

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF FEBRUARY 15, 2023  
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.

TENTATIVE 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 November 16, 2022 meeting minutes.  
Approval of the December 21, 2022 meeting minutes.  
Approval of the January 18, 2023 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of February 9, 2023 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 FEBRUARY 15, 2023 MEETING AT APPLICANTS REQUEST**

[2P-01-23](#) Application of Westmarsh Properties LLC, owner, and John Marchioni, Esq., agent, for Demolition Review and Approval and a Woodlot EPOD Permit to raze a single family dwelling and remove 9+/- trees on property located at 57 Eldridge Avenue. All as described on application and plans on file.

[2P-02-23](#) Application of D&T Rents 1220 BHTL LLC, owner, for Conditional Use Permit

Approval to allow for a construction warehouse facility with outdoor storage on property located at 1220 Brighton Henrietta Town Line Road. All as described on application and plans on file.

[2P-03-23](#) Application of Kathleen Gaffney-Babb, Helio Health, owner, for Preliminary/Final Site Plan Approval to construct a 460 +/- sf building addition on property located at 1850 Brighton Henrietta Town Line Road. 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 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**

[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**

[Additional Info](#)  
[Feb Resubmittal](#)

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jason Haremza - Secretary, Historic Preservation Commission, dated January 30, 2023, stating that the Historic Preservation Commission will not schedule a public hearing to consider 57 Eldridge Avenue for landmark status.

Letter from Jason Haremza - Secretary, Historic Preservation Commission, dated January 30, 2023, stating that the Historic Preservation Commission will not schedule a public hearing to

consider 2735 Monroe Avenue for landmark status.

Email from Jim and Karen Coffey, dated 2-13-2023, with comments and concerns regarding 2P-01-23, 57 Eldridge Avenue.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<a href="#">1676</a>	Riwaayat 1740 Monroe Avenue	Bldg Face	1/24/2023
ARB - Approved as submitted.			

## **PLANNING BOARD REPORT**

**HEARING DATE:** 2-15-2023  
**APPLICATION NO:** 2P-01-23  
**LOCATION:** 57 Eldridge Avenue

**APPLICATION SUMMARY:** Application of Westmarsh Properties LLC, owner, and John Marchioni, agent, for Demolition Review and Approval and a Woodlot Environmental Protection Overlay District (EPOD) Permit to raze a single family dwelling and remove 9 +/- trees on property located at 57 Eldridge Avenue.

### **COMMENTS**

#### **BUILDING AND PLANNING:**

1. 57 Eldridge Avenue is contains a small single family dwelling, vacant and in poor condition. It also contains a shed. The property is the only private parcel on Eldridge Avenue and is bordered on the north, south, and east (across Eldridge) by Persimmon Park. Persimmon Park is a Town of Brighton park created from land originally intended for the never-built Genesee Expressway.
2. The subject property is presently zoned Residential-Large Lot (RLL).
3. A demolition plan has been submitted.
4. The Historic Preservation Commission (HPC) will not schedule a public hearing to consider 57 Eldridge Avenue for landmark status. See attached letter dated 1-30-2023.
5. The property contains the mapped Woodlot Environmental Protection Overlay District (EPOD).

**TOWN ENGINEER:** See attached memo from Brendan Ryan to Jason Haremza dated 2-13-2023

**SEWER DEPARMENT:** 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. Septic tank must be pumped, cleaned and inspected prior to or at the onset of demolition.

**CONSERVATION BOARD:** When the property is developed with a new home, nine trees with similar growth potential as those being removed, should be planted.

### **QUESTIONS**

1. Clarify which trees, if any, will be removed as part of the demolition.

2. Will the concrete driveway be removed in its entirety all the way to the edge of Eldridge Avenue pavement?

## **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 Demolition Review and Approval and a Woodlot Environmental Protection Overlay District (EPOD) Permit.

## **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. All Town codes shall be met that relate directly or indirectly to the applicant's request.
3. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
4. 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.
5. Erosion control measures shall be in place prior to site disturbance.
6. The plans shall clearly show all trees proposed to be removed and all trees proposed to be planted.
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 County Development Review Comments shall be addressed.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.

