

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

Written comments may be submitted to Jason Haremza, Executive Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to [jason.haremza@townofbrighton.org](mailto:jason.haremza@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 September 21, 2022 meeting minutes.  
Approval of the October 19, 2022 meeting minutes. **To be done at the January 18, 2023 meeting.**  
Approval of the November 18, 2022 meeting minutes. **To be done at the January 18, 2023 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of December 15, 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 JANUARY 18, 2023 MEETING AT APPLICANT'S REQUEST**

11P-02-22 Application of Carl Grasta, 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 detached garage on property located at 1 Knollwood Drive. All as described on application and plans on file. **TABLED AT THE NOVEMBER 16, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

12P-01-22 Application of Winton Acquisitions, LLC, owner, and Jason Dobbs, Pardi Partnership Architects, agent, for Conditional Use Permit Approval to allow for an indoor lacrosse training facility with ancillary beverage/food service on property located at 3450 Winton Place. All as described on application and plans on file.

12P-02-22 Application of Daniele Family Companies, owner, for Preliminary/Final Site Plan Approval, Preliminary/Final Conditional Use Permit Approval and Demolition

Review and Approval to raze a commercial building and construct a 2,325 +/- sf restaurant with outdoor dining and a drive-thru pick-up only window on property located at 2735 Monroe Avenue. All as described on application and plans on file.

[12P-03-22](#) Application of Faith Tabernacle Church, owner, and Eric Johnson, agent, for Site Plan Modification to reconstruct the parking field and install new pole lighting on property located at 1876 Elmwood Avenue. All as described on application and plans on file.

**NEW BUSINESS:**

[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 Quiklee'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 FEBRUARY 15, 2023 MEETING AT APPLICANT'S 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 – POSTPONED TO THE FEBRUARY 15, 2023 MEETING AT APPLICANT'S REQUEST**

CHAIRPERSON: Announce that public hearings are closed.

**NEW BUSINESS:** (cont.)

[12P-NB1-22](#) Application of 1950-1966 Monroe Avenue, LLC, owner, for Review and Advisory Report regarding Quiklee's Incentive Zoning proposal to construct a new gas station with a convenience store on property located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file.

**OLD BUSINESS:**

NONE

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**PRESENTATIONS:**

NONE

**COMMUNICATIONS:**

Letter from Sue Geier and Jim Anderson, 311 Varinna Drive, dated November 15, 2022, with concerns regarding snow removal in regards to 11P-01-22, 1760 Monroe Avenue.

Letter from Edward Abraham, 321 Varinna Drive, dated November 16, 2022, with comments and

concerns regarding 11P-01-22, 1760 Monroe Avenue.

Letter from Aron Reina, 62 Poplar Way and Judy Massare, 126 Idlewood Road, dated November 15, 2022, regarding a Zoning Board review for application 10P-01-22, 1666 South Winton Road.

Letter from James Smith architect, dated December 1, 2022, requesting postponement of application 11P-01-22 to the January 18, 2023 meeting.

Letter from Jerry Goldman, Woods Oviatt Gilman LLP, dated December 16, 2022, requesting postponement of application 5P-NB2-22, 3108 East Avenue, to the February 15, 2023 meeting.

Letter from Larry Heininger, P.E., dated December 19, 2022, requesting postponement of application 9P-NB1-22 to the February 15, 2023 meeting.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF	SIG	ARB REVIEW
			N	PB DECISION
<b>ARB &amp; PB RECOMMENDATIONS AND/OR CONDITIONS</b>				
<a href="#">1671</a>	Elegant Brows threading & Spa 2180 Monroe Avenue	Bldg Face		10/25/22, 11/22/22
				<b>Tabled at the 11/16/22 meeting</b>
ARB - Approved as resubmitted.				
<a href="#">1674</a>	Brighton Vision 1835 Monroe Avenue	Bldg Face		11/15/22
<b>ADMIN REVIEW</b>				
Approved				

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

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Sue Geier <ksuegeier@gmail.com>  
To: Jeff Frisch <jeff.frisch@townofbrighton.org>

Tue, Nov 15, 2022 at 2:24 PM

Thank you for the update, Jeff,

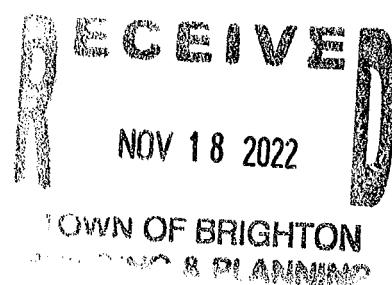
Jim and I have been thinking about this situation some more. One additional concern is snow-removal around the proposed stacking lane. Tasty Hut/Pizza Hut/Pizza Hut Express (whatever the owners are officially called) should expect to pay extra for frequent snow-pile removal by dump truck, especially 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

[Quoted text hidden]





Jeff Frisch <jeff.frisch@townofbrighton.org>

**11P-01-22**

**Edward Abraham** <eabraham@cox.net>  
Reply-To: Edward Abraham <eabraham@cox.net>  
To: jeff.frisch@townofbrighton.org

Wed, Nov 16, 2022 at 10:41 AM

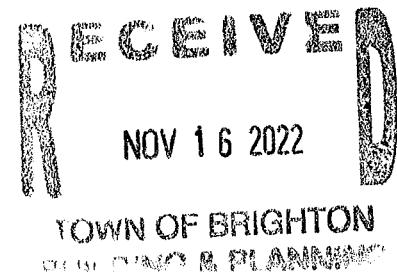
Good morning Mr. Frisch,  
I am the owner of the property at 321 Varinna Drive and I have concerns with the issues of rodents, scattered rubbish of wrappings and disposals and idling traffic that a restaurant with a drive thru can bring to the neighborhood. I hope that the town has protocols in place to minimize these problems if the application goes through. Keeping idling traffic as far back from the residential properties is also desirable.

Thanks,  
Edward Abraham

R E C E I V E D  
NOV 16 2022  
TOWN OF BRIGHTON  
RECEIVED IN THE ATTORNEY'S OFFICE

November 15, 2022

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



Zoning Board of Appeals:

Reviewing the special meeting on Nov 1, 2022, we are requesting a Zoning Board of Appeals review of the Talmudical Institute of Upstate New York's application 10P-01-22 as listed in the Planning Board Agenda of the same day.

