

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF APRIL 19, 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.

FINAL 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 March 15, 2023 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of April 13, 2023 will now be held.

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[4P-01-23](#) Application of Faith Bible Church, owner, and Integrated Power Supplies International, contractor, for Site Plan Modification to install a standby emergency generator on property located at 1095 East Henrietta Road. All as described on application and plans on file.

[4P-02-23](#) Application of Insite Land Development, owner, for Preliminary/Final Site Plan Approval to construct a 2,812 sf single family house with a 465 +/- sf attached garage on property located on Penfield Road, known as Tax ID #123.17-2-25 (between 525 and 555 Penfield Road). All as described on application and plans on file.

[4P-03-23](#) Application of Stephen Artim and Tricia Shalka, owners, and Jerry Serafine, agent, for EPOD (watercourse) Permit Approval to allow for the construction of a building addition within zone AE of the 100 year floodplain on property located at 55 Stonybrook Drive. All as described on application and plans on file.

[4P-04-23](#) Application of Kim Bailey, Stahl Properties, owner, for Final Site Plan Approval and Demolition Review and Approval to raze an existing single family home and construct a 5,050 +/- 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.

*Note: Application 9P-NB1-22 for Preliminary Site Plan Approval has been combined with Application 4P-04-23 for Final Site Plan Approval for this project.*

[4P-05-23](#) Application of 500 Canal View LLC, owner, for Conditional Use Permit Approval to allow for an office with a concrete testing laboratory on property located at 500 Canal View Blvd. 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. POSTPONED AT APPLICANTS REQUEST**

[9P-NB1-22](#) Application of Kim Bailey, Stahl Properties, owner, for Preliminary Site Plan Approval and Demolition Review and Approval to raze an existing single family home and construct a 5,545 +/- sf single family home with a 900 sf attached garage on property located at 12 Elmwood Hill Lane. All as described on application and plans on file. **APPROVED IN PART (demolition)/TABLED IN PART (Preliminary Site Plan Approval) - PUBLIC HEARING REMAINS OPEN - POSTPONED AT APPLICANTS REQUEST**

*Note: Application 9P-NB1-22 for Preliminary Site Plan Approval has been combined with Application 4P-04-23 for Final Site Plan Approval for this project.*

[4P-NB1-23](#) Application of Westmarsh Properties, LLC, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 2,562 sf two story single family home with a 634 sf attached garage on property located at 57 Eldridge Avenue. All as described on application and plans on file.

[4P-NB2-23](#) Application of 1950-1966 Monroe Avenue, LLC, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one, and construct a 2,667 +/- sf

convenience store with gasoline sales under a 2,160 +/- sf gas pump canopy, with extended hours of operation on property located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file.

NEW BUSINESS:

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS: NONE

COMMUNICATIONS:

Letter from Fred Mann, opposing the construction of the proposed home at 57 Eldridge

Letter from Richard Testa, Howard Hanna Real Estate Services, supporting the site plan design of the proposed home at 57 Eldridge Avenue.

Letter from Jeffrey Scofield, ReMax Plus, supporting the site plan design of the proposed home at 57 Eldridge Avenue.

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<a href="#">1681</a>	CP Antiques & Collectibles Buy See Trade 1829 Monroe Avenue	Bldg Face	HPC 4/27/23
HPC			
<a href="#">1682</a>	TR Nail & Spa 1709 Critenden Road	Bldg Face	3/28/23

ARB - Recommend approval			
<a href="#">1683</a>	Quicklee's 3108 East Avenue	Bldg Face	HPC 2/23/23
			<b>APPROVED AS RECOMMENDED AT 3/15/23 MEETING</b>
HPC - Approved			
<a href="#">1684</a>	Metabolic Fitness 1900 South Clinton Avenue	Bldg Face	3/28/23
ARB - Recommend approval			
<a href="#">1685</a>	Kroll Proukou Trust, Estates, and Elder Law 2425 Clover Street	Bldg Face	3/28/23
ARB - Recommend approval with conditions 1. The sign text shall comply with Brighton Town Code with regard to business name (i.e "Trust, Estates, & Elder Law" may be considered advertising and not part of the business name),			
<a href="#">1686</a>	Sephora 2780 Monroe Avenue	Bldg Face	3/38/23
ARB - Recommend approval with conditions 1. Sign shall comply with Brighton Town Code (Incentive Zoning) with regard to sign height (i.e. no part of the sign shall be higher than 27' 2" above finished grade).			



**Brighton Office**  
2349 Monroe Avenue  
Rochester, NY 14618  
585-473-1320  
[office.brighton@howardhanna.com](mailto:office.brighton@howardhanna.com)

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

Re: 57 Eldridge Avenue, Town of Brighton

To Whom It May Concern,

My name is Richard Testa, I am a Licensed Associate Real Estate Broker for Howard Hanna on Monroe Avenue in Brighton, NY. I have been selling residential real estate in Brighton for over 15 years and was the listing agent that sold the property located at 57 Eldridge Avenue to its current owner, Westmarsh Properties LLC. I have many years of experience selling real estate located adjacent to parks. Most notably, having sold the historic "Mushroom House" in 2012 located adjacent to Powder Mills Park in the Town of Perinton. As such, I am very familiar with the subject property and what would be best for the development of this property to attract a future homeowner. In addition, I have studied the well-known architect Frank Lloyd Wright and his positioning of properties within nature. A great example is the Falling Water property in Pennsylvania. I have visited that property. It takes full advantage of the views of the creek and parkland views. Since 57 Eldridge Avenue is a very special property, the positioning of the property should be in concert with the surrounding parkland. Please see below from Google:

What is so special about Frank Lloyd Wright houses?

"What makes his work so great? Frank Lloyd Wright **used organic architecture to plan each and every structure**. Using the environment around where the structure would be, he would design and build accordingly, resulting in unique structures and homes that fit with their landscape, rather than a cookiecutter home."

In my professional opinion, the future new residence at 57 Eldridge Avenue should be constructed with the front and rear of the home facing the park areas owned by the Town of Brighton, as opposed to facing the existing homes and Eldridge Avenue. This configuration is most ideal for several reasons. First, it would offer stunning views of the park from both the front and back of the home, creating a desirable and unique living experience for the future homeowners. This would also add value to the property, making it an attractive investment for potential buyers in the future. And also by having the garage placement at the west end of the property, it gives more privacy to any adjacent property on Midland Ave.

Moreover, by facing the park, the future homeowners would hear less noise coming from the heavily trafficked South Clinton Avenue, which would detract from the quality of life of the future residents. Instead, they would have a peaceful and serene environment to enjoy, surrounded by the natural beauty of the park. Furthermore, I am told that this will be the only home constructed on Eldridge Avenue. As such, it would be important for future homeowners to have visibility up Eldridge Avenue.

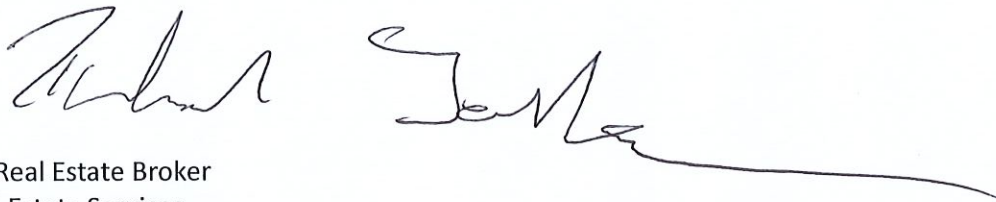
In contrast, constructing a home facing existing homes and a noisy street would have several drawbacks. First, the inability to see traffic traveling and parking on Eldridge Avenue could be a safety concern for potential homeowners. Additionally, building a home facing existing homes could lead to potential conflicts over privacy and property boundaries.



