

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF NOVEMBER 16, 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](mailto: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.

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 August 17, 2022 meeting minutes.  
Approval of the September 21, 2022 meeting minutes.  
Approval of the October 19, 2022 meeting minutes. **To be done at the December 21, 2022 meeting.**

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

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[11P-01-22](#) Application of Tasty Hut, LLC, owner, and James Smith, architect, for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 250 +/- sf building addition and allow for a Pizza Hut Restaurant with a pick up window on property located at 1760 Monroe Avenue. All as described on application and plans on file. **POSTPONED TO THE DECEMBER 21, 2022 MEETING AT APPLICANTS REQUEST**

[11P-02-22](#) Application of Carl Gasta, owner, for Preliminary/Final Site Plan Approval and EPOD (watercourse) Permit Approval to construct a 2,700 +/- sf single family house, with a 900 sf attached garage on property located at 1 Knollwood Drive. All as described on application and plans on file.

NEW BUSINESS:

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 **WITHDRAWN BY APPLICANT**

[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 TO THE DECEMBER 21, 2022 MEETING AT APPLICANTS REQUEST**

[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. **TABLED AT THE SEPTEMBER 21, 2022 - PUBLIC HEARING REMAINS OPEN**

[11P-NB1-22](#) Application of Jewish Senior Life, owner, for Preliminary Site Plan Approval to construct two (2) four-story buildings, each containing 35 Independent Living dwelling units, a 5,500+/- sf multi purpose room / theater addition, a 2,000 +/- sf fitness addition, and two (2) 1,400+/- sf maintenance buildings in two phases on property located at 2000 Summit Circle Drive. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

[10P-02-22](#) Application of American Tower Corporation, owner, and Barclay Damon LLP, agent, for Site Plan Modification and EPOD (steepslope) Permit Approval to expand an existing cell tower equipment compound for the installation of a standby emergency generator on property located at 1 Pinnacle Hill Road. All as described on application and plans on file. **TABLED AT THE OCTOBER 19, 2022 MEETING - PUBLIC HEARING CLOSED**

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jon Terry, 285 Idlewood Road, dated November 1, 2022, with comments regarding the November 1, 2022 meeting.

Letter from Peg Warrick, 215 Idlewood Road, dated November 1, 2022, in appreciation of the Planning Boards efforts.

Letter from Seth Holmes, dated November 3, 2022, with comments regarding the November 1, 2022 meeting.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated November 7, 2022, requesting postponement of application 5P-NB2-22, 3108 East Avenue, to the December 21, 2022 meeting.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated November 10, 2022, withdrawing application 10P-NB1-21, 1950-1966 Monroe Avenue.

Letter from Karen Sue Geier and Jim Anderson, 311 Varinna Drive, dated November 14, 2022, with questions and concerns regarding application 11P-01-22, 1760 Monroe Avenue.

Letter from James Smith, architect, dated November 15, 2022, requesting postponement of application 11P-01-22, 1760 Monroe Avenue to the December 21, 2022 meeting.

Letter from Karen Sue Geier and Jim Anderson, 311 Varinna Drive, dated November 14, 2022, with additional questions and concerns regarding application 11P-01-22, 1760 Monroe Avenue.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<a href="#">1670</a>	Basha 2900 Monroe Avenue	Bldg Face	10/24/22
			ADMIN REVIEW
Approved per sign plan.			
<a href="#">1671</a>	Elegent Brows threading & Spa 2180 Monroe Avenue	Bldg Face	10/25/22
ARB - Tabled for additional information.Approved with conditions. 1. True location on the building. 2. Height above ground. 3. Section drawing or better description of sign construction. 4. Details on backlighting, including color.			
<a href="#">1672</a>	Umai Sushi 2835 Monroe Avenue	Bldg Face	10/25/22
ARB - Approved as presented.			
<a href="#">1673</a>	Napa Auto Parts 1780 Monroe Avenue	Bldg Face	10/25/22
ARB - Approves as presented ( To clarify, the design as presented did not include a red “swoosh”).			



Jeff Frisch <jeff.frisch@townofbrighton.org>

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## 11/1/2022 Public Hearing

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Jonathan Terry <jaterry499@gmail.com>  
To: jeff.frisch@townofbrighton.org

Tue, Nov 1, 2022 at 10:29 PM

Jeff, please forward to the Board:

That was a truly awful display of public stewardship. As a Board, you lacked the gravitas to convey your sentiments and thinking, or to substantively respond to our concerns. In fact, it appeared quite evident that you had each already made your minds up.

That's not just poor form, it's fundamentally dishonest. We are either having a hearing, or we're not. Letting us yap at made up minds is not a hearing.

My attempts to engage directly with Board members: 1) "go talk to our lawyer" - Judy 2) "I know everything I need to know to vote." - John, hugely dismissive. David, in an effort to act more like an actual human being than his colleagues, took the time to actually converse with me, but man, when it came time to vote, that conversation proved meaningless. David, ya didn't even stimulate dialogue.

That is exactly how the School Board meeting went. A pretend hearing.

In terms of interaction in the meeting that demonstrated your competencies, understanding of our concerns, and ability to make good decisions, there was none - your lawyer did most of the talking. You had no substantial dialogue, no dissent, no conflict. If you have competencies to represent the Town of Brighton in situations such as these, said competencies were not evident.

It appears that for this Board, saying "aye" is the primary qualification.

Poorly done, guys. I will eagerly research and question what qualified each of you for the positions you have, because beyond meeting management, I was not impressed with your ability and willingness to lead, understand and represent. I hope there's another Chapter, and the lack of competent interest you each demonstrated tonight is fully exposed, as well as the ugly way this overall deal has come together. You can bet that is where my effort will be after that joke of a Public Hearing.

Jon Terry  
285 Idlewood  
646 771 8819





Jeff Frisch <jeff.frisch@townofbrighton.org>

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## Thank you

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**Peg Warrick** <warrickpeg@gmail.com>

Tue, Nov 1, 2022 at 10:41 PM

To: Jeff Frisch <jeff.frisch@townofbrighton.org>, "Kenneth W. Gordon, Esq. - Brighton Town Attorney" <ken.gordon@townofbrighton.org>

Jeff, Ken, and the entire planning board,

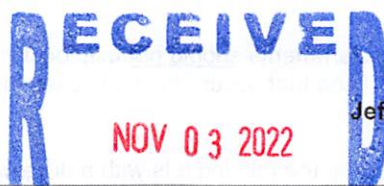
Thank you for all the work you do for Brighton. Between knowing the laws, reading very detailed materials, reviewing lots of citizen input, and the discussions you must have aside from a long meeting or two every month, it is clear you put a lot of time into this.

I appreciate all your efforts.

Peg Warrick  
215 Idlewood Road







Jeff Frisch <jeff.frisch@townofbrighton.org>

## Follow up to the 11/2 planning board special meeting

Seth Holmes <setholmes@gmail.com>  
To: Jeff Frisch <jeff.frisch@townofbrighton.org>

Thu, Nov 3, 2022 at 3:19 PM

To Jeff Frisch, Interim Chair John Osowski, and the members of the planning board,

I am writing to follow up on the discussion and vote at Tuesday night's planning board meeting. For starters, I want to thank you all for your efforts on this matter as I know it has taken some time to get to this point. Though I clearly wanted another outcome, I do appreciate some of the conditions you did add to the application; particularly the cap on students at MSR, the sign, and the language indicating only MSR staff and parents may use that entrance under that CUP.