The applicant's attorney attested during the Planning Board meeting that the property in question is currently designated as RLB (Residential - Low Density District). As conveyed verbally, and in writing during the open hearings on this topic, we believe the application requests are instead consistent with (RHD - 1) Residential - High Density District. We request that an Interpretation be provided through the Zoning Board of Appeals, as outlined in Town Code, Chapter 219-2, Section A.

We further request an open hearing on the topic as we do not believe that a dormitory meets the criteria of RLB zoning.

On behalf of the adjacent and immediate neighbors of the 1666 Winton Road property.

Aron Reina, 62 Poplar Way  
Judy Massare, 126 Idlewood Road

CC Brighton Town Supervisor, Brighton Town Board Members, Town Clerk, Planning Board, New York State Senator Cooney, New York State Assemblywoman Clark



Rick DiStefano <rick.distefano@townofbrighton.org>

## Tasty Restaurant Group / Pizza Hut Application

1 message

James Smith <jamesdsmith11@comcast.net>

Thu, Dec 1, 2022 at 9:31 AM

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

Hi, Rick:

I would like to request to be continued into January due to the amount of time it is taking to find an interested Civil Engineer who can get the survey and other work done in a timely manner. May we be moved to the January agenda?

Thank you

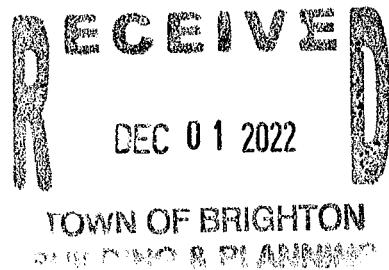
Jim Smith

James D. Smith, Architect

522 Bay Lane

Centerville, MA 02632

508-367-8920





Town of  
Brighton

Rick DiStefano <rick.distefano@townofbrighton.org>

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

1 message

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

Fri, Dec 16, 2022 at 8:16 AM

To: Jason Haremza <jason.haremza@townofbrighton.org>, "Town of Brighton-Rick DiStefano

(rick.distefano@townofbrighton.org)" <rick.distefano@townofbrighton.org>

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

(l.terragnoli@quickees.com)" <l.terragnoli@quickees.com>, "John H. Sciarabba (john@landtechny.com)"

<john@landtechny.com>, "Brugg, Betsy D." <bbrugg@woodsoviatt.com>, "Dyson, Emily K." <edyson@woodsoviatt.com>

Jason and Rick-

On behalf of the applicant, we hereby request that the above referenced application be adjourned from the Planning Board's meeting of December 21 to the February 15 meeting to allow the applicant's representatives to continue processing its applications in light of the grant of use and area variances from the Zoning Board of Appeals.

As always, thank you very much for your courtesy.

Thanks and stay safe,

Jerry

RECEIVED  
DEC 16 2022  
TOWN OF BRIGHTON  
PLANNING DEPARTMENT

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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Town of

**Brighton**

**Rick DiStefano <rick.distefano@townofbrighton.org>**

## **Planning Board Meeting 12/21/22**

1 message

**Larry Heininger <lehengin@rochester.rr.com>**  
To: Rick DiStefano <rick.distefano@townofbrighton.org>  
Cc: Kim Bailey <kimbailey99@gmail.com>, Chuck Smith <chuck@newdesignworks.com>, teri@newdesignworks.com

Mon, Dec 19, 2022 at 2:03 PM

Rick,

Thank you for your phone call. Consider this e-mail our official request to be tabled at the 12/21/22 Planning Board meeting.

Also, I understand we need to submit by this Wednesday for the 1/4/23 Zoning Board meeting. I don't think we will make it, but I'll run it by the team. From our conversation I understand you need:

1. Financial analysis
2. Eastern side of lot landscaping
3. Neighbor's objection to pool location.

Right now, I think it is best to submit no later than 1/18/23 for the 2/1/23 Zoning Board meeting. If we get the variances we need we would meet with the Planning Board at their 2/15 meeting for final approval.

Larry Heininger



## PLANNING BOARD REPORT

**HEARING DATE:** 12-21-2022

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

**LOCATION:** 1 Knollwood Drive

**APPLICATION SUMMARY:** Application of Carl Grasta, 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 Evert Garcia to Jason Haremza dated 12-18-2022

### DPW/SEWER DEPARTMENT:

1. Sewer permit
2. Contractor must be a licensed plumber
3. Contractor to remove a small section of 8" sanitary main, install new 8x4 wye including new 8" SDR 35 pipe and two 8x8 Strongback Ferncos.
4. Cleanouts shall be provided within 5' outside right of way or easement line and a maximum spacing of 75' between cleanouts thereafter up to the building

**QUESTIONS:**

1. Please review the location of the proposed drywells. See also attached memo from Evert Garcia to Jason Haremza dated 12-18-2022 specifically page 1, 'Engineer's Report' item #1:

“1. The proposed drywells appear to be deep and sited in the middle of the proposed 3H:1V fill slope. The NYS DEC Stormwater Design Manual indicates that dry wells should not be located in fill soils or located in areas with a natural slope greater than 15%. The design Engineer should contact the Town Engineer to discuss this matter further.”
2. Please address the topsoil stockpile and concrete washout areas. See also attached memo from Evert Garcia to Jason Haremza dated 12-18-2022 specifically page 1, 'Grading Plan' items #2 and #3:

“2. This sheet depicts the topsoil stockpile area for the imported soil as being sited on the steeper 3H:1V fill slope. The soil stockpile must be located on a flatter area of the site to reduce the potential for sediment and erosion runoff from the pile. Please revise.
3. Similarly, the proposed concrete washout must be moved towards the east, to a flatter area of the site, to remove the potential of concrete being washed down the slope.”
4. Clarification of water service access including the easement across 3225 East Avenue. See also attached memo from Evert Garcia to Jason Haremza dated 12-18-2022 specifically page 2, 'Utility Plan' item #2:

“2. Has MCWA reviewed and approved the proposed water service configuration? Will MCWA require a curb stop at the property line? Please provide supporting documentation.”
4. Clarification of sanitary sewer access including the easement across the parcel containing Knollwood Drive. See also attached memo from Evert Garcia to Jason Haremza dated 12-18-2022 specifically page 2, 'Utility Plan' item #5:

“5. Does the Applicant have rights to extend the proposed 4” sanitary sewer lateral across Knollwood Drive to the sewer main on the south side of the road? It is unclear from the sewer easement information included with the Engineer's Report that the Applicant can install the proposed sanitary sewer lateral without an additional easement across Knollwood Drive. Please provide supporting documentation. Has MCWA reviewed and approved the proposed water service configuration? Will MCWA require a curb stop at the property line? Please provide supporting documentation.”

