x 22' x 44' lit canopy would not only be a lasting detriment to the surrounding residential district but would further result in the permanent, allowable use of the parcel as a gas station which is opposed by neighboring residents. Gas station businesses should only be allowed in Brighton where permitted by existing zoning, and preferably within our commercial districts. We therefore request that any variances for use, parking or other requirements of this proposal not be granted. We reside in an area of single-family homes, senior housing and schools. A new gas station is not presently permitted under our zoning law and is not supported by the community members who would bear its negative impacts.

The purpose of zoning is sometimes misunderstood as being designed to reflect or fit conditions of use that presently exist, but we know its best use is as a tool that enables a community to pursue a vision for its future. People sometimes argue against reducing FAR or increasing minimum lot size when enacting changes would make what already exists non-conforming. But the critical point is that zoning allows towns and residents to influence the incremental changes they want to see realized going forward.

The right to operate a gas station at 3108 East Avenue expired many years ago and is not within our community's vision for our future. If demand for a gas station was high enough among community members, the property would not have sat idle for as long as it has. It's been 7 years since gas pumps operated on the site and 5 years since automotive service ceased. The right for preexisting, non-conforming status to apply to this parcel has clearly expired. Additionally, public policy and the automotive industry are moving toward a future of electric vehicles charged primarily at home in residential districts. It makes no sense to override the existing zoning applicable to this property to allow a prohibited use, or to grant variances for a project residents are steadfastly opposed to, especially when 10 years from now, the business of selling gas is expected to be in sharp decline.

Upholding the existing zoning regulations provides us with an opportunity to optimize commercial and residential development in a way that it is both beneficial to residents and forward looking. Allowing this proposal by granting Quicklee's a variance for use would have the opposite effect.

Sincerely,

Pamela and Scott Stewart
474 Allens Creek Road
Rochester, NY 14618



Fwd: (5P-NB2-22 Application by Bristol Valley Homes and Quicklee')

1 message

Rick DiStefano <rick.distefano@townofbrighton.org>

Tue, Jul 19, 2022 at 4:19 PM

To: Jeff Frisch <jeff.frisch@townofbrighton.org>

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

From: **Nancy Williams** <nwilliamsuae@aol.com>

Date: Tue, Jul 19, 2022, 3:15 PM

Subject: (5P-NB2-22 Application by Bristol Valley Homes and Quicklee')

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

Dear Mr Distefano,

My husband and I are the first house on the left from East Ave on Allens Creek Road. (#999). It makes utterly no sense to add a facility like a Quicklee anywhere near this neighbor. ...and it is impossible to imagine any valid reason to grant a zoning variance that would allow such a facility here. The normal traffic does not need an emergency gas fill...(there are many gas stations within a very short distance...in commercial areas where they belong, nor would anyone have a desperate need for whatever they will be selling. We are surrounded by proper commercial areas where all of our needs and theirs can be met. And a large lighted awning...into the wee hours of the morning...or is it all night??? is the last thing a lovely residential neighborhood like this needs. Our neighborhood is utilized for tricycles, prams, first bikes, and casual walks. Cars zooming in and out to a Quicklees...for a quick fix of something...does not trump the quiet needs of this residential neighborhood. Please consider the already enormous taxes we pay, and do not let the taxes that a Quicklees might pay ...distort your thinking.

Many thanks
Nancy Williams
Carl Sardegna



3861 Elmwood Avenue
Rochester, NY 14610
July 18, 2022

To: Brighton Planning Board
From: Julie Jackson-Ray
Re: property Variance

The property at 3108 East Avenue is seeking a variance to establish a service station. I am opposed to the variance being granted. East Ave is a distinguished boulevard in Rochester. There are no other commercial retail businesses operating along East Avenue for several miles and this one is not in keeping with the norms of the area.

Brighton has strict rules on such items as signage, in order to preserve the neighborhood aesthetic of the town. Simple signage is much less objectionable than a service station and convenience store that is open way past time when the neighborhood is incredibly quiet. If the variance is granted, there will undoubtedly over flow from the station into the neighborhood, disrupting the ambiance that we appreciate. If the Planning Board is truly interested in maintaining an promoting an atmosphere of pleasant neighborhoods, this is a step in the wrong direction.