12. 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.
13. Prior to the issuance of a demolition permit or building permit, asbestos shall be removed according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.
14. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
15. 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.
16. 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.
17. 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.
18. 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.
19. Basement excavation may yield large amounts of spoil. Location of spoil piles and plans for their removal or distribution shall be provided.
20. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
21. All comments and concerns of the Assistant Engineer as contained in the attached memo dated 2-13-2023 from Brendan Ryan, Assistant Engineer, to Jason Haremza, shall be addressed.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 2P-01-23

**Date:** 2-15-2023

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:** 2P-01-23

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Westmarsh Properties LLC, owner, and John Marchioni, agent, for Demolition Review and Approval and a Woodlot EPOD Permit to raze a single family dwelling and remove 9+/- trees on property located at 57 Eldridge Avenue.

**Location:** 57 Eldridge Avenue

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

Based on information submitted to the Lead Agency, Short Environmental Assessment Form (EAF) Part 1 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. 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. The demolition of the existing vacant building will actually improve the visual impact of this property on the surrounding area.
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 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 State or Federal wetlands on the Property, but they will not be disturbed by this project. 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.

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: 2-15-2023

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: February 13, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 2P-01-23*  
*John Marchioni, Agent*  
*Demolition review and approval and a woodlot EPOD Permit to raze one (1) single family home and remove 9 trees.*  
*57 Eldridge Ave*

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) 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.
2. A demolition letter of credit shall be provided for this project. An estimate of the cost to demolish and restore the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to establish the value of the demolition letter of credit. The letter of credit amount must be sufficient to ensure the restoration of the property following demolition and must be submitted to and accepted by the Town prior to the issuance of a permit for demolition.
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, Demolition, or other permits from the Town or other agencies prior to starting work.
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.

### Demolition Plan:

1. A portion of the proposed driveway demolition is within the Town's right-of-way. A permit will need to be obtained from the Town of Brighton Highway Department before commencement of this work.
2. The demolition plan indicates that part of the existing structure sits on the neighboring parcel, owned by the Town of Brighton. A license agreement will need to be obtained with the Town before commencement of this demolition work.

3. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner, and the contractor(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
4. The location of the existing septic system which is to be demolished should be depicted on the plans.
5. A 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.
6. The location of the temporary construction access should be noted on the plans.
7. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
8. Orange construction fencing must be provided to delineate the limits of disturbance and be shown on the plans.
9. All trees to be saved shall be protected with orange construction fencing placed at the drip line.
10. Erosion control measures necessary during demolition/restoration should be determined and depicted on this sheet. Erosion and siltation controls shall be consistent with the New York Guidelines for Urban Erosion and Sediment Control
11. The letter submitted dated January 16, 2023, indicates that no trees are to be removed, while the January 30, 2023, letter states that nine trees are to be removed. Please clarify. The demolition plans do not clearly define what trees are to be removed, if any, and the plans should be revised.

## **PLANNING BOARD REPORT**

**HEARING DATE:** 2-15-2023

**APPLICATION NO:** 2P-02-23

**LOCATION:** 1220 Brighton Henrietta Town Line Road

**APPLICATION SUMMARY:** Application of D&T Rents 1200 BHTL LLC, owner, for Conditional Use Permit Approval to allow for a construction warehouse facility with outdoor storage on property located at 1220 Brighton Henrietta Town Line Road.

### **COMMENTS**

#### **BUILDING AND PLANNING:**

1. 1220 Brighton Henrietta Town Line Road is currently developed as a warehouse facility with outdoor storage within a fully fenced yard.
2. The subject property is presently zoned [Light Industrial \(IG\)](#).
3. A survey map dated 10-17-2022 and full project description has been submitted.
4. The applicant submitted a Development Review application to the Monroe County Department of Planning and Development on 1-17-2023

### **QUESTIONS**

1. Describe the operation of the proposed business. For example, will this location have a retail component or allow walk-in rental customers?
2. Describe the types of vehicles, equipment, and items serviced and stored here, and proposed hours of operation.

### **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 Conditional Use approval.

### **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, construction warehouse facility with outdoor

storage, complies with the standards of the Light Industrial (IG) District.

