

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF MARCH 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.

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 February 15, 2023 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of March 9, 2023 will now be held.

NEW BUSINESS:

[5P-NB2-22](#) Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC, contract vendee
[Mar Resubmittal](#) 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
[Additional Info](#) Approval and Demolition Review and Approval to raze an existing single family
[Feb Resubmittal](#) 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. **APPROVED IN PART (demolition)/TABLED IN PART (Preliminary Site Plan Approval) - PUBLIC HEARING REMAINS OPEN - POSTPONED AT APPLICANTS REQUEST**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Larry Heininger, P.E. dated March 13, 2023, requesting postponement of application 9P-NB1-22 to the April 19, 2023 meeting and combine it with final Planning Board approval.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
1677	Reality One Group Spark 1415 Monroe Avenue	Bldg Face	2/28/23
ARB - Approved as submitted			
1678	Monarch Wealth Management 1688 Monroe Avenue	Bldg Face	2/28/23
ARB - Approved as submitted			
1679	Impact Earth 1458 Monroe Avenue	Bldg Face	2/28/23
			ADMIN REVIEW
Approved per plaza sign plan.			
1680	Berkshire Hathaway Home Services / Zambito Realtors 1680 Monroe Avenue	Bldg Face	2/28/23
ARB - Approved as submitted.			
1683	Quicklee’s 3108 East Avenue	Bldg Face	HPC 2/23/23
HPC - Approved			

3861 Elmwood Ave
Rochester, NY 14610

February 15, 2023

We continue to oppose the development of the property at 3108 East Avenue for the purpose of a gas station and convenience store. While the current building did serve as a gas station for any years, the architecture and intent reflected the Conditions of early a century ago. The architecture of the building still fits with the area, but not the use as a retail space operating for many more hours than was initially considered. Part of this is for the pollution of the area in terms of light and noise. The Brookside neighborhood largely shuts down at sunset and families are at home. Having a station open does not serve the neighborhood after this time, and if anything would impose on the residents.

Since the area has done quite well without a service station, there seems little improvement that another station would provide. Since there are no other retail establishments in the area, it does not seem like an attraction for those looking for services. However, if the station is to be opened, we would request the hours be limited to no later than 8:00 PM and lights and signage be a minimal illumination. We understand that some lights are needed for security purposes, but this should be minimized.

Thank you for your consideration. Our goal is to continue to have this section a Brighton to be a neighborhood attractive for families.

Sincerely,

Lawrence A. Ray and Julie Jackson-Ray

Fw: 12 Elmwood Hill Lane

Jason Haremza <jason.haremza@townofbrighton.org>

Mon 3/13/2023 1:48 PM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

From: Larry Heininger <lehengin@rochester.rr.com>

Sent: Tuesday, March 7, 2023 12:45 PM

To: Jason Haremza <jason.haremza@townofbrighton.org>; Larry.Marques@frontiernet.net
<Larry.Marques@frontiernet.net>

Subject: RE: 12 Elmwood Hill Lane

Jason,

Consider this our formal request to be tabled at the March 15, 2023 Planning Board meeting. We will be updating our plans and will submit for Preliminary/Final site Plan Approval no later than April 5, 2023.

This submittal will be for the April 19, 2023 Planning Board Meeting.

Thank you,

Larry Heininger, P.E., PMP
585-455-8855

PLANNING BOARD REPORT

HEARING DATE: 5/18/2022, [3/15/23 \(see revised renderings\)](#)

APPLICATION NO: 5P-NB2-22

APPLICATION SUMMARY: 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.

COMMENTS:

- The subject property is presently zoned BE-1.
- The gross square footage of the proposed building is 1,178 square feet.
- The total project area is .358 acres.
- Calculation for gross footage/acre is 3290/acre.
- Existing open space is 74.5%, code requires a maximum of 65%, proposed 63.3%.
- The proposed use requires 6 parking spaces, 14 spots are proposed. Adequate parking exists for the applicant's request.
- The project will need the following variances from the Zoning Board of Appeals:
 - Use
 - Gas pump canopy
 - Pavement setback (preexisting 0')
 - Front yard parking.
- The building will need a Certificate of Appropriateness from the Historic Preservation Commission. Commission has previously reviewed proposed improvements informally.
- The northwest curb cut will be reduced to 24' and associated paving in the right-of-way will be reduced by 1,260 sf.
- Bike rack will be provided.
- Storm water appears to drain to a neighboring property
- Plans show a roughly 8-foot egress lane on the shoulder entrance which does not seem adequate.

CONSERVATION BOARD:

- Consider on site car charging station(s).
- Consider installing a bike repair station on site.
- Use of native plantings is encouraged.
- Low mow techniques are encouraged.

TOWN ENGINEER: See memo from Town Engineer, Evert Garcia, dated May, 15, 2022.