**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 Board entertains approval, Town staff suggests including, among any others suggested by the Board, the following conditions:

1. The proposed house shall comply with the most current Building & Fire Codes of New York State.
2. As recommended in the report prepared by Foundation Design P.C., dated September 9, 2019, Foundation Design P.C. shall make a site visit during grading or footing excavation work to confirm the bearing soil conditions.
3. Staging and soil stockpile areas shall be shown on plans, with required erosion control.
4. Corner ground elevations for the proposed house shall be provided on the site/grading plan and on the architectural elevations.
5. All Monroe County Development Review Comments, if any, shall be addressed.
6. 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.
7. 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.
8. 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.

9. All Town codes shall be met that relate directly or indirectly to the applicant's request.
10. Meet all requirements of the Town of Brighton's Department of Public Works.
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. 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.
21. All comments and concerns of Evert Garcia as contained in the attached memo shall be addressed.
22. 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:** 11P-02-22

**Date:** December 21, 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, 1 Knollwood Drive

**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  
Telephone: 585-784-5228



Town of  
**Brighton**

# **Public Works Department**

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

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

## **MEMO**

Date: December 18, 2022

From: Evert Garcia

To: Jason Haremza

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 provided Engineer's Estimate for establishing the value of the letter of credit is adequate as proposed. A letter of credit estimate approval letter will be provided under separate cover.

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

1. The proposed drywells appear to be deep and sited in the middle of the proposed 3H:1V fill slope. The NYS DEC Stormwater Design Manual indicates that dry wells should not be located in fill soils or located in areas with a natural slope greater than 15%. The design Engineer should contact the Town Engineer to discuss this matter further.
2. The maximum sheet flow length used in the Hydrocad model should be limited to 100'. Please review and revise as necessary.
3. The Hydrocad model indicates that the time of concentration (Tc) actually increases under developed conditions. Please clarify.
4. The area of disturbance noted in Section 4 of the Engineer's report should be reconciled with the values noted on the plans.

### **Grading Plan, Drawing G-1:**

1. Orange construction fencing shall be used to establish the limits of disturbance for this development. Silt fence cannot be used to delineate the limits of disturbance. Please review and revise as necessary.
2. This sheet depicts the topsoil stockpile area for the imported soil as being sited on the steeper 3H:1V fill slope. The soil stockpile must be located on a flatter area of the site to reduce the potential for sediment and erosion runoff from the pile. Please revise.
3. Similarly, the proposed concrete washout must be moved towards the east, to a flatter area of the site, to remove the potential of concrete being washed down the slope.
4. A construction detail for the jute mesh stabilization product should be provided on the plans.
5. What does the rectangular structure located to the north of the garage represent?

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373

<http://www.townofbrighton.org>



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**Utility Plan, Drawing U-1:**

1. Invert elevations at important cleanout locations and points of potential conflicts with other utilities should be provided for the storm sewer system.
2. Has MCWA reviewed and approved the proposed water service configuration? Will MCWA require a curb stop at the property line? Please provide supporting documentation.
3. Standard MCWA construction details and notes should be provided for the proposed water service.
4. Was the assumed water system pressure zone confirmed with MCWA? Has a flow test been performed to confirm the calculated static pressure of the system?
5. Does the Applicant have rights to extend the proposed 4" sanitary sewer lateral across Knollwood Drive to the sewer main on the south side of the road? It is unclear from the sewer easement information included with the Engineer's Report that the Applicant can install the proposed sanitary sewer lateral without an additional easement across Knollwood Drive. Please provide supporting documentation.
6. Knollwood Drive is a private roadway. Does the applicant have rights of access to their property using this road? Please provide supporting documentation.



## **PLANNING BOARD REPORT**

**HEARING DATE:** 12-21-2022

**APPLICATION NO:** 12P-01-22

**LOCATION:** 3450 Winton Place

**APPLICATION SUMMARY:** Application of Winton Acquisitions, LLC, owner, and Jason Dobbs, Pardi Partnership Architects, agent, for Conditional Use Permit Approval to allow for an indoor lacrosse training facility with ancillary beverage/food service on property located at 3450 Winton Place.

### **COMMENTS:**

1. Commercial recreational facilities within a fully enclosed building require a Conditional Use Permit in the General Commercial District (BF-2), per Section 203-84B(13)
2. The hours of operation will be from 8AM to 10PM, seven days a week
3. The area of the facility will be approximately 10,600 sf.
4. No alcohol will be served and there will be no music playing outdoors.

### **QUESTIONS:**

1. How will the applicant address trash created by the proposed food service? Will an outdoor trash receptacle be provided?
2. Please confirm the space designation (i.e. A1, A2, A3, A4, etc.).
3. How will the applicant address noise impacts of the proposed facility (i.e. lacrosse balls hitting interior walls)?

### **SEQRA:**

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

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

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

1. The Planning Board finds that the proposed use, a commercial recreational facility within a fully enclosed building, complies with the standards of the General Commercial (BF-2) District.

2. The Planning Board finds that the proposed use, a commercial recreational facility within a fully enclosed building, is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the facility, the intensity (hours of operation), size of the site and access have all been considered in the Board's review.
3. The Planning Board finds that the establishment of an indoor recreational facility in this location, on a property currently being used for commercial uses, in a General Commercial will not be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
4. The proposed use will be in an existing building and will not:
  - a. Result in the destruction, loss or damage of any natural, scenic or significant historical resource
  - b. Create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community
  - c. Result in the loss or damage to trees
5. The Planning Board finds that the indoor recreational facility in an existing building on a site designed and built for such commercial uses will be adequately served by essential public facilities.
6. The proposed indoor recreational facility essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives:
  - a. Objective B: Foster a mix of residential and *commercial investment that promotes the vitality*, density, and walkability of *local activity centers* [emphasis added].
    - Note: Winton Place is a recognized activity center within the town and this commercial investment in recreational facility promotes the vitality of what has been, to date, largely a mid-20<sup>th</sup> century vehicle oriented retail development.
7. The location and size of the proposed indoor recreational facility conditional use, the nature and intensity of the operations involved, its site layout and relation to existing pedestrian and vehicular circulation are such that the proposed facility will not be hazardous or inconvenient to or incongruous with the surrounding uses on this large commercial site. Nor the neighboring commercial uses across South Winton Road and across the town line in the Town of Henrietta. The proposed facility will not be in conflict with the normal traffic of the neighborhood.
8. The location, height, and south-facing orientation of the existing buildings in which the proposed conditional use will operate and the nature and extent of the existing landscaping on the site are such that the proposed indoor recreational facility conditional use will not hinder or discourage the appropriate development and use of adjacent tenant spaces within the site and adjacent land and buildings.