2. The Planning Board finds that the proposed use, construction warehouse facility with outdoor storage, 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 warehouse and outdoor storage (an existing 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 a construction warehouse facility with outdoor storage in this location, on a property currently being used for warehouse and outdoor storage, in a Light Industrial Zoning District 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 construction warehouse facility with outdoor storage will be in an existing building and within an existing fully fenced yard and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
5. The Planning Board finds that the establishment of a construction warehouse facility with outdoor storage in an existing building and within an existing fully fenced yard on a site designed for such light industrial uses will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the establishment of a construction warehouse facility with outdoor storage in an existing building and within an existing fully fenced yard on a site designed for such light industrial will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of a construction warehouse facility with outdoor storage in an existing building and within an existing fully fenced yard on a site designed for such light industrial will not result in the loss or damage to trees.
8. The proposed finds that the establishment of a construction warehouse facility with outdoor storage essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically, the Economic Vitality Policy Statement and Objectives:
  - Objective A: Attract and promote the sustainable development of quality office, retail, commercial, medical, *light industrial*, and residential uses *in areas with existing critical infrastructure*, in an effort *to expand the Town's local tax base* while providing needed and desired goods and services, and *without compromising other community goals* [emphasis added].

## 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. All requirements of [Section 203-93\(C\)\(5\)](#) of the Comprehensive Development Regulations shall be met:

Any outdoor storage of equipment and/or material must be in the rear yard and fully enclosed by a fence of sufficient height to shield the storage area from view from the street or adjacent uses. No outdoor storage shall be allowed in any setback or landscaped areas. All equipment which is designed to lift, dump or tow, must be reduced to the lowest possible elevation, if they are stored outdoors overnight. No outside storage shall be allowed adjacent to residential districts.
4. There shall be no indoor or outdoor storage of road salt.
5. There shall be no exterior lighting installed in conjunction with the outdoor dining use without further approval by the Planning Board.
6. 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:** 2P-02-23

**Date:** 2-15-2023

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:** 2P-02-23

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of D&T Rents 1200 BHTL LLC, owner, for Conditional Use Permit Approval to allow for a construction warehouse facility with outdoor storage on property located at 1220 Brighton Henrietta Town Line Road.

**Location:** 1220 Brighton Henrietta Town Line Road

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

Based on information submitted to the Lead Agency, Short Environmental Assessment Form (EAF) Part 1 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., commercial and light industrial) 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 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 State or Federal wetlands on the Property, but they will not be disturbed by this project. 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.

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: 2-15-2023

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:** 2-15-2023

**APPLICATION NO:** 2P-03-23

**LOCATION:** 1850 Brighton Henrietta Town Line Road

**APPLICATION SUMMARY:** Application of Kathleen Gaffney-Babb, Helio Health, owner, for Preliminary/Final Site Plan Approval to construct a 460 +/- sf building addition on property located at 1850 Brighton Henrietta Town Line Road.

### **COMMENTS**

#### **BUILDING AND PLANNING:**

1. 1850 Brighton Henrietta Townline Road is currently contains a 22,500 +/- sf, 53 bed, inpatient treatment facility.
2. The subject property is presently zoned [Light Industrial \(IG\)](#).
3. Full site, grading, utility, landscaping, and architectural plans have been submitted.
4. The project is a very minor (2% of the existing building square footage) building addition.
5. There is some clearing of vegetation proposed to allow for the installation of a perimeter fence in along the side and rear property line.
6. The Architectural Review Board approved the building addition at the 1-24-2023 meeting.

**TOWN ENGINEER:** See attached memo from Evert Garcia to Jason Haremza dated 2-9-2023

### **QUESTIONS**

1. What has changed on the Site Plan since your last meeting with the Planning Board?
2. The proposed clearing for the perimeter fence is shown extending onto a neighboring property. Do you have proof in the form of an easement or notarized letter for accessing the neighboring property?
3. Will any trees be removed to install the fence?
4. Did the parking lot light fixtures get replaced per the conditions of the prior Site Plan Approval?

## **SEQRA**

Town staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined this project is a Type 2 action, requiring no further environmental review.

Specifically 6 NYCRR 617.5(c)(9):

Construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

## **DECISION**

If the Board entertains approval, Town staff suggests including, among any others suggested by the Board, 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 parking lot lights shall be replaced with the appropriate and previously approved dark sky consistent lights which require a CCT of less than 3000K.
4. All Town of Brighton codes that relate directly or indirectly to the proposed project shall be met.
5. All requirements of the Town of Brighton Department of Public Works shall be met.
6. 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.
7. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.

