

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
NOVEMBER 2, 2022

Written comments may be submitted to Rick DiStefano, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to rick.distefano@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.

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members

CHAIRPERSON: Approve the minutes of the September 7, 2022 meeting.
Approve the minutes of the October 6, 2022 meeting. **To be done at the December 7, 2022 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of October 27, 2022 will now be held.

8A-04-22 Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner
Additional Info of property located at 3108 East Avenue, for a Use Variance from Section 203-44 to allow a gas station with convenience store to be located in a BE-1 Office and Office Park District where not allowed by code. All as described on application and plans on file. **TABLED AT THE SEPTEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

8A-05-22 Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner
Additional Info of property located at 3108 East Avenue, for an Area Variance from Section 207-6B to allow an accessory structure (gas canopy) to be located in a front yard in lieu of the rear yard as required by code. All as described on application and plans on file. **TABLED AT THE SEPTEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

8A-06-22 Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner
Additional Info of property located at 3108 East Avenue, for Area Variances from Section 205-18 to 1) allow parking of vehicles to within 2 ft. for a side lot line (north) where a 10 ft. setback is required by code, and 2) allow paved areas / aisles up to the front lot line where a 20 ft. setback is required by code. All as described on application and plans on file. **TABLED AT THE SEPTEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

10A-01-22 Application of Sign and Lighting Services, contractor, and Daniele SPC, LLC, owner
Additional Info of property located at 2750 Monroe Avenue, Building 5, for Sign Variances from Section 207-32B to 1) allow for business identification signs on three (3) building

sides in lieu of only one as allowed by code. All as described on application and plans on file. **TABLED AT THE OCTOBER 6, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

- 11A-01-22 Application of Howard Crane, agent, and Leslie Crane, owner of property located at 58 Whitestone Lane, for an Area Variance from Section 207-2B to allow a retaining wall and fence (on top) to be 10 ft. in height in lieu of the maximum 6.5 ft. allowed by code. All as described on application and plans on file.
- 11A-02-22 Application of Adam Randall, agent, and Shannon Evans, owner of property located at 154 Greenaway Road, for an Area Variance from Sections 203-2B(3) and 203-9A(4) to allow a detached garage to be 995 +/- sf in size, after construction of a 280 +/- sf open roofed area in lieu of the maximum 600 sf in size allowed by code. All as described on application and plans on file.
- 11A-03-22 Application of Stephen Mueller, owner of property located at 21 Hillsboro Road, for Area Variances from Section 207-6A(2) to allow two (2) accessory structures, each to have a 1 ft. setback from a side lot line where a minimum 5 ft. setback is required by code. All as described on application and plans on file. **WITHDRAWN BY APPLICANT**

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Charlie and Maggie Symington, 6 Whitney Lane, dated October 5, 2022, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Jacqueline and Brian Fox, 1 Whitney Lane, dated October 10, 2022, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Gretchen Birbeck and Mike Potchen, 8 Whitney Lane, dated October 10, 2022, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Jim Lill, 322 Cobb Terrace, dated October 16, 2022, with comments and concerns regarding application 10A-01-22, 2750 Monroe Avenue.

Letter from Mike DeRisio, 195 Monteroy Road, dated October 17, 2022, with comments and concerns regarding application 10A-01-22, 2750 Monroe Avenue.

Letter from Judy VanHouten, 205 Shoreham Drive, dated October 24, 2022, in opposition to 10A-01-22, 2750 Monroe Avenue.

Letter from Charlie Ruff, 150 Brookside Drive, dated October 27, 2022, in support of applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Hank and Megan Henry Stuart, 980 Allens Creek Road, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Patricia Ford, 29 Hillsboro Road, dated October 31, 2022, in opposition to application 11A-03-22, 21 Hillsboro Road.

Letter from Stephen Mueller, 21 Hillsboro Road, dated October 31, 2022, withdrawing application 11A-03-22.

Letter from Jean Dalmath and Chris Odenbach, east Avenue, dated October 31, 2022, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Mary Boyd, 1 Meadow Lane, dated November 1, 2022, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Linda Stevenson, 12 Creekside Lane, dated November 2, 2022, in opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

PETITIONS:

NONE

Rick DiStefano
Secretary
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618



Dear Mr. DiStefano,

We are writing to object to all the variance requests of PEMM, LLC and Bristol Valley Homes, LLC for the property located at 3108 East Avenue. This small lot (less than half an acre) formerly functioned as a gas and service station, which meant that traffic in and out of that business was limited in volume and hours and did not impinge on the almost exclusively residential neighborhood in which it sits.

The new proposal to build a much larger footprint convenience store would expand both the volume of traffic and the hours of operation. This would have an extremely negative impact on the immediate neighbors, by reducing the setback requirement and by increasing the noise generated from additional vehicular traffic. This would also have a negative impact on congestion in the area. The intersections at East Avenue / Elmwood Avenue and East Avenue / Allens Creek Road, combined with the access points to Allen Creek Elementary School and the Friendly Home, already create traffic issues in both directions. Traveling north towards Rochester, right at the point of this property, cars jockey to get around other cars turning left onto Allens Creek Road and then into either the left or center lane at Elmwood Avenue. During times of moderate traffic, it is difficult to turn left out of that property because of the flow of cars in both directions and the bottleneck created by the proximity of traffic lights. In addition, visibility of traffic flowing north is impeded by the hill and curve on East Avenue. Increased traffic in and out of the property will greatly increase the chances of a vehicular accident.

The project would also have a negative impact on the residential character of the neighborhood. There are no other for-profit commercial businesses in the immediate area, and the clientele for the convenience store are not likely to be the immediate residents. There are no benefits to the immediate community of allowing these variances, only detriments.

We agree that the owner has a right to develop his property within the restrictions required by code. If the property is too small for a profitable business, the consequences of that should not be borne by the neighborhood – we should not suffer to enable the generation of profits for a business enterprise. Perhaps the town of Brighton would consider purchasing the property for a nominal price and turning it into green space, or even just additional parking for the fire station. In any case, the code was developed to protect people from property infringement, and we look forward to it being enforced in this case.

Charlie and Maggie Symington
6 Whitney Lane
Rochester, NY 14610

October 5, 2022

Rick DiStefano Secretary
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618

October 10, 2022

Dear Mr. DiStefano,

We are writing to object to all the variance requests of PEMM, LLC and Bristol Valley Homes, LLC for the property located at 3108 East Avenue. Unfortunately, we will be out of town on the date of the hearing and cannot attend in person. Please accept this letter as our vote against the proposed variances and business.

Our home sits on the corner of East Avenue and Whitney Lane. We have been impacted by automobile traffic from 490, East Avenue and Elmwood since we have lived here. The new proposal will expand noise and light pollution and the volume of traffic to the area.

We are significantly impacted by light (especially in the winter) by The Country Club of Rochester's paddle courts, security lights and driveway lights; the fire station's lights and outdoor sign; the traffic lights; street lights; headlights of vehicles; etc which shine into our home on a continuous basis. Adding a convenience gas station would make the additional light pollution extreme.

The increase of noise generated from additional vehicular traffic needs to be considered. We live in a beautiful, affluent area of Brighton; however, it is loud. Building a much larger footprint convenience store than what was previously there, will negatively impact the immediate homes.

The amount of traffic in this area is already intense. The intersection of Elmwood and East already creates confusion and congestion. Previously, there was a working gas station at this site. This gas station made the corner extremely difficult to maneuver due to the additional traffic coming from Allen's Creek Rd, Allen Creek Elementary School and The Friendly Home. Merging after getting gas was extremely dangerous and nerve whacking. It was a relief when the site became a working service station without gas pumps. The fear of vehicular and/or pedestrian accidents of increasing should be considered, especially with the recent addition of sidewalks and bike lanes which has made for more pedestrian and bicycle traffic.

An owner of property should have the right to develop their property within the restrictions required by code. If the property is too small for the business they are considering, the consequences of that should not be borne by the neighborhood. This is their business consideration, this is our home and neighborhood – we should not have to allow variances for a business enterprise. The code was developed to protect neighborhoods and the people who live there. Please protect us - the homeowners and residents of this Brighton neighborhood.

Sincerely yours,

Jacqueline & Brian Fox

1 Whitney Lane
Rochester, NY 14610



Gretchen L. Birbeck, MD
#8 Whitney Lane
Rochester, NY 14610
Cell 1-517-505-0283
Email gretchenbirbeck@gmail.com

October 10, 2022

Rick DiStefano
Secretary
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618



Dear Mr. DiStefano,

We are writing to object to all the variance requests of PEMM, LLC and Bristol Valley Homes, LLC for the property located at 3108 East Avenue.

The plans for expanding the business footprint for a new, larger convenience store would have a negative impact on the neighborhood. The zoning codes are in place for a reason and giving a variance so someone can come in to make a profit while disrupting our neighborhood with increased traffic and late-night noise is very unwelcome. That particular corner is already a hazard for pedestrians and drivers alike and certainly an expanded store there would worsen the situation.

Two handwritten signatures in black ink. The first signature is "G. Birbeck" and the second is "Mike Potchen".

Gretchen Birbeck & Mike Potchen
8 Whitney Lane
Rochester, NY 14610

RECEIVED
OCT 13 2005

UNIT OF BRIGHTON
CITY OF BRIGHTON

Signage Variance

1 message

Jim Lill <jim@jimlill.com>

Sun, Oct 16, 2022 at 9:04 AM

To: rick.distefano@townofbrighton.org

Rick,

With regards to the recent application, 10A-01-22, I feel that allowing this would be unfair to the other businesses in the Monroe corridor who over the years have complied. It would further add to the ever increasing garish appearance in that particular area.

Jim Lill

322 Cobb Terrace





Rick DiStefano <rick.distefano@townofbrighton.org>

Daniele Family Plaza- Monroe Ave

1 message

Mike Derisio <mderisio@gmail.com>
To: rick.distefano@townofbrighton.org

Mon, Oct 17, 2022 at 6:59 AM

Hello

I'm writing in to comment on what I understand to be a special request by the developer to increase the size of a sign:

This seems neither reasonable nor strategic. Plaza owners and businesses in that area have been sticking within the rules for decades. Allowing this exception on an already divisive project will likely make matters worse.

- I cant imagine the opposing side being happy about more variances.
- Other business have more reason to request a variance of their own

I'm sure there are countless other unintended consequences coming to mind. I think the town is special and we should do all things possible to keep it from becoming Henrietta

Respectfully

Mike DeRisio
195 Monteroy rd

Sent from my iPhone





Rick DiStefano <rick.distefano@townofbrighton.org>

Sign and lighting application for 2750 Monroe Avenue

1 message

Judy VanHouten <judyvh1@mac.com>

Mon, Oct 24, 2022 at 6:02 PM

To: rick.distefano@townofbrighton.org

With regard to Application# 10A-01-22 for Sign and Lighting at 2750 Monroe Avenue.

I say, PLEASE! NO WAY!!!

Since this oversized Plaza has many more businesses (12-15) moving in, it would be reasonable to assume that EVERY SINGLE ONE OF THEM will ask for the same increases in number of signs and increased sizes. This application appears to be a test for our town.

One minor business, 3 (not 1) and oversized signs inside a Plaza that is already crowded ?!!! How can you even dare consider this at this point?!!

If this is approved, I'm assuming we'll have dozens more signs than zoning allows. And then MORE congestion than just traffic!! Do you honestly believe Brighton needs to add Visual Congestion on top of every other kind of congestion there will be there?

More congestion of ANYTHING is certainly NOT what is needed at that location. NOTHING MORE! NO WAY!!!

Thank you for not approving

Judy VanHouten
205.Shoreham Drive
Rochester, N.Y. 14618



Rick DiStefano <rick.distefano@townofbrighton.org>

Quicklee's 8A-04-22

Charles E. Ruff <charles.e.ruff@gmail.com>

Thu, Oct 27, 2022 at 10:32 AM

To: Rick DiStefano <rick.distefano@townofbrighton.org>, l.terragnoli@quicklees.com

Hi Rick,

Thank you for all the work you put into the zoning board. I'm sure you're busy so I'll keep it short.

I support the application to allow Quicklee's to renovate the old gas station. If the building and space could easily accommodate another type of business it would have happened by now. I think it's irresponsible to block this when the only alternative is leaving the property a vacant eyesore.

Having a local company like Quicklee's invest in our community cleans up a derelict property and adds to the tax roll. The proposal they've put forward looks tasteful and appropriate for the neighborhood. I'm completely in favor.

Thank you again for your hard work. If you need anything else before the meeting on November 2nd please let me know.

Thank you,

Charlie Ruff
150 Brookside Drive





October 26, 2022

Zoning Board of Appeals
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

RE: PEMM, LLC - 3108 East Avenue
Application 8A-04-22

Dear Board Members:

We are writing, again, to respectfully request the Zoning Board of Appeals for the Town of Brighton REJECT the use variance requested in application 8A-04-22.

As a resident at 980 Allens Creek Rd. for over 15 years, I have enjoyed the vibrant and friendly community that has long been a characteristic of the sidewalked Brookside neighborhood. Walking 'around the block' means stopping to chat with neighbors, reigning in a runaway puppy or finding a dropped stuffed animal to return to a teary-eyed toddler. We shovel each others' walkways, have block parties, and Santa even visits each year around a conifer tree brightly lit with holiday lights. We are glad to have our friends at Brighton Fire House #1 so nearby, as we are the Friendly Home where some of our parents or grandparents have lived, Allen Creek Elementary School to which the children can walk, and the lovely vistas of the CCR golf course as our backdrop. For more that 1.5 miles in each and every direction, we are surrounded by residential neighborhoods without any other commercial enterprise. This is why we live here.

The Applicant's proposal and rationale for a commercial gas station and store, in the middle of this idyllic Brighton neighborhood, is contrary to the desires of residents and the Comprehensive Zoning Plan of the town.

1 Financial hardship of Mr. Romeo is self-inflicted.

The argument that Mr. Romeo's apparent hardship is not of his own doing is an insult to everyone involved. To suggest Mr. Romeo, who identifies himself as a seasoned real estate developer and marketer, did not understand the character of the property and the zoning rules surrounding this property

when he purchased it in October 2018 is unreasonable. The non-conforming use expiry is simply explained in the Town Code.

The argument that the cost of renovating the building to a conforming use is more than the property value, while being unfortunate, was not unforeseen. This argument falls flat when we consider that the extensive costs that would be expended to return the property to a gas station also far exceed that amount. He cannot make this claim both ways.

Further, a review of the list of "prospects" and businesses to which Mr. Romeo allegedly marketed the property shows an intentional disregard for the current zoning requirements - only 1/3 of the those business types listed represented business permitted by the current zoning.

Lastly, his very evident lack of effort to maintain the historical property, as required by the Town's Historic Preservation designation, undoubtedly undermined his marketing efforts. He has permitted the building and site to continue to deteriorate to its current unsightly condition.

Altogether, this is not a businesslike and good faith effort to comply with the standing code.

2 A Use Variance is contrary to the town's Comprehensive Zoning Plan.

As stated in the Town Code, Chapter §201-3 "Purpose and Intent" of the Comprehensive Zoning Plan, includes, among other items;

D. prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians.

E. The maximum protection of residential areas.

F. The gradual elimination of nonconforming uses.

The Town would simply be reversing course on these three state objectives by permitting a gas station business model back on the site, after the expiration of the nonconforming use for a similar purpose, with traffic and safety dangers not in existence before but would be caused by the proposed business model. The BE-1 zoning district was imposed despite a service station being present on this site at that time, and identified it as an undesirable and non-conforming use by specifically establishing an automatic expiration trigger.

3. The proposed application violates the purpose and intent of the BE-1 zoned district.

The stated permitted and conditional uses in an Office and Office Park BE-1 District (§ 203-44) provides a long list of suitable uses for this lot, all of which share the following characteristics:

- *Professional and quiet outside activity*
- *Low volume of entry/exit traffic*
- *Highest likelihood of traditional office business hours; meaning weekdays 8am-5pm*

The proposed gas station violates each of these characteristics.

The proposed business hours of 6am to 10pm, to *include Saturdays and Sundays*, combined with the likelihood of deliveries of fuel at all hours and any day, will materially detract from the neighborhood's quiet and peaceful enjoyment each and every day of the week.

Across the spectrum of zoning districts in the Town, from residential (RLL) all the way to light industrial (IG), gas stations are not introduced as "Permitted", and then only as a "Conditional" use in IG districts. A gas station is out of place at the proposed location and would severely detract from the residential nature of the area.

4. The potential for negative environmental impact to Allens Creek should concern all.

Despite the Applicant providing a 2018 letter from the DEC stating there was no additional remediation needed following the unsupervised removal of the fuel tanks, the site topography and steep sloping of the South and East boundaries toward the proximal Allens Creek watercourse raise significant concerns. The Applicant has apparently ignored a review of the environmental protection overlay maps and resources as no such assurances of protection have been provided in the Application. News outlets from around the country often report accidents at gas stations during the refueling of vehicles and primary storage tanks that unleash significant amounts of noxious fuel spillage. One of these accidents at 3108 East Avenue will undoubtedly impact this precious watercourse, its environs and dependent

animal life and waterfowl, including areas of Corbett's Glen and the town's "Eastern Green Zone".

Given all of these considerations, we respectfully ask: Please, do not permit this commercial gas station to spoil the community character of our neighborhood. As residents of the Town of Brighton, we are encouraged that the Comprehensive Plan "provides an accessible and clear guide for entities seeking to undertake a project in our community". We also rely upon the good judgement and thoughtful assessment of the Zoning Board of Appeals members to provide the stated 'maximum protection of our residential areas'. As such, we sincerely appreciate the time and attention to our views.

Thank you,

Hank and Megan Henry Stuart
980 Allens Creek Road

P.S. For your convenience, attached with this letter are prior correspondence to the Town regarding this Application.



Rick DiStefano <rick.distefano@townofbrighton.org>

11A-03-22 21 Hillsboro Rd

1 message

Patricia Ford <wolfpjf@aol.com>

Mon, Oct 31, 2022 at 9:47 AM

Reply-To: Patricia Ford <wolfpjf@aol.com>

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

I live next door to 21 Hillsboro Rd. I received a notice that Steve Mueller has applied for a variance for 2 accessory structures to have a 1ft set back from the property line. Please know that these structures have already been built. I object to their placement because they are an eyesore which can be seen from all of my south facing windows. Furthermore, they will undoubtedly effect the value of my home when I place it for sale. It looks like I live next door to a storage lot.

If Mr Mueller finds these sheds necessary he can build them according to code, which will result in a view of these sheds from his windows.

Patricia J Ford





Rick DiStefano <rick.distefano@townofbrighton.org>

Re: zba application

1 message

steve mueller <stevem44442002@yahoo.com>
To: Rick DiStefano <rick.distefano@townofbrighton.org>

Mon, Oct 31, 2022 at 12:30 PM

Correct Rick, I thought the Inspector or Attorney was going to talk to you. Please withdraw. Steve

On Monday, October 31, 2022, 11:29:39 AM EDT, Rick DiStefano <rick.distefano@townofbrighton.org> wrote:

Hi Steve

It is my understanding that you have settled your case in court regarding the sheds and will not need to move forward with your ZBA application. Please send me an email requesting withdrawal of the application so that I can remove it from the agenda.

Feel free to give me a call if you have any questions.

Thanks
Rick

Rick DiStefano, Senior Planner
Building & Planning Dept.
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5228
rick.distefano@townofbrighton.org



On Wed, Sep 14, 2022 at 12:15 PM steve mueller <stevem44442002@yahoo.com> wrote:

Rick, variance for setback, sheds in my back yard that have been there for decades. Suddenly its a problem. Steve

On Wednesday, September 14, 2022, 11:28:39 AM EDT, Rick DiStefano <rick.distefano@townofbrighton.org> wrote:

Steve

We have multiple ZBA applications. If you let me know what your request is I will be able to forward you the proper application in digital format.

Rick

Rick DiStefano, Senior Planner
Building & Planning Dept.
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618
(585) 784-5228
rick.distefano@townofbrighton.org

On Tue, Sep 13, 2022 at 8:43 PM steve mueller <stevem44442002@yahoo.com> wrote:

Rick, I can't find the application for for an appeal to the zba, thanks, Steve Mueller



Rick DiStefano <rick.distefano@townofbrighton.org>

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NOV 01 2022

Opposition to PEMM/Quicklee's Gas/Convenience store 3108 East Avenue

1 message

Jean Dalmath <jdalmath@gmail.com>

To: rick.distefano@townofbrighton.org

TOWN OF BRIGHTON
DEPT. OF PUBLIC WORKS

Mon, Oct 31, 2022 at 7:25 PM

RE: Zoning Board Applications: 8A-04-22, 8A-04-22, 8A-04-22

Dear Rick, my husband and I are writing once again to plead with the zoning board to please deny the three applications for use variances for 3108 East Ave. for a proposed Quicklee's gas station and convenience store.

Our concerns were initially outlined in a letter to you and the zoning board in July. And I thank you for making that part of the record for the meeting on August 3, when the motion was tabled.

According to NYS Division of Local Services, "Zoning protects health and safety and property values by separating potentially incompatible uses."

<https://dos.ny.gov/system/files/documents/2021/10/adopting-zoning-for-the-first-time.pdf#:~:text=Zoning%20protects%20health%20and%20safety,site%20and%20its%20building%20design>

This project threatens every one of those zoning objectives creating multiple, substantial reasons why this is the WRONG project in the WRONG place.

Increased traffic; pedestrian, bicyclist and vehicular danger; alcohol, cigarettes and junk food sales; gasoline, bright lights, environmental hazards and potential damage, and noise – all for extended periods of time all week long – these and the very presence of a structure that does not fit with anything in our neighborhood are all serious environmental and safety impacts that will change the face of our neighborhood.

Why was the property purchased by a knowledgeable successful real estate professional if it could not be used within the parameters of existing zoning?

Was there any prior communication with the town assuring that zoning would not be an issue for other uses? Why would the property be marketed to a business that does not meet the guidelines?

Why should we, the neighbors who live here and have invested in this area because of the zoning parameters that protect and sustain the very nature of our neighborhood, have to battle this proposed misuse of property? It is highly disturbing that zoning in a residential area could be overturned to the detriment of residents who have invested in maintaining the integrity of our neighborhood.

Quicklee's wants you to deal in facts, and the facts are that this property is not zoned for this type of business for good reasons, and the business is not in business here

yet, so no one can accurately assess the impact no matter how many studies they do. They are assumptions based on specific criteria tailored to meet their goals.

The applicant's intentions and statements do not align. The only modifications that can be made to this project to make it appropriate **is to choose an appropriate location.**

If the applicant cannot get a reasonable return on the property without destroying the neighborhood and endangering people's lives why not go somewhere else? Why try to push this square peg into a round hole?

- In their traffic studies they say it will not increase traffic, implying that the project will serve the existing population and NOT draw an influx of new vehicles to the intersection from other locations. The problem is, even vehicles already passing through will now potentially STOP and TURN IN AND OUT, **they will create congestion. That is not addressed.** If cars don't stop is that viable for the business model? And why the emphasis on this ideal location near an expressway exit? The only way they can be profitable is to attract vehicles going by to stop, draw from other areas and the proximate expressway exit and make it a destination, making it visible with bright lights, increasing traffic to a fragile intersection. All of that will have an impact on this intersection. They can't have it both ways. Wouldn't it be more advantageous for Quicklee's to build a loyal customer base and not alienate the people who live around a location and instead focus on building its business with us for its 12 corners location in Brighton, already on a commercial intersection.
- **We have no shortage of gas stations in this area to serve our neighborhood.** So from a market need perspective, this business is not fulfilling unmet needs. In addition to gas stations, we also have Wegmans and Pittsford Dairy, farm markets, and plenty of other places to get food quickly. Unless it is not on Google, doesn't add this location to its website, a business that sells alcohol and cigarettes and junk food after hours conveniently located just off the expressway is going to draw people who do not live in our neighborhood.
- **We would argue that no one is better able to assess traffic than those who live on a street.** We already see cars routinely speeding 50-70 mph, motorcycles racing. People passing cars in the turning lanes who cannot abide by the speed limit. Riding on bumpers when people are trying to turn into a street or driveway. We have friends afraid to slow down to turn into our driveway and instead go beyond because of cars pressing them to go faster and fear of being rear-ended. We wait up to 10 minutes some days to exit our driveway because of a steady stream of cars coming faster than the speed limit from both sides of East Ave. Did the traffic study reveal illegal speeds?
- Despite the report, sidewalks do not exist on both sides of East Ave, going toward St John Fisher. If this is inaccurate and misleading what else could be in the report?
- Also in the applicant's report, the **crash rate at this intersection is .94 almost THREE TIMES ABOVE the .32 state average.** That is already unacceptable and needs to be addressed. And there is no reason for mitigation of this crash rate? No additional support from law enforcement? We cannot further endanger people risking even higher crash rates w/ an added commercial business.
- I've been in line waiting to pick up my grandkids at Allen Creek School and it is often a chaotic situation with buses and cars competing to get in and out. A few years ago **my car was hit at that intersection** by a driver who turned into my car, not even looking, so impatient to be waiting behind a car waiting to turn left on Allen's Creek.

- **Drivers are increasingly impatient and take bold moves** that risk theirs and others' lives all to save a few seconds. I can't think of a worse location for a gas station and convenience store with cars and trucks competing with pedestrians and children in a congested area where seconds can make a difference.
- The report talks about pedestrian activity during school hours. I see kids riding their bikes and walking at that intersection near Knollwood and other side streets off East Ave every day, and on weekends. This is THEIR neighborhood, not gas trucks and people speeding to get a case of beer. This gas station is not proposing closing on weekends. It's not only open during the peak times. When is it going to be safe for us and kids to be out riding and walking? Never.

Long-awaited sidewalks are finally connecting our streets and bringing people together, helping us to become more pedestrian friendly. It is a joy to see kids walking to school (crossing the proposed business property's driveway), people bicycling (in front of this property), walking dogs and pushing babies in strollers (in front of this property). And as noted, we are already battling a significant speeding problem on East Ave, the last thing we need is more traffic and the addition of a commercial destination that will add to that problem.

We are all afraid for our children. We are afraid for our beautiful neighborhood. And it is especially disconcerting to see a local, family-owned business that I'm sure wants to do the right thing and grow their business, propose something that is clearly so detrimental and undesirable to a neighborhood.

Thank you for your time listening to us and taking into consideration our considerable objections to this project. We appreciate it.

Jean Dalmath and Chris Odenbach

East Avenue, Rochester NY 14618

Letter in Opposition to Bristol Valley Homes LLC and PEMM, LLC, Applications 8A-04-22; 8A-05-22; 8A-06-22

1 message

Mary Boyd <mboyd4@rochester.rr.com>

Tue, Nov 1, 2022 at 12:58 PM

To: rick.distefano@townofbrighton.org

Cc: billjones@rochester.rr.com, Bridget Stone <bridgetgarastone@gmail.com>, Hank Stuart <hstuart8m@gmail.com>, Jean Dalmath <jdalmath@dalmath.com>, Julie Jackson Ray <juliejacksonray@gmail.com>, Karen Bentley <Karen_Bentley@urmc.rochester.edu>, Lawrence Ray <lawrence.a.ray@gmail.com>, Linda Stevenson <lsteven1@rochester.rr.com>, Mary Boyd <mboyd4@rochester.rr.com>, Megan Henry <megan.henry100@gmail.com>, Wanda Eaton <wjeaton01@gmail.com>

Mr. Rick DiStefano

Secretary, Board of Appeals

Brighton Town Hall

2300 Elmwood Avenue

Rochester, NY 14618



Dear Mr. DiStefano:

Re: Application of Bristol Valley Homes LLC and PEMM, LLC

3108 East Avenue

Application Nos.: 8A-04-22; 8A-05-22; 8A-06-22

As a home owner and neighbor affected by proposed changes to the building at 3108 East Avenue, my husband and I are *strongly opposed* to the zoning and use changes referenced in applications 8A-04-22, 8A-05-22, 8A-06-22.

As a follow-up to my previous letter to the Zoning Board of Appeals (September 3, 2022), I would like to add the following points:

- The vast majority of the residents in the Brookside Neighborhood and several residents in surrounding neighborhoods are in opposition to the proposed development. You previously received their petition signed by 50 of the Brookside residents and additional letters have been sent to the Board stating their opposition. The proposed Quicklee's Convenience Store (please note that Quicklee's advertises itself as a convenience store operation, <https://www.quicklees.com/about-us/>) and Gas Station is simply not compatible with the Brookside Neighborhood. The Brookside Neighborhood is *not* opposed to an appropriate use of 3108 East Avenue; however, the use needs to be acceptable to and compatible with the neighborhood surrounding it. If one does even a cursory search, one will find *numerous* examples where these types of vintage gas stations have been repurposed to structures and small businesses that are compatible with its surrounding neighborhood. Please see:

- The National Park Service (NPS) web site has a very useful article on repurposing historically significant retired gas stations: <https://www.nps.gov/tps/how-to-preserve/briefs/46-gas-stations.htm>.
 - A *Replica* Gas Station: Coffee Shop & Ice Cream Parlor.
 - An operation similar to Tree Town on Penfield Road, <https://www.treetowncafe.com/>, with limited hours: 7:00 a.m. to 7:00 p.m., closed on Sundays.
 - Free Style Mercantile in Mumford, <http://freestylemercantile.com/about.php#news>, with limited hours.
- The Brookside Neighborhood has always maintained its willingness to meet with Quicklee's. On Thursday, October 13, a *small* group of Brookside neighbors received an e-mail sent by Louis Terragnoli, Director of Real Estate and Development-Quicklee's, inviting the residents of the Brookside Neighborhood to an informational meeting on Wednesday, October 19, 2022. The stated purpose of the meeting was to "present information on the building/canopy appearance, site plan orientation, operating hours (6 am to 10 pm), delivery, vehicle and pedestrian traffic, lighting, fuel dispensers, sales (sic) integrity, and site security." We were requested to share the notice with other neighbors. Because of the short notice of the meeting (4 business days) most residents could not rearrange their schedules to attend. Ms. Karen Bentley immediately wrote to Mr. Terragnoli asking to schedule a more reasonable date. She even offered to assist him in finding such a date by conducting a Doodle Poll of the neighbors. Her offer was declined. Out of 89 individuals in the neighborhood, *only 5 were able to attend*.

When an organization, such as Quicklee's, proposes to insert a convenience store and gas station in a residential neighborhood, with no other commercial entities nearby, it would be wise to meet *early* and *often* with the residents—at the convenience of the residents not at the convenience of the developer.

Thank you for your attention to this matter.

Donald L. and Mary C. Boyd

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November 2, 2022

Rick,

I have lived at 12 Creekdale Lane for 35 years. This is the neighborhood across from the site under review for a the PEMM/Quicklee's & Bristol Valley Homes (Frank Romeo) applications for zoning variances. This letter registers my questions and objections to the above stated three applications for a zoning variance.

In short, I believe that:

- while the phrase "*most studies indicate*" is used throughout this meeting, *none of those studies* are applicable because Quicklees' themselves refers to this project as the first of its kind - a boutique. There is no history and no statistics. Assumptions are NOT based upon prior data.

It is extremely inaccurate to compare apples to kale and expect similar results. Therefore, when the Company states most facts of other projects to this one, the projects are significantly dissimilar and shouldn't be compared.

- the current DOT traffic study is flawed. The NYS DOT requires data collected over one day (at minimum) during specific times for the project. That was definitely not done!
- there are two projects in Brighton expected to be approved in 2023 that could impact traffic.
- crime rates, as reported by the FBI, are quite high for c-stores and gas stations.

All my comments are based upon the October 19th evening meeting at the American Legion with Mr. Terragnoli, Betsey Brugg, Esq., Nick, the traffic consultant from SRF Associates, Megan Henry, Bridget and Michael Stone, and myself.

The discussion follows.

BACKGROUND: Quicklees owns 30 c-stores/gas stations throughout Western NY. All offer full-service. This is their first offering for a boutique (much smaller size) c-store/gas station.

Their future goals for this site include offering electric vehicle charging stations. The market will dictate future steps. Currently, Quicklees forefront of electric charging stations. Some of their other stations offer this service. That said, we have no data relative to how long people stay, what are they doing while vehicle charging, etc.

PLOT SIZE/DELIVERY TRUCKS: Proposed deliveries include (7-day week) 12 delivery trucks plus two fuel trucks per week. In addition, Refuse is once per week. (Source: Betsy Brugg's letter of 10/19/2022 excluding the number of drivers at the pumps)

- two food/beverage deliveries per day (truck length up to 50-53'),
- two fuel deliveries per week (truck length up to 63-70"),
- refuse collected once per week (truck length up to 35'),
- maximum of four drivers at pumps, (that said, there could be a line of cars waiting)

Therefore, for two days per week, there will be up to three trucks in the 0.3 acre space based upon a 7-day week. Fourteen deliveries (with the fuel deliveries) per week. Fuel deliveries NOT necessarily during business hours - dictated by the need for more fuel. Food. deliveries are either during business hours (8AM-5 PM for the food company drivers or Quicklees business hours of 6AM - 10PM). Filling the gas tanks typically takes between 15-18 minutes.

Mr. Terragnoli showed us a chart of how the positioning would work if the gas truck was fueling. When asked how it would work if all the deliveries were being made at the same time (worse case), we were told that it most likely wouldn't happen that way.

That said, it is conceivable that a fueling truck, food delivery and one or more cars could be at the pumps simultaneously. In any event, there doesn't seem to be enough room for the vehicles to fit simultaneously. My question is, would they be in the road blocking traffic?

SECURITY: Mr. Terragnoli said that there would be one employee typically on-site. If customer unruly, Mr. Terragnoli said the employee would call 911.

It isn't that simple. Typically, people who hold up stores are not thinking rationally. According to the FBI in 2020, "**C-Stores Are 4th Most Common Location for Violent Crime. Gas stations take 7th place** in just-released 2020 FBI crime statistics The FBI reported 137,556 total robberies, 13,721 or 10% were at c-stores, while 7,006 or 5% were at gas stations". (Source: <https://www.cspdailynews.com/company-news/c-stores-are-4th-most-common-location-violent-crime>).

As a neighborhood member, when we purchased our home, we made a contract with the town. We agreed to pay the taxes so that we could have a certain standard of living. If the taxes were too high for us to pay, we could move to a different neighborhood that potentially offered a lesser quality of living (tiny yards for one). I will only speak for myself, but I feel comfortable saying that the neighbors who currently live here do not appreciate nor support the potential for such a sharp increase in crime!

LACK OF TRANSPARENCY: There were four pages to the site plan. We were only shown the first page. Given we have been having meetings for months, why is this the first time we learned of the other pages? What else should we know about to make an informed decision?

SIZE OF THE "NEIGHBORHOOD: Mr. Terragnoli stated that the word "neighborhood" is defined as "about 3,500 people in a mile and 27,000 people in two miles. Per day there are about 13,500 cars that go by the site. This proposed station is not a destination site. The traffic comes from the neighborhood.

However, Mr. Terragnoli also said, "The traffic that a site like this generates (direct quote) but there is no site that is like this! Everything is hypothetical given this is a first time offering.

QUALITY OF LIFE: Someone asked, " Why are they going to be open until 10PM?" Mr. Terragnoli responded, "They met and decided that would work for them. Typically, they go to at least midnight. But this is the first time they have requested a "boutique" service station in a neighborhood. "

So, 10 PM is an arbitrary number based upon no data, and, as will be discussed later in the document, no basis of fact due to the lack of coverage in the Traffic Study.

ACCIDENTS/TRAFFIC: Accidents are caused by many factors. The underlying truths of why there is an accident is predicated upon the level of **chaos** and **complexity**.

Chaos is defined as "disorder", e.g., a car going through a red light or a car speeding or a car turning left in front of an intersection. There may or may not be an increase in traffic, but any new project can bring an increase in **traffic accidents**! It is absurd to think that having a convenience store, gas station and ultimately adding charging stations, would not create **traffic hazards** that currently do not exist.

During the meeting, an important distinction was made regarding traffic. Perhaps their traffic study is accurate stating that there might not be an increase in traffic. However, the traffic will become more **complex**. **Complexity** increases the probability that more accidents could occur *even if the number of cars on the road remain the same*.

Mr. Terragnoli stated that the cars that will stop at the station are already going by the station. The station itself is not a "destination". While that may be true, it is also true that cars emit **more pollutants** starting up from a stop or accelerating.

I would like to suggest that going in/out getting gas, milk etc., creates **more pollutants to be emitted** than if the cars were just driving by or stopping for the stop light. Also, if the cars are waiting to fill-up with gas are burning gas - emitting pollutants. Given Mr. Terragnoli's comment that it is difficult to

discuss with hypotheticals, this entire application is built on hypotheticals given their admission that this is a first for them - a boutique gas station/convenience store. As a result, everything is a hypothetical given that *nothing about this project* has ever occurred before - it is a new concept - go into established non-commercial neighborhoods and create a commercial entity, *when the previous Zoning Board denied an earlier application.*

TRAFFIC STUDY: The Average Daily Traffic (or ADT) is the total volume on the road in both directions over a typical day. ADTs can provide insight into the number of lanes needed on a corridor. The peak hour traffic is usually obtained at an intersection and documents the number of vehicles making each movement through an intersection - lefts, throughs and rights - for a single hour from every direction. Peak hour turning movement volumes are the foundation for most traffic analyses performed as intersections are the pinch points in a roadway network. (Source: <http://www.mikeontraffic.com/traffic-impact-study-process-part-4-traffic-data-collection/>)

I asked Nick, a representative from SRF Associates about "*seasonality*" as there didn't appear to be a consideration of this statistic as they were building their model.

Modeling traffic typically uses software that takes numbers, applies formulae, and yields a number - *only as sound as the underlying assumptions. Seasonality is a key consideration in time series data.*

<https://towardsdatascience.com/taking-seasonality-into-consideration-for-time-series-analysis-4e1f4fbb768f> and <https://analystprep.com/study-notes/frm/part-1/quantitative-analysis/modeling-and-forecasting-seasonality/>

Seasonality is defined as "...A typical example of seasonality are the peaks in demand for vacations and holiday trips during summer. Any kind of goods and services that are only sought after around particular dates such as ones specific to a certain holiday are also example of seasonality. The weekly decrease in traffic to b2b websites during the weekend is an example of weekly seasonality. (Source: <https://www.analytics-toolkit.com/glossary/seasonality/>).

However, seasonality was completely ignored in this traffic study. Nick stated, "we only look at one day, in a typical day, 7AM-9AM, 2PM-4PM, 4 PM-6PM. They determine the one-hour peak interval for each of time frames. "Betsey Brugg stated it was the "industry standard".

However, the traffic study was flawed on several counts.

1. The times he stated in the meeting were not the times written on the charts in the study. In addition, rush hour in the study was defined as 4-5 PM. Rush hour typically runs longer; might start later as well. It looks as if their numbers might under-represent actual values - starting and ending too soon.

2. In my opinion, the most egregious error was when The Traffic Study performed by SRF Associates, indicated that on **Thursday, January 27, 2022**, three time periods were measured for vehicles going **southbound**. Then, on **Wednesday, February 16th**, three time periods were measured for vehicles going **northbound**. They took data from two different days from two different months!

As a result of this, no neighbor nor Quicklees, for that matter, have a complete picture for one day and one time period. No one cannot answer accurately, a key traffic study result of *what does traffic look like on X road during 4-6PM on Wednesday November 2nd*? So no one knows if there is an increase in traffic and to what extent or not!

My goal in understanding traffic going in/out of the gas station/convenience store was to measure how many vehicles, go in both a *northbound* and *southbound direction on the same day and during the same three peak times*, so that a model could be built that could loosely forecast what percentage would go in and out of the proposed site per day.

At the absolute minimum, the study should have been created so that vehicles going both northbound and southbound during those three peak times occurred on the same day, thereby comparing apples to apples.

As a result of this faulty comparison, the determination if the proposed traffic will have any significant adverse effect to the surrounding roadways cannot be accurately answered. Their study says that the proposed project will not have a significant adverse effect on traffic. How is "significant" defined? Is that an industry-standard term that is measurable? Is it a legal "term of art"? Wouldn't the rush hour numbers need to be recalculated to include 6 PM in order to get an accurate assessment?

3. Nick said that they put together a model that included a percentage of heavy vehicles including school buses. Please know that a model is dependent upon underlying assumptions. Assumptions are not facts. They are merely "best guesses" developed by the person(s) developing the study, especially given that this project is the first of its kind. There is NO prior data to upon which to base transferable assumptions. Difficult (if not impossible) to compare apples to kale and receive a meaningful statistic.

UPCOMING APPROVED PROJECTS - WHOLE FOODS AND APARTMENT COMPLEX:

Nick said during the meeting regarding upcoming approved projects, And if I recall, there were not any projects that were approved . . ." Whole Foods is in the process of being approved in 2023 and the 86-unit apartment complex *is approved already* but excluded from his analysis for it is in Pittsford - within the 1-mile neighborhood description Mr. Terragnoli sets forth.

His response was sliced and diced narrow enough to exclude the proposed increase in traffic from **Whole Foods**. Mr. Terragnoli added that Whole Foods destination place that would draw from outside the community.

Mr. Terragnoli said that Quicklees isn't bringing cars into the community". Yet, it appears that they will capitalize on the potential increase in cars as a result of Whole Foods project being approved. Mr. Terragnoli looked at where Quicklees is proposed to be and the proposed Whole Foods. To him, it is a "completely different traffic pattern". People in our neighborhood going down East Ave might go to Whole foods but to say that it will bring in an increase in traffic, he thinks might not be the "reality". Yet, there is now a 2-mile radius in his neighborhood from which he will draw customers. While they are at the proposed site, it is less than a mile to get to Whole Foods. Allens Creek Road would greatly facilitate that change in the traffic pattern.

In Pittsford, 0.7 mile from the proposed site, an 86-unit apartment/condo complex is being built. This could yield 172 additional cars on the road. While it was discounted because it was located in Pittsford, it is definitely within the 1-mile definition of a neighborhood and was dismissed from inclusion.

Yet the neighborhood was defined as either a one- or two-mile area based upon the population. Whole Foods is within the 2-mile neighborhood limit.

ADDITIONAL TRAFFIC IMPACTS

Increased quality of life due to the decreased amount of traffic on East Avenue. This momentum has made this neighborhood significantly more residential. Even if the car counts don't increase appreciably, it does change the congestion in the area. The amount of traffic might be less problematic than the *type of traffic*. Mr. Terragnoli felt that due to the traffic lights, it would be "easy" to get in/out and congestion would not be an important issue.

In a prior Board meeting, one Board Member brought up the 86-unit apartment/condo complex 0.7 mile away from the proposed gas station/convenience store. Her fellow Board Member said the complex was located in Pittsford so it isn't applicable. Yet, Mr. Terragnoli stated in the October 19th meeting, that the neighborhood was defined in one-mile "about 3500 people in a mile, 27000 people in two miles, per day there are about 13,500 cars that go by the site." Does the two miles include the 86-unit complex 0.7 mile up the road? Or is the 0.7 mile 86-unit new housing complex included in his two-mile area?

4. **MISCELLANEOUS:** When asked if Quicklees would ever change the hours and stay open later, Mr. Terragnoli said that the town will have them put in writing that they can specify the hours in

perpetuity. That it wouldn't be changed. BUT, an earlier different Zoning Board already said that the area would no longer be a small gas/service station but was to be an office park.

However, THIS Zoning Board is entertaining having a gas station, electric car charging station and a convenience store located in the same place.

So, how does their statements about the town putting requirements in writing mean to us that there won't be any changes to the current proposal down the road?

ENVIRONMENTAL: When asked about Quicklees' experience with their operation so close to a creek, Mr. Terragnoli said that it would go to their engineers to address that.

So, the follow-on question is "how many of their installations did they need to ask their engineers the question of being so close to a creek? What was the outcome(s)? How many of their current installations are close to a major creek? Have there been projects that are close to aquifers? An aquifer is defined as, "An aquifer is a body of rock and/or sediment that holds groundwater. Groundwater is the word used to describe precipitation that has infiltrated the soil beyond the surface and collected in empty spaces underground. There are two general types of aquifers: confined and unconfined. Confined aquifers have a layer of impenetrable rock or clay ..." (Source: <https://duckduckgo.com/?q=define+acquirer&atb=v345-1&ia=web>)

If there haven't been any projects close to a creek nor an aquifer, then how can Quicklees' proposed performance be accurately evaluated? All in all, this project has been fraught with mistakes in the work output and a lack in transparency in answering our questions.

PERSONAL PLEA: We have lived here in peace and safety for 35 years. Please don't approve a project that can bring in increased in crime, pollution, and traffic accidents and a significant decrease to our quality of life. The prior Board disallowed a gas station - and this project is going to be much more with charging stations, convenience store offering beer, wine, cigarettes, and gasoline. They say that it isn't a destination but I know for myself, if I am low on gas, I think where on the route I can fill up before the tank is empty. I then go to a specific station. It is a destination if only for a short timeframe. When Mr. Terragnoli says it isn't a Walmart where people can be there for a very long time, that is a specious argument for the definition of destination does NOT include a time factor. According to Merriam-Webster dictionary, destination is defined as "a place to which one is journeying or to which something is sent". There is no time limit mentioned. (Source: <https://www.merriam-webster.com/dictionary/destination>) Their gas station is a destination for all of their offerings. Thank you for reading this document.

Respectfully submitted: Linda Stevenson 12:31 PM November 1, 2022

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Chapter Aesthetic Studio</div>			
Project Location (describe, and attach a location map): <div style="text-align: center; font-family: cursive; font-size: 1.2em;">2750 Monroe Ave Bldg 5 Rochester NY 14618</div>			
Brief Description of Proposed Action: <i>Install wall signage & awnings</i>			
Name of Applicant or Sponsor: <div style="font-family: cursive; font-size: 1.2em;">Sign & Lighting Services / Kirk Wright</div>		Telephone: <i>585-265-4462</i> E-Mail: <i>teamSLs@SLsny.net</i>	
Address: <div style="font-family: cursive; font-size: 1.2em;">PO Box 597</div>			
City/PO: <div style="font-family: cursive; font-size: 1.2em;">Ontario</div>		State: <div style="font-family: cursive; font-size: 1.2em;">NY</div>	Zip Code: <div style="font-family: cursive; font-size: 1.2em;">14519</div>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<div style="text-align: right;">_____ acres</div> <div style="text-align: right;"><i>0</i> _____ acres</div> <div style="text-align: right;">_____ acres</div>	
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input checked="" type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Commercial</div> <div style="width: 50%;"><input type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>			

5. Is the proposed action,		NO	YES	N/A
a.	A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Kirk Wright</u> Date: _____ Signature: <u>[Signature]</u> Title: <u>Owner</u>		

Project: 10A-01-22

Date: 10/06/2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

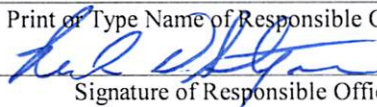
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]	
Project:	10A-01-22
Date:	10/02/2022

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Brighton Zoning Board of Appeals	10/6/2022
Name of Lead Agency	Date
Rick Distefano	Secretary / Environmental Review Liaison Officer
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)