My husband and I have lived at 3861 Elmwood Ave for 32 years. We worked with Sandra Frankel on extending the sidewalk along Elmwood from Brookside to East Ave. I never could have imagined how much a positive impact the sidewalk has made in our neighborhood. It is used daily by young and old. Contrary to this having cars entering and exiting the station, it's bright lights on into the late evening, and the potential negative aspects of having alcohol for sale. Simply stated, the service station adds nothing to the neighborhood, only detracts.

The service station does not serve the needs of the area, and will only be a permanent eyesore. The current abandoned service station is already offensive. Moreover, it is my understanding that no residential neighbors have been contacted by those seeking the variance as to their opinions on the use of the property. It is clear that there is little, if any, support from those living in the area.

I strongly encourage the Planning Board to reject the request. Additionally, I hope the Planning Board goes a step further and seek some use for the property that is in keeping with the neighborhood, and actually enhances the community. The proposal does neither of these. Reject the application.

Sincerely,

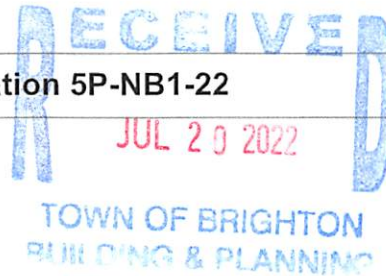

Julie Jackson-Ray





Resident comment on Planning Board Application 5P-NB1-22

Allan Lesser <alessers58@me.com>
To: jeff.frisch@townofbrighton.org



Tue, Jul 19, 2022 at 10:05 PM

Dear Planning Board members,

My name is Allan Lesser and I reside at **144 Glenhill Dr** in the Evans Farm neighborhood.

As you are aware there is great interest in the Evans Farm neighborhood about the sale and subsequent development of the property at **1666 South Winton Rd**. I have reviewed several documents related to Application Number 5P-NB1-22 which is on the agenda for your Town of Brighton Planning Board meeting on July 20, 2022 and have three main points I would like you to consider as you evaluate this application.

First I would like to refer you to a letter sent to the Planning Board, dated June 8, 2022, from Mark Henderson of the Jewish Federation of Greater Rochester. He was writing to the board in his capacity as Director of Jewish Community Security and was asked by the developer of the property, The Talmudical Institute of upstate New York (TIUNY), to review security concerns for their proposed residential school on the property. As a Jewish person I share his concern about the potential of targeted violent activity from antisemitic elements at the future campus of TIUNY. By closing off the entrance at the east side of the property at Idlewood Drive to all but emergency vehicles, it will allow TIUNY to better manage security on the property.

Next I would like to refer you to an undated memorandum written by Matt Tomlinson of Marathon Engineering, subject: Loop Road Extension/ Idlewood Entrance Abandonment Memorandum. In this document he refers to two alternatives for a loop road to access the east side of the existing building from the South Winton Road entrance of the property. Based on his stated estimate of cost, both of these solutions are very close to each other and the north loop would be less disruptive to the proposed dormitory that is going to be built by TIUNY.

More important is the misinformation communicated by Mr. Tomlinson concerning Pedestrian Safety/ Sidewalk Districts. To my knowledge there is no desire by residents in the Evans Farm neighborhood for a sidewalk. In general Evans Farm is considered a walkable neighborhood as is, without sidewalks. This is due to the lack of "cut through" traffic. The only exception is the slight increase in the morning and afternoon due to the Montessori school along Idlewood to the east entrance of the

[1666 South Winton Road](#) property. In fact, my recollection is that a sidewalk was brought up by a Montessori parent during a Planning Board meeting last winter via zoom. The discussion was about traffic/pedestrian safety concerns between Evans Lane and the Idlewood entrance to the property. The parent has a desire to walk her child to school since they live on the other side of Westfall and proposed a sidewalk. By the time a sidewalk would be built her child will no longer be enrolled in the Montessori school. Also it possible that Montessori school may no longer be a tenant by the time a proposed sidewalk would be completed. Again, any discussion of a sidewalk is a distraction, a red herring, that to my knowledge no one in the neighborhood is in favor of being built.