## **DECISION:**

If the Board entertains approval, town staff suggests including, among any others suggested by the Board, the following conditions:

1. Meet all requirements of the Town of Brighton's Department of Public Works.

2. The project shall comply with the most current Building & Fire Codes of New York State.
3. No outdoor activities, no outdoor live or broadcast music or other entertainment, and no outdoor food preparation.
4. Comply with the Town of Brighton Noise Ordinance
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 12P-01-22

**Date:** December 21, 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:** 12P-01-22

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:**

Application of Winton Acquisitions, LLC, owner, and Jason Dobbs, Pardi Partnership Architects, agent, for Conditional Use Permit Approval to allow for an indoor lacrosse training facility with ancillary beverage/food service on property located at 3450 Winton Place.

**Location:** 3450 Winton Place, Rochester, NY 14623

**Reasons Supporting This Determination:**

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

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

For further information:

Contact Person: 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

## PLANNING BOARD REPORT

**HEARING DATE:** 12-21-2022

**APPLICATION NO:** 12P-02-22

**LOCATION:** 2735 Monroe Avenue

**APPLICATION SUMMARY:** Application of Daniele Family Companies, owner, for Preliminary/Final Site Plan Approval, Preliminary/Final Conditional Use Permit Approval and Demolition Review and Approval to raze a commercial building and construct a 2,325 +/- sf restaurant with outdoor dining and a drive-through pick-up only window on property located at 2735 Monroe Avenue.

### COMMENTS:

1. The property is zoned General Commercial District (BF-2). Restaurants, outdoor dining facilities, and drive-through facilities require a Conditional Use Permit in the General Commercial District (BF-2), per Section 203-84B. Construction of new buildings or structures requires Site Plan Review per Section 217-9A.
2. A very similar proposal for this site was reviewed and approved by the Town of Brighton in 2018 (6P-NB1-17 and 3P-01-18):

Raze a commercial building and construct a 2,858 +/- sf restaurant with outdoor dining and a drive-thru pick-up window.

3. This site is part of a larger Access Management Plan (AMP) implemented in conjunction with the recent development on the north side of Monroe Avenue. The existing driveway from Monroe Avenue onto the site is restricted to a right-in only.
4. An asbestos inspection/survey was previously submitted. The survey indicates that no asbestos containing materials were identified on the interior and exterior of the building.
5. The Architectural Review Board reviewed the proposal at their 12-20-2022 meeting and tabled the item pending resolution of building lighting details, front entrance canopy details, and screening of rooftop mechanical equipment from both Monroe Avenue and adjacent residential properties to the south.
6. The existing building was reviewed by the Historic Preservation Commission (HPC) on 5-25-2017 and the commission decided not to schedule a public hearing to pursue designation. This decision has expired and the HPC will again review this proposal at their 1-26-2023 meeting.
7. Area variances, including but not limited to side setbacks are required.
8. Any night work performed by private contractors regardless of whether the work occurs on private property own within public right-of-way requires relief from the Town of Brighton

Noise Ordinance, which is granted by the Town Board.

**TOWN ENGINEER:**

See attached Memo from Evert Garcia to Jason Haremza dated 12-18-2022

**DPW/SEWER DEPARTMENT:**

1. Sewer permits are required
2. Sewer lateral needs to be cleaned and televised to confirm that it meets Town specifications
3. Grease trap must adhere to NYS Plumbing Code as well as Brighton Town Code

**QUESTIONS:**

1. How have plans changed since the previous review?
2. Are there concerns with vehicle access and internal vehicular circulation? Access is only from eastbound Monroe Avenue into the site. Drivers exiting the site must use one of the driveways on adjacent properties, accessed through shared access easements as part of the Access Management Plan (AMP). Drivers exiting the drive up window are intended to turn LEFT and circle the building counterclockwise to reach a signalized intersection just east of this site. However, the natural behavior of drivers exiting the drive-up window, will be to turn RIGHT into the right-in only driveway, against the flow of incoming traffic, and exit onto Monroe Avenue, which will be visible and close by. There appears to be the potential for driver conflicts and a disconnect between the intended, engineered, traffic pattern and human behavior.
3. Do you agree to granting any necessary cross-access easement to allow connection to adjoining parking areas and driveways?
4. Does the front setback meet zoning requirements, including the roof edge and canopy, which is allowed two feet into the required setback?
5. What will the dumpster enclosure be made from? The notes say “compatible with the building”
6. What outdoor trash receptacles are proposed to be installed, per town zoning requirements?
7. Please describe the lighting plan. What is the color temperature of the proposed lights? Are the proposed lights dark sky compliant? Are cutoffs proposed on any lights?
8. Has a turning radius analysis demonstrating that emergency vehicles can adequately navigate the site been submitted to the Town Fire Marshal for review?
9. What mechanicals are proposed? How will they be screened from both Monroe Avenue and the adjacent residential property to the south?

10. The grading plan is not consistent with the details of the Access Management Plan (AMP) and site plans in general to not always show existing conditions and proposed improvements as related to stormwater calculations. See also attached memo from Evert Garcia to Jason Haremza dated 12-18-2022 specifically page 2, 'SWPPP' item #1 and page 3 'General Plans' item #3:

"1. The SWPPP and the grading plan do not appear to consider the porous pavement improvements and grading plan implemented as part of the Access Management Plan project. Furthermore, the catchment areas for existing and proposed conditions included with the stormwater analysis do not accurately reflect both existing conditions and the proposed improvement as depicted in the site plans. Our review of the stormwater system design cannot be completed until this information is evaluated and incorporated into the SWPPP."

"3. The Site and Grading Plans do not appear to accurately reflect the various improvements made on this site as part of the Access Management Plan. Our review of the plans cannot be completed until updated survey information is provided on the plans and reconciled with the proposed improvements."