I would also like to directly thank John Osowski for his thorough questioning over these many meetings and for asking the TIUNY team "why" they were so adamant in keeping the Idlewood entrance open. I personally feel their answer, to the extent of "so MSR could have access to the building", was not a very detailed or robust answer to the question; however, I do appreciate that you asked the question.

At the beginning of the meeting, Ken Gordon indicated we could follow up with additional comments following the meeting. First, I have included the text I read at the outset of Tuesday's public comments below; perhaps that will be of use for the minutes. Second, I recognize the vote is complete, but feel compelled to add some final thoughts after listening to the entire meeting. In particular, I want to address a point that was made by the applicant and addressed by Ken Gordon at the meeting regarding RLUIPA.

The applicant's lawyer indicated that the Federal RLUIPA law should be considered with respect to closing the Idlewood entrance and that the town was obligated to prove that any conditions they apply to the property are the "least restrictive means of furthering a compelling government interest". During discussion, one of the board members (I believe either Mr. Babcock-Stiner or Mr. Fader) asked about this law and the Town's Attorney, Ken Gordon, proceeded to speak at length about the federal law and, from my perspective, appeared to indicate that closing the entrance would indeed be too restrictive and therefore against the RLUIPA law. I have a few comments regarding this topic.

**1) Transparency.** I am very disappointed that this federal law was not mentioned until the final meeting and was not part of the staff report published ahead of the meeting. Ken Gordon appeared very prepared to speak about this issue on behalf of the town, yet the published staff report was silent on the issue. The RLUIPA law appears, from my perspective, to have heavily influenced your vote, and the town attorney was prepared to comment on it. However, the general public were unaware of the topic until the final meeting and had no time to research and prepare cogent comments on the topic. Had I been more swift in thought on Tuesday, I would have stood up in the second public comment period and asked that you postpone a vote until the public had a chance to research and prepare remarks regarding RLUIPA.

**2) Applicability.** Now that I have had a chance to read the RLUIPA law, I am struggling to understand how it is applicable in this situation. The RLUIPA law "prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest." <https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

The applicant indicated that the only reason they want the Idlewood entrance open is for MSR use. How is closing that entrance restricting TIUNY's right to "religious assembly" or substantially burdening the religious exercise of the new TIUNY school if it's only purpose is for MSR traffic? Perhaps there is concern (though none was expressed) that closing the Idlewood entrance would mean directing MSR traffic to S. Winton Road and thus create undue burden of excessive traffic at the S. Winton entrance. However, the SRF traffic study indicated that directing all property traffic (including MSR) to S. Winton road would not warrant any changes to the S. Winton driveway or intersection at the road and have an acceptable traffic grade rating. In other words, no light or turning lane would be necessary at the S. Winton driveway entrance. If adding the MSR traffic to the S Winton entrance does not warrant any change to road and driveway infrastructure, and maintains acceptable traffic grade levels, how is it a burden to TIUNY's right to religious assembly or the religious exercises of the TIUNY school? TIUNY staff and families will be able to access the building unburdened according to their own traffic study. TIUNY indicated the town would need to prove that any conditions should be the least restrictive; I argue that they need to prove that they are restrictive in the first place.

Would adding a north or south driveway or an interior path for MSR cost extra money - yes. But does that extra cost restrict their right to religious assembly - no. There are many costs associated to a design and construction project of this scope and I do not see that TIUNY proved the costs of directing all property traffic to S. Winton road as egregious in any way. They estimated the cost at ~\$200k cost for the driveway extension, but did not place that cost relative to the overall cost of property, design, and construction - which will most certainly be greater than \$10,000,000 for a project of this size. The driveways are a marginal cost to a project of this size; how is that a restrictive burden to religious assembly?



To be clear, I agree that municipalities and governments should not use local zoning and planning laws to restrict religious assembly for any religious group; I just do not see that occurring in this case, nor did I hear the TIUNY team or the town's attorney make a substantial case to that end.

As I said in a previous letter, I believe connecting the parking lots with a driveway and placing an "emergency only" gate across Idlewood entry would be a win-win compromise. It would provide emergency vehicular access to the entire property if the bridge were to fail or the west parking lot were to flood and it would reduce daily traffic in Evans Farm. If anything, during such an emergency, TIUNY's right to religious assembly will be restricted without that connecting driveway as they will not have vehicular access to their school on the west side of the property.

I recognize that this letter is likely to fall into the 'too little, too late' category. But I have to speak my mind and hope that this perhaps helps the process become more transparent in the future. Thank you again for all of your efforts and service to our town.

\_Seth Holmes

My public comments from Tuesday night.

- Over the past 6 months I, along with 7 other Evans Farm residents, have provided comments to you in writing and during meetings regarding this project. We have requested two conditions be applied to this application: 1 – close the Idlewood vehicular Entrance, and 2) provide official open space access to a portion of the property. Over 270 of our neighbors agreed with these conditions through a signed petition we submitted to you earlier this year. Even after the numerous meetings, design revisions, and traffic study, and tonight's presentation - I stand by these requested conditions
- I recognize that we are near the end of this public forum and your review. I have reviewed your 5P-02-22 report prepared for tonight's meeting and request that you **reconsider "Conditional Use Permit Findings point #9"** which states that the *"proposed school will not be hazardous or inconvenient to or incongruous with the surrounding uses"*. This point #9 also indicates that we have provided *"no objective information has been submitted that is contradictory to results of the traffic analysis."*
- I wish to point out to the board a few objective facts that we have identified that were not in the traffic study.
  1. We have indicated that Idlewood road is a shared use roadway, which has no adjacent sidewalks, and is defined as a **Yield roadway** per the Federal Highway Administration's 2016 Small town and rural multimodal networks report. That FHA report suggests yield roadways be used as local roads with low volume traffic. The traffic study fails to mention that Idlewood road is shared with pedestrians.
  2. Idlewood road has **19 ft of asphalt pavement**, which equals two 9 1/2 ft travel Lanes. These travel lanes are smaller than the minimum 10 ft lane width a minor collector should have according to the traffic study. The adjacent 30" gutters should not be included in the travel lane calculations, which was confirmed by Marathon engineers in their 9/7 letter that said the 24ft total width "is not typically utilized for regular passenger vehicles".
  3. The traffic study report indicates that Idlewood road has >1,100 vehicles trips per day (including MSR traffic), which is significantly higher than the **700 maximum trips** that a local road should have according to the traffic study.

These facts indicate Idlewood Road is a local road. The Montessori traffic generated traffic volume on this street is incongruous with its infrastructural capacity as a local road. I request that you reconsider these facts while evaluating this proposal

--

Seth H. Holmes, AIA, LEED AP bd+c  
[setholmes@gmail.com](mailto:setholmes@gmail.com)  
860.461.9437



Jeff Frisch <jeff.frisch@townofbrighton.org>

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## Fwd: Site Survey and meeting Nov. 16

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**James Smith** <jamesdsmith11@comcast.net>

Tue, Nov 15, 2022 at 11:44 AM

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

Cc: Jason Haremza <jason.haremza@townofbrighton.org>, Rick DiStefano <rick.distefano@townofbrighton.org>, David Smith <dsmith@tastyph.com>, Amanda Heintzelman <aheintzelman@tastyph.com>

Hi,

Yes, my Client, Tasty Restaurant Group, would like to withdraw from the November meeting and be moved to the December agenda to allow time to get proposals from engineers and get the work done to submit to you.

I'm sorry that I didn't let you know sooner but I just heard back from them with confirmation of that.