QUESTIONS:

- Have the architectural design and building materials of the proposed building(s) been reviewed and approved by the Town of Brighton Historic Preservation Commission?
- Have all the necessary variances for this project been obtained from the Zoning Board of Appeals?
- Has the project been reviewed by the Conservation Board?
- What will the hours of operation be?
- Will the parking lot be lighted?
- Will anything be stored outside?
- Do you propose to install a fire sprinkler system?
- Will the project meet the NYS Guidelines for Urban Erosion and Sediment Control?
- Will all disturbed areas be protected from erosion either by mulch or temporary seeding within 2 weeks of disturbance?
- Will any existing trees be retained?
- Has a protection plan for trees to be saved before, during and after construction been reviewed by the Conservation Board?

- Will a generator be provided?
- Where will the HVAC units be located?
- Are any deliveries or shipments proposed between midnight and 6am? Is it proposed to operate any trucks on the site during that period?
- Application notes stormwater runoff draining to a neighboring property. Did you look into connecting to current stormwater near the property?
- Where will the gas tanks be located?
- Did you meet with any of the neighbors about the project?
- Will there be any food production that would require a grease trap?
- Have there been past issues with contamination? Have they been remediated?
- Has a TIS been completed? Has it been submitted to NYS DOT?
- [Zoning Board Use Variance and Area Variances have been approved.](#)
- [Certificate of Appropriateness has been issued by the HPC.](#)
- [Building face sign has been reviewed and recommended for approval by the HPC.](#)

APPLICATION:

If the Board entertains tabling the application, I would suggest including, among others suggested by the Board, the following items be addressed ([Preliminary and Final approvals can be combined](#)):

1. All required variances shall be obtained.
2. Proposed project shall be reviewed and approved by the Town of Brighton Historic Preservation Commission.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
5. A pre, during and post protection plan for trees to be saved and moved shall be reviewed by the Conservation Board with final approval by the Planning Board.
6. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster and shall not be higher than six and one-half (6.5) feet. A detail shall be

provided.

7. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
8. A landscape plan and a protection plan for trees to be saved and moved shall be reviewed by the Conservation Board with final approval by the Planning Board.
9. A lighting plan which shows the type, location and lighting contours shall be submitted as part of the final application.
10. Fire hydrants shall be fully operational prior to and during construction of the building.
11. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
12. Prior to the issuance of any building permits, a letter of credit shall be provided to the Town to cover the cost of materials and installation for all landscaping to ensure that all landscaping conforms to the approved plans and that the landscape survives in a healthy condition.
13. The parking lot lights shall be placed on a timer and shall be turned off from 12:00 A.M. to 5:00 A.M.
14. The proposed building shall be sprinklered in accordance with Town requirements.
15. Only business identification signage as allowed per the Comprehensive Development Regulations is permitted. This signage must be reviewed and receive all necessary town approvals prior to installation.
16. Erosion control measures shall be in place prior to site disturbance.
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. The location of the HVAC shall be shown on the site plan
19. A letter or memo in response to all Planning Board and Town Engineer comments and conditions shall be submitted.
20. 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.
21. All comments, concerns and requirements of the Town Engineer as contained in the attached memo dated May 15, 2022 from Evert Garcia, Town Engineer, to Jeff Frisch, shall be addressed.

22. The location of the underground tanks will be shown on the plan.
23. Details for the bike rack, dumpster enclosure, crosswalk striping, and bioretention area shall be provided.
24. A final review of the TIS will be completed subsequent to receiving comments from the NYS DOT.



Evert Garcia, P.E.
Town Engineer

MEMO

Date: March 9, 2023

From: Evert Garcia

To: Jason Haremza

Copy: File

Re: 5P-NB2-22

3108 East Avenue

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.

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. The comments below were provided in response to the May 2022 application package. Responses in writing to the comments below must be provided to this Department:

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, 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: NYSDOT, MCPW, BCSD, 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. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
6. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction 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>.

2300 Elmwood Avenue Rochester, New York 14618 www.townofbrighton.org
Evert.Garcia@townofbrighton.org 585-784-5222

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.
2. The applicant should consider utilizing green infrastructure practices such as bioretention facilities and porous pavements to control the stormwater generated by the proposed development.