Lastly I reviewed the letter from Marathon Engineering to the Planning Board dated July 1, 2022. This letter is a reply to questions the Planning Board asked the engineering company about details on this project. It is fairly straightforward, point by point answers to questions on various issues related to the details on the project, construction, etc. I may have missed it but one specific item I was looking for was a plan for moving equipment and materials to the site for building the addition to the existing building. What I was hoping to find was restrictions on access to the property from the residential neighborhood, Idlewood Drive, for cranes, earthmoving equipment, dump trucks, cement trucks, delivery trucks with structural steel and other items, etc. If the bridge from South Winton Road isn't rated for those types of loads, this is an issue that needs to be addressed before approval of the site plan.

In summary I am in agreement with my neighbors in Evans Farm who have expressed their desire to take advantage of this project to close the driveway from Idlewood Dr to the old bus loop at the former Brookside School. To be blunt there is nothing to restrict the developer of the property from either renting other space in the sections of the building not in use or try to subdivide the parcel in the future to recoup their costs. The Planning Board needs to lock in changes to vehicle access to the [1666 South Winton Road](#) property from the neighborhood now.

Thank you for taking the time to read my thoughts on this project. The work you do on the Town of Brighton Planning Board is an important process and I can only imagine how challenging it can be. I am confident you will make every effort to make the best decision for the taxpayers and residents of the town and from the bottom of my heart I say THANK YOU.

Best regards,
Allan Lesser

Sent from my iPad





Jeff Frisch <jeff.frisch@townofbrighton.org>

Quicklee's Service Center--3108 East Avenue, Town of Brighton--Application No. 5P-NB2-22

Baker, Bruce <BBaker@nixonpeabody.com>

Tue, Jul 19, 2022 at 10:34 PM

To: "jeff.frisch@townofbrighton.org" <jeff.frisch@townofbrighton.org>

Dear Mr. Frisch—we are residents of [500 Allens Creek Road](#), and have lived at this address for 32 years. While our front yard is in the Town of Pittsford, a portion of our back yard is part of the so-called “Old Mill Parcel” and is within the Town of Brighton. We pay taxes in both towns, and one of our daughters went to Brighton High School and another to Pittsford Sutherland (at different times). We have watched, over these many years, as Allens Creek Road (“ACR”) has become increasingly busy (my personal theory is that when the Can of Worms was closed for rebuilding, thousands of commuters “discovered” the alternative route of using ACR as a shortcut to get to Monroe Avenue and Clover Street and that it never again returned to being a road primarily serving Allendale Columbia School and a residential neighborhood). We have objected to the development of the Whole Food Plaza on Monroe Avenue because it is disproportionately large for its site and because of the amount of traffic that it will draw, not just customer cars but delivery trucks, many of which will arrive and leave during the night.

Although the Town of Brighton did not stand up for its residents with respect to the Whole Foods Plaza, the same government has the opportunity to salvage its reputation by denying the variance application requested by the Quicklee's developer for the [3108 East Avenue](#) site. In some important respects, the presence of a 24/7 service station and convenience store at the end of ACR and Elmwood Avenue would be even more damaging to the character of the neighborhood than the Whole Foods Plaza, because it will attract customers during the nighttime from I-490 and neighboring towns, and will increase traffic during the daytime when buses and cars are entering and leaving the Allen Creek School. My mother and father-in-law were both residents of The Friendly Home during their last years, and it was an oasis of quiet that they both treasured. Having worked from home for the past two years, I have a new appreciation for the number of fire trucks and ambulances that use ACR. I can similarly note that I cannot remember seeing a sheriff's car parked along ACR during this time monitoring speed, and that I have seen cars rocket past our house at 50-60 mph, often at night. All of these considerations, in our view, militate against granting the application for a zoning variance for a 24/7 gas station and convenience store. There is no justification, given the proximity of gas stations and grocery and drug stores on Monroe Avenue, for a 24/7 gas station and convenience store in the midst of the Brookside neighborhood and on the same side of the street as a fire station, nursing home and elementary school. Were this not such a serious matter, it would seem almost laughable to view an application like this as meritorious given how utterly incompatible the proposed use is compared with the adjacent users. A final point: would the Brighton Police Department have jurisdiction over this facility, or would the Sheriff be expected to patrol it? It is obvious by watching the news that 24/7 gas stations and convenience stores are a magnet for armed robberies, particularly at night. This would seem to be an especially attractive location for potential armed robberies, since someone could “hit” the store and then quickly escape onto I-490—just what we need in our neighborhood!

Please deny this application!