Is there room for us on the December agenda?

Thank you

Jim Smith

James D. Smith, Architect

522 Bay Lane

Centerville, MA 02632

508-367-8920

[Quoted text hidden]







Jeff Frisch <jeff.frisch@townofbrighton.org>

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

1 message

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

Mon, Nov 7, 2022 at 2:33 PM

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>, "John H. Sciarabba (john@landtechny.com)" <john@landtechny.com>, "Brugg, Betsy D." <bbrugg@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 November 22 to allow the applicant's representatives to process its use and area variance applications to the Zoning Board of Appeals.

As always, thank you very much for your courtesy.

Thanks and stay safe,

Jerry

Jerry A. Goldman, Esq.

Partner

Direct Dial: 585-987-2901

Direct Fax: 585-362-4602

jgoldman@woodsoviatt.com

Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

woodsoviatt.com



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Jeff Frisch <jeff.frisch@townofbrighton.org>

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

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

Thu, Nov 10, 2022 at 7:54 AM

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

Cc: "Town of Brighton-Rick DiStefano (rick.distefano@townofbrighton.org)" <rick.distefano@townofbrighton.org>, "Town of Brighton- Ken Gordon (ken.gordon@townofbrighton.org)" <ken.gordon@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>, "Brugg, Betsy D." <bbrugg@woodsoviatt.com>

Jeff-

Since the Town Board has referred the Incentive Zoning application to the Planning Board, we hereby withdraw the pending application for site plan approval (10P-NB-1-21), acknowledging that the development plan under consideration as part of the Incentive Zoning is a substantial modification from the plan which was under consideration in the application referenced above.

Thank you very much for your consideration.

Best and stay safe,

Jerry



Jerry A. Goldman, Esq.

Partner

Direct Dial: 585-987-2901

Direct Fax: 585-362-4602

jgoldman@woodsoviatt.com

Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

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**From:** Jeff Frisch <[jeff.frisch@townofbrighton.org](mailto:jeff.frisch@townofbrighton.org)>

**Sent:** Tuesday, November 08, 2022 9:22 AM

**To:** Goldman, Jerry A. <[jgoldman@woodsoviatt.com](mailto:jgoldman@woodsoviatt.com)>

**Cc:** Town of Brighton-Rick DiStefano ([rick.distefano@townofbrighton.org](mailto:rick.distefano@townofbrighton.org)) <[rick.distefano@townofbrighton.org](mailto:rick.distefano@townofbrighton.org)>; Ken Perelli <[k.perelli@quicklees.com](mailto:k.perelli@quicklees.com)>; Quicklee's- Lou Terragnoli ([l.terragnoli@quicklees.com](mailto:l.terragnoli@quicklees.com)) <[l.terragnoli@quicklees.com](mailto:l.terragnoli@quicklees.com)>; John H. Sciarabba ([john@landtechny.com](mailto:john@landtechny.com)) <[john@landtechny.com](mailto:john@landtechny.com)>; Brugg, Betsy D. <[bbrugg@woodsoviatt.com](mailto:bbrugg@woodsoviatt.com)>

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

**EXTERNAL EMAIL**

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Thanks, Jerry. Received.

[Quoted text hidden]

[Quoted text hidden]





Jeff Frisch <jeff.frisch@townofbrighton.org>

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## We live directly behind the proposed Tasty Hut / Pizza Hut

1 message

Sue Geier <ksuegeier@gmail.com>

Mon, Nov 14, 2022 at 2:40 PM

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

Hello Mr. Frisch,

We live at [311 Varinna Dr.](#) Our back fence is on the boundary with the proposed Pizza Hut, and it runs parallel to the back of the building.

We have have the following questions:

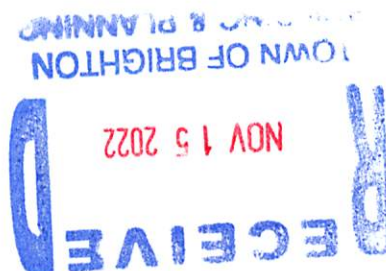
- Is this restaurant going to be a Pizza Hut Express (pick up ONLY) or a Pizza Hut with dine-in capacity AND a pick up window?
- Will the hours be from 11:00am to 10:45pm? What are they, if not?
- Will the traffic be routed for the pick-up window in a U pattern, from Monroe Ave, around the back of the building, and then back out onto Monroe Ave?
- Where will the dumpsters for the Pizza Hut be located?
- What new safety measures will be put in place for the additional traffic from cars going into and coming out of the Pizza Hut, to protect the children walking down Monroe Ave. on their way home from school?

We have the following concerns:

- At one point in time, a Brighton School bus would sit with its motor idling behind the Dunkin' Donuts. The fumes drifted across our back fence, making it smelly and unhealthy to sit in our backyard or on our breezeway. BCSD remedied this situation when we brought it to their attention. Will there be a line of cars idling along our back fence, as they wait for their turn at the Pizza Hut pick-up window? That is unacceptable to us.
- Many people enjoy turning their music up loud while they sit in their cars. The Brighton town noise ordinance requires quiet from 11pm to 7am. Will we have to endure loud music we do not enjoy, some of which have nasty lyrics, up to 11pm every night?
- There has been an ongoing problem with rats in the plaza, attracted by the dumpsters. Our next door neighbor found a dead rat again, not long ago, in her window well. We have worked with the commercial property owners along our stretch of Monroe Ave., and as homeowners, have taken several expensive measures of our own to mitigate this rat problem. We are not excited about the prospect of additional dumpsters, especially ones placed against our back fence.
- Will individual customers be tossing their pizza boxes and drink cups in their dumpsters? Some businesses claim that they are not responsible for unauthorized use of their dumpsters. Since this is a public health issue, will the Town of Brighton require that the Pizza Hut be held responsible for making sure their dumpsters are not overflowing, and require that Pizza Hut pay to have them emptied on a daily basis, if that is necessary?
- Last but not least, when a 24hr. 7/11 was proposed for this location a few years ago, the neighborhood felt this was inappropriate for the location, because of the danger it posed to school children who walk down Monroe. Ave. It was feared that the increase in traffic might result in a child being hit by a car. What is different now? Will the Town of Brighton take responsibility for making it safe for walkers, children, adults and seniors alike?

Thank you for listening and, please share our questions and concerns.

Karen Sue Geier and Jim Anderson, [311 Varinna Dr., Rochester 14618](#)



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

From: **Sue Geier** <[ksuegeier@gmail.com](mailto:ksuegeier@gmail.com)>

Date: Tue, Nov 15, 2022 at 2:24 PM

Subject: Re: We live directly behind the proposed Tasty Hut / Pizza Hut

To: Jeff Frisch <[jeff.frisch@townofbrighton.org](mailto:jeff.frisch@townofbrighton.org)>

Thank you for the update, Jeff,

Jim and I have been thinking about this situation some more. One additional concern is snow-removal around the proposed stacking lane. Tasty Hut/Pizza Hut/Pizza Hut Express (whatever the owners are officially called) should expect to pay extra for frequent snow-pile removal by dump truck, especially at the entrance and egress of the stacking lane onto Monroe Ave. There is hardly any room for snow piles now, and it would be truly hazardous to pedestrians if they do not do that.