Roadway and Traffic:

1. We are in receipt of the Traffic Impact Study (TIS) which was prepared for this development. Has the TIS been submitted to the NYS DOT for review and comment? A final review of the TIS will be completed subsequent to receiving comments from the NYS DOT.
2. The TIS indicates that a growth rate of 0.50% was used in the study due to the proximity of the project to the Town of Penfield, which has a MCDOT designated growth rate of 0.50%, and NYSDOT traffic information, which shows decreasing traffic rates in the study area. Please provide supporting documentation to substantiate these statements for our reference.
3. 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 does not include technical information and calculations regarding sanitary sewer demand, change in runoff and need for stormwater quality/quantity mitigation. Please revise and resubmit.
2. The engineer's report indicates that the proposed development results in a 11.2% reduction in impervious asphalt surface area. Please submit supporting technical documentation to substantiate this assessment.
3. The engineer's report indicates that the vegetated swale will be planted with grasses to decrease runoff time of concentration and peak discharge rates, increase infiltration rates and provide natural pollutant filtration and removal. Please include supporting technical documentation, such as a stormwater runoff model analysis, in the engineer's report to substantiate these statements. Our review of the proposed SWMF/vegetated swale cannot be completed until this information is provided.
4. Has a subsurface investigation been completed to determine the infiltration capacity of the soils in the vicinity of the proposed vegetated swale?
5. The engineer's report indicates that a 6" diameter HDPE outlet control pipe will regulate stormwater discharges from the vegetated swale and is directed towards an existing off-site swale that ultimately drains to Allen's Creek. How will the 6" HDPE regulate the stormwater discharges from the vegetated swale? Please provide supporting technical calculations.
6. This department is concerned about the creation of a point discharge from this site to an adjacent residential property where before the stormwater runoff from this site was overland in nature. This facility should not create a point discharge onto the adjacent property. Improvements will be required to mitigate the impact of a point discharge such as a level lip spreader. The stormwater discharged from the SWMF must mimic overland flow.
7. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the domestic and fire protection demands associated with this project must be provided.

Site Utility Plan, Sheet 1 of 4:

1. In general, the plans make it difficult to discern existing versus proposed features. For instance, the legend provided on the plans indicate that the light line weight is for existing utilities and the heavier line weight is for proposed utilities, however, the existing sanitary sewer main is shown as proposed. Please review and revise all of the sheets to clarify existing versus proposed features for this development.
2. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in

the service lines that require corrective action, it shall be done so at the expense of the applicant. A note indicating this requirement should be provided.

3. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
4. 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.
5. Light fixtures proposed as part of the improvements should be fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins. Cut sheets of the proposed light fixtures should be provided.
6. The location of the underground storage tanks should be called out on the plans.
7. Will the sprinkler and backflow prevention system require improvements to the existing water service?
8. What is the point of discharge for the storm inlet depicted on the southern end of the parking lot?
9. Will there be any food preparation within the proposed facility that will require a grease trap?

Existing Demo Plan, Sheet 2 of 4:

1. The location of the topsoil stockpile called out in the notes should be depicted on the plans.
2. Orange fencing should be installed to delineate the limits of the disturbance on the site. The orange fencing should be depicted on the plans and incorporated into the sequence of construction.
3. There is a tree depicted within the limits of the disturbance in the SE corner of the site that is to remain. Will the proposed grading beneath the canopy of this tree adversely impact the health of the tree? Please review and revise as necessary.

Site Details, Sheet 4 of 4:

1. A detail for the proposed bike rack should be provided on the plans.
2. A detail for the proposed dumpster enclosure should be provided on the plans.
3. A detail for the proposed crosswalk striping should be provide on the plans.
4. Details for the proposed bioretention area should be provided.

Notes:

The following notes should be included on the plans:

1. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing.
2. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans, and shall be subject to the inspection and approval of the Town of Brighton.
3. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation
4. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
5. Erosion control measures shall be installed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
6. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
7. All construction of the water supply system shall conform to the specifications, rules and regulations of the Monroe County Water Authority.
8. Installation of sewer and water lines shall conform to the requirements of the New York State Department of Health and the Monroe County Water Authority.
9. Minimum separation between water mains and sewer lines shall be 18" vertically measured from the outside of the pipe at the point of crossing. Minimum horizontal separation between parallel watermains and sewer pipes shall be 10' measured from the outside of the pipes. One full length of water main shall be centered under or over the sewer so that both joints will be as far from the sewer as possible. Adequate structural support (compacted #2 crusher run stone) shall be provided for the sewers to prevent excessive deflection of the joints, and settling on and breaking the watermains.

10. 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. Sanitary sewer mains shall be air tested and manholes shall be vacuum tested in compliance with the specifications and sewer policy of the Town of Brighton.
11. All hydrants shall be installed and operational prior to any above grade construction. The pumper connection shall be positioned towards the roadway.
12. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
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. Provisions for access to site shall be maintained at all times for emergency vehicles. The Town of Brighton Dept. of Public Works shall be notified a minimum of 24 hrs. in advance of any road closing.
15. Fire lanes shall be posted according to the Town of Brighton code.
16. Linear straw bales or erosion control fabric shall be used on steep slopes and wherever necessary to control erosion and siltation of existing drainage systems as ordered by the Engineer.
17. All inlets to the storm system shall be straw-baled on all sides to control siltation. The utility contractor shall be responsible to maintain the bales until ground cover is established.
18. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
19. Tree protection and erosion control measures shall be in place prior to clearing, demolition or construction.