9. Maintenance of landscape plantings shall be guaranteed for three (3) years.
10. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
11. Fire hydrants shall be fully operational prior to and during construction.
12. All outstanding Site Plan comments and concerns of the Town Engineer and Fire Marshal shall be addressed.
13. 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.
14. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
15. All comments and concerns of the Town Engineer as contained in the attached memo from Evert Garcia to Jason Haremza dated 2-9-2023, shall be addressed.



# Public Works Department

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

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

## MEMO

Date: February 9, 2023

From: Evert Garcia

To: Jason Haremza

Copy: File

Re: 2P-03-23

*Application of Kathleen Gaffney-Babb, Helio Health, owner, for Preliminary/Final Site Plan Approval to construct a 460 +/- sf building addition.  
1850 Brighton Henrietta Town Line Road*

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

### General:

1. The existing storm sewer easement located along the eastern property line shall be depicted on the plans. The proposed aluminum picket fence should not be installed within the existing storm sewer easement area.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. Have all parking lot lights been replaced with the appropriate and previously approved dark sky consistent lights which require a CCT of less than 3000K?

### Plans

1. *Site Plan, C-1.0*
  - a. The site plan indicates that an eight (8) feet wide area will need to be cleared along the northern property line to accommodate the installation of the proposed aluminum picket fence. A portion of the clearing area appears to be on the neighboring property. Does the applicant have permission from the Owner of the neighboring property to clear this area? Please provide supporting documentation.
  - b. Will any trees need to be removed as part of the brush clearing needed to accommodate the proposed fence?
  - c. Please clarify on the plans how the roof drain will be re-routed to accommodate the proposed building addition.



## PLANNING BOARD REPORT

**HEARING DATE:** 2-15-2023

**APPLICATION NO:** 9P-NB1-22

**LOCATION:** 12 Elmwood Hill Lane

**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

#### BUILDING AND PLANNING:

1. The subject property is is .74 acres and is zoned [Residential – Low Density A \(RLA\)](#).
2. The gross square footage of the proposed building was reduced to 5,050sf. Allowed square footage based on lot size is 3,748 sf
3. Calculation for open space was not provided.
4. The Zoning Board of Appeals (ZBA) has granted the following variances:
  - a. Side setback less than minimum allowed
  - b. Livable floor area exceeding maximum allowed
  - c. Pool location in side yard
5. 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.
6. Existing conditions map was provided.
7. 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.
8. An HVAC unit is shown behind the garage. A generator is shown behind the pool house. The generator cannot be located where it is proposed, as this is considered to be to the side of the main house.
9. 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.
10. A pre-asbestos removal survey was submitted.

11. 15,700sf will be disturbed

12. The Historic Preservation Commission (HPC) will not schedule a public hearing to consider 12 Elmwood Hill Lane for landmark status.

**TOWN ENGINEER:** See attached memo from Evert Garcia to Jason Haremza dated 2-11-2023

**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. A sewer permit is required
2. Sanitary lateral must be cleaned and televised to confirm that it is free from deficiencies and meets Town specifications

## QUESTIONS

1. What has changed since last meeting?
2. Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Architectural Review Board?
3. An easement is shown for the portion of the sewer on this property. What additional information do you have about the sewer easements?

## DECISION

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

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. 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.
9. 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.
10. All County Development Review Comments shall be addressed.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
12. 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.
13. Erosion control measures shall be in place prior to site disturbance.
14. 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.
15. 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.
16. 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.
17. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
18. 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.



19. 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.
20. 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.
21. Show the storm sewers on the site and their connections to the house.
22. The plans shall clearly show all trees proposed to be removed.
23. 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.
24. 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.
25. 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.
26. Basement excavation may yield large amounts of spoil. Location of spoil piles and plans for their removal or distribution shall be provided.
27. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
28. All comments and concerns of the Assistant Engineer as contained in the attached memo dated 2-11-2023 from Evert Garcia, Town Engineer, to Jason Haremza, shall be addressed.

29. The requested information is required to be submitted no later than two weeks prior to the next Planning Board meeting.



## Public Works Department

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

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

### MEMO

Date: February 11, 2023

From: Evert Garcia

To: Jason Haremza

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. Easements to the Town will need to be provided by the property owners served by the sanitary sewer main which runs along the back yard of multiples residences on Elmwood Hill Lane to complete dedication of the sanitary sewer and legalize the sewer connections.
2. The overall sanitary sewer easement which will be provided for the sanitary sewer main serving the subject properties on Elmwood Hill Lane must be revised to be 20' in width along its entire length.
3. 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.