## **SEQRA**

If the Planning Board finds that the proposed action will not have a significant impact on the environment, Town staff suggests that the Planning Board adopt the prepared negative declaration when considering Site Plan and Conditional Use approval

## **DECISION**

If the Board entertains tabling this application, town staff suggests including, among any others suggested by the Board, the following items to be addressed:

1. Obtain required Architectural Review Board (ARB), Historic Preservation Commission (HPC), and Zoning Board of Appeals (ZBA) approvals.
2. All Monroe County comments, if any, shall be addressed.
3. The proposed building shall be sprinklered in accordance with Town requirements.
4. The location of any HVAC or other mechanicals and/or generators shall be shown on the site plan along with details of their proposed screening.
5. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than ten (10) feet. The proposed material shall be shown on plans and shall be approved by the Building & Planning Department.
6. There shall be no outdoor storage or display without further approval by the Planning Board.
7. The entire building shall comply with the most current New York State Fire Prevention and

Building Code.

8. 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.
9. All Town codes shall be met that relate directly or indirectly to the applicant's request.
10. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
11. 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. Maintenance of landscape plantings shall be guaranteed for three (3) years. 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.
14. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
15. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
16. A turning radius analysis demonstrating that emergency vehicles can adequately access and navigate the site shall be submitted to the Town Fire Marshal for review.
17. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
18. All outstanding comments and concerns of the Town Fire Marshal shall be addressed. Comments can be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. All comments and concerns of the Town of Brighton Sewer Department shall be addressed.
21. Meet all requirements of the Town of Brighton's Department of Public Works.

22. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
23. Paragraph 201.16.B.(1) of the Code of the Town of Brighton states, "Where deemed appropriate and feasible by the Planning Board, Zoning Board of Appeals or authorized official, a cross-access easement shall be required to connect the parking areas between two or more adjacent lots. Cross-access easements shall be considered when reviewing proposals for new development, changes of use or any site modifications". A cross access easement shall be provided. The cross access easement shall be reviewed and approved by the Deputy Town Attorney and Town Engineer. The approved easement shall be filed with the Monroe County Clerk's Office. A copy of the filed easement shall be submitted to the Building and Planning Department for its records.
24. 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.
25. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
26. All requirements of Sections 203-84.B.3 (restaurant regulations), 207-14.1 (waste container and grease/oil container standards), 207-14.2 (supplemental restaurant regulations) and 207-14.3 (drive-through standards), 203-84.B.4 (Outdoor Dining Facilities) as well as any other pertinent sections of the code, shall be met. Included in these requirements is that "a minimum of one aesthetically acceptable trash receptacle shall be provided on site adjacent to each driveway exit. At least one additional aesthetically acceptable, on-site, outdoor trash receptacle shall be provided for every 10 required parking spaces." Also included is that, Any use providing food capable of being immediately consumed which is served in disposable packaging shall have at least one aesthetically acceptable, on-site, outdoor covered trash receptacle for patron use located near the primary entrance . . ." These requirements, along with the other requirements of those sections, should be addressed.
27. Any drive-through or drive-up window speaker is required to be less than 50 dbA at four feet from the speaker and not audible above daytime ambient noise levels at the property line.
28. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day  $\frac{1}{2}$  hour before the business is open to the public and to terminate  $\frac{1}{2}$  hour after the close of business.
29. The height of the light pole bases shall be six inches above finished grade.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 12P-02-22

**Date:** \_\_\_\_\_

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 Town of 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:** 12P-02-22

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Daniele Family Companies, owner, for Preliminary/Final Site Plan Approval, Preliminary/Final Conditional Use Permit Approval and Demolition Review and Approval to raze a commercial building and construct a 2,325 +/- sf restaurant with outdoor dining and a drive-through pick-up only window on property located at 2735 Monroe Avenue.

**Location:** 2735 Monroe Avenue

**Findings and Reasons Supporting this Negative Declaration:**

Based on information submitted to the Lead Agency, Environmental Assessment Form (EAF) Part 1 as supplemented by the Traffic Impact Letter of Findings prepared by Passero Associates, dated 11-14-2022, the Engineers Report prepared by the applicant's engineer and other supplementary information, documentation, testimony, and correspondence, this action will not have a significant adverse impact on the environment for the reasons set forth below:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance. The Project will not create any significant adverse impact in the existing air quality or water quality, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project can be sufficiently served by existing utility infrastructure, including water and sanitary sewer facilities. Stormwater runoff from the Project will be adequately collected and treated on site through the stormwater management facility to be constructed on the Property and discharged in accordance with all applicable New York State standards.
2. Noise and Visual Impacts. The Project will not create any adverse noise or visual impacts.

Although the Project will be visible from neighboring properties, the nature of the improvements to be located at the Property are consistent with the existing uses within the surrounding neighborhood (i.e., office, retail, and restaurant) and thus will not result in any significant adverse noise or visual impacts.

3. Agriculture, Archeology, Historic, Natural, or Cultural Resources, Community or Neighborhood Character. The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The site is identified by the NYSDEC EAF Mapper as being within an archaeologically sensitive area. The site has been previously developed, so no significant cultural resources should be disturbed.
4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains. The Project will not have a significant adverse impact on plant or animal life. The Property does not host any threatened or endangered species, and therefore the Project will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the Property, and the Property is not within any designated floodway or floodplain.
5. Community Plans, Use of Land, and Natural Resources. The Project is consistent with and in furtherance of the goals set forth in the Town's Comprehensive Plan.
6. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.
7. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.
8. Critical Environmental Area. The Project will not have an impact on any designated Critical Environmental Area as set forth in 6 NYCRR Section 617.14(g).
9. Traffic. The Project will not have a significant adverse impact on vehicular traffic, as fully described in the Traffic Impact Letters prepared by Passero Associates.
10. Public Health and Safety. The Project will not have a significant adverse impact on public health or safety.

The Project is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements of the Town of Brighton, Monroe County Department of Transportation, Monroe County Water Authority, Monroe County Department of Health, and New York State Department of Environmental Conservation.

Pursuant to SEQRA, based on the abovementioned information, documentation, testimony, correspondence, and findings, and after examining the relevant issues, including all relevant issues raised and recommendations offered by involved and interested agencies and Town Staff, the Lead Agency determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration, and, therefore, SEQRA does not require further action relative to the Project.