Here is the solution we would like the Town of Brighton to implement:

- Require that the proposed restaurant (Tasty Hut/Pizza Hut/Pizza Hut Express) do what all other restaurants, including three pizza places in our neighborhood, already do. The patrons park, get out of their cars, come into the restaurant and pick up their take-out orders.
- Core Life Eatery, Five-Guys, Bamboo House, Panera Bread, Carmen's Cooking, Chen Garden, and The Sheffield all operate that way. If they can successfully stay in business without a drive-thru, then Pizza Hut can too.
- We already have three pizza restaurants at 12 Corners: Dominoes Pizza, Ken's Pizza, and Joe's Brooklyn Pizza. All three operate successfully that way. People park, go into the store, pay for their food and bring their take-out home.
- Our neighborhood is already well-served by these three pizza restaurants. We do not think there is a need for another one, especially one with a drive-thru, that is so disruptive to homeowners who live on the residentially-zoned surrounding streets.
- The danger posed to pedestrians from cars entering and exiting the stacking lane off Monroe Ave., especially in Winter, should not be underestimated.

Thank you for passing this email reply along, too. We wish you well in your next endeavor, whatever it may be.

Sue and Jim

## **PLANNING BOARD REPORT**

**HEARING DATE:** 11-16-2022

**APPLICATION NO:** 11P-02-22

**APPLICATION SUMMARY:** Application of Carl Gasta, owner, for Preliminary/Final Site Plan Approval and Environmental Protection Overlay District (EPOD) (watercourse) Permit Approval to construct a 2,700 +/- sf single family house, with a 900 sf attached garage on property located at 1 Knollwood Drive.

### **COMMENTS:**

1. 1 Knollwood Drive is currently a vacant parcel. Prior to the 1960s the parcel was part of the adjacent parcel at 3225 East Avenue and contained a carriage house/converted residence associated with the main house facing East Avenue. The carriage house/converted residence on 1 Knollwood Drive was subsequently demolished in the mid 1990s.
2. The property is zoned Residential-Low Density A (RLA).
3. The property is within a Watercourse and Floodplain Environmental Protection Overlay District (EPOD).
4. Plans indicate that the project does not encroach into the floodplain of Allens Creek.
5. Site, grading, utility & planting plans have been submitted.
6. The Architectural Review Board approved the new house at the 9-27-2022 meeting
7. Knollwood Drive (within the Town of Brighton) is a private road.

**CONSERVATION BOARD:** No comments

**TOWN ENGINEER:** See attached memo from Brendan Ryan to Jeffrey Frisch dated 11-10-2022

### **QUESTIONS:**

1. Please confirm the limit of disturbance and the total square footage of the disturbed area of the project. See also attached memo from Brendan Ryan to Jeffrey Frisch dated 11-10-2022 specifically page 2, 'Site Development Plans' item #1:

“A cursory review of the limits of disturbance for this project indicates that the area of disturbance is substantially larger than the 18,500 sq.ft. noted on the plans. Please provide supporting documentation on how the area of disturbance was calculated. 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.”

2. Describe more fully the proposed grading plan. See also attached memo from Brendan Ryan to Jeffrey Frisch dated 11-10-2022 specifically page 2, ‘Site Development Plans’ items #2 and #6:

“The basement excavation for the proposed home could generate a substantial 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?”

“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.”

3. The Watercourse and Floodplain EPOD is not specifically shown on the plans. Describe more fully impacts this project may have on the EPOD. See also attached memo from Brendan Ryan to Jeffrey Frisch dated 11-10-2022 specifically page 2, ‘Engineer’s Report item #2:

“The proposed development is within a watercourse EPOD. Regulated activities within the watercourse district shall be required to demonstrate that the proposed activity will not adversely affect water quality, watercourse flood-carrying capacities, rate of sedimentation, rate/velocity groundwater runoff, and natural characteristics of the watercourse or floodplain. The applicant should consider the installation of control structures, drywells, or other appropriate measures to mitigate peak runoff rates and rate of sedimentation resulting from the proposed development.”

4. Describe any existing structures the site. Will any existing fences, walls, gazebos or other structures be retained?
5. Describe the proposed driveway and any modifications of the existing driveway serving 3225 East Avenue. How many access points/curb openings are proposed on Knollwood Drive?
6. Describe the existing easements, particularly with regard to the driveway serving 3225 East Avenue. Will the easements be modified and if so, how?
7. Will all fences and walls meet the requirements of maximum 3.5’ height in the front yard and maximum 6.5’ height in the side and rear yards?
8. How will the site be restored following construction of the new house?
9. What trees will be removed? What trees will be planted?

10. Is a generator proposed? If so, where will it be located?

11. Per the submitted grading plan, the finished floor elevation for the proposed house is 404.83'. The finished floor elevation of the adjacent attached garage at 3225 East Avenue is 400.8'. See also attached memo from Brendan Ryan to Jeffrey Frisch dated 11-10-2022 specifically page 3, 'Site Development Plans' item #16:

The first-floor elevation of 3225 East Avenue should be provided on the plans.

### **SEQRA:**

If the Planning Board finds that the proposed action will not have a significant impact on the environment, Town Staff recommends that the Planning Board adopts the negative declaration prepared.

In addition, Per NYCRR Section 617.5(c)(11) the construction of a single family residence on an approved lot is a Type II action. That suggests the action, by its very nature, size, and scope, has been determined not to have a significant impact on the environment.

Per Town of Brighton Code Section 201.14, the proposed action is not an additional Type I action.

### **Decision**

If the Planning Board entertains tabling the application, Town Staff recommends the following items, among others suggested by the Planning Board, be addressed:

1. Staging and soil stockpile areas shall be shown on plans, with required erosion control.
2. Corner ground elevations for the proposed house shall be provided on the site/grading plan and on the architectural elevations.
3. All Monroe County Development Review Comments shall be addressed.
4. 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.
5. The height of the proposed house shall be shown on plans. Elevation drawings showing the height of the structure in relationship to proposed grade shall be submitted.
6. Prior to any framing above the deck, an instrument survey showing setback and first floor elevation shall be submitted to and reviewed by the Building and Planning Department.
7. The applicant shall review the site plan, architectural elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another.

Architectural elevations showing the height of the structure in relationship to proposed grade as shown on the approved site plan, and including ground elevations at the house corners, shall be submitted. Any changes to plans shall be reviewed by the Building and Planning Department and may require Planning Board approval.

8. 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.
9. All Town of Brighton codes that relate directly or indirectly to the proposed project shall be met.
10. All requirements of the Town of Brighton Department of Public Works shall be met.
11. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control. Erosion control measures shall be in place prior to site disturbance.
12. 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.
13. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
14. Maintenance of landscape plantings shall be guaranteed for three (3) years.
15. 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.
16. Fire hydrants shall be fully operational prior to and during construction.
17. 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.
18. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.



19. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control.
20. All comments and concerns of the Town Engineer as contained in the attached memo dated 11-10-2022 shall be addressed.
21. A written response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 11P-02-22

**Date:** November 15, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** 11P-02-22

**SEQR Status:** Type II

**Conditioned Negative Declaration:** No

**Description of Action:** Preliminary/Final Site Plan Approval and Environmental Protection Overlay District (EPOD) (watercourse) Permit Approval to construct a 2,700 +/- sf single family house, with a 900 sf detached garage on property located at 1 Knollwood Drive.

**Location:** 1 Knollwood Drive, Rochester, NY 14618

**Reasons Supporting This Determination:**

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

1. The requirements of the State Environmental Review Act have been met.
2. There will be no resources of value irreversibly lost or substantially impacted.
3. The proposed use, considering its intensity, size, and scope will not have a negative impact on the environment.

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

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

Email: [rick.distefano@townofbrighton.org](mailto:rick.distefano@townofbrighton.org)  
Telephone: 585-784-5228



## Public Works Department

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

**Brendan Ryan**  
Assistant Engineer

### MEMO

Date: November 10, 2022

From: Brendan Ryan

To: Jeffrey K. Frisch

Copy: File

Re: *Application No. 11P-02-22*

*Application of Carl Grasta, Owner, for Preliminary Site Plan Approval and Approval to construct a 2700 +/- sf single family home with a 900-sf attached garage.  
1 Knollwood Drive*

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. The easements (cross access, sewer, etc.) associated with this development shall be depicted on the plans.
5. 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. It is difficult to discern existing conditions versus proposed conditions on the provided plans. Please review and revise.
6. 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.

**Engineer's Report:**

1. The engineer's report must be revised to include technical information regarding change in stormwater runoff and need for stormwater mitigation.
2. The proposed development is within a watercourse EPOD. Regulated activities within the watercourse district shall be required to demonstrate that the proposed activity will not adversely affect water quality, watercourse flood-carrying capacities, rate of sedimentation, rate/velocity groundwater runoff, and natural characteristics of the watercourse or floodplain. The applicant should consider the installation of control structures, drywells, or other appropriate measures to mitigate peak runoff rates and rate of sedimentation resulting from the proposed development.
3. Supporting calculations which demonstrate the capacity of the proposed 4" sewer lateral shall be provided.

**Site Development Plans:**

1. A cursory review of the limits of disturbance for this project indicates that the area of disturbance is substantially larger than the 18,500 sq.ft. noted on the plans. Please provide supporting documentation on how the area of disturbance was calculated. 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.
2. The basement excavation for the proposed home could generate a substantial 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?
3. 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.
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. The proposed grading plan appears to create steep slopes at the rear of the property which might become erosive when subjected to a point discharge such as the proposed downspout system. Please review.
6. 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.
7. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. The size, material type, and invert for all proposed utilities shall be called out on the plans.
9. Why is only a portion of the driveway associated with 3225 East Avenue being removed as part of this proposal?
10. Please clarify what is meant by the note which indicates "install river rock along the edge of the pavement to match shoulder." The hatch pattern associated with that note is the same as the asphalt demolition hatch.
11. A Sequence of Construction must be provided on the plans. The sequence must address the installation of erosion control measures, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of demolition debris and restoration of the project site.
12. What is the proposed methodology for installing the proposed sewer lateral across Knollwood Drive? A traffic detour plan may need to be developed if the applicant intends on open cutting the roadway.
13. 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.
14. A minimum of 4 feet of cover must be provided above the entire length of the sanitary sewer main and laterals at all locations.

15. A stabilized construction entrance must be provided as part of the erosion control plan.
16. The first-floor elevation of 3225 East Avenue should be provided on the plans.
17. A concrete washout area should be provided and depicted on the erosion control plan.
18. A sewer permit will be required to connect the proposed sewer lateral to the sewer main.
19. Connection into the sanitary sewer main shall be by a licensed plumber. The connection into the sewer main shall be performed by removing a small section of the 8" sanitary sewer main and installing an 8x4 wye. The connection shall include new 8" SDR 35 pipe and two 8x8 strongback Ferncos. An inserta tee connection into the sewer main will not be allowed.
20. A floodplain development permit will be required for this project.
21. The boundary of the watercourse EPOD shall be depicted on the plans.
22. The Brighton Town Code indicates that all water services shall be either copper or ductile iron pipe. Polyethylene water services are not allowed.
23. Knollwood Drive is a private roadway. Does the applicant have rights of access to this road? Please provide supporting documentation.

**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 contractor(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

## **PLANNING BOARD REPORT**

**HEARING DATE:** 11/16/22

**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 900sf 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 was reduced to 5,050 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. These have been changed from the previous submittal to increase the distance from the western property line and to move the pool further into the rear yard and away from the property line. Variances are as follows:
  - Side setback should be 33.2' based on calculation from the 30' setback line and the proposed side setback for the house is 20.56".
  - Livable floor area of 5,050sf where a maximum of 3,748sf is allowed by code.
  - Pool located in a side yard where only allowed in rear yard per 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 provided.
- Utilities (gas, electric, cable, water & sewer) exist for the property and will be rerouted to serve the needs of the future home. Evidence will need to be provided showing dedication of the sewer to the Town.
- 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 pre-asbestos removal survey was submitted.

- The property was reviewed by the HPC and they are not interested in designation.
- Generator will be provided behind the pool house.
- HVAC will be behind the pool garage.
- Rear patio will not be covered.
- 15,700sf will be disturbed

### **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 November 13, 2022.

### **QUESTIONS:**

- What has changed since last meeting?
- 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?
- Have the new plans been reviewed by the Conservation Board?
- 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 grading need to be done around the pool and cabana?
- What information do you have about the sewer easements? Do you have any problem providing a town with an easement for your section of the sewer?



## **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 prior to final approval.
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. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Maintenance of landscape plantings shall be guaranteed for three (3) years.
9. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. 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.
11. All County Development Review Comments shall be addressed.
12. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
13. 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.

14. Erosion control measures shall be in place prior to site disturbance.
15. 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.
16. 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.
17. 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.
18. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
19. 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.
20. 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.
21. 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.
22. Show the storm sewers on the site and their connections to the house.
23. The project will need to obtain the following required variances
24. The plans shall clearly show all trees proposed to be removed.
25. A landscape plan shall be submitted that show all proposed plantings.
26. 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.
27. 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.

28. 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.
29. Basement excavation may yield large amounts of spoil. Location of spoil piles and plans for their removal or distribution shall be provided.
30. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
31. All comments and concerns of the Assistant Engineer as contained in the attached memo dated November 13, 2022 from Brendan Ryan, Assistant Engineer, to Jeffrey Frisch, shall be addressed.
32. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.



**Brendan Ryan**  
Assistant Engineer

## MEMO

Date: November 13, 2022

From: Brendan Ryan

To: Jeffrey K. Frisch

Copy: File

Re: *Application No. 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.  
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. We will review the engineer's estimate for construction to establish the value of the letter of credit when it is submitted by the applicant. The 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.
2. We will review the schedule of all easements (existing/proposed, public/private) associated with this project when it is provided by the applicant's engineer. 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.
3. Town staff will be mailing out a letter to the owners of the subject properties along Elmwood Hill Lane to facilitate securing a sanitary sewer easement for the sewer main which runs along the rear of the properties. In the interim, the applicant should provide a 20' easement to the Town of Brighton which will allow the Brighton Sewer Department to access the existing sanitary sewer manhole located in the rear of the property. This department will provide the applicant's engineer with the Town's standard easement language for review.

### Engineer's Report:

1. The email from MCWA confirming the pressure zone for this site appears to have been omitted from the submittal packet. Please forward to our attention prior to the final approvals. Does the MCWA communication also include a flow test report?
2. It appears that the roof leaders from the new house are being directed to a series of dry wells. The proposed dry wells will help mitigate the increase in runoff from the proposed development. Please provide technical documentation on the sizing and capacity of the dry well system.



**Post Demolition Restoration Plan:**

1. Specifications for backfill requirements of the building footprint shall be included on the restoration plan. No existing construction materials (concrete or other) from the existing homes shall remain on-site. This plan shall indicate that the acceptable backfill will be used to fill the basement footprint to within 6" below grade, at which point topsoil is to be used to bring the remaining portion to final grade should construction not begin shortly after demolition.
2. We will review the demolition construction estimate to establish the value of the demolition letter of credit when it is submitted by the applicant.
3. Any trees which are to be removed as part of the site demolition should be called out on the plans.
4. A Sequence of Demolition and Restoration Work must be provided on the plans. The sequence must address the installation of erosion control measures, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of demolition debris and restoration of the project site.
5. Prior to demolition a demolition permit shall be obtained.
6. The sanitary sewer lateral must be disconnected and before demolition can begin. The contractor must contact the Town of Brighton Sewer Department before disconnecting the sanitary sewer service. A note indicating this requirement shall be added to the plans.
7. The erosion control measures necessary during demolition/restoration should be depicted on this sheet.

**Utility Plan:**

1. A cleanout should be added to the sanitary sewer within the property line.
2. A detail of the proposed drywells should be included in the plans.
3. Standard Town of Brighton sanitary sewer lateral construction details should be included on the plans.
4. The size, material type, and invert elevation should be provided for all utilities being proposed on this site.
5. The applicant's engineer has indicated that the existing roof downspouts currently discharge below grade. Are there existing storm sewers on-site?
6. The sanitary manhole located at the rear of the property is called out as a storm manhole on this sheet. Please review and clarify.

**Grading and Erosion Control Plan:**

1. A note should be added to the plans: "Existing driveway to be used as construction entrance. If the existing asphalt driveway is not preventing mud from being tracked onto the public road, then a stabilized construction entrance meeting the NYS standards for sediment and erosion control shall be installed."
2. All trees which exist on the site and are to remain should be depicted on the proposed grading sheet. It is difficult to discern whether any trees will be affected by the proposed grading plan.
3. The grading proposed immediately south of the pool house appears to be steeper than 3H to 1V and will likely require jute mesh stabilization. A note indicating that all slopes 3H to 1V or greater shall be stabilized with a jute mesh product should be added to the plans, or the grading should be revised to ensure that this slope is not exceeded.

**Landscape and Lighting Plan:**

1. Cut sheets for any proposed outdoor lighting should be provided.
2. A planting schedule should be provided with the landscaping plan.
3. New trees should not be planted in the area of the sanitary sewer easement which will be provided for this property.

## **PLANNING BOARD REPORT**

**HEARING DATE:** 11-16-2022

**APPLICATION NO:** 11P-NB1-22

**APPLICATION SUMMARY:** Application of Jewish Senior Life, owner, for Preliminary Site Plan Approval to construct two (2) four-story buildings, each containing 35 independent living dwelling units, a 5,500+/- sf multi-purpose room/theater addition, a 2,000 +/- sf fitness addition, and two (2) 1,400+/- sf maintenance buildings in two phases on property located at 2000 Summit Circle Drive.

### **COMMENTS:**

1. 2000 Summit Center Drive is currently developed as senior housing campus, both independent living (Summit) and assisted living (Wolk Manor), owned and operated by Jewish Senior Life. The parcel is also known as Lot 2 of the overall Jewish Senior Life campus.
2. The subject property is presently zoned Residential High Density 2 (RHD-2) with an Incentive Zoning (IZ) agreement.
3. The original Incentive Zoning (IZ) application for The Summit at Brighton and Wolk Manor was approved in 1996, and amended in 2011, 2015, and most recently on 8-24-2022. The most recent amendment to the incentive zoning agreement includes the following:
  - a. The maximum density for Lot 2 [AKA 2000 Summit Circle Drive] as set forth at paragraph 1 of the 1996 Schedule D-2 shall be increased to 9.6 units per acre.
  - b. The maximum number of units to be constructed on Lot 2 [AKA 2000 Summit Circle Drive] as set forth in paragraph 2 of the 1996 Schedule D-2 shall be increased to 236.
  - c. The minimum setback for primary buildings to the south property line on Lot 2 [AKA 2000 Summit Circle Drive] as set forth in paragraph 5 of the 1996 Schedule D-2 shall be reduced to 228 feet.
4. Full site, grading, utility, landscaping, and architectural plans have been submitted.
5. The project is an expansion of a large, occupied, campus. Issues typically given consideration for a newly developed or redeveloped site may not apply to what is additional development to an already developed site. Two elements that warrant analysis are:
  - a. parking (number of spaces and physical design of the parking layout)
  - b. stormwater infrastructure.

See also 'Questions' section on the following page and the attached memo from the Town

Engineer.

6. The Architectural Review Board approved the new buildings at the 10-25-2022 meeting.

**CONSERVATION BOARD:** Consider the use of pollinator beds and low mow grass areas throughout the site.

**TOWN ENGINEER:** See attached memo from Evert Garcia to Jeffrey Frisch dated 11-12-2022

**SEWER DEPARTMENT:** See comments below. Questions specific to these comments should be directed to [tim.jason@townofbrighton.org](mailto:tim.jason@townofbrighton.org) or 585-784-5289.

1. Obtain a sewer permit
2. Saddle tees are not permitted
3. Clarify dimensions: sanitary main goes from 8" to 10" back to 8"
4. Check depths for sewer/water crossings
5. Provide top of rim elevations
6. Maintain a minimum of 4 ft of coverage throughout
7. Utilize Town of Brighton detail sheets
8. Provide grease trap/food prep specs
9. Garage drainage must tie into the sanitary sewer
10. Provide sanitary sewer profiles
11. Must maintain 18" separation between sewer and water

## **QUESTIONS:**

1. What has changed on the Site Plan since your last meeting with the Planning Board?
2. Describe the proposed parking with regard to code compliance for both the RHD-2 and IZ requirements in terms of both number of spaces provided, where (surface lots and covered parking) and dimensional standards and physical layout.
3. What trees will be removed? What trees will be planted?
4. Describe more fully the proposed stormwater and erosion plan, particularly the phasing of such plans and the final disposition of the retention ponds. See also attached memo from Evert Garcia to Jeffrey Frisch dated 11-12-2022 specifically 'Engineer's Report' and 'SWPPP' on pages 2-3
5. Describe the location of any new mechanical equipment.
6. Describe in greater detail the overall phasing of the project. What site work, stormwater, and road changes are being completed as part of this phase?
7. What is the timeline for the sidewalk construction along South Winton Road and Westfall Road included as an amenity in the Incentive Zoning agreement?

**SEQRA:**

Environmental Review was conducted by the Town Board as part of the Incentive Zoning amendment. The environmental determination (Negative Declaration) is attached. Town staff recommends that the Planning Board adopt the environmental determination.

**Preliminary Approval with conditions:**

The Planning Board approves the preliminary site plan review application based on the testimony given, plans submitted, and with the following conditions:

1. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code
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. All Town of Brighton codes that relate directly or indirectly to the proposed project shall be met.
4. All requirements of the Town of Brighton Department of Public Works shall be met.
5. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control. Erosion control measures shall be in place prior to site disturbance.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
7. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Maintenance of landscape plantings shall be guaranteed for three (3) years.
9. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. Fire hydrants shall be fully operational prior to and during construction.
11. If a dumpster is to be utilized, 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. Revised plans shall be submitted to and approved by the Building and Planning Department.

12. The parking lot shall be striped as per the requirements of the Town of Brighton Comprehensive Development Regulations.
13. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
14. If the proposed additional parking spaces are to be lit, a lighting plan which shows the type, location and lighting contours shall be submitted to and approved by the Building and Planning Department.
15. All outstanding Site Plan comments and concerns of the Town Engineer regarding soil erosion, storm water control, water system and sanitary sewer design shall be addressed.
16. All County Development Review Comments shall be addressed prior to final approval.
17. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
18. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to demolition, landscaping, stormwater mitigation, infrastructure and erosion control. The applicant's engineer shall prepare an itemized estimate of the scope of the project as a basis for the letter of credit.
19. The location of any proposed ground mounted mechanical equipment (including but not limited to 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.
20. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Jeffrey Frisch dated 11-12-2022, shall be addressed.
21. All comments and concerns of the Town Sewer Department as noted in this document shall be addressed.



## Public Works Department

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

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

### MEMO

Date: November 12, 2022

From: Evert Garcia

To: Jeffrey K. Frisch

Copy: File

Re: *Application No. 11P-NB1-22*

*Application of Jewish Senior Life, owner, for Preliminary Site Plan Approval to construct two (2) four-story buildings, each containing 35 Independent Living dwelling units, a 5,500+/- sf multipurpose room / theater addition, a 2,000 +/- sf fitness addition, and two (2) 1,400+/- sf maintenance buildings in two phases  
2000 Summit Circle Drive*

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

#### **General:**

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, improvements to the sanitary sewer, water service, stormwater water management facility, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
3. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
5. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
6. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>.
7. A phasing plan that defines the maximum disturbed area per phase, and the specific sequencing and phasing that will be done to minimize the amount and duration of exposed areas to the maximum extent practicable must be submitted for review and approval. The phasing plan must illustrate the successive grading, erosion control and

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<http://www.townofbrighton.org>





restoration measures by phase. This plan shall be submitted to the Town of Brighton for review and approval. Any deviation from this plan must be reviewed and approved by the Town of Brighton. Grading activities shall be limited to the phase and/or section immediately under construction to decrease the time that soil is exposed, which, in turn, decreases the potential for erosion. Additional phases should begin only when the previous phase is stabilized.

8. The owner of the site must execute a stormwater maintenance agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Town, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by the Code of the Town of Brighton, if necessary, implement emergency repairs to protect the health, safety and welfare of the public.
9. A copy of the preliminary jurisdictional determination should be forwarded to this office upon receipt by the applicant to confirm the USACOE's review of the wetland delineation performed by BME.
10. Prior to the issuance of any building permits for the Project, JSL shall prepare draft construction drawings for the Sidewalk Amenity.
11. Additional comments will be developed as the design plans progress and more detailed information on the proposed development is provided.

#### **Sustainability:**

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. Pervious pavements should be considered where applicable such as sidewalks, parking areas and drive aisles to control the stormwater generated by the proposed parking lot expansion.

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

1. The final engineer's report should compile all of the technical information regarding sanitary demand, change in runoff and need for stormwater quality/quantity mitigation, and traffic generation.
2. The engineer's report should include hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the demands associated with this project must be provided.
3. The applicant's engineer has indicated that total sanitary sewer flows from the proposed development will be less than the flows calculated for the previously proposed office uses. Supporting technical documentation should be included in the engineer's report.

#### **SWPPP:**

1. Technical documentation demonstrating that the proposed partial buildout of the stormwater management facility will be adequate to handle the water quality and quantity needs of the Phase I construction plan must be provided.
2. The hydraulic design of the SWMF shall be performed in accordance with the hydrologic criteria specified in Chapter 215 with the ultimate stormwater control being quantified with respect to the watercourse to which the development is tributary. The ultimate stormwater control capacity volume shall be based upon the design recurrence interval with the discharge rate from the structure's outfall not exceeding the criteria outlined in Chapter 215. For a primary watercourse, the outlet control structure shall be designed to control the difference of the 100 year develop to the 25-year undeveloped. The proposed SWMF shall be designed to meet this requirement.
3. The proposed development is within the Irondequoit Creek watershed. Will the proposed development exceed the thresholds for requiring a stormwater management report identified in the Irondequoit Creek Watershed Stormwater Management Report Requirements Packet for Developers?
4. The NYS SWDM indicates that existing trees which are considered for RRv reduction must be inventoried, identified, protected, selected from an approved list. Similarly, new trees planted for credit must be chosen from the



approved manual list. Please submit supporting documentation that the selected trees meet the aforementioned requirements.

5. The hydrocad model indicates that the bottom of the existing SWMF is set at elevation 481. Has existing pond depth been confirmed in the field?
6. Supporting calculations demonstration how the proposed development meets all components of the Unified Sizing Criteria for stormwater runoff, as outlined in the NYS SWDM, must be provided.
7. As part of the redevelopment project, it appears that the existing SWMF is being reduced in overall size (321,908cf vs. 271,779cf). Is the reduced SWMF able to meet all of the same requirements that the current SWMF does under existing conditions?
8. Does the proposed SWMF in the hydrocad model represent the SWMF after all of the alterations proposed during Phase 1 and 2? Please clarify.
9. What is the secondary routing device represented by the 10'x20' broad crested weir in the hydrocad model?
10. The hydrocad model suggest that the proposed SWMF will peak about 0.4' higher than the peak for the SWMF under existing conditions during the 100-year storm event. Will this increase in elevation affect any features on the southern end of the SWMF? The plans currently lack sufficient topographic information in this area to confirm.
11. The SWPPP assume that the smaller storm discharges are controlled by outlet control structures at the downstream SWMF in Meridian Center. After a cursory review of the design documents associated with the Meridian Center SWMF, this does not appear to be the case. Are there other controls present in the Summit SWMF that may have been implemented during a previous development phase? If not, an outlet control structure will likely be required in the Summit SWMF to meet the NYS DEC Unified Stormwater Sizing Criteria and the Town of Brighton Chapter 215 Stormwater Design requirements. We will complete our review of the proposed SWMF upon receipt of this information.
12. The SWPPP indicates that the SWMF permanent pool will provide the remaining WQv, however, the runoff reduction and treatment volume summary worksheet does not attribute any WQv to the Multiple Pond System. Please review and clarify.
13. What is the elevation of the permanent pool under proposed conditions?
14. The soil media depth used in the bioretention worksheet does not appear to be consistent with the hydrocad model. Please review and revise as necessary.
15. Has a subsurface investigation been performed to confirm the 5"/hr exfiltration rate of the bioretention facility bottom?

#### **Traffic and Roadways:**

1. A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be provided.
2. The previously provided trip generation memo should be incorporated into the final engineer's report.

#### **Existing Conditions and Demolition Plan, V-101:**

1. How will access be maintained to the Summit facilities during demolition and construction? A traffic detour plan should be developed and incorporated into the phasing plan.
2. A list of all trees to be removed identified by their species, condition, and size should be provided on the plans.
3. How much time is anticipated to elapse between Phase 1 and 2?
4. Are the trees shown to be removed under the Phase 2 hatching being removed as part of Phase 1 or 2?

#### **Existing Conditions and Demolition Plan, V-102:**

1. The boundary note on this sheet appears to reference a different project and site. Please review and revise.

#### **Layout Plans, C-101/102:**

1. A layout plan which depicts proposed conditions under each distinctive phase should be provided. As submitted, it is difficult to discern what features are being removed and/or proposed as part of Phase 1 and vice versa.



2. Do vehicles have sufficient room to turn around at the end of the parking area adjacent to the multi-purpose room addition?
3. A parking layout for the proposed garage spaces underneath the Villa buildings shall be provided.

#### **Utility Plan, C-201:**

1. The proposed generator depicted on this sheet will require a separate permit. Cut sheets and specifications associated with the proposed unit should be provided.
2. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant.
3. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
4. Will there be kitchens in the proposed Villa buildings? If so, the grease trap sizing calculations shall be submitted for review prior to this department signing the final plans for this project.
5. Are there any changes being proposed to the existing on-site lighting? Any light fixtures proposed as part of the improvements should be fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins. Additionally, photometrics depicting light contours for the proposed lighting system should be provided with the plans.
6. The pipe run from SA 1.2 to SA 1.1 appears to be backwards. Please review and clarify as necessary.
7. There are many crossings which will be encountered as part of the installation of utilities for this project. Sewer profiles for both the storm and sanitary sewer system shall be provided. The design engineer should confirm that there is sufficient clearance between utilities as required by the various utility operators and engineering best practices.
8. It appears to some of the existing storm sewers which end at the northern portions of the existing SWMF will have to be cut back once modifications to the SWMF are made. Please review.
9. Saddle tee connections to the sanitary sewer system are not permitted.
10. Standard Town of Brighton sewer details should be incorporated into the plans.
11. A clear and distinct utility phasing plan which depicts the extent of the various utilities being installed and/or modified during each distinctive phase of the project should be provided with the plan set.

#### **Utility Plan, C-202:**

1. This sheet indicates that some of the MPR addition roof will drain towards the small pond in between Wolk Manor and the Summit. This pond should be evaluated to confirm that the facility can adequately handle the additional runoff volume being directed towards under proposed conditions.
2. Will the MPR addition require potable water? Will the addition be fed internally from the service at the Summit? Please clarify.

#### **Grading and E.C. Plan, C-301:**

1. This sheet indicates that the proposed first floor elevation of the Villas 1 building is to match the existing first floor elevation of the Summit at 492.7 and needs to be verified in the field. This elevation appears to be critical to the rest of the site design and should be confirmed before the plans are finalized.
2. What is the finished floor elevation of the proposed 35 garage spaces in Villa 1?
3. Will the proposed Villa buildings have basements?
4. The finished grade around the southern end of Villa 1 is proposed at elevation 495.7. How does the elevation on the southern end of the building transition to the 492.7 first floor elevation at the northern end of the building? Please clarify.
5. A stabilized construction entrance needs to be provided as part of the sediment and erosion control plan.



6. A concrete washout should be provided in the erosion control plan.
7. Orange construction fencing needs to be provided to establish the limits of disturbance for this project.
8. A clear and distinct grading plan which depicts the extent that grading will occur under each phase and how the grading will tie back in to existing grade for each phase should be provided with the plan set. As submitted, it is difficult to discern what grading is being proposed as part of Phase 1 and vice versa.

**Notes- The following notes should be included with the formal set of design drawings**

1. 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.
2. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans, and shall be subject to the inspection and approval of the Town of Brighton.
3. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work
5. 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
6. 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.
7. All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Tree protection and erosion control measures shall be in place prior to clearing, demolition or construction.
9. The landscaping associated with the project shall be guaranteed for three years.
10. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
11. 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.
12. As part of the redevelopment process, all existing utility laterals that are proposed to be used for serving this site shall be televised to determine their condition and adequacy for doing so. If the laterals require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant.
13. Sanitary and/or storm sewer cleanouts on site or within the right of way, shall be protected by orange construction fencing during the demolition.
14. 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.
15. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
16. All inlets to the storm system shall be straw-baled on all sides to control siltation. The utility contractor shall be responsible to maintain the bales until ground cover is established.



## **PLANNING BOARD REPORT**

**HEARING DATE:** November 16, 2022

**APPLICATION NO:** 10P-02-22

**APPLICATION SUMMARY:** Application of American Tower Corporation, owner, and Barclay Damon LLP, agent, for Site Plan Modification and EPOD (steep slope) Permit Approval to expand an existing cell tower equipment compound for the installation of a standby emergency generator on property located at 1 Pinnacle Hill Road.

### **COMMENTS:**

- The fenced compound at the base of the tower will be expanded with an additional 10' x 22' area on the south side.
- A SEAF has been submitted.
- A scaled Site Plan, proposed Compound Plan and Details sheet was provided prior to the meeting that shows the topography, extent of the parcel, or the top of the steep slope. Vegetation is shown on the plans.
- The fence details provided show a barbed wire-topped fence, height is not provided. A variance was granted in 2003 (3A-04-03) to allow an eight foot high fence topped with barbed wire. Applicant has applied for and received a variance on October 6th for the new fence to match the existing fence in height and style. (10A-09-22)
- Variance 10A-09-22 was approved allowing the applicant to use diesel as a fuel source in lieu of LP gas or Natural gas, and a 7.5 ft fence topped with 1 foot of barbed wire where a 6.5ft fence without barbed wire is allowed by code
- The subject property is presently zoned RLA Residential.
- Under the previous approval a condition was included that if a generator was proposed in the future it would need the appropriate approvals.
- Map was submitted at the last meeting showing no disturbance to trees or the top of the slope as part of the project.
- Generator will comply with the Town's regulation for decibel rating.

**CONSERVATION BOARD:** N/A

**TOWN ENGINEER:** See memo from Assistant Engineer, Brendan Ryan, dated October 13, 2022.

**QUESTIONS:**

- What disturbance will there be inside and outside the existing and proposed fenced area during installation/construction? After installation/construction?
- The fence details provided show a barbed wire-topped fence, height is not provided. What is the height of the existing fence? Has the fence received the required variance to match the existing fence?
- How will the site be restored?
- Do you have verification from a geotechnical engineer that the proposed extension to the compound will not adversely affect the slope?
- How will the generator be accessed for maintenance?
- What will the decibel levels of the generator be? Will they comply with Town of Brighton regulations?
- At what times will the required testing of the generator be conducted?

**SEQRA:**

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

**APPLICATION:**

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

1. A variance (10A-09-22) was granted at the October 6th Zoning Board meeting for fuel source and height of the fence and inclusion of barbed wire. All conditions of that approval shall be met.
2. All New York State Uniform Fire Prevention and Building Codes shall be satisfied.
3. Prior to issuance of any building permits, all plans for utility and storm water control systems must be reviewed and have been given approval by appropriate authorities. Prior to any occupancy, work proposed on the approved plans shall have been completed to a degree satisfactory to the appropriate authorities.



4. Meet all requirements of the Town of Brighton's Department of Public Works.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.
6. The project and its construction entrance shall meet the N.S. Guidelines for Urban Erosion and Sediment Control.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
10. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
11. The generator shall comply with the most current Building & Fire Codes of New York State.
12. Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be provided.
13. The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes.
14. Maintenance operation of the generator shall take place only during daylight hours.
15. All comments and concerns of the Assistant Engineer as contained in the attached memo from Brendan Ryan to Jeff Frisch shall be addressed.
16. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 10P-02-22

**Date:** November 16, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** 10P-02-22

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of American Tower Corporation, owner, and Barclay Damon LLP, agent, for Site Plan Modification and EPOD (steep slope) Permit Approval to expand an existing cell tower equipment compound for the installation of a standby emergency generator on property located at 1 Pinnacle Hill Road.

**Location:** 1 Pinnacle Hill Road

**Reasons Supporting This Determination:**

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

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. There will be no resources of value irreversibly lost.
3. The project should have minimal impact on the steep slope.
4. The project complies with Federal, State, and Local regulations.

For further information:

Contact Person: Rick Distefano, Environmental Review Liaison Officer

Address:

Town of Brighton

2300 Elmwood Avenue

Rochester, N.Y. 14618

Telephone: (585)784-5228