

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF SEPTEMBER 21, 2022
Brighton Town Hall
2300 Elmwood Avenue

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.

FINAL AGENDA

7:00 P.M.

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 August 17, 2022 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of September 15, 2022 will now be held.

[5P-02-22](#) Application of the Talmudical Institute of Upstate New York, contract vendee,
[Additional Info](#) and the Brighton Cental School District, owner, for Conditional Use Permit
[Sept Letter](#) 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. THERE WILL BE NO PUBLIC HEARING HELD DUE TO LACK OF QUORUM, APPLICATION WILL BE HEARD AT THE OCTOBER MEETING.**

[8P-02-22](#) Application of Paychex of New York, LLC, owner, and Golisano Business COE,
[Sept Letter](#) 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. **TABLED AT THE AUGUST 17, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

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 THE APPLICANT TO THE OCTOBER MEETING**

[5P-NB1-22](#) Application of the Talmudical Institute of Upstate New York, contract vendee, and the Brighton Cental 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. THERE WILL BE NO PUBLIC HEARING HELD DUE TO LACK OF QUORUM, APPLICATION WILL BE HEARD AT THE OCTOBER 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 THE APPLICANT TO THE OCTOBER MEETING**

[9P-NB1-22](#) Application of Kim Bailey, Stahl Properties, owner, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single family home and construct a 5,545 +/- sf single family home with a 900 sf attached garage on property located at 12 Elmwood Hill Lane. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS: NONE

PRESENTATIONS: NONE

COMMUNICATIONS:

Letter from Michele Denber, dated August 19, 2022, in opposition to 5P-NB1-22, 1666 Winton Road South.

Letter, with attachment, from Jerry Goldman, Woods, Oviatt, Gilman, LLP, dated September 7, 2022, regarding application 8P-01-22, 150 Sawgrass Drive and its potential economic impact.

Letter from Mary Boyd, 1 Meadow Lane, dated September 8, 2022 regarding 3108 East Avenue.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated September 12, 2022, requesting adjournment of application 5P-NB2-22.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated September 12, 2022, requesting adjournment of application 10P-NB1-21.

Letter from a group of residents within Evans Farm, dated September 18, 2022 with comments, concerns and proposed conditions for applications 5P-02-22 and 5P-NB1-22.

Letter from Alex Wheeler, dated September 19, 2022, with comments, concerns, and in opposition to application 5P-NB1-22.

Letter from a group of residents of Evan's Farm, dated September 19, 2022, in support of application 5P-02-22.

PETITIONS: **NONE**

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
1655 Revised	Tipsi Wine and Liquor 30 Jefferson Road	Bldg Face	7/26/22, 8/23/22
ARB - Approved with conditions 1. Add serif on letter ‘p’			
1658	Tenant Names 2601 Lac De Ville Blvd.	Directory Sign	7/26/22, 8/23/22
ARB - Denied without prejudice. Applicant did not submit a revision or any additional information for August.			
1659	Prodigy Surgical	Bldg Face	8/23/22
ARB - Tabled 1. Provide more information (confirm that no variance is needed).			
1660	Wellnow Urgent Care 2750 Monroe Avenue	Bldg Face - 3 sides	8/23/22
ARB - Approved with conditions. 1. The signs shall receive all necessary ZBA approvals and/or Town Board approvals.			
1661	Chapter Aesthetic Studio 2750 Monroe Avenue	Bldg Face - 3 sides	8/23/22
ARB - Approved with conditions. 1. All necessary Zoning Board approvals shall be obtained.			
1662	Premium Mortgage / Avvino 2541 Monroe Avenue	Bldg Face	8/23/22
ARB - Approves as presented.			
1663	Whole Foods 2740 Monroe Avenue	Bldg Face - 3 signs	8/23/22
ARB - Approved with conditions. 1. Signs shall comply with all Incentive Zoning requirements.			

Follow up to ZBA Meeting 09-07-2022

1 message

Mary Boyd <mboyd4@rochester.rr.com>
To: rick.distefano@townofbrighton.org
Cc: Mary C Boyd <mboyd4@rochester.rr.com>

Thu, Sep 8, 2022 at 6:22 PM

Mr. Rick DiStefano
Secretary, Zoning Board of Appeals
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618



Dear Mr. DiStefano:

Thank you for the opportunity last evening to present the petition from the Brookside Neighborhood, opposing the following applications:

- Town Planning Board Application, 5P-NB2-22, May 18, 2022
- Zoning Board of Appeals, 8A-04-22, 8A-05-22, and 8A-06-22, August 3, 2022

In my remarks, I mentioned two articles on the National Park Service website. I'm enclosing links to the articles with a request that they be shared with the members of the Zoning Board of Appeals and, when convenient, with the Brighton Planning Board and the Brighton Historic Preservation Commission.

The articles are:

- The National Park Service Preservation Brief 46 on Historic Gas Stations (<https://www.nps.gov/tps/how-to-preserve/briefs/46-gas-stations.htm>)
- Restoration of Phillips 66 Gas Stations (<https://www.nps.gov/articles/000/restorations-of-phillips-66-gas-stations.htm>)

Both articles contain numerous examples of successfully repurposed vintage gas stations, examples *other than* a Quicklee's, which introduces:

- 4 gas pumps, which is an *increase* of 2 pumps;
- A convenience store, which was *never* part of the original gas station;
- No service bays—there were originally 2;
- A lighted canopy, which was *never* part of the original gas station;
- Alcohol sales, which were *never* part of the original gas station;
- Tobacco sales, which were *never* part of the original gas station; and
- Extensive operating hours, which were *never* part of the original gas station.

Some successful conversions include: coffee shops, ice cream parlors, bakeries, floral shops, medical supply stores, antique shops, visitor centers, offices for non-profit groups. Service bays have been converted to art galleries, photo studios, seating areas for coffee shops, and open office space. Some stations have even been rehabilitated for residential use. There are other uses mentioned in the NPS articles. There are alternative uses for 3108 East Avenue other than a Quicklee's—uses that pay close attention to the historic preservation of the building and uses that have the potential to be much more attractive to the neighborhood and beneficial to the community at large.

Thank you again for the opportunity to speak at last evening's meeting and thank you for your consideration of my request.

Yours truly,

Mary C. Boyd

Mary C. Boyd

1 Meadow Lane

Rochester, NY 14618-3431

585.248.0657 Home

585.576.1694 Cell

mboyd4@rochester.rr.com

150 Sawgrass Drive (Planning Board Application 8P-02-22)

1 message

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

Wed, Sep 7, 2022 at 3:04 PM

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

Cc: "Goliso- Matthew Ray (mray@golisanofoundation.org)" <mray@golisanofoundation.org>, "Goliso- Dale Twadokus (dale@victor-corporation.com)" <dale@victor-corporation.com>, Matt Tomlinson <mtomlinson@marathoneng.com>, "Town of Brighton- Ken Gordon (ken.gordon@townofbrighton.org)" <ken.gordon@townofbrighton.org>

Jeff-

Although the tabling Resolution did not contain specific items as deliverables or indicate that any deliverables be sent to the Town 2 weeks in advance of the meeting, our client has prepared the attached Economic Impact Analysis to speak to the Conditional Use Permit standard related to economic impact, as suggested. We would be most appreciative if this would be included in the drop to Board members.

If you have any questions, please do not hesitate to contact me.

As always, thank you very much for your courtesy.

Best and stay safe,

Jerry

Jerry A. Goldman, Esq.**Partner**

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- ATTORNEYS -

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Town of Brighton – Economic Impact Consideration

Golisano Business COE, Inc.

150 Sawgrass Drive, Rochester, NY 14620

Planning Board Discussion – September 21, 2022

Items to note –

- 1) When the town previously revised the zoning language for the BE-1 Zoning District, multiple organization types (libraries, museums, art galleries, schools, places of worship, botanical gardens and zoological gardens, of primarily historic, educational or cultural interest) who are predominantly 501c3 organizations and who would legally pursue property tax exempt status, were specifically written into the conditional permitted use for this zone.
- 2) Many properties near 150 Sawgrass Drive are currently tax-exempt properties (for example, Finger Lakes DDSO/ Empire State College and the Islamic Center).
- 3) This property could become tax exempt for permitted uses, such as medical offices, if the owner is a not-for-profit.
- 4) The Organization has the legal right under New York State's Real Property Tax Law to pursue and obtain a property tax exemption following its approval to be a 501c3 organization.
- 5) Current assessment for the property of \$13,585,400 grossly overvalues the market value of the property. Using their asking price of about \$10,000,000, the assessment would have either been reduced by the assessor or challenged.

Community Benefit – The organization is targeting 60-70 employees within 18-24 months. The target will be to draw candidates from the community. These will be high paying jobs with the average salary estimated to be above the Town's median household income.

Organization's goal – target to draw 250 individuals per year (city school, charter school, suburban, private/catholic, veterans, post-secondary transfers, for example) that will become **ENTREPRENEURIAL** minded candidates for local employers. In addition, some individuals will pursue their own business ventures in the community.

Apartment Communities – It is expected that a portion of the 250 individuals annually, will pursue living arrangements within the Town of Brighton.

Roads/Bridges – No incremental impact to the community. No new roads or bridges are necessary.

Traffic Lights – No incremental impact to the community. No new traffic lights are necessary.

Sewer System – No incremental impact to the community. The number of individuals using the property will be lower than the amount that occupied the building prior to March of 2020 (Pre-COVID).

Utilities – No incremental impact to the community. The number of individuals using the property will be lower than the amount that occupied the building prior to March of 2020 (Pre-COVID). Also, there are no expectations that the use of the property should draw more power or internet bandwidth than what was previously used.

Property Taxes -

****The 2023 tax assessment roll and assessable base will take into account changes in market values of current properties due to property sales and renovations/improvements (according to Redfin, in July 2022, Monroe County home prices were up 12.5% year over year), the addition of new residential and commercial properties (like Whole Foods Plaza), and movement of properties from taxable to tax exempt and from tax exempt to taxable.****

Thus it is not practical to estimate the impact specific to the tax rate per \$1,000 due to the extent of the variables noted above, as well as the Total Tax Levy (as compared to prior years) that the town, county and school will ask their constituents to approve.

Retail/Gas – Purchases of food, goods and gas could increase in the area from the influx of individuals who didn't previously live and/or work in the Brighton community.



Jeff Frisch <jeff.frisch@townofbrighton.org>

5P-NB1-22

Michele Denber <mdenber@gmx.com>
To: jeff.frisch@townofbrighton.org

Fri, Aug 19, 2022 at 2:30 PM

As a nearby Brighton resident, I want to express my strong opposition to this plan to repurpose the Brookside School.. A "23,000 +/- sf building addition (with an additional 8,700 sf future phase)" is enormous and would be grossly out of place in a quiet residential neighborhood. It would also lead to increased traffic on S. Winton Rd. which is already congested during the day.

In addition, we already have more than enough tax-exempt property in Brighton. As a taxpayer, I would effectively be subsidizing a project that I do not necessarily agree with. I respectfully request that application no. 5P-NB1-22 be denied. There is precedent for this back from when the Faith Temple wanted to construct a religious megaplex directly opposite the current site.

- Michele Denber





Jeff Frisch <jeff.frisch@townofbrighton.org>

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

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

Mon, Sep 12, 2022 at 9:40 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 September 21 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>

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

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

Mon, Sep 12, 2022 at 9:42 AM

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

Cc: "Town of Brighton-Rick DiStefano (rick.distefano@townofbrighton.org)" <rick.distefano@townofbrighton.org>, "Quicklee's-Ken Perelli (k.perelli@quicklees.com)" <k.perelli@quicklees.com>, "Quicklee's- Lou Terragnoli (l.terragnoli@quicklees.com)" <l.terragnoli@quicklees.com>, "JSudol@passero.com" <JSudol@passero.com>, "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 September 21 to allow the applicant's representatives to process its use and area variance applications to the Zoning Board of Appeals.

[Quoted text hidden]



September 18, 2022

Members of Brighton Planning Board,

We write to you again representing the residents of the Evan's Farm neighborhood regarding the requests from the Talmudical Institute of Upstate New York (TIUNY) [5P-NB1-22] and the Montessori School of Rochester (MSR) [5P-02-22].



Concerning the application by MSR (5P-02-22)

Through our research we have discovered that **MSR has leased space within the Brookside school for the past twenty years without the legal requirement of a Conditional Use Permit (CUP).**¹

- The MSR application requests the continuation of an existing condition; however, that was an unpermitted condition. A CUP should have been obtained for the rental uses of the Brookside school when it ceased to be a Brighton Central School District (BCSD) school. Given that was never done, **we reiterate that past traffic levels should not be used as a precedent** for maintaining traffic levels beyond the *residential use* for which Idlewood Road was designed.
- Neither the Brighton Planning Board, Evans Farm neighborhood, nor the broader Brighton community, have ever had the opportunity to engage in discussions about the potential impacts on the neighborhood by the use of the Brookside building as something other than a public elementary school.
- Nevertheless, we contend that the traffic patterns that have emerged over the past several years are not the same as when Brookside was originally opened. Our neighborhood streets are not designed for the level of the traffic currently generated. Therefore, their use does and will continue to negatively impact the health, safety, and welfare of this neighborhood.
- If the planning board chooses to approve the Montessori application (5P-02-22) before completing all reviews of the TIUNY application (5P-NB1-22), **we request that the Montessori conditional use permit have an end date of 12/2023 and that this approval shall not set a precedent for future approvals of plans involving traffic entering from Idlewood Road.** We reiterate that we have no objections to MSR temporarily continuing to use the Idlewood access until that date.

Concerning the application by TIUNY (5P-NB1-22)

The neighborhood streets in Evans Farm are yield roadways which are shared by pedestrians and vehicles, as there are no sidewalks. The existing and proposed use for the 1666 S. Winton Road tenant spaces, and their resulting traffic, are not compatible with a 'Yield Roadway', as the traffic pattern effectively makes Idlewood Road a 'through street' or 'minor collector' as opposed to a "local" street.

¹ We learned this by reading Brighton Town Code Section 201-11 and then contacting Larry Davis, Brighton Board of Education, who in turn received input from Lou Alaimo, Asst. Superintendent for Administrative Services, and consultation with the BCSD attorney.

- The report submitted by SRF Associates dated July 1, 2022 indicates that Idlewood Road is “functionally *classified* as an urban local street....[and] existing daily traffic volumes indicate that it functionally *operates* as a borderline minor collector.” We agree that Idlewood is a local street and that the traffic volume, due in large part to MSR traffic, exceeds the capacity of the roadway. This fact is one of the reasons we request that the entrance to the property from the Idlewood stub road be closed so that neighborhood traffic levels may reduce to more appropriate levels for the Evans Farm street network.
- The traffic study by SRF reported edge-to-edge road width of 24’ that improperly included gutter width, with that report stating “this includes gutters which can be utilized as part of the available wearing surface of the road for vehicle traffic.” Gutters are not intended for, nor should be used as, suitable vehicle travel surfaces. This point was confirmed by Marathon Engineering in their letter dated September 7, 2022 indicating that the total width of the road “is not typically utilized for regular passenger vehicles”. Therefore, when calculating vehicle travel lane widths, the gutters should not be included. A majority of Idlewood Road has an unstriped 19 ft wide asphalt surface between the gutters, which at best could provide two 9.5 ft wide travel lanes. The SRF report indicates that 8-10 ft wide lanes are appropriate for local streets, while minor collector travel lanes should be 10-11 ft wide. With these dimensional facts, Idlewood Road can only be classified as a local street, but due to the high volume of traffic from MSR, receives weekday traffic levels equivalent to a minor collector – on a roadway shared by pedestrians.
- Furthermore, the traffic study presented for the July 17 meeting is flawed, most notably in assuming that the peak afternoon traffic occurs from 4 PM to 6 PM, when in fact, the peak tenant traffic is from 2:45 PM to 3:30 PM.
- Due to the unsafe traffic patterns, families and residents who live on Idlewood Road and in the broader Evans Farm neighborhood have needed to be extraordinarily vigilant and take safety precautions that are above and beyond what should be expected. Our neighborhood residents should not have to take these measures to accommodate a business using our neighborhood for access.
- We continue to maintain that an entrance change to the 1666 S. Winton Road access will not cause a burden on the owner or tenants. Brighton Food Cupboard (letter dated June 23, 2022) stated they can accommodate an entrance change to the 1666 S. Winton Road access. Further, when Idlewood was closed for a local emergency, several parents of children who attend MSR indicated that it was not a burden to utilize the 1666 S. Winton Rd. access for pickup.

Per the Planning Board's direction, members of the neighborhood engaged with the Town Board and Public Safety Committee in August 2022 and were told that the town is unable to close the stub road that leads from Idlewood Road to the Brookside property.

- We request, as noted in previous communications (document dated April 4, 2022; letters dated May 12, 2022, July 15, 2022, and August 4, 2022), that the **Idlewood entrance to Brookside school be closed**. This can be accomplished without closing the stub road, and is within the Planning Board's purview.

Marathon Engineering contends that they have met the criteria for Section 217-5(A) of the Code such that"the conditions proposed will not be hazardous or inconvenient to or incongruous with the neighboring residential district nor in conflict with the normal traffic of the neighborhood."

- Evan's Farm is a closed neighborhood, meaning there is no thru traffic; we currently experience daily (M-F) increase of up to 35% vehicle utilization due to Brookside tenants. **Code 217-5(A) has not been successfully met; the traffic use by current tenants is incongruous with the design of the closed neighborhood.**

The planned use of the property, as well as the use of our neighborhood streets, is incongruous with the Envision Brighton plan and the Safe Streets for All initiative.

- The tenant traffic generated through the Evans Farm neighborhood due to an adjacent business does not ensure public health, safety and welfare for all.
- MSR and TIUNY proposals do not protect our established residential neighborhood.
- Christine Corrado, via Safe Streets for All, notes that State and County DOT prioritizes traffic flow over pedestrian and bike safety. We would argue that the Town is demonstrating that same prioritization in spite of their aforementioned initiatives, by not addressing the traffic issues identified by the Evans Farm neighborhood (see document dated April 4, 2022; letter dated May 12, 2022; letter dated July 15, 2022). "No matter our age or ability, we want to be able to walk or bike safely in [Evans farm neighborhood]."

Despite initial assurances that TIUNY wishes to partner with our community after nine months of communications, that has not been our experience. The benefit of a positive, supportive relationship with our neighborhood far outweighs the costs of modifications to their proposals. TIUNY and their representatives don't seem to agree with this. It is disappointing that neither of our requests have been met with a realistic evaluation and action.

The Planning Board has the authority to specify the number of entrances and the location of entrances to the 1666 S. Winton Road property; **We hereby reiterate our request (letter of August 4) that the Planning Board specify only a single vehicular access to the property, via Columbus Way, as part of any approval for the TIUNY Conditional Use permit.**

Signed:

Tim Beach - 200 Idlewood Road; tcbeach@gmail.com

Seth Holmes - 182 Idlewood Road; setholmes@gmail.com

Judy Massare - 126 Idlewood Road; jmassare@aol.com

Vicki Reina - 62 Poplar Way; phriendly2001@hotmail.com

Kathleen (Casey) Sacco - 20 Dartford Road; casey.sacco@gmail.com

Audrey Schroeder - 190 Idlewood Road; nathanaudreys@gmail.com

Peg Warrick - 215 Idlewood Road; warrickpeg@gmail.com

Ray Warrick - 215 Idlewood Road; rwarrick215@gmail.com

CC: Brighton Town Board members
Assemblywoman Sarah Clark
Senator Jeremy Cooney

Attachment: Email from research into Conditional Use Permits for Brookside

On Tue, Aug 16, 2022 at 10:01 PM Larry Davis <Larry_Davis@bcasd.org> wrote:

Peg –

A very belated response to your question ! Thank you again for taking the time to ask it; it helped me clarify my understanding as well. I have copied Lou Alaimo, Asst Superintendent for Administrative Services, with your question. He in turn noted to me that it was appropriate to get guidance from our school attorney. I am forwarding their response below as it is much more detailed than how I would have summarized it:

Generally speaking the District is not subject to local municipal zoning code regulations in the operation of real property owned by the District provided that the District is engaging in providing compulsory educational services/activities. To the extent that a school building has been determined to be no longer needed for District's purposes and the District decides to lease it to a third party, that third party's activities are subject to local municipal codes. In the event that the third party's use is *not* permitted under the zoning code, the District would need to cooperate with the third party occupant to seek any special use permits, area or use variances needed for the third party's use of the property. In addition, the local Town assessor could assess real property taxes on the property if it is being leased for profit to a third party.

Our attorneys also briefly reviewed the Town's zoning requirements, as well as the section of the code sent in your email. Here are their thoughts:

1. Based on the language in Section 201-11, it appears that the only time the regulations would not limit the use of land is when
 - a. The land being used as a public park, public playground or public school for compulsory education (Public Purpose); or
 - b. The land owned by the State, County or Town and is being used for governmental purposes (Governmental Purpose).

It does not appear the status of the owner as a public entity matters here. Instead, it appears that the use of the property is controlling.

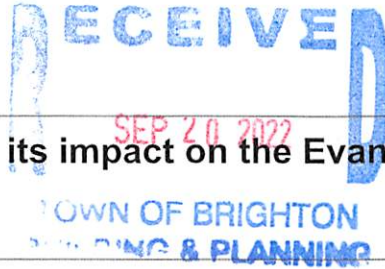
2. With respect to leasing the premises to Norman Howard or Montessori:
 - a. The Brookside Property is located in the RLB (Residential Low Density) District. Conditional uses permitted include any conditional use permitted in the RLA District
 - b. The RLA (Residential Low Density) District regulations provide that "conditional uses" include the use of land as a "private, nonprofit, prekindergarten, kindergarten, elementary or secondary schools or colleges accredited by the New York State Department of Education."

Accordingly, since the property would not be used as a public school, and the applicable zoning regulations do not permit the use of the land as a private school, it is likely that a conditional use permit would need to be obtained for the property prior to leasing it to Norman Howard or Montessori. The tenant should be required to apply for and obtain said permit at its sole cost and/or expense and the District can cooperate with the application.

Peg – I hope this is helpful. While there is some “legalese” I do find it informative and clear.

Please let me know if there is anything else I can do to help.

Larry Davis
Brighton BOE



Jeff Frisch <jeff.frisch@townofbrighton.org>

Talmudical Institute and its impact on the Evans Farm neighborhood and the safety of its residents

1 message

Alex W <alex.w@highfallspropertymanagement.com>

Mon, Sep 19, 2022 at 7:07 PM

To: jeff.frisch@townofbrighton.org, jmassare@aol.com, Michelle Wheeler <mw.highfallspropertymanagement@gmail.com>

Good evening Mr. Frisch,

My name is Alex Wheeler. I live at [67 Danforth Crescent](#) along with my wife and daughter Grace in the Evans Farm neighborhood. I hope this email communication is not received too late to be read and or considered.

We have lived in this neighborhood since 2014. I am a product of the Brighton School system.

I am reaching out with concerns of the Talmudical Institute occupying the Brookside location.

I have some concerns which may or may not have been discussed at this point.

1. Traffic flows in and out of the Evans Farm neighborhood mainly from the Idlewood entrance as well as some of the other streets branching off from Edgewood Ave.
2. Neighborhood safety due to increased traffic. This neighborhood has a decent amount of walkers, bike riders, and young children that are regularly using these roads.
3. Semi permanent residency of the students for the proposed high school
4. Overall stability of the neighborhood's property values and how they will be affected.

#1. Has there been any impact studies done or that need to be done to see if any redirection of the increased traffic will affect the neighboring streets? If not, how come? If so what do they say as it relates to changing or eliminating access from the Idlewood Rd entrance. A project of this size will certainly have some impact especially to the people living right next to or in the path of this proposed school and its future additions. I would respectfully demand that at the very least all access from the Talmudical Institute be limited to only the Winton Rd entrance and the Idlewood Road entrance be eliminated to ensure the safety of our neighbors and their families from increased traffic and alleviate any potential issues with school bus traffic as well. Also the school to bare any financial burden to make this accessible and feasible to meet the schools needs.

#2 - Has the town looked at the potential traffic bottlenecks due to regular school bus traffic for our neighborhood kids, The limited size of the small bridge coming into the neighborhood and the amount of traffic making right hand turns towards the school and potentially causing safety issue for the property owners in the immediate vicinity of the school? What about the regular walkers, runners, bikers, small kids making trips to their friends' homes? Has anyone from the town asked or polled what these people have to say about this sale? We are a neighborhood with now sidewalks and already a fairly busy neighborhood with just the residents who live in the neighborhood currently.

#3 - How does permitting a college-like dorm campus fit into the neighborhood? What benefit does the school bring to the neighborhood and its residents? It would appear that it will only take from the neighborhood, not add any value.

#4 - How will this affect the neighborhood as a whole? Per the web "The **Yeshiva of Rochester** (formerly the **Talmudical Institute of Upstate New York** or TIUNY) is an all-male educational institution for high school- and college-age young men located in [Rochester, New York](#). It is primarily an American, [Lithuanian](#) style [Haredi](#) but non-[Hasidic yeshiva](#).

Again how does this type of institution add benefit to the immediate neighborhood?

Why is an access to Winton Rd from Evans Farm not being considered by the school to allow the residents to Winton Rd.? If this is being taken away then access from the neighborhood to the school should not be allowed either. There is a much bigger impact on our neighborhood just from potential increased traffic.

We do not support this decision and hope that the town will reconsider this motion to approve this and continue to look for other potential buyers that will add value to the neighborhood.

Kind Regards,
Alex Wheeler
Property Manager
High Falls Property Management
2255 Lyell Ave., Suite 201
Rochester, NY 14606
Office: 585-426-2600 ext 101
Fax: 585-426-2611
Website: www.highfallspropertymanagement.com

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September 19, 2022

Topic: Planning Board Application 5P-02-22 – MSR Idlewood entrance

Dear members of the Brighton Planning Board,

We are writing you as residents of Evan's Farm who support planning board application 5P-02-22 to grant The Montessori School of Rochester a conditional use permit.

The question of the conditional use permit for The Montessori School of Rochester (MSR) has led to a discussion of traffic in the Evan's Farm Neighborhood. We share the traffic concerns with our neighbors. We also fear for our children's safety when we walk or bike in Evans Farm. However, we do not see closing off the Idlewood entrance to MSR as a solution to the traffic problem. Anecdotal, we also experience dangerous road conditions during weekend days or off-peak hours of MSR in the whole neighborhood. Our observation is backed up by the traffic study from Marathon Engineering that concludes that closing off Idlewood would lead to a minor reduction (17%) in traffic on Idlewood Road alone. **We therefore do not consider closing of the Idlewood entrance as a good solution to the traffic problem in Evan's Farm and suggest sidewalks as a more durable solution.**

In addition to the practical and legal complications with the proposed plan to make new entrance to MSR from Winton Rd, **we also see other downsides for Evan's Farm Neighborhood when the Idlewood Road entrance would be closed.** The school has been a wonderful neighbor for the past 20 years and the ease of dropping off children in one's own neighborhood is a draw for MSR parents in Evan's Farm. Furthermore, the school playground is currently easily accessible through the Idlewood entrance and our children often play there. We fear that this access will be lost if the entrance is closed since there is no legal requirement for the tenant to provide right of way to the playground.

In summary, we support application 5P-02-22 and ask the board to grant The Montessori School of Rochester a conditional use permit.

Thank you for your consideration,

Esther Lim & Machiel Blok	-	171 Evandale Rd.
Marisa & Emmett Wilson	-	20 Birmingham Dr.
Arta Ankrava & Dylan Mohr	-	30 Evandale Rd.



PLANNING BOARD REPORT

HEARING DATE: 09/20/2022

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?
- Does the program offered require any state certification or accreditation?
- The site plan shows areas of new pavement but those areas appear to already be installed, are there going to be any modifications to the plan?

SEQRA:

The Planning Board finds that the proposed is a Type II action as defined by SEQR and does not require review under SEQR or the adoption of a negative declaration

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 lights shall be placed on a timer.
12. 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.
13. 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.
14. A revised site plan showing the current conditions shall be submitted.

PLANNING BOARD REPORT

HEARING DATE: 10/06/22

APPLICATION NO: 9P-NB1-22

APPLICATION SUMMARY: Application of Kim Bailey, Stahl Properties, owner, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single-family home and construct a 5,545 +/- sf single family home with a 900 sf attached garage on property located at 12 Elmwood Hill Lane.

COMMENTS:

- The subject property is presently zoned RLA.
- The gross square footage of the proposed building is 5,545 square feet. Allowed square footage based on lot size is 3,748sf which will require a variance.
- The total project area is .74 acres.
- Calculation for open space was not provided.
- The project will need to obtain the following variances and approval from the Zoning Board of Appeals:
 - Side setback should be 33.2' based on calculation from the 30' setback line and the proposed side setback for the house is 24.32".
 - Livable floor area of 5,545sf where a maximum of 3,748sf is allowed by code.
- The architectural design and building materials of the proposed buildings have yet to be reviewed and approved by the Town of Brighton Architectural Review Board.
- Existing conditions map was not provided.
- Utilities (gas, electric, cable, water & sewer) exist along South Winton Road frontage and will be rerouted to serve the needs of the future home and detached garage.
- The Town of Brighton Department of Public Works (DPW) will require that the existing laterals be televised and the conditions assessed. Replacement laterals will need to be installed if the DPW determines they are required.
- A new curb cut and asphalt driveway is to be installed for access to the new home's attached garage.
- A pre-asbestos removal survey has not been submitted.

CONSERVATION BOARD:

- Minimum number of trees that shall be planted and/or to remain shall meet the code requirement of 1 tree per 5,000sf of lot area.
- Trees to remain shall be labeled

TOWN ENGINEER: See memo from Assistant Engineer, Brendan Ryan, dated September 15, 2022.

QUESTIONS:

- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
- What variances will be required from the Zoning Board of Appeals?
- Has the project been reviewed by the Conservation Board?
- Has the proposed demolition been reviewed by the Historic Preservation Commission?
- Will the project meet the NYS Guidelines for Urban Erosion and Sediment Control?
- Will all disturbed areas be protected from erosion either by mulch or temporary seeding within 2 weeks of disturbance?
- Do you have a problem with maintenance of landscape plantings to be guaranteed for 3 years?
- Where do you propose to store snow during the winter?
- Will any existing trees be retained? Have any been removed?
- Has a protection plan for trees to be saved before, during and after construction been reviewed by the Conservation Board?
- Has a maintenance schedule been included as part of the landscape plan which addresses existing and proposed landscape areas?
- Will a generator be provided?

- Where will the HVAC units be located?
- Will any of the rear patio be covered?
- Will the home connect to the storm sewer?
- How tall will the patio walls be in the rear of the home?
- How many square feet will be disturbed?

APPLICATION:

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

1. A parkland fee in lieu of recreation land shall be paid prior to the issuance of a building permit for construction of the dwelling unit.
2. 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.
3. The architectural design and building materials of the proposed building(s) shall be reviewed and approved by the Town of Brighton Architectural Review Board.
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. Maintenance of landscape plantings shall be guaranteed for three (3) years.
10. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry

insurance as required by Chapter 175 of the Comprehensive Development Regulations.

11. 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
12. Meet all subdivision filing requirements of the Town of Brighton's Department of Public Works.
13. All outstanding Site Plan comments and concerns of the Assistant Engineer regarding soil erosion, storm water control, water system, and sanitary sewer design shall be addressed.
14. All County Development Review Comments shall be addressed.
15. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
16. A pre-asbestos removal survey shall be submitted.
17. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
18. Prior to the issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.
19. The height of the proposed house and garage shall be shown on plans. Elevation drawings showing the height of the structures in relationship to proposed grade shown on the site plan shall be submitted.
20. The zoning notes on the site plan shall include both required and proposed information for each zoning category. The information contained on the submitted Single Family Zoning Information form shall be shown on all plans.
21. Erosion control measures shall be in place prior to site disturbance.
22. 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.
23. Prior to the issuance of any permits, the Single-Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be

completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.

24. The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
25. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
26. The demolition and restoration plan should depict the grading associated with the restoration of the site should construction of the new house not commence immediately following demolition.
27. Specifications for backfill requirements of the building footprints shall be included on the plans. No existing construction materials (concrete or other) from the existing homes shall remain on-site.
28. The demolition of the house must be reviewed by the Historic Preservation Commission to determine if a public hearing should be scheduled to consider designation of the houses as historic local landmarks.
29. The Town of Brighton Department of Public Works (DPW) requires that the existing laterals be televised and the conditions assessed. Replacement laterals will need to be installed if the DPW determines they are required.
30. Show the storm sewers on the site and their connections to the house.
31. The project will need to obtain the following variances and approval from the Zoning Board of Appeals:
 - a. The proposed side setback for the new home is 25'5", or around 7.5' less than the Code minimum.
 - b. The proposed LFA is 5,545sf where the max allowed by code is 3,748sf.
32. The plans shall clearly show all trees proposed to be removed.
33. A landscape plan shall be submitted that show all proposed plantings.
34. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water main, stormwater water management facilities, landscaping, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
35. A schedule of all easements (existing/proposed, public/private) associated with this project shall be provided. All texts, maps and descriptions of proposed easements shall be prepared and submitted to this office for review. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the

Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.

36. This property is currently served by a sanitary sewer main which serves multiple residences on Elmwood Hill Lane and does not appear to have been dedicated to the Town. The information provided does not make it clear that the Town of Brighton has sewer easements in place to access and maintain the sanitary sewer main on these properties. Provide documentation which indicates that the subdivision map provides a legal basis for completed dedication to the Town, and the existence of the necessary sewer easements to the Town. If not, easements to the Town will need to be obtained from each of the property owners served by this main to complete the dedication and legalize this sewer connection.
37. Basement excavation may yield large amounts of spoil. Location of spoil piles and plans for their removal or distribution shall be provided.
38. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
39. Additional materials are needed for the Planning Board to be able to make a Preliminary determination shall include but are not be limited to:
 - a. Existing conditions map showing the current home, grading, and vegetation on site
 - b. Asbestos report for existing home.
 - c. Tree protection plan
 - d. Restoration plan for post demolition
 - e. Proposed Landscaping
 - f. Top and bottom of wall elevations
 - g. Grading and erosion plan
 - h. Location and dimensions of principal and accessory structures
 - i. Existing and Proposed utilities
 - j. A narrative describing anticipated changes to existing topography and natural features.
40. All comments and concerns of the Assistant Engineer as contained in the attached memo dated September 15, 2022 from Brendan Ryan, Assistant Engineer, to Jeffrey Frisch, shall be addressed.
41. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.

MEMO

Date: September 15, 2022

From: Brendan Ryan

To: Jeffrey K. Frisch

Copy: File

Re: *Application No. 9P-NBI-22*

*Application of Kim Bailey, Stahl Properties, Owner, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single-family home and construct a 5,545 +/- sf single family home with a 900-sf attached garage.
12 Elmwood Hill Lane*

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

General:

1. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water service, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
4. A schedule of all easements (existing/proposed, public/private) associated with this project shall be provided. All texts, maps and descriptions of proposed easements shall be prepared and submitted to this office for review. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
5. This property is currently served by a sanitary sewer main which serves multiple residences on Elmwood Hill Lane and does not appear to have been dedicated to the Town. The information provided does not make it clear that the Town has sewer easements in place to access and maintain the sanitary sewer main on these properties. Can documentation be provided which indicates that the subdivision map provides a legal basis for completed dedication to the Town, and the existence of the necessary sewer easements to the Town? If not, easements to the Town will need to be obtained from each of the property owners served by this main to complete the dedication and legalize this sewer connection.
6. A full set of site development plans should be provided which include at a minimum; locations and dimensions of principal and accessory structures, general topography contours of the site, existing and proposed utilities, existing and proposed trees and other vegetation and other existing or planned features; a narrative describing anticipated changes to existing topography and natural features, including but not limited to trees, landscaping, utilities, and stormwater runoff.

7. Additional comments will be developed as the design progresses and more detailed information on the proposed development is provided.

Sustainability:

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. Will any materials be reused or donated to building materials or house parts recyclers before demolition?

Engineer's Report:

1. The engineer's report must be revised to include a description of the proposed development along with technical information regarding sanitary demand, change in stormwater runoff, and need for stormwater mitigation.
2. The applicant's engineer has indicated that the static pressure of the water distribution system at this site is 64 psi. Please provide supporting technical documentation to substantiate this statement.

SWPPP:

1. Drainage crossing the property under development must be maintained during the period of development, and no materials may be stored, land disturbed or other work done to block drainage or to divert or cause runoff of stormwater in an unnatural fashion.
2. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. The SWPPP must meet the design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer. Does the proposed development meet the threshold for requiring a development of a SWPPP?

Demolition:

1. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process. A note should be added to the plans indicating such.
2. An estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to determine the Letter of Credit amount. The letter of credit amount must be sufficient to ensure the restoration of the property following demolition and/or redevelopment and must be submitted to and accepted by the Town prior to the issuance of a permit for demolition or a building permit.
3. Where will materials be stored on the project site? These areas should be shown on the plans and precautions should be provided to eliminate the discharge of petroleum and other pollutants.
4. The project must comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project must comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding ten-day notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and the asbestos survey and removal requirements of Section 56-5 are met.
5. Orange construction fencing must delineate tree protection, the limits of disturbance, and be shown on the plans. Additionally, the plans must include a tree protection detail.
6. What is the finished floor elevation of the existing house which is being razed?
7. All utilities services serving the site shall be disconnected at the direction of the utility provider. The severance of utility services should be confirmed by all agencies prior to demolition.
8. The location of existing utilities serving the residence shall be depicted on the plans.

Site Development Plans:

1. A demolition and restoration plan should be developed and submitted for review. The restoration plan must show the proposed grading associated with the restoration of the site should construction of the new house not commence immediately following demolition.
2. A grading and erosion control plan must be provided. A stabilized construction entrance shall be provided as part of this development and depicted on the plans.
3. The basement excavation for the proposed home could generate a large volume of spoil material. The stockpile location must be shown on the plans including the appropriate erosion control measures. Will this material be distributed across the project or removed from the site?
4. Roof stormwater drainage shall be discharged in such a manner as to not flow onto adjacent properties. Downspouts not tied directly into a stormwater sewer system shall be directed in such a manner as to allow stormwater to dissipate within the confines of the property or as to convey the stormwater directly to an existing drainage way located, at least in part, on the property.
5. The location of roof downspouts must be shown on the plans. The collection system and point of discharge for the roof runoff must also be shown on the plans.
6. Provisions to drain the pool must be shown on the plans.
7. All slopes 3H to 1V or greater shall be stabilized with a jute mesh product. The installation of the jute mesh material must be illustrated on the plans.
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. The finished floor elevation of the existing residence to the east of this property should be noted on the plans.
10. The proposed silt fence on the plans currently show the fencing being installed through the center of various trees which are to remain. Please review and revise the plans accordingly.
11. How will the grading transition in the lawn area near the stairs which lead to the pool from the covered porch? The topography in this area goes from an elevation of 480+/- to an elevation of 477 at the pool deck. Please provide spot elevations along the landscape wall in this area to clarify.
12. What is the proposed FFE of the pool house? It appears that additional grading will be required along the southern end of the pool house to tie the proposed features back to existing grade, thereby expanding the limits of disturbance in this area. Please review and clarify.

Notes:

1. The following notes should be added to the plans:
 - a. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process
 - b. All utilities services serving the site shall be disconnected at the direction of the utility provider.
 - c. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation.
 - d. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
 - e. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.
 - f. All construction of the water supply system shall conform to the specifications, rules and regulations of the Monroe County Water Authority.
 - g. The landscaping associated with the project shall be guaranteed for three years.
 - h. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
 - i. The sump pump discharge shall be connected to the storm sewer system.
 - j. Erosion control measures shall be in place and shall be approved by the Town prior to issuance of a foundation or building permit.
 - k. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.

- l. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
- m. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
- n. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
- o. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work