In conclusion, I urge you to approve the proposed construction of a new house on Eldridge Avenue with the front and rear facing the park. This location offers a unique opportunity to create a desirable and valuable living experience for the future homeowners in concert with the beautiful parkland, while avoiding the potential drawbacks of a home facing a noisy street and existing homes.

Thank you for your consideration.

Sincerely,

Two handwritten signatures in dark ink. The first signature is compact and stylized, while the second is more elongated and fluid.

Richard Testa  
Licensed Associate Real Estate Broker  
Howard Hanna Real Estate Services  
585 739-3521  
[richtesta@gmail.com](mailto:richtesta@gmail.com)



2171 Monroe Avenue  
Rochester, New York 14618  
Office: (585) 279-8200  
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Licensed Real Estate Broker  
Each Office Independently Owned and Operated

**Town of Brighton  
Planning Board/Zoning Board of Appeals  
2300 Elmwood Avenue**

**Rochester, NY 14618**

**Re: 57 Eldridge Avenue, Town of Brighton**

**To Whom It May Concern,**

**My name is Jeff Scofield, I am a Broker Owner of ReMax Plus on Monroe Avenue Brighton, NY. I have been selling residential real estate in Brighton for over 40 years and am very familiar as to what buyers are looking for and what creates the most appeal.**

**I understand that the owner of 57 Eldridge Avenue is considering the construction of a new house on the property for resale purposes, and is currently going through the approval process to do so with the Town of Brighton. To this end, I was asked by the owner to provide my input regarding the location of the house on the property. Specifically, I was asked to give my opinion regarding whether the house should be placed horizontal or vertical to Eldridge Avenue.**

**As someone who has been involved in the local real estate market for many years, I can confidently say that the location of the property is one of the most important factors in determining its value and appeal to potential buyers. With this in mind, I strongly recommended to the owner that the home be placed vertically to Eldridge Drive such that the rear of the new house faces into Persimmon Park rather than the neighboring houses located along Midland Avenue.**

**There are several reasons why a house facing a park can be more valuable and appealing to buyers. First, it provides a beautiful and unobstructed view that can greatly enhance the property's aesthetic appeal. The peaceful and green**

surroundings of the park can also provide a relaxing and calming atmosphere, which can be especially attractive to buyers who value a serene living environment.

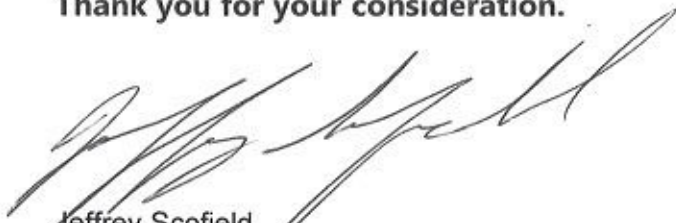
Furthermore, a house facing a park can offer greater privacy compared to neighboring houses. With no houses obstructing the view or proximity, the house can offer a sense of seclusion and tranquility that can be very appealing to potential buyers.

Finally, it is important to note that properties facing parks are often in high demand, and as a result, they can command a higher resale value. Therefore, building your new house facing the park not only makes it more attractive to buyers, but it can also potentially increase its value and provide a better return on investment.

In conclusion, I strongly encourage you to approve the location of the new house at 57 Eldridge Avenue carefully, and to take into account the many benefits its location will offer to potential buyers.

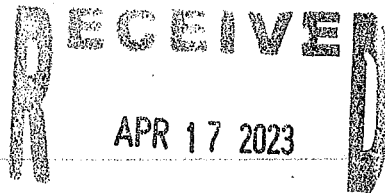
If you have any questions or would like further information, please do not hesitate to contact me.

Thank you for your consideration.



Jeffrey Scofield  
2019 Realtor of the Year





Add to PB  
Comm  
per EG

TOWN OF BRIGHTON  
PUBLIC WORKS & PLANNING

APRIL 12, 2023

TO BRIGHTON TOWN HALL -

THERE'S A SMALL PARK OFF OF CLINTON ROAD,  
CALLED "PERSIMMON PARK". THIS IS ABOUT A  
HALF MILE NORTH OF ELMWOOD AVENUE. THE  
LAND RIGHT NEXT TO IT HAS RECENTLY BEEN  
SOLD AND IS BEING CONSIDERED FOR  
BUILDING A HOUSE ON.

I WOULD LIKE TO SAY RIGHT HERE THAT  
I BELIEVE THIS TYPE OF CONSTRUCTION  
WOULD TO A LARGE EXTENT RUIN THE  
QUIET, SECLUDED FEELING OF THE PARK,  
AND SO I WOULD LIKE TO URGE YOU,  
THE SUPERVISORS OF BRIGHTON, TO  
STIFLE ANY ATTEMPT TO BUILD A HOUSE  
THERE.

THANK YOU,

FRED MANN, BRIGHTON.

## **PLANNING BOARD REPORT**

**HEARING DATE:** 4-19-2023

**APPLICATION NO:** 4P-01-23

**LOCATION:** 1095 East Henrietta Road

**APPLICATION SUMMARY:** Application of Faith Bible Church, owner, and Integrated Power Supplies International, contractor, for Site Plan Modification to install a standby emergency generator on property located at 1095 East Henrietta Road.

### **COMMENTS**

*The Board may wish to consider the following comments when asking questions*

### **BUILDING AND PLANNING:**

1. 1095 East Henrietta Road currently contains a place of worship
2. The subject property is zoned Light Industrial (IG)
3. The site is made up of three tax parcels under common ownership:
  - a. 1095 East Henrietta Road (Tax ID # 149.13-1-10). This contains the parking lot and the majority of the building. The generator will be located on this parcel.
  - b. Unaddressed parcel (Tax ID # 149.13-1-12). This contains a small portion of the front of the building.
  - c. 1085 East Henrietta Road (Tax ID # 149.13-1-11). This contains lawn area
4. Property lines are not generally allowed to pass through buildings without fire separation. The applicant should take this opportunity to rectify this situation and combine all three parcels into one.
5. The proposed generator is located in what is considered the front yard, however it is located approximately 420 feet back from the public right-of-way and therefore will not be highly visible to the public.

**TOWN ENGINEER:** See attached memo dated 4-17-2023

### **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. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond to Planning Board and Town Engineer comments in writing.
2. Submit subdivision application to combine the three parcels into one.
3. All Monroe County comments, if any, shall be addressed.
4. 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.
5. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.



## Public Works Department

Commissioner of Public Works – Evert Garcia, P.E.