The Town of Brighton Planning Board, as Lead Agency, has made the following additional determinations:

- A. The Lead Agency has met the procedural and substantive requirements of SEQRA.
- B. The Lead Agency has carefully considered each and every criterion for determining the potential significance of the Project upon the environment as set forth in SEQRA, and the Lead Agency finds that none of the criteria for determining significance set forth in SEQRA would be implicated as a result of the Project.
- C. The Lead Agency has carefully considered (that is, has taken the required “hard look” at) the Project and the relevant environmental impacts, facts, and conclusions in connection with same.
- D. The Lead Agency has made a reasoned elaboration of the rationale for arriving at its determination of environmental non-significance, and the Lead Agency’s determination is supported by substantial evidence, as set forth herein
- E. To the maximum extent practicable, potential adverse environmental impacts will be largely avoided or minimized by the Applicant’s careful incorporation in its application materials of measures designed to avoid such impacts that were identified as practicable.

Date Issued: TBD

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  
Telephone: 585-784-5228



# Public Works Department

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

Evert Garcia, P.E.  
Town Engineer

**Brighton**

## MEMO

Date: December 16, 2022

From: Evert Garcia

To: Jason Harezma

Copy: File

Re: *Application No. 12P-02-22*

*Application of Daniele Family Companies, owner, for Preliminary/Final Site Plan Approval, Preliminary/Final Conditional Use Permit Approval and Demolition Review and Approval to raze a commercial building and construct a 2,325 +/- sf restaurant with outdoor dining and a drive-thru pick-up only window.  
2735 Monroe Avenue*

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: improvements within the NYSDOT right of way, sanitary sewer, water service, utility improvements, stormwater water management facilities, demolition, restoration, landscaping and sediment and erosion control. A letter of credit estimate 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. The project will require multiple jurisdictional approvals, including but not limited to: MCPW, BCSD, NYSDOT, MCDOH, and MCWA. All approvals must be obtained prior to the Town endorsing the final plans.
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 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>
6. 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





Town of  
Brighton

2735 Monroe Avenue

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of the Town of Brighton, if necessary, implement emergency repairs to protect the health, safety and welfare of the public.

7. 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.

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

1. Table 2 of the Trip Generation and Distribution Assessment provides a comparison of trip generations for various ITC land use code scenarios. The assessment indicates that the third row in Table 2 provides projected trip generation for the proposed Chipotle restaurant based upon traffic counts collected at an existing and similar Chipotle restaurant located in Cicero, NY. When were the traffic counts collected at the Cicero, NY Chipotle restaurant? Has the Chipotlane (pickup lane) at the Cicero, NY Chipotle been operating long enough to establish mature traffic patterns?
2. Has the Trip Generation and Distribution Assessment been submitted to the NYS DOT for review and comment? Please provide a copy of any NYS DOT comments on the trip generation assessment to this office for our reference.
3. Will the pickup window lane include an overhang that could impede emergency vehicle traffic?
4. Regulatory traffic signs should be considered to indicate that the bailout driveway is one way only.
5. Is the pickup lane sufficiently wide enough to accommodate emergency vehicles? A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be provided.

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

1. The Engineer's report must include supporting computations on how the capacity of the existing sewer lateral was determined.
2. The engineer's report indicates that proposed development will re-use the existing sanitary sewer lateral. 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. A note indicating this requirement should be provided on the plans.
3. How was the average of 200 patrons per day and daily sewage flow per capita (8gal/patron) determined? Please provide supporting documentation.
4. How was the fire demand value (500 gpm) included in the water service sizing calculation worksheet determined? The NYS Fire Code indicates that fire-flow requirements shall be determined by an approved method. Has the methodology used to determine the fire-flow demand been reviewed and approved by the Fire Marshal?
5. What Hazen Williams C factor was used in the combined service sizing analysis?
6. Please provide supporting documentation, such as a MCWA flow test report, on how the static pressures used to perform the water service calculations were established.
7. What is the status of MCDOH and MCWA's review of the proposed improvements?
8. The engineer's report indicates that four (4) trees are being removed from the site to accommodate the proposed improvements, however, the provided plans do not show where the existing trees are being removed. Please review and revise.

#### **SWPPP:**

1. The SWPPP and the grading plan do not appear to consider the porous pavement improvements and grading plan implemented as part of the Access Management Plan project. Furthermore, the catchment areas for existing and





Town of  
Brighton

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proposed conditions included with the stormwater analysis do not accurately reflect both existing conditions and the proposed improvement as depicted in the site plans. Our review of the stormwater system design cannot be completed until this information is evaluated and incorporated into the SWPPP.

2. A catchment area map must be provided to correlate the various catchments in the Hydrocad model to the site plans.
3. Have subsurface investigations been performed to confirm the infiltration rates assumed in the design of the proposed rain garden facilities?
4. Supporting calculations demonstrating how the proposed development meets all components of the Unified Sizing Criteria for redevelopment, as outlined in the NYS SWDM, must be provided.
5. A table summarizing how all components of the NYS DEC Unified Sizing Criteria for stormwater runoff, including WQv, CPv, Qp, and Qf, have been met must be provided in the SWPPP.
6. Supporting computations indicating how the proposed development meets the required RRv as outlined by the NYS SWDM should be provided.
7. Soil testing as required by the NYSSMDM demonstrating that the soils underlying the porous pavement has a minimum infiltration rate of 0.5 in/hr. must be completed.
8. The SWPPP must demonstrate that the porous asphalt and rain garden designs are consistent with the NYSSMDM criteria.
9. The porous asphalt must be designed to ensure that the water surface elevation for a 10-year storm does not rise into the pavement section. The appropriate calculations must be provided.

#### **Demolition:**

1. A demolition and restoration plan should be developed and submitted for review. The restoration plan must show the proposed grading associated with the restoration of the site should construction of the new house not commence immediately following demolition.
2. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process. A note should be added to the plans indicating such.
3. An estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to determine the Letter of Credit amount. The letter of credit amount must be sufficient to ensure the restoration of the property following demolition and/or redevelopment and must be submitted to and accepted by the Town prior to the issuance of a permit for demolition or a building permit.
4. 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.
5. 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.
6. Orange construction fencing must delineate tree protection, the limits of disturbance, and be shown on the plans. Additionally, the plans must include a tree protection detail.
7. All utility services serving the site shall be disconnected at the direction of the utility provider. The severance of utility services should be confirmed by all agencies prior to demolition.

#### **General Plans:**

1. The location of the existing cross access easements shall be depicted on the plans.
2. An existing conditions plan should be developed and included with the drawing set.
3. The Site and Grading Plans do not appear to accurately reflect the various improvements made on this site as part of the Access Management Plan. Our review of the plans cannot be completed until updated survey information is provided on the plans and reconciled with the proposed improvements.



**Site Plan, Sheet 2 of 10:**

1. The NYS DOT notes on this sheet indicate that night time work is being proposed as part of the proposed improvements. Night work will require Town Board approval.
2. The proposed location of the dumpster enclosure might conflict with traffic in the parking lot travel lane. Has the design engineer evaluated this scenario?
3. The ADA ramp being proposed in the NW area of the building might not meet minimum requirements. Please review and revise as necessary.
4. What does the rectangular icon adjacent to Rain Garden #3 and the pickup lane represent?
5. The Town Notes on this sheet that are not relevant to this project should be removed.

**Utility Plan, Sheet 3 of 10:**

1. 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.
2. Invert elevations for the proposed storm and sanitary sewer systems should be called out on the plans.
3. The sanitary lateral note on this sheet indicates that the existing cover over the lateral shall not be reduced however, the installation of Rain Garden #2 will reduce the cover over the lateral by at least 2'. Will the sewer lateral have a minimum of 4' of cover along the entire length? Please review and clarify.

**Erosion Control and Grading Plan, Sheet 4 of 10:**

1. Is the grading depicted in the right-in only entrance driveway consistent with existing conditions or is there a change being proposed to the entrance driveway to the site?
2. What is the finished floor elevation of the existing building which is being razed?
3. The proposed grading for the sidewalk and ADA ramp adjacent to Rain Garden #3 appear to exceed maximum ADA requirements. Please review and confirm.
4. The proposed grading immediately adjacent to the sidewalk and Rain Garden #3 appears to exceed 3H:1V. Consideration for pedestrian protection should be provided in this area.
5. How will stormwater runoff be directed to the porous pavement parking stalls to the south of the access aisle?
6. How will stormwater runoff enter Rain Garden #2 as there does not appear to be a cutout in the curbing for this rain garden area. Please clarify.
7. A sequence for construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping shall be provided. The sequence of construction should also be outlined on the plans.
8. How will the proposed silt fence be installed across the access drives to adjacent properties as depicted on this sheet?
9. A robust sediment and erosion control plan shall be developed to ensure that the various rain gardens can function as design subsequent to construction

**Landscape and Lighting Plan, Sheet 5 of 10:**

1. The light fixtures being proposed as part of the improvements should be shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.



## PLANNING BOARD REPORT

**HEARING DATE:** 12-21-2022

**APPLICATION NO:** 12P-03-22

**LOCATION:** 1876 Elmwood Avenue

**APPLICATION SUMMARY:** Application of Faith Tabernacle Church, owner, and Eric Johnson, agent, for Site Plan Modification to reconstruct the parking field and install new pole lighting on property located at 1876 Elmwood Avenue.

### **COMMENTS:**

1. The property is zoned Residential-Low Density B (RLB).
2. Site, grading, utility & planting plans have been submitted.
3. Based on information submitted, the project consists of full depth repavement of an existing parking lot with the addition of new light fixtures on new and existing poles, and the addition of stormwater treatment units to improve storm water quality before flowing offsite.
4. The Architectural Review Board approved the new house at the 9-27-2022 meeting
5. Knollwood Drive (within the Town of Brighton) is a private road.

**CONSERVATION BOARD:** No comments

**TOWN ENGINEER:** See attached memo from Evert Garcia to Jason Haremza dated 12-17-2022

### **DPW/SEWER DEPARTMENT:**

1. Sewer permit required
2. Storm sewer on east side of project is 21" RCP not 24" RCP as noted on plans
3. 12" connection should be tied into the catch basin, not directly into main

### **QUESTIONS:**

1. How many total parking spaces are there now and how many will there be at project completion?
2. What is the height of the existing parking lot light poles? What is the height of the proposed parking lot light poles?
3. Please provide additional details on the lighting. See also attached memo from Evert

Garcia to Jason Haremza dated 12-17-2022 specifically page 2, 'Lighting Plan' items #1-3:

- “1. The light fixtures being proposed as part of the improvements should be shielded with a correlated color temperature (CCT) of no more than 3000 kelvins. Cut sheets for the proposed light fixtures should be provided.
- 2. The light fixtures on the perimeter of the site should be shielded as necessary to prevent light spill onto adjacent residential properties. Please review and revise.
- 3. What is the height of the existing light poles on this site?”

- 4. Will the project meet the NYS Guidelines for Urban Erosion and Sediment Control?
- 5. Will all disturbed areas be protected from erosion either by mulch or temporary seeding within two weeks of disturbance?
- 6. Please provide additional details on the proposed hydrodynamic separator. See also attached memo from Evert Garcia to Jason Haremza dated 12-17-2022 specifically page 1, 'SWPPP' item #1:

“1. The SWPPP must include supporting computations demonstrating that the proposed hydrodynamic separator meets the sizing and design requirements for alternative SMPs as outlined in section 9.3 and 9.4 of Chapter 9 in the NYS Stormwater Design Manual. Our review of the stormwater system design cannot be completed until this information is evaluated and incorporated into the SWPPP.”

#### **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.

#### **DECISION:**

If the Board entertains approval, Town staff suggests including, among any others suggested by the Board, the following conditions:

- 1. 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.
- 2. Meet all requirements of the Town of Brighton's Department of Public Works.
- 3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 4. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

5. 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.
6. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
7. All comments and concerns of the Town Engineer as contained in the attached memo dated 12-17-2022 from Evert Garcia, Town Engineer, to Jason Haremza, Planner, shall be addressed.
8. All outstanding Site Plan comments and concerns of the DPW/Sewer Department shall be addressed.
9. Prior to construction, a drainage permit shall be obtained from the Department of Public Works.
10. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
11. 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:** 12P-03-22

**Date:** December 21, 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:** 12P-03-22, 1876 Elmwood Avenue

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Site Plan Modification to allow for changes to parking lot lighting and stormwater control in conjunction with the reconstruction of a parking lot on property located at 1876 Elmwood Avenue.