Respectfully,

Bruce and Pam Baker

[500 Allens Creek Road](#)

[Rochester, NY 14618](#)





Rick DiStefano <rick.distefano@townofbrighton.org>

FW: Herc - Rochester, NY

howard@kravetzrealestate.com <howard@kravetzrealestate.com>

Wed, Jul 27, 2022 at 5:34 PM

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

Cc: bill.moehle@gmail.com, Paul DeCarolus <paul@decarolis.com>, Mark Williams <mark.williams@decarolis.com>, Dave DiMarco <ddimarco@woodsoviatt.com>

Rick,

Attached is the termination letter from HERC Rentals for their proposed lease at 1220 Brighton Henrietta TL Rd.

This is extremely disappointing, and in our opinion an example of the town being "unfriendly to business"

HERC's intended use is very similar to the previous tenant's, on BHTL Rd , a totally industrial area.

I understand the planning board has it's due process yet this should be have been a simple approval.

Best regards,

Howard

Howard D. Kravetz

Associate Real Estate Broker

RE/MAX 1st Commercial

10 Grove Street

Pittsford, New York 14534

Ofc:(585)218-6842

Cell:(585)314-8080

E-fax:(585)218-2818

Howard@KravetzRealEstate.com

www.KravetzRealEstate.com





Herc Rentals Inc.
27500 Riverview Center Blvd
Bonita Springs, FL 34134
HercRentals.com

July 27, 2022

Via Federal Express

Mr. Paul DeCarolis
Mt. Read-Emerson Street Properties, LLC
333 Colfax Street
Rochester, NY 14606

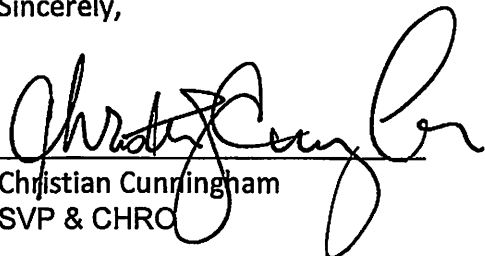
**RE: Lease Termination Notice - Herc #9220, 1220 Brighton Henrietta Town Line Road,
Rochester, New York 14623**

Dear Mr. DeCarolis:

Pursuant to Section 2 (c) of the Lease Agreement April 22, 2022, by and between Mt. Emerson-Read Street Properties, LLC ("Landlord"), and Herc Rentals Inc. ("Tenant"), Landlord is hereby notified that the Tenant has elected to terminate the Lease effective immediately.

If you should have any questions or concerns regarding the above, please contact Richard Catalan, Manager of Real Estate, at 239-301-1348.

Sincerely,



Christian Cunningham
SVP & CHRO

RECEIPT ACKNOWLEDGED:

Paul DeCarolis

Dated: _____

cc: Howard Kravitz via email: howard@kravetzrealestate.com

AUG 04 2022

Requested condition for applications 5P-NB1-22 and 5P-02-22

1 message

TOWN OF BRIGHTON
BUILDING & PLANNING

Thu, Aug 4, 2022 at 11:53 AM

jmassare@aol.com <jmassare@aol.com>

Reply-To: jmassare@aol.com

To: "jeff.frisch@townofbrighton.org" <jeff.frisch@townofbrighton.org>, "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Cc: "warrickpeg@gmail.com" <warrickpeg@gmail.com>, "setholmes@gmail.com" <setholmes@gmail.com>, "nathanaudreys@gmail.com" <nathanaudreys@gmail.com>, "phriendly2001@hotmail.com" <phriendly2001@hotmail.com>, "tcbeach@gmail.com" <tcbeach@gmail.com>, "rwarrick215@gmail.com" <rwarrick215@gmail.com>, "casey.sacco@gmail.com" <casey.sacco@gmail.com>

Dear Mr. Frisch, Mr. DiStefano, and the Planning Board,

At the end of the July 20 Planning Board meeting, there was some discussion concerning what conditions the Planning Board could or could not impose on applications 5P-NB1-22 and 5P-02-22 in response to the concerns of the Evans Farm neighborhood. We have read portions of the Town Code that address the authority of the Planning Board, and have modified our requests accordingly. For your convenience, we have included the text of relevant sections of the Town Code in an attachment to this email.