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

1. The copy of the MCWA virtual flow test appears to have been omitted from the submittal packet. Please incorporate this information into the final engineer's report and submit to our attention prior to final approvals.
2. A final, comprehensive copy of the Engineer's report which includes all the computations and basis of design should be compiled and provided to this office for our records.
3. The stormwater infiltration report indicates that after the roof framing design has been completed, the contributing areas will be analyzed, and the engineer will select the appropriate infiltration system. Has the roof framing design been completed? The final plans should call out the selected stormwater infiltration practice, their proposed location on the site, and appropriate construction details.

#### **Post Demolition Restoration Plan:**

1. We will review the demolition construction estimate to establish the value of the demolition letter of credit when it is submitted by the applicant.

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

<http://www.townofbrighton.org>



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**Utility Plan:**

1. The detail of the proposed infiltration trench depicted on this sheet is not consistent with the schematic included with the engineer's report. Is a 2'x2' DI being provided in all drywell/infiltration trench options? Please clarify.
2. The rim and invert elevation for the proposed dry well system should be depicted on this sheet.
3. Will there be a conflict at the crossing of the new sanitary sewer lateral and the roof leader depicted on this sheet?
4. A note indicating that any pool discharge will meet the effluent requirements of Monroe County Pure Waters and the Town of Brighton Sewer Use Law should be added to this sheet.
5. Is any portion of the existing lateral being re-used as part of this development? If so, the existing lateral shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for re-use. If the lateral requires 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.
6. 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.

**Grading and Erosion Control Plan:**

1. The orange construction fencing shown in the northwest area of the site should be sited inside of the property line and not in the ROW.
2. Can the drainage swale depicted on the eastern side of the property be directed to the nearby dry well system?
3. The sanitary manhole located at the rear of the property is called out as a storm manhole on this sheet. Please review and clarify.

**Landscape and Lighting Plan:**

1. A planting schedule should be provided with the landscaping plan.





## Historic Preservation Commission

Secretary – Jason Haremza, AICP

January 30, 2023

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

Re: Historic Preservation Commission Advisory Report -  
Demolition of 57 Eldridge Avenue

Dear Board Members:

At the January 26, 2023, Historic Preservation Commission meeting, the Commission reviewed the demolition application for 57 Eldridge Avenue and decided not to schedule a public hearing to consider the property for landmark status.

Sincerely,

Jason Haremza, AICP  
Secretary, Historic Preservation Commission



## Historic Preservation Commission

Secretary – Jason Haremza, AICP

January 30, 2023

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

Re: Historic Preservation Commission Advisory Report -  
Demolition of 2735 Monroe Avenue

Dear Board Members:

At the January 26, 2023, Historic Preservation Commission meeting, the Commission reviewed the demolition application for 2735 Monroe Avenue and decided not to schedule a public hearing to consider the property for landmark status.

Sincerely,

Jason Haremza, AICP  
Secretary, Historic Preservation Commission

**From:** [James Coffey](#)  
**To:** [Jason Haremza](#)  
**Subject:** Concerns on application 2P-01-23  
**Date:** Monday, February 13, 2023 1:04:04 PM

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Dear Mr. Haremza,

I am writing on behalf of my wife, Karen and myself. We have lived at 36 Midland Ave adjacent to the property at 57 Eldridge Avenue since 1984.

Our home is 100 years old and, as such, our property is only about six feet from the property line with 57 Eldridge. Concerns:

- a beautiful, healthy Maple tree is only a few feet inside the property line on Eldridge and, we believe is one of the trees being marked for removal. We ask that this one tree be saved. It has served for many years as a buffer between the two properties. Leaving the tree in place will greatly mitigate the effects on us of a new house replacing the tree on that lot

- we are also concerned about Asbestos removal of the current structure as the previous owner alluded to us before he died that there was Asbestos in that structure. The close proximity of our home worries us that during removal we could be endangered by the toxic dust that could spread during the razing of the structure.

- He also shared with us that he moved out because the structure was full of rats - which we have seen. We fear that population of rats will naturally migrate to our property and the neighborhood and request that the vermin be exterminated before demolition.

Thank you for this opportunity to share our concerns and to request care in the structure razing and to keep the Maple tree and exclude it from those being removed.

Jim and Karen Coffey.