**Location:** 1876 Elmwood Avenue

#### **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 NYCRR Section 617.11), the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

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

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

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

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

Email: [rick.distefano@townofbrighton.org](mailto:rick.distefano@townofbrighton.org)

Telephone: 585-784-5228



Town of  
**Brighton**

# **Public Works Department**

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

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

## **MEMO**

Date: December 17, 2022

From: Evert Garcia

To: Jason Harezma

Copy: File

Re: *Application No. 12P-03-22*

*Application of Faith Tabernacle Church, owner, and Eric Johnson, agent, for Site  
Plan Modification to reconstruct the parking field and install new pole lighting  
1876 Elmwood Avenue*

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. 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.
3. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process. A note should be added to the plans indicating such.

### **SWPPP:**

1. The SWPPP must include supporting computations demonstrating that the proposed hydrodynamic separator meets the sizing and design requirements for alternative SMPs as outlined in section 9.3 and 9.4 of Chapter 9 in the NYS Stormwater Design Manual. Our review of the stormwater system design cannot be completed until this information is evaluated and incorporated into the SWPPP.
2. Supporting documentation must be provided that the proposed first defense hydrodynamic separator has been certified or verified for use in redevelopment applications in NYS.
3. The invert and design parameters included in the design summary sheet and detail sheets for the proposed hydrodynamic unit does not match the information called out on the utility plans. Please review and revise.

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373

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Town of  
**Brighton**

1876 Elmwood Avenue

12/17/2022

4. The first paragraph under Section 5 of the SWPPP does not appear to pertain to this project. Please review and clarify.
5. Question 22 in the draft NOI does not appear to be accurately answered. The project still requires a WQv component. Please review and revise.

#### **Existing Conditions and Demo Plan, Sheet No. 2:**

1. Sediment and erosion control measures should be in place prior to demolition and asphalt milling operations. A stabilized construction entrance, silt fence, and catch basin protection should all be depicted on the demolition sheet.
2. A sequence for construction of the development site, including stripping and clearing, rough grading, construction of utilities, and other infrastructure shall be provided. The sequence of construction should also be outlined on the plans.

#### **Site Plan, Sheet No. 3**

1. This sheet indicates that porous pavement is still being proposed as part of the improvements. Please review and clarify.

#### **Utility, Grading & Erosion Control Plan, Sheet No. 4**

1. A sewer permit will be required for the proposed storm sewer connections.
2. The plans should show how the existing grade will be tied back in to the new curbing being proposed along the eastern edge of the site.
3. The Sewer Department has indicated that the storm sewer main along the east side of the property is a 21" RCP not a 24" RCP. Please review and clarify.
4. The 12" sewer connection from the hydrodynamic separator to the Town storm main should be performed through a nearby catch basin and not directly into the main. Please revise.

#### **Lighting Plan, Sheet No. 5**

1. The light fixtures being proposed as part of the improvements should be shielded with a correlated color temperature (CCT) of no more than 3000 kelvins. Cut sheets for the proposed light fixtures should be provided.
2. The light fixtures on the perimeter of the site should be shielded as necessary to prevent light spill onto adjacent residential properties. Please review and revise.
3. What is the height of the existing light poles on this site?





Town of  
**Brighton**

December 21, 2022

Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618

RE: Planning Board advisory report in regarding Quicke's Incentive Zoning proposal to construct a new gas station with a convenience store on property located at 1950 and 1966 Monroe Avenue.

Dear Board Members:

At the December 21, 2022 Planning Board Meeting, the Planning Board reviewed the above referenced matter and offers the following comments regarding the adequacy of the proposal as it relates to site and the adjacent uses and structures.

1. The Planning Board supports the proposed application and recommends to the Town Board that it is worthy of further consideration. The proposed project appears to be well suited for the project site and area. The proposal furthers the town's comprehensive plan (Envision Brighton 2028), specifically:

Monroe Avenue Recommendation #1 (volume 2, page 32):

“Twelve Corners should invoke a “village-like” atmosphere where pedestrians are encouraged to safely walk from one destination to another.”

The orientation of this gas station/convenience store, which places a pedestrian oriented building entrance front-facing towards to primary pedestrian access and the gasoline pumps at the rear of the building furthers this recommendation.

Although examples of gas station/convenience stores with this more pedestrian-friendly layout have been noted in other regions of the country, this is one of the first in Upstate New York.

Monroe Avenue Recommendation #7 (volume 2, page 34):

“All future development or redevelopment should incorporate design provisions for the street edge including signage, landscape buffers, sidewalks, lighting, and buildings fronting the street.”

The proposed building fronts on the street and helps define the street edge in the sense that it faces and addresses the primary frontage: the center of 12 Corners. The building and entry patio/plaza address the unique non-90-degree geometry of the 12 Corners area, although further refinement of this may be worth considering.

2. The project was reviewed in concept by the Architectural Review Board at their July 5, 2022 meeting. The ARB found the concept design generally positive and offered several comments (see minutes of the July 5, 2022 meeting). The final architectural design and building materials of the proposed building will be reviewed and approved by the Town of Brighton Architectural Review Board.
3. The proposed building will have to be sprinklered in accordance with Town requirements.
4. The Planning Board recommends that the Town move to a public hearing on this application only after receiving firm commitments on the proposed amenities that include the design and construction. The amenity in this proposal is the design and layout of the project itself, and, as noted in item #1 above, furthers the implementation of Town of Brighton Comprehensive Plan by following two recommendations specific to the Monroe Avenue subarea.
5. The proposed design includes an entry plaza/patio facing the corner of Monroe Avenue and Monroe Avenue. This includes a focal point/vertical feature, a lightpole with banners. This or a similar feature, is a desirable element of the design.
6. 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.
7. The proposed project includes the construction of large impervious surfaces which cause the immediate area to become warmer than the surrounding land forming an island of higher temperatures known as the “heat island effect”. Trees of substantial size should be provided where possible to create a canopy large enough to help offset the “heat island effect”. In addition, light roof colors should be provided which further reduces this phenomenon.
8. Consideration should be given to the proposed buildings being constructed to LEED standards.
9. Alternative energy sources can significantly cut greenhouse gas emissions and energy costs over time. Consideration should be given to the installation of alternative energy technologies such as solar and geothermal
10. Pervious pavements should be considered where applicable such as sidewalks, patios, and driveways.
11. Consideration should be given to using LED lighting for the project.
12. If the Town Board decides to move forward with the IZ proposal, the Planning Board looks forward to providing additional project review and comment as part of the site plan review and approval.

Sincerely,

Jason Haremza, AICP  
Executive Secretary  
Planning Board

DRAFT