The following conditions meet the intention of our initial request for closing the Idlewood Road entrance to the Brookside property (Condition 1 in our letter of April 4) without involving any changes to the 'stub road' owned by the Town of Brighton, nor requiring that TIUNY build a driveway linking the west and east sides of the property. We herein request that the Planning Board include these three conditions in the permit for application 5P-NB1-22, and the first condition in the permit for application 5P-02-22.

Condition 1. The Montessori School community will be the ONLY user of the Idlewood Road entrance to the property at 1666 South Winton Road, with this access expiring at the end of 2023.

This reflects what TIUNY has already stated in its application but we would like this clearly stated in the Conditional Use Permit for both applications. In addition, we request that the Planning Board allow this access only until the end of 2023. Town Code Section 217-6D gives the Planning Board the authority to specify a term for the Conditional Use Permit, specifically "A conditional use permit shall become void one year after approval unless, by conditions of the use permit, greater or lesser time is specified as a condition of approval..." Section 217-F reinforces this authority by stating: "The Planning Board may require that conditional use permits be periodically renewed after notice and a public hearing to determine if the original conditions have been complied with..."

Condition 2. Once TIUNY occupies the property (after the first phase of construction of the new wing), all occupants/tenants will access the property only from the Winton Road entrance. This is within the authority granted to the Planning Board per Town Code Section 217-4. Specifically, the Planning Board can control "the location and number of vehicle access points." Our request asks that the Planning Board allow only a single vehicle access point, namely via Winton Road/Columbus Way. We feel that this will also meet the requirements of Town Code section 217-5, "that both pedestrian and vehicular traffic to and from the use ... will not be hazardous or inconvenient to, or incongruous with, the said residential district". We have already established that existing conditions are hazardous and inconvenient to Evans Farm neighbors, and the proposed plans do not change the situation for the better. We realize that this might inconvenience the owners, but a variety of creative solutions exist to remedy that inconvenience. Moreover, there are two entrances to Brookside School from the west side parking area, and three entrances on the south side (adjacent to the toddler playground) that will be accessible at the end of the proposed service road.

Condition 3. Once TIUNY occupies the property after the first phase of construction, they will install a fence, gate, bollards, line of trees or similar barrier along their property line adjacent to the end of the 'stub road' from Idlewood Road. This will minimize disturbance of the neighborhood and ensure that only the Winton Road entrance is used. The Planning Board has this authorization according to Town Code section 217-4 stating that the Planning Board can require "fencing, screening or other facilities and/ or preservation and/or planting of trees and landscaping to protect adjacent or nearby property"

According to the Section 217-B, "In order to grant any conditional use, the Planning Board shall find that the establishment, maintenance or operation of the use applied for, under the circumstances of the particular case, will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood..."

We therefore sincerely hope that the Planning Board will consider these conditions in light of our previous requests that were supported by 270 residents of Evans Farm. Should the Town lawyer disagree with our reading of the Town Code, then unfortunately, the Planning Board has no alternative except to vote 'no' on the two applications for Conditional Use permits (5P-NB1-22, 5P-02-22) in order to protect the interests of taxpayers in the Evans Farm neighborhood.

Thank you for your consideration and time.

Tim Beach - 200 Idlewood Road; tcbeach@gmail.com
Seth Holmes – 182 Idlewood Road; setholmes@gmail.com
Judy Massare – 126 Idlewood Road; jmassare@aol.com
Vickie Reina – 62 Poplar Way; phriendly2001@hotmail.com
Casey Sacco – 20 Dartford Road; casey.sacco@gmail.com
Audrey Shroeder – 190 Idlewood Road; nathanaudreys@gmail.com
Peg Warrick – 215 Idlewood Road; warrickpeg@gmail.com
Ray Warrick – 215 Idlewood Road; rwarrick215@gmail.com

 **Relevant Sections of Town Code.pdf**
20K



Jeff Frisch <jeff.frisch@townofbrighton.org>

Planning Board Application 5P-NB2-22 -- 3108 East Avenue

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

Fri, Aug 5, 2022 at 10:16 AM

To: Jeff Frisch <jeff.frisch@townofbrighton.org>

Cc: "Brugg, Betsy D." <bbrugg@woodsoviatt.com>, "Volpe, Courtney J." <cvolpe@woodsoviatt.com>



Jeff-

On behalf of the applicant, we hereby request that the above referenced application be adjourned from the Planning Board's meeting of August 17 to allow the applicant's representatives to process its use and area variance applications to the Zoning Board of Appeals. We hope to be ready to proceed with the Planning Board at its September 21 meeting.

As always, thank you very much for your courtesy.

Thanks 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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[Quoted text hidden]



Jeff Frisch <jeff.frisch@townofbrighton.org>

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

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

Fri, Aug 5, 2022 at 10:18 AM

To: Jeff Frisch <jeff.frisch@townofbrighton.org>

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

<rick.distefano@townofbrighton.org>, Ken Perelli <k.perelli@quicklees.com>, "Quicklee's-

Lou Terragnoli (l.terragnoli@quicklees.com)" <l.terragnoli@quicklees.com>, "John H.

Sciarabba (john@landtechny.com)" <john@landtechny.com>



Jeff-

We would request that the above referenced application continue to be adjourned from the August 17 Planning Board agenda as the applicant and the Town continue to proceed with the early stages of the desired Incentive Zoning process.

[Quoted text hidden]



Jeff Frisch <jeff.frisch@townofbrighton.org>

Talmudical Institute Applications 5P-02-22 and 5P-NB1-22

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

Thu, Aug 11, 2022 at 11:24 AM

To: Jeff Frisch <jeff.frisch@townofbrighton.org>

Cc: "Brugg, Betsy D." <bbrugg@woodsoviatt.com>, "Volpe, Courtney J." <cvolpe@woodsoviatt.com>

Jeff-

On behalf of the Talmudical Institute, we hereby request that the above referenced applications be adjourned off the August 17 Planning Board agenda to allow us to address comments received on the applications. We expect to be ready to proceed at the September 21 meeting of the Board.

Best and stay safe,



Jerry

Jerry A. Goldman, Esq.

Partner

Direct Dial: 585-987-2901

Direct Fax: 585-362-4602

jgoldman@woodsoviatt.com

Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

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Jeff Frisch <jeff.frisch@townofbrighton.org>

Comment for Aug 17, 2022 meeting on Brookside School plans

James Whorton <jameswhortonjr@gmail.com>

Fri, Aug 12, 2022 at 6:13 PM

To: jeff.frisch@townofbrighton.org

Cc: kate whorton <katwhorton@gmail.com>

Dear Mr. Frisch,

We're writing with a comment for the August 17, 2022 meeting of the Planning Board. Our comment has to do with the sale of the Brookside School property.

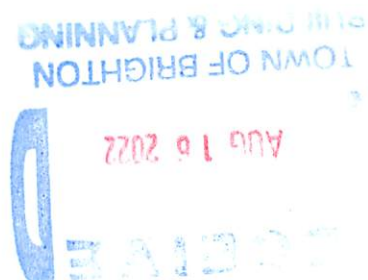
We welcome the prospect of the Talmudic Institute joining our neighborhood. Our concern is preserving public access to Allens Creek where it runs through state-owned land to the north of the Brookside lot (1650 S. Winton Road); and also pedestrian and bicycle access to Winton Road from inside the Evans Farm neighborhood, from Idlewood Road.

Our public land means a lot to us in Brighton: we have the wonderful, always-changing Brickyard Trail; the Auburn Trail, great for walking and biking; the winding trails at Meridian Center Park; the walking trail at Buckland Park; and the wooded hill at Brighton Town Park, among others. People in Brighton want to walk through natural habitat, close to water and under trees, surrounded by chipmunks, birds, and the occasional turtle or garter snake. Let's preserve a public right-of-way through the Brookside school property so that people can maintain this connection to wild places in Brighton.

If we are not mistaken, something like this was arranged with the Brickyard Trail: a developer built The Landing at Brighton, and the town got the benefit of the Brickyard Trail connecting Westfall and Elmwood. Similarly, we now have a trail connecting Westfall and Elmwood between the SUNY Empire State College and St. John's Meadows. Why not the same between Evans Farm and Winton, leading into the open land at the corner of Winton and Westfall?

Sincerely,

James Whorton and Kathryn Whorton
4 Birmingham Drive
Brighton, NY 14617
(585) 730-9642



PLANNING BOARD REPORT

HEARING DATE: August 17, 2022

APPLICATION NO: 8P-01-22

APPLICATION SUMMARY: Application of Wendy Freida and Bruce Dan, owners, for Site Plan Modification to allow for changes to grading and stormwater control in conjunction with the construction of a new home (2P-02-21) on property located at 575 Winton Road South.