**Brendan Ryan**  
Assistant Engineer

### MEMO

Date: April 17, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 4P-01-23*

*Application of Faith Bible Church, Owner, for Site Plan Approval to install a 48kW standby emergency generator in a front yard.  
1095 E Henrietta Rd*

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

**General:**

1. Will any site work be required for this generator installation outside of a concrete pad or other similar mounting?
2. The distance of the proposed generator from the building and lot lines should be called out on the provided location map.
3. Does the installer anticipate any conflicts with the proposed generator and existing utility appurtenances located near the proposed installation location?
4. Does the applicant intend on providing any screening for the proposed generator?

## **PLANNING BOARD REPORT**

**HEARING DATE:** 4-19-2023

**APPLICATION NO:** 4P-02-23

**LOCATION:** 535 Penfield Road (temporary working address)

**APPLICATION SUMMARY:** Application of Insite Land Development, owner, for Preliminary/Final Site Plan Approval to construct a 2,812 sf single family house with a 465 +/- sf attached garage on property located on Penfield Road, known as Tax ID #123.17-2-25 (between 525 and 555 Penfield Road).

### **COMMENTS**

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

1. Tax Parcel #123.17-2-25 (between 525 and 555 Penfield Road) is currently vacant and therefore does not have a designated address. For the purposes of this review, a temporary working address of 535 Penfield Road will be used. The final official address assigned to this parcel may be different.
2. The subject property is zoned Residential – Low Density A (RLA)
3. Full site, grading, utility, and landscaping plans have been submitted.
4. The project requires review by the Architectural Review Board (ARB).
5. A similar proposal for this parcel was reviewed and approved by the Planning Board on 6-19-2019 (6P-06-19).

**TOWN ENGINEER:** See attached memo dated 4-17-2023

### **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)(11):

Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections

### **DECISION**



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

1. Obtain required Architectural Review Board (ARB).
2. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond to Planning Board and Town Engineer comments in writing.
3. All Monroe County comments, if any, shall be addressed.
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 entire building shall comply with the most current New York State Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. 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.
9. Erosion control measures shall be in place prior to site disturbance.
10. The plans shall clearly show all trees proposed to be removed and all trees proposed to be planted.
11. 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.
12. Maintenance of landscape plantings shall be guaranteed for three (3) years.
13. 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. 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.

15. Basement excavation may yield large amounts of spoil. Location of spoil piles and plans for their removal or distribution shall be provided.
16. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.



# Public Works Department

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

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

## MEMO

Date: April 16, 2023

From: Evert Garcia

To: Jason Haremza

Copy: File

Re: *Application No. 4P-02-23*  
*Insite Land Development, Owner*  
*Preliminary/Final Site Plan Approval to construct a 2,812 sf single family house with a 465 +/- sf attached garage*  
*Penfield Road Property (123.17-2-25)*

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

### General:

1. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, driveway entrance within the MCDOT right of way, 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.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
4. 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.
5. Have all of the improvements depicted in the MCDOT right of way been completed? The applicant should provide a summary of what has been completed from the previously approved site development plan along with a summary of changes from the previously approved plan.

### Plans

1. *Site Plan and Utility Plan, Drawing No. 1*
  - a. Components of the proposed site development and utilities which have already been installed as part of the site prep phase should be depicted accordingly on the plans.
2. *Grading Plan and Erosion Control Plan, Drawing No. 2*
  - a. This sheet indicates that the proposed swales and stone check dams are temporary features for construction purposes. How will the site be graded subsequent to construction?

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

<http://www.townofbrighton.org>



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- b. How will the sediment trap be removed from the property once construction is finalized?



## PLANNING BOARD REPORT

**HEARING DATE:** 4-19-2023  
**APPLICATION NO:** 4P-03-23  
**LOCATION:** 55 Stonybrook Drive

**APPLICATION SUMMARY:** Application of Stephen Artim and Tricia Shalka, owners, and Jerry Serafine, agent, for EPOD (watercourse) Permit Approval to allow for the construction of a building addition within zone AE of the 100 year floodplain on property located at 55 Stonybrook Drive.

### COMMENTS

*The Board may wish to consider the following comments when asking questions*

### BUILDING AND PLANNING:

1. 55 Stonybrook Drive currently contains a single family dwelling.
2. The subject property is zoned Residential – Low Density B (RLB)
3. The subject property is also within Environmental Protection Overlay District (EPOD) 3, Watercourse and Floodplain Protection. The boundaries of the Watercourse Protection District shall be delineated on the Official Town of Brighton EPOD maps and shall include the following areas: West Branch of Allens Creek, Crittenden Creek, Allens Creek, Irondequoit Creek, Buckland Creek, Red Creek, the Genesee River and the New York State Erie Canal; for a distance of 100 feet from each bank or to the landward boundary of special flood hazard. A map of the town's flood hazard area is attached.
4. A site plan, wall section, and Floodplain Development Permit Application have been submitted.
5. Per [Town of Brighton Code Section 203-129B](#) No permit to undertake a regulated activity within the Watercourse and Floodplain Protection District shall be issued by the Planning Board unless it determines that the proposed project complies with the following standards:
  - (1) The proposed activity provides adequate measures to prevent disruption and pollution of fish and wildlife habitats and freshwater wetlands, stormwater runoff, septic and sewage systems and any other activity on the site.
  - (2) A natural vegetative buffer of 100 feet from each bank shall be retained adjacent to the watercourses to absorb floodwaters, to trap sediments, to protect adjacent fish and wildlife habitats and to protect scenic qualities.
  - (3) Site preparation, including stripping of vegetative cover or grading, shall be undertaken so that the amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water is limited. Disturbed soils shall be



stabilized and revegetated before construction can begin. During the interim, erosion protection measures, including but not limited to vegetation, retention ponds, recharge basins, berming, silt traps and mulching, shall be used to ensure that sedimentation is minimized and mitigated.

- (4) The project shall provide adequate measures to protect surface and ground waters from direct or indirect pollution and from overuse.
- (5) Fill shall not encroach on natural watercourses, constructed channels or floodway areas. All fill shall be compacted at a final angle of repose which provides stability for the material, minimizes erosion and prevents settlement.
- (6) Roads, trails and walking paths along water bodies shall be sited and constructed so they are not a source of runoff and sedimentation. Such roads, trails and walking paths shall be constructed and sited in such a manner as to maximize the visual opportunities of a water body while maintaining the scenic qualities of the water body.
- (7) No new dock, boat launching site or fishing access and parking area shall be constructed unless it is shown that it will not impede the natural flow of the streams to which this section applies and will be located and constructed so as to minimize its intrusion into the streams and avoid adverse environmental impact and unreasonable impacts upon public use of the waters.
- (8) New structures, except for fences, bridges and fishing access parking areas, shall not be constructed within 25 feet of the bank of the stream.
- (9) New structures shall be designed and constructed in accordance with erosion control standards and stormwater control standards contained in the Best Management Practices for Stormwater Runoff Management and Stormwater Management Guidelines for New Development, as found in Chapter 6 of the New York State Department of Environmental Conservation's Stream Corridor Management Manual.

**TOWN ENGINEER:** See attached memo dated 4-16-2023

**CONSERVATION BOARD:**

1. Will need to provide compensatory flood water storage.
2. Meet all Federal Emergency Management Agency regulations.

**SEQRA**

The granting of an EPOD permit is an unlisted action. Environmental Review and a determination is pending.