COMMENTS:

- The subject property is presently zoned RLB Residential Low Density.
- The owners demolished each of the existing homes, merge the properties, and construct one single-family home.
- Approved site plan was modified to alter stormwater, grade, add 'Artificial Grass'.
- Site plan does not seem to match calculations and the removal of proposed 'turf' material.
- Calculations seem to not be accurate to Town requirements.
- The total project area is 0.7 acres.
- The project has obtained the following variances and approval from the Zoning Board of Appeals:
 - Application 1A-07-21 - To allow rear setback for the new home is 35.5', or 5.5' less than the Code minimum.
 - Application 1A-06-21 - To allow two access points from any lot to any street.
 - Application 1A-08-21 - Temporary and Revocable permit to allow two dwellings on one lot while the proposed house is being constructed.
- The architectural design and building materials of the proposed buildings have been reviewed and approved by the Town of Brighton Architectural Review Board. **1AR-2-21**

CONSERVATION BOARD: No Comment

TOWN ENGINEER:

- See memo from Town Engineer, Evert Garcia, dated August 14, 2022.

QUESTIONS:

- What has changed on the Site Plan since the previous approval?
- Do these changes comply with the approved changes?
- Has the project been reviewed by the Conservation Board?
- Will the project meet the NYS Guidelines for Urban Erosion and Sediment Control?

SEQRA:

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

APPLICATION:

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

1. All conditions of the Zoning Board of Appeals shall be met.
2. Provide a revised site plan showing proposed conditions and updated rear yard coverage calculations that meet Town standards.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
7. 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.

8. Maintenance of landscape plantings shall be guaranteed for three (3) years.
9. 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.
10. Erosion control measures shall be in place prior to site disturbance.
11. All comments and concerns of the Town Engineer as contained in the attached memo dated August 14, 2022 from Evert Garcia, Town Engineer, to Jeff Frisch, shall be addressed.
12. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 8P-01-22

Date: August 17, 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: 575 Winton Rd South

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Site Plan Modification to allow for changes to grading and stormwater control in conjunction with the construction of a new home (2P-02-21) on property located at 575 Winton Road South.

Location: 575 Winton Road South

Reasons Supporting This Determination:

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

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.
4. The requirements of the State Environmental Quality Review Law have been complied with.
5. The duration of all impacts will be short term in nature.

6. There will be no resources of value irreversibly lost.

For further information:

Contact Person: Rick Distefano, Environmental Review Liaison Officer

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

Telephone: (585)784-5228

Date: August 14, 2022

From: Evert Garcia

To: Jeffrey K. Frisch

Copy: File

Re: *Application No. 8P-01-22*
Wendy Freida and Bruce Dan, Owners
Site Plan Modification to allow for changes to grading and stormwater control in conjunction with the construction of a new home.
575 Winton Road South

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 site modification notes on this sheet indicate that a portion of the impervious turf area (940 sq.ft.) will be converted to a pervious lawn. The applicant's engineer indicated that the submitted plans depict the proposed reduction in the turf area. However, a cursory review of the turf area depicted on the plans indicate that this area is much larger than the 537 sq.ft. which is to remain per the plan notes. Please review and clarify.
2. Drainage end sections should be provided on both sides of the proposed 8" pipe. A detail for the drainage end section should be included on the plans.
3. Spot elevations should be provided for the proposed berm along the northern property line.
4. Can the proposed swale along the northern property line be revised to provide a gentler transition from point discharge to overland flow?
5. Will the installation of the 4" perforated pipe require temporary construction access from the neighbors at 50 Rhinecliff Drive? It appears that the boulders along the western property line will have to be relocated to accommodate the 4" perforated underdrain.

PLANNING BOARD REPORT

HEARING DATE: 08/16/22

APPLICATION NO: 8P-02-22

APPLICATION SUMMARY: Application of Paychex of New York, LLC, owner, and Golisano Business COE, Inc., agent, for conditional Use Permit Approval to allow for a college to be located at 150 Sawgrass Drive.

COMMENTS:

- The subject property is presently zoned BE-1 Office & Office Park.
- Written information, a site plan, and a floor plan have been submitted
- The application states that the school wishes to occupy the entire building once occupied by General Railway Signal/Alstom and Paychex.
- The school proposes to occupy the entire 125,000 sf located on the 10.4 acre site. Breakdown of spaces was not quantified but floorplans were submitted.
- Proposed full capacity, there will be 50-60 staff and faculty, and 500 students. They are expecting 250 students the first year. It was previously occupied by 650 employees.
- Proposed hours of operation are 8:00 am to 1-1:30 pm Mon, Tue, Thur, Fri, and 8:00am to 11:00 on Wednesdays.
- The traffic report noted a reduction 15% in morning peak hour trips and 13% for evening peak hour trips compared to a fully occupied office building.
- A parking analysis has been submitted with the site plan that shows the addition of parking and appears to be from the previous use. The proposed parking on the plan appears to be installed and required parking was calculated as (1:250 sf), and there seems to be an excess of parking spots. Calculations describing needs of the currently proposed use were not submitted.
- No site or external building modifications are proposed at this time.
- Zoning Board of Appeals granted a variance to allow parking spaces to be 8.5 ft x 18 ft. in lieu of the minimum 9ft x 18 ft required by code.

CONSERVATION BOARD: N/A

TOWN ENGINEER: N/A

QUESTIONS:

- What is the use and what programs will be offered?
- Please explain what the occupancy will be the first year and what parts of the building will be occupied?
- The site plan shows area of new pavement but those areas appear to already be installed, are there going to be any modifications to the plan?
- Provided parking analysis seems to be for the previous occupant. Do you see parking requirements being largely different than the provided analysis?
- Will there be food preparation on site for students? Did the building previously provide food service on site?
- Are any changes proposed outside the building? Are any activities proposed or anticipated outside of the building?
- Do you propose or foresee future expansion of the facility? How do you plan to accommodate future growth?
- Do you foresee any future change in the academic programs offered?
- Is any new lighting proposed?

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 as a school complies with the standards of the Office & Office Park (BE-1) District.
2. The Planning Board finds that the proposed use as a school, is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the school, 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 a school at this location, on a property currently being used for office uses, in an Office & Office Park area 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 school 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 school in an existing building on a site designed for such office 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 school in 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 school 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 school essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives
 - Objective B. Foster a mix of residential and commercial investment that promotes the vitality, density, and walkability of local activity centers.
 - Objective E: Provide support for local businesses, entrepreneurs, institutions, and enterprises to attract and retain local talent and increase access to local goods.
9. The location and size of the proposed school conditional use, the nature and intensity of the operations involved, its site layout and relation to existing pedestrian and vehicular circulation are such that the proposed school will not be hazardous or inconvenient to or incongruous with the surrounding uses, nor the neighboring uses along Westfall Road or on Sawgrass Drive.
10. The location, height, and orientation of the existing building in which the proposed school will operate and the nature and extent of the existing landscaping on the site are such that the proposed school 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. All requirements of the Town of Brighton's Department of Public Works shall be met.
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.

3. All required building permits shall be obtained.
4. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
5. Any change in programs offered or use of indoor or outdoor space shall require review by the Building and Planning Department and may require further Planning Board approval.
6. Any new signage must receive all necessary Town approvals. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted.
7. All Monroe County Development Review Committee comments shall be addressed.
8. All conditions of the Zoning Board of Appeals regarding parking space size shall be met.
9. Any external modifications shall be approved by the Town of Brighton Architectural Review Board prior to the issuance of any building permits.
10. 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.
11. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
12. The parking lot lights shall be placed on a timer.
13. Applicant shall comply with the requirements of §207-14.2 of the Comprehensive Development Regulations regarding refuse and grease handling, cleaning of exhaust hoods/vents and other applicable regulations.
14. 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.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 8P-02-22

Date: 8/17/2022

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: 150 Sawgrass Dr

SEQR Status: Unlisted

Conditioned Negative Declaration: /No

Description of Action: Application of Paychex of New York, LLC, owner, and Golisano Business COE, Inc., agent, for conditional Use Permit Approval to allow for a school to be located at 150 Sawgrass Drive.

Location: 150 Sawgrass Drive

Reasons Supporting This Determination:

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

1. No threatened or endangered species of plants or animals will be affected by this project.
2. The requirements of the State Environmental Quality Review Law have been complied with.
3. There will be no resources of value irreversibly lost.
4. The Planning Board finds traffic will result in an acceptable level of service.

For further information:

Contact Person: Rick Distefano, Environmental Review Liaison Officer

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

Telephone: (585)784-5228