**DECISION**

If the Board entertains tabling this application, staff suggests that the following items be addressed, along with any others suggested by the Board:

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

- a. Applicant shall respond to Planning Board and Town Engineer comments in writing, including but not limited to the following from the Town Engineer's memo:

Construction standards outlined in the Brighton Town Code for a floodplain development permit indicates that encroachments into flood hazard zone AE requires the applicant to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location. Otherwise, the applicant can pursue a conditional FIRM revision, authorized by FEMA. Please provide supporting technical documentation that the proposed development meets the construction for floodplain development in the Town of Brighton.
2. All Monroe County comments shall be addressed.
3. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code
4. All Town of Brighton codes that relate directly or indirectly to the proposed project shall be met, including but not limited to the Floodplain Development Permit process.



# Public Works Department

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

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

## MEMO

Date: April 16, 2023

From: Evert Garcia

To: Jason Haremza

Copy: File

Re: *Application No.4P-03-23*  
*Stephen Artim and Tricia Shalka, Owners, and Jerry Serafine, Agent*  
*EPOD Watercourse Permit Approval to allow for the construction of a building addition within zone AE of the 100 year floodplain*  
*55 Stonybrook Drive*

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

### General:

1. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
2. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
3. All new construction in special flood hazard areas shall meet the applicable standards of Article V, Construction Standards, of Chapter 211 of the Brighton Town Code. Supporting technical documentation that the proposed addition meets the construction standards set forth in Article V of Chapter 211 shall be provided.
4. The proposed development plan should include at a minimum: locations and dimensions of principal and accessory structures, general topography contours of the site, existing and proposed utilities, existing and proposed trees affected by the development and other existing or planned features. It is difficult to discern existing conditions versus proposed conditions on the provided plans. Please review and revise.
5. This Department disagrees with the 100-year flood elevation noted in the draft copy of the flood development permit application included with the application packet. The floodplain elevation at the rear of the property where the addition is proposed is 468.00 instead of the 466.5 elevation noted in the application. Please review.
6. Additional comments will be developed as the plans progress and more details on the proposed development is provided. As submitted, there aren't sufficient details on the plans to fully determine the impact of the proposed development on the existing FEMA floodplain.

### Sustainability:

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.



**Engineer's Report:**

1. An engineer's report shall be provided which provides a narrative of the proposed improvements. The narrative should describe anticipated changes to existing topography and natural features, trees, landscaping, utilities, and stormwater runoff.
2. What is the total area of disturbance anticipated for this development?
3. The proposed development lies within a watercourse EPOD. Regulated activities within the watercourse district shall be required to demonstrate that the proposed activity will not adversely affect water quality, watercourse flood-carrying capacities, rate of sedimentation, rate/velocity groundwater runoff, and natural characteristics of the watercourse or floodplain.
4. Construction standards outlined in the Brighton Town Code for a floodplain development permit indicates that encroachments into flood hazard zone AE requires the applicant to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location. Otherwise, the applicant can pursue a conditional FIRM revision, authorized by FEMA. Please provide supporting technical documentation that the proposed development meets the construction for floodplain development in the Town of Brighton.

**Plans**

1. *General Plan*
  - a. The existing and proposed topography shall be depicted on the plans along with the proposed improvements.
  - b. The extents of the existing flood zone AE shall be depicted on the plans. It is difficult to discern the location of flood zone AE in relation to the proposed addition without showing both on the same plan.
  - c. It appears that construction of the proposed addition will likely result in encroachment into flood zone AE. Compensatory storage will likely have to be provided as part of this project. Where does the applicant intend to provide compensatory storage on this site?
  - d. An erosion and sediment control plan must be developed and depicted on the plans. The erosion and sediment control plan must be consistent with best management practices for stormwater runoff management and stormwater management guidelines found in the New York State Stormwater Design Manual.
  - e. The Limits of Disturbance and the total square footage of the disturbed area of the project should be shown on the plans.
  - f. Where will the spoil material from the foundation system excavation be stockpiled on site? Will this material be distributed across the project or removed from the site?
  - g. Drainage crossing the property under development must be maintained during the period of development, and no materials may be stored, land disturbed or other work done to block drainage or to divert or cause runoff of stormwater in an unnatural fashion.
  - h. Roof stormwater drainage shall be discharged in such a manner as to not flow onto adjacent properties. Downspouts not tied directly into a stormwater sewer system shall be directed in such a manner as to allow stormwater to dissipate within the confines of the property or as to convey the stormwater directly to an existing drainage way located, at least in part, on the property.
  - i. The location of roof downspouts must be shown on the plans. The collection system and point of discharge for the roof runoff must also be shown on the plans.
  - j. 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.
  - k. A Sequence of Construction must be provided on the plans. The sequence must address the installation of erosion control measures, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of demolition debris and restoration of the project site.



- l. 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.
- m. A stabilized construction entrance must be provided as part of the erosion control plan. How will construction equipment access the rear of the property during construction?
- n. A concrete washout area should be provided and depicted on the erosion control plan.

**Notes:**

1. The following notes should be added to the plans:
  - a. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process
  - b. 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.
  - c. 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.
  - d. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
  - e. Erosion control measures shall be in place and shall be approved by the Town prior to issuance of a foundation or building permit.
  - f. 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.
  - g. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
  - h. 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.
  - i. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
  - j. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.







Stonybrook Dr

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## **PLANNING BOARD REPORT**

**HEARING DATE:** 4-19-2023  
**APPLICATION NO:** 4P-04-23/9P-NB1-22  
**LOCATION:** 12 Elmwood Hill Lane

**APPLICATION SUMMARY:** Application of Kim Bailey, Stahl Properties, owner, for Final Site Plan Approval to construct a 5,050 +/- sf single family home with a 900 sf attached garage on property located at 12 Elmwood Hill Lane.

*Note: The pending Preliminary Site Plan Review has been combined with the Final Site Plan Review Application.*

### **COMMENTS**

*The Board may wish to consider the following comments when asking questions*

### **BUILDING AND PLANNING:**

1. 12 Elmwood Hill Lane currently contains a single family dwelling that will be demolished.
2. The subject property is zoned Residential – Low Density A (RLA).
3. The gross square footage of the proposed building was reduced from 5,545 sf to 5,050 sf. Allowed square footage based on lot size is 3,748 sf
4. The Zoning Board of Appeals (ZBA) has granted the following variances on 2-1-2023:
  - a. Side setback and livable floor area
  - b. Pool location
5. A demolition application was submitted to the Planning Board and approved on 2-15-2023.
6. Full site, grading, utility, and landscaping plans have been submitted. The applicant has also responded to previous comments in a letter dated 3-21-2023.
7. The proposed project requires review by the Architectural Review Board (ARB), which is scheduled for the 4-25-2023 meeting. It was reviewed in concept at the 3-28-2023 meeting, and received a positive response by the board members present, but could not be voted on due to a lack of quorum.

**TOWN ENGINEER:** See attached memo dated 4-17-2023

**SEWER DEPARTMENT:**

1. There shall be no material or equipment storage in the right-of-way or outside of the work zone.
2. Construction entrance should extend to the existing pavement.
3. A drywell is shown outside of limits of disturbance, and a sanitary lateral is shown outside of limit of disturbance.
4. Highway permits are required for new driveway, utilities and construction entrances.

## **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 Final Site Plan Approval Approval.

## **DECISION**

If the Board entertains approval, staff suggests that the following conditions, along with any others imposed by the Board:

1. Obtain required Architectural Review Board (ARB) approvals.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond to Planning Board and Town Engineer comments in writing.
  - b. Applicant shall address comments and concerns of the Town of Brighton Sewer Department.
3. All Monroe County comments, if any, shall be addressed.
4. 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.
5. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code
6. Prior to issuance of any building permits, all plans for utility and storm water control systems, including the sewer easements, 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. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.

9. 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.
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. 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.
12. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
13. The height of the proposed house and garage shall be shown on plans. Elevation drawings showing the height of the structures in relationship to proposed grade shown on the site plan shall be submitted.
14. Erosion control measures shall be in place prior to site disturbance.
15. The applicant shall review the site plan, elevations, and floor plans to ensure that the areas and dimensions provided on those plans agree with one another. Elevation drawings showing the height of the structure in relationship to proposed grade as shown on the approved site plan shall be submitted.
16. Prior to the issuance of any permits, the Single-Family Zoning Information form shall be submitted to and approved by the Building and Planning Department. The form shall be completed by the applicant's architect. All information shall be shown on both the site plan and architectural drawings.
17. The location of any proposed generators shall be shown on the site plan. All requirements of the Comprehensive Development Regulations shall be met or a variance shall be obtained from the Zoning Board of Appeals.
18. 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.



State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 4P-04-23

**Date:** 4-19-2023

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:** 4P-04-23

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Kim Bailey, Stahl Properties, owner, for Final Site Plan Approval and Demolition Review and Approval to raze an existing single family home and construct a 5,050 +/- sf single family home with a 900 sf attached garage on property located at 12 Elmwood Hill Lane.

**Location:** 12 Elmwood Hill Lane

**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 discharged in accordance with all applicable New York State standards.
2. Noise and Visual Impacts. The Project will not create 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 no State or Federal wetlands on the Property. 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: 4-19-2023

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  
Telephone: 585-784-5228



## Public Works Department

Commissioner of Public Works – Evert Garcia, P.E.

**Brendan Ryan**  
Assistant Engineer

Date: April 17, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 4P-04-23*

*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. Some of the comments included below were provided prior to 2/15/2023. Written responses to the comments included below shall be provided by the applicant or their representative:

### **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. Town staff has contacted all five property owners which will need to provide a sanitary sewer easement to the Town. We await feedback on the provided easement documents. The applicant should proceed with finalizing the sanitary sewer easement documents for the property at 12 Elmwood Hill Lane.
2. 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 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, sizing, 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.

### **Utility Plan:**

1. Will there be a conflict at the crossing of the new sanitary sewer lateral and the roof leader depicted on this sheet? What is the anticipated vertical separation for this crossing?
2. 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.
3. 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.
4. 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.
5. If the infiltration trench option will be used on the site, the location and dimension of the proposed trench system shall be called out on the utility plan.

**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 drywell in the northwest corner of the site is located outside of the limits of disturbance. Please review and revise as necessary.

## PLANNING BOARD REPORT

**HEARING DATE:** 4-19-2023

**APPLICATION NO:** 4P-05-23

**LOCATION:** 500 Canal View Boulevard

**APPLICATION SUMMARY:** Application of 500 Canal View LLC, owner, for Conditional Use Permit Approval to allow for an office with a concrete testing laboratory on property located at 500 Canal View Blvd.

### COMMENTS

*The Board may wish to consider the following comments when asking questions*

### BUILDING AND PLANNING:

1. 500 Canal View Boulevard currently contains two single story office buildings.
2. The subject property is presently zoned Technology and Office Park (TOP)
3. Floor plans have been submitted.
4. Conditional Use Permit Findings. The following findings are recommended for the Planning Board's consideration.
  - a. The Planning Board finds that the proposed use, an office with a laboratory complies with the standards of the Technology and Office Park (TOP) district.
  - b. The Planning Board finds that the proposed use, 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 convenience store and gas sales, the intensity (hours of operation), size of the site and access have all been considered in the Board's review.
  - c. The Planning Board finds that the establishment of an office with a laboratory in this location, 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.
  - d. The office with a laboratory will be developed within an existing structure on a developed site and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
  - e. The Planning Board finds that the establishment of an office with a laboratory will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.

- f. The Planning Board finds that the establishment of an office with a laboratory will be adequately served by essential public facilities.
- g. The Planning Board finds that the establishment of an office with a laboratory will not result in the loss or damage to trees.
- h. The proposed finds that the establishment of a office with a laboratory construction conforms to the Town Master Plan: Envision Brighton 2028.

The proposed project requires review by the Architectural Review Board (ARB) for minor changes to the rear of the building, which is scheduled for the 4-25-2023 meeting.

#### **SEWER DEPARTMENT:**

- 1. Ensure that any discharge to the sanitary sewer meets [Town of Brighton Code Chapter 149, Sewer Use Law](#).
- 2. Provide expected daily sanitary flow from concrete testing.

#### **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)(18):

Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit.

#### **DECISION**

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

- 1. Obtain required Architectural Review Board (ARB).
- 2. Adhere to the performance standards in the of the Technology and Office Park (TOP) district found in [Town of Brighton Code Section 203-168D](#). (also attached).
- 3. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond to Planning Board and Town Engineer comments in writing.
  - b. Applicant shall address comments and concerns of the Town of Brighton Sewer Department.
- 4. All Monroe County comments, if any, shall be addressed.

5. 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.
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 ten (10) feet. The proposed material shall be shown on plans and shall be approved by the Building & Planning Department.
7. The entire building shall comply with the most current New York State Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
8. All 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). 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. An Operational Permit shall also be obtained from the Town of Brighton Fire Marshal.
9. 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.
10. 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 ½ hour before the business is open to the public and to terminate ½ hour after the close of business.



## Chapter 203. District Use Regulations

### Article XXII. Technology and Office Park District (TOP)

#### § 203-168. Special requirements.

- D. Performance standards. All uses subject to the requirements of this section may be established and maintained if their operation is approved by the Planning Board as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration. In approving the site plan, the Planning Board shall decide whether the proposed use will conform to the applicable performance standards. The applicant shall submit to the Planning Board a written report showing the manner in which the proposed use will comply with the performance standards. Any building permit or certificate of occupancy shall be conditioned on, among other things, the applicant's paying the fee for services of such expert consultants as the Planning Board may call upon for advice as to whether or not the applicant's completed buildings and installations will conform in operation to the applicable performance standards. When the use of such consultant is required by the Planning Board, the applicant shall deposit the sum of \$500, to be applied to the fee of such consultant. Any proceeds of such deposit not used for said consultant shall be returned to the applicant, and any deficiency shall be made up by the applicant within 15 days following a request therefor by the Planning Board and, in any event, prior to the issuance of a building permit or certificate of occupancy. The continued effectiveness of the certificate of occupancy shall be conditioned on the continuous conformance of the applicant's completed buildings, installations and uses to the applicable performance standards.
- (1) Uses subject to the performance standards procedure. Only manufacturing and research, experimental and testing laboratory uses and uses accessory thereto shall be subject to the performance standards procedure in obtaining a building permit. However, if the Building Inspector has reasonable grounds to believe that any other proposed use violates any of the performance standards and reports accordingly to the Planning Board, then the applicant shall comply with the performance standards procedure.
  - (2) Enforcement provisions applicable to other uses. Initial and continued compliance with the performance standards is required of every use, including those already existing on the effective date of these regulations. Provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any uses if there is reasonable grounds to believe that the performance standards are being violated by such use.
  - (3) Performance standards procedure.
    - (a) An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements. The applicant shall also file with such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform to same at all times. No applicant will be required to reveal any secret processes, and any information which may be designated by the applicant as a trade secret and submitted herewith will be treated as confidential. During

the course of site plan review, the Planning Board will determine if the applicant's proposal falls within the performance standards.

- (b) The Planning Board may require a report by one or more expert consultants retained by the Planning Board or retained by the applicant and approved by the Planning Board, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within 20 days, and a copy of his report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant.

(4) Performance standard regulations.

- (a) Fire and explosive hazards. All activities involving, and all storage of, flammable and explosive materials shall be protected at all times with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in industry. Burning of waste materials in open fires is prohibited at any time. The relevant provisions of state and local laws and regulations shall also apply.

(b) Vibration.

- [1] No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed two-thousandths (0.002)g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration-measuring equipment.

- [2] Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding one-thousandth (0.001)g. Single-impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding one-hundredth (0.01)g.

(c) Noise.

- [1] The maximum decibel level radiated by any use or facility at any lot line shall not exceed the values in the designated octave bands given in Table I. The sound-pressure level shall be measured with a sound-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave - Bank Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

<b>Frequency Band (cycles per second)</b>	<b>Maximum Permitted Sound-Pressure Level (decibels)</b>
0 to 75	69
75 to 150	60
150 to 300	56
300 to 600	51
600 to 1,200	42
1,200 to 2,400	40
2,400 to 4,800	38
4,800 to 10,000	35

- [2] Where any use adjoins a residential district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six

decibels from the maximum levels set forth in Table I.

- (d) Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringlemann Chart. (A Ringlemann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke.) These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.
- (e) Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in Chapter 5, the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.
- (f) Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed one-tenth (0.1) the maximum allowable concentration set forth in Section 12-29 of the Industrial Code Rule No. 12, relating to the control of air contaminants, adopted by the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.
- (g) Electromagnetic radiation. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation which does not comply with the current regulation of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that, for all governmental communications facilities, governmental agencies and government-owned plants, the regulations regarding such sources of electromagnetic radiation of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulation shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.
- (h) Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property lines. The handling of such radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20, as amended, and all applicable regulations of the State of New York.
- (i) Heat. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of five degrees Fahrenheit, whether such change is in

the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.

(j) Glare.

- [1] Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60° drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet above the ground.
- [2] Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed three-tenths (0.3) footcandle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.
- [3] Liquid or solid waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and County Departments of Health, Monroe County Pure Waters Agency and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

## **PLANNING BOARD REPORT**

**HEARING DATE:** 4-19-2023

**APPLICATION NO:** 4P-NB1-23

**LOCATION:** 57 Eldridge Avenue

**APPLICATION SUMMARY:** Application of Westmarsh Properties, LLC, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 2,562 sf two story single family home with a 634 sf attached garage on property located at 57 Eldridge Avenue.

### **COMMENTS**

*The Board may wish to consider the following comments when asking questions*

### **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. A demolition application was submitted to the Planning Board and approved on 2-15-2023.
3. The subject property is presently zoned Residential - Large Lot (RLL)
4. A site plan has been submitted.
5. The property contains the mapped Woodlot Environmental Protection Overlay District (EPOD).
6. The project requires area variances. Variance applications have been made and will be reviewed by the Zoning Board of Appeals on 5-3-2023.
7. The project requires review by the Architectural Review Board (ARB).

**TOWN ENGINEER:** See attached memo dated 4-17-2023

### **SEWER DEPARTMENT:**

1. Provide connection details to existing force main.
2. Provide pump and force main sizing details.

3. Sewer and Highway permits are required
4. Sewer installation is through federal wetlands (on adjacent properties).

#### **CONSERVATION BOARD:**

1. Mitigate loss of trees with new on-site tree plantings.

#### **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 Preliminary Site Plan Approval and Preliminary Approval of the Woodlot Environmental Protection Overlay District (EPOD) Permit.

#### **DECISION**

If the Board entertains tabling this application, staff suggests that the following items be addressed, along with any others suggested by the Board:

1. Obtain required Architectural Review Board (ARB) and Zoning Board of Appeals (ZBA) approvals.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond to Planning Board and Town Engineer comments in writing.
  - b. Applicant shall address comments and concerns of the Town of Brighton Sewer Department.
3. All Monroe County comments, if any, shall be addressed.
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 entire building shall comply with the most current New York State Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
6. 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.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 4P-NB1-23

**Date:** 4-19-2023

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:** 4P-NB1-23

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Westmarsh Properties LLC, owner, and John Marchioni, agent, Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 2,562 sf two story single family home with a 634 sf attached garage 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.
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 no State or Federal wetlands on the Property. 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. There will be a small impact to natural resources by the removal of trees but this will be mitigated with planting replacement trees.

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: 4-19-2023

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  
Telephone: 585-784-5228



**Brendan Ryan**  
Assistant Engineer

## MEMO

Date: April 17, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 4P-NBI-23*  
*Application of John Marchioni, Owner, for Preliminary Site Plan Approval*  
*57 Eldridge 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 proposed site plan will require variances to be obtained through the Zoning Board of Appeals.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
4. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water service, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
5. 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.
6. This property is currently not served by a sanitary sewer main. Easements and technical details will need to be provided for the proposed force main traversing Town property. Any areas that the sewer is proposed to run through that are designated wetlands must be constructed without land disturbance, such as directional drilling.
7. The liber and page noted on the concept plans for the existing sanitary sewer easement is not correct. The liber and page noted reference a storm sewer easement. Please revise the liber and page referenced with the correct liber and page for a sanitary sewer.
8. Can the proposed force main be installed as depicted on the plans without land disturbance to both Town property and Federal wetlands? Please clarify.
9. A sanitary sewer district must be formed to accommodate the extension of the sanitary sewer to serve the proposed project. The district formation requires Town Board review and approval. The applicant's engineer should consult with Town staff to initiate this process.

10. The portion of the proposed sewer that runs through the existing sewer easement across public land will need to be dedicated to the Town and thereby meet the Town's Minimum Standards for Dedication.
11. Additional comments will be developed as the design progresses and more detailed information on the proposed development is provided.

**Sustainability:**

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.

**Engineer's Report:**

1. An Engineer's Report should be provided. The applicant's engineer must provide a narrative along with technical information regarding sanitary demand, change in stormwater runoff, and need for stormwater mitigation.
2. The engineer's report must provide technical computations for the design of the proposed force main and e-one unit along with details on how the connection to the existing low-pressure force main on Midland Avenue will be made. The design of the new force main must take into consideration the existing system curve and consider the impact of the new e-one unit on the overall low-pressure sewer system in this area. The applicant's engineer shall contact Town staff to review the design of the existing low-pressure system in the area prior to finalizing the design of the low-pressure force main for 57 Eldridge.
3. A hydraulic evaluation of the proposed water distribution system must be provided. The evaluation must demonstrate that the proposed water distribution network has sufficient capacity to accommodate the proposed development's domestic and fire flow water demands.

**SWPPP:**

1. Drainage crossing the property under development must be maintained during the period of development, and no materials may be stored, land disturbed or other work done to block drainage or to divert or cause runoff of stormwater in an unnatural fashion.
2. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. The SWPPP must meet the design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer. Does the proposed development meet the threshold for requiring a development of a SWPPP?

**Concept Plan:**

1. A demolition and restoration plan should be developed and submitted for review.
2. A grading plan must be provided.
3. A sediment and erosion control plan shall be provided. The erosion control plan shall be designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
4. A full set of site development plans should be developed which includes at a minimum; locations and dimensions of principal and accessory structures, general topography contours of the site, proposed grading, existing and proposed utilities, existing and proposed trees and other vegetation and other existing or planned features; a narrative describing anticipated changes to existing topography and natural features, including but not limited to trees, landscaping, utilities, and stormwater runoff.
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. The basement excavation for the proposed home could generate a substantial volume of spoil material. The stockpile location must be shown on the plans including the appropriate erosion control measures. Will this material be distributed across the project or removed from the site?
7. Roof stormwater drainage shall be discharged in such a manner as to not flow onto adjacent properties. Downspouts not tied directly into a stormwater sewer system shall be directed in such a manner as to allow stormwater to dissipate within the confines of the property or as to convey the stormwater directly to an existing drainage way located, at least in part, on the property.
8. The location of roof downspouts must be shown on the plans. The collection system and point of discharge for the roof runoff must also be shown on the plans.
9. 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.
10. What is the FFE of the proposed house?
11. The limits of disturbance shall be delineated with orange construction fencing. The orange construction fencing shall be called out on the plans.
12. Size, material type, and invert elevation should be provided for all utilities being proposed on this site.

**Notes:**

1. The following notes should be added to the plans:
  - a. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process
  - b. All utilities services serving the site shall be disconnected at the direction of the utility provider.
  - c. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation.
  - d. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
  - e. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.
  - f. All construction of the water supply system shall conform to the specifications, rules and regulations of the Monroe County Water Authority.
  - g. The landscaping associated with the project shall be guaranteed for three years.
  - h. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
  - i. The sump pump discharge shall be connected to the storm sewer system.
  - j. Erosion control measures shall be in place and shall be approved by the Town prior to issuance of a foundation or building permit.
  - k. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
  - l. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
  - m. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
  - n. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
  - o. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work



## PLANNING BOARD REPORT

**HEARING DATE:** 4-19-2023

**APPLICATION NO:** 4P-NB2-23

**LOCATION:** 1950 and 1966 Monroe Avenue

**APPLICATION SUMMARY:** Application of 1950-1966 Monroe Avenue, LLC, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one, and construct a 2,667 +/- sf convenience store with gasoline sales under a 2,160 +/- sf gas pump canopy, with extended hours of operation.

### COMMENTS

*The Board may wish to consider the following comments when asking questions*

### BUILDING AND PLANNING:

1. The site is made up of two parcels: 1950 and 1960 Monroe Avenue, which are proposed to be combined into a single parcel.
2. 1950 Monroe Avenue currently contains a gas station with vehicle repair. Records indicate that a gas station has been at this location since at least 1938 and that the present gas station was constructed in 1956, with subsequent renovations. The property is currently zoned Neighborhood Commercial (BF-1). The gas station and vehicle repair is a pre-existing nonconforming use in this district.
3. 1966 Monroe Avenue currently contains a hair salon in a converted residence, likely originally built in the 1910s or 1920s. The property is currently zoned Neighborhood Commercial (BF-1). The gas station and vehicle repair is a pre-existing nonconforming use in this district.
4. Incentive Zoning for these two parcels was adopted by the Town Board 3-8-2023. The Planning Board reviewed the Incentive Zoning on 12-21-2022 and provided an advisory report to the Town Board (attached). The advisory report contains comments related to the site development plan and its furtherance of the Town of Brighton Comprehensive Plan (Envision Brighton 2028).
5. The site plan contains a location for a proposed sculpture (public art) or other decorative element. The Town Board's Public Works Committee suggested that the applicant might install one of Brighton's iconic harp-style street lights at this location. The Planning Board may wish to suggest other options, or have the applicant provide other options.
6. Subdivision Approval is required for the combination of the two parcels.

7. Full site, grading, utility, landscaping, and architectural plans have been submitted.
8. A demolition plan and asbestos survey has been submitted.
9. The proposed demolitions require review by the Historic Preservation Commission (HPC), which is scheduled for the 4-27-2023 meeting.
10. Applicant to confirm proposed hours of operation.
11. Conditional Use Permit Findings. The following findings are recommended for the Planning Board's consideration.
  - a. The Planning Board finds that the proposed use, a convenience store with gasoline sales (with electric vehicle charging), complies with the standards of the adopted Incentive Zoning.
  - b. The Planning Board finds that the proposed use, 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 convenience store and gas sales, the intensity (hours of operation), size of the site and access have all been considered in the Board's review.
  - c. The Planning Board finds that the establishment of a convenience store and gas sales in this location, 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.
  - d. The convenience store and gas sales will be developed on a previously developed site and not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
  - e. The Planning Board finds that the establishment of a convenience store and gas sales will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
  - f. The Planning Board finds that the establishment of a convenience store and gas sales will be adequately served by essential public facilities.
  - g. The Planning Board finds that the establishment of a convenience store and gas sales will not result in the loss or damage to trees.
  - h. The proposed finds that the establishment of a construction warehouse facility with outdoor storage essentially conforms to the Town Master Plan: Envision Brighton 2028. See Incentive Zoning Advisory Report.
12. The project requires final review by the Architectural Review Board (ARB). The ARB reviewed the project conceptually at the 7-5-2022 meeting and was viewed positively by the board.

**TOWN ENGINEER:** See attached memo dated 4-17-2023

**SEWER DEPARTMENT:**

1. Address roof and canopy drainage.
2. There is a steep drop off into the bio-retention basin on the Monroe Avenue side of the project, along the sidewalk.
3. Maintain pedestrian traffic or provide a detailed detour.
4. Sewer permits are required.
5. Sewer must be capped prior to demolition.
6. Sanitary sewer must be televised and approved prior to reconnecting.

**CONSERVATION BOARD:**

1. Investigate using water quality plants that are consistent with plants used with the GIGP project along Monroe Avenue.
2. Consider planting a shade tree near the entrance [driveway] on Monroe Avenue.
3. Snow storage shall be adequately addressed on final plans.

**SEQRA**

Environmental Review, dated 2-21-2023, was conducted by the Town Board as part of the adoption of Incentive Zoning. The environmental determination (Negative Declaration) is attached. Staff recommends that the Planning Board adopt the findings and environmental determination of the Town Board.

**DECISION**

If the Board entertains tabling this application, staff suggests that the following items be addressed, along with any others suggested by the Board:

1. Obtain required Architectural Review Board (ARB) and Historic Preservation Commission (HPC) approvals.
2. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond to Planning Board and Town Engineer comments in writing.
  - b. Applicant shall address comments and concerns of the Town of Brighton Sewer Department.



3. All Monroe County comments, if any, shall be addressed.
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. The entire building shall comply with the most current New York State Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
7. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
8. 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.
9. All 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). 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. An Operational Permit shall also be obtained from the Town of Brighton Fire Marshal.
10. 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.
11. 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.
12. 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.

13. 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 ½ hour before the business is open to the public and to terminate ½ hour after the close of business.
14. The height of the light pole bases shall be six inches above finished grade.



## Public Works Department

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

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

### MEMO

Date: April 16, 2023

From: Evert Garcia

To: Jason Haremza

Copy: File

Re: *Application No. 4P-NB2-23*

*Application of 1950-1966 Monroe Avenue, LLC, Owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one, and construct a 2,667 +/- sf convenience store with gasoline sales under a 2,160 +/- sf gas pump canopy, with extended hours of operation.  
1950/1966 Monroe Avenue*

We have completed our review of the above referenced project and offer the following comments for the Planning Boards 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 with copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, driveway entrance within the NYSDOT/MCDOT right of way, 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.
3. The project will require multiple jurisdictional approvals, including but not limited to MCDOT, MCDOH, NYSDEC, MCPW, and MCWA. All approvals must be obtained prior to the Town endorsing the final plans.
4. The owner of the site must execute a maintenance easement 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.
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. 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.

**Engineer's Report:**

1. The Engineer's Report must be revised to include technical information regarding changes in sanitary demand, water system requirements, changes in stormwater runoff and need for stormwater quality/quantity mitigation, and traffic generation.
2. The Engineer's report must include supporting computations on how the capacity of the existing sewer lateral was determined. Additionally, technical information for the anticipated sanitary sewer demand for this development shall be included in the report.
3. The applicant's engineer has indicated that the proposed development results in an increase of 13% of pervious greenspace from existing conditions. Technical documentation must be provided to substantiate this assessment.
4. The plans indicate that the existing water service will be re-used for this development. Appropriate hydraulic computations must be provided which demonstrate that the water distribution system has adequate capacity to supply the sprinkler, fire flow and domestic demands.
5. 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?

**SWPPP:**

1. What is the area of disturbance for this development? Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. We cannot complete our review of the stormwater design until the completed SWPPP is submitted for review.
2. The proposed project is located within the Irondequoit Creek watershed and must conform to IWC Stormwater Management Report Requirements. Additionally, the project should evaluate pollutant loading generated by the proposed project and consider treatment alternatives to reduce the pollutants discharged from the project site.
3. Stormwater mitigation must be provided to meet the requirements of Chapter 215, Stormwater Management, of the Brighton Town Code. Will the proposed development cause an increase in peak flows, volume, velocity, and duration of stormwater concentration? How are these effects being mitigated? Technical calculations demonstrating compliance with the Code of the Town of Brighton and the NYS DEC Unified Stormwater Sizing Criteria must be provided.
4. The NYS Stormwater Design manual indicates that infiltration basins shall have underlying soils with an infiltration rate (fc) of at least 0.5 inches per hour and confirmed by field geotechnical tests. Has infiltration testing been performed in the vicinity of the infiltration basins?

**Traffic Impact and Roadways:**

1. Has the Traffic Impact Study (TIS) previously developed for this project been updated to address the comments by MCDOT? Has the TIS been submitted to NYSDOT for final review and comment? A final review of the TIS will be completed subsequent to receiving comments and responses from all authority having jurisdictions.
2. Does the existing transit facility review in the TIS consider the changes made to existing bus routes under RTS' new Reimagine RTS program?



**General Utility:**

1. 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 shall be added to the plans.
2. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
3. 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.
4. A sediment and erosion control plan must be developed and submitted for review as part of this development. The sediment and erosion control plan must be developed in accordance with New York Standards and Specifications for Erosion and Sediment Controls and the latest New York State Stormwater Management Design Manual.

**Demolition:**

1. 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.
2. 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.
3. A restoration plan should be developed and submitted for review. The restoration plan should depict how the site would be graded and stabilized should construction not being immediately after demolition.
4. 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.
5. 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.
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 utilities 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.

**Plans**

1. *Site Plan, Sheet 1 of 7*
  - a. What is the status of the MCDOT and NYSDOT review for the proposed site plan? Please forward any comments from the two traffic agencies to this office for our records.
  - b. A detail for the proposed permeable pavers depicted on this sheet shall be depicted on the plans.
  - c. A detail for the raised planter being proposed in the plaza should be provided on the plans.
  - d. A detail/schematic for the proposed decorative light pole and fixture depicted on this sheet shall be provided for review.
2. *Existing Conditions and Demolition Plan, Sheet 2 of 7*
  - a. Orange construction fencing shall be used to delineate the limits of disturbance and shown on the plans.



- b. A maintenance and protection of traffic plan should be developed for this project to accommodate the work being proposed as part of the curb cut removal.
- c. How will pedestrian traffic be maintained throughout construction and disturbance to the sidewalk? Please review and provide a pedestrian traffic detour plan as needed.

3. *Utility Plan, Sheet 3 of 7*

- a. Existing sewer laterals which currently serve the site and are to be abandoned shall be cut and capped prior to demolition of the facilities.
- b. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
- c. A Town of Brighton sewer lateral detail should be provided on the plans.
- d. A detail for the proposed charging station should be provided on the plans.
- e. Will an RPZ hot box be required for the proposed development? If required, the location of this infrastructure should be depicted on the plans.
- f. A hydrologic and hydraulic model which correlates with the proposed storm sewer system plan must be provided before our review of the proposed stormwater design for this development is completed.
- g. What is the surface treatment proposed for the Bioretention Swale? The hatching makes it appear that the swale will be stone lined. Please clarify.

4. *Grading Plan, Sheet 4 of 7*

- a. A concrete washout should be included on the erosion control plan.
- b. The location of a stabilized construction entrance should also be depicted on the erosion control plan.
- c. The sequence of construction should address how vehicles will ingress and egress the site during construction.
- d. The minimum depth for the planting soil depicted in the Bioretention Swale Detail does not match the proposed grading plan. Please review and revise as necessary.

5. *Lighting Plan, Sheet 6 of 7*

- a. Light fixtures proposed as part of the improvements should be fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.
- b. Cutsheets for the proposed luminaires should be provided for review.
- c. The light fixtures on the perimeter of the site should be shielded as necessary to reduce light spill onto adjacent properties. Please review and revise.
- d. The wall mounted lights should have shields to reduce lighting glare. The shield should block the visibility of the light source (bulb).







December 22, 2022

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

RE: Planning Board advisory report regarding Quicklee'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 proposal is one of the first in Upstate New York that the Planning Board is aware of and can serve as a model of good design for these types of projects.

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."

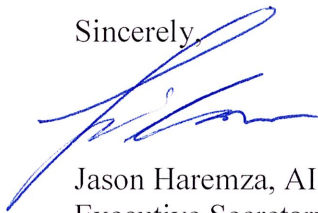
The proposed building fronts on the street and helps define the street edge in the sense that it faces and addresses the primary frontage: the center of 12 Corners. The building and entry patio/plaza address the unique non-90-degree geometry of the 12 Corners area, although further refinement of this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

2. The 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.
3. The Planning Board notes the proposed 2,500 square foot retail building has two entrances of equivalent prominence: one pedestrian oriented entrance facing west and one vehicle/motorist oriented entrance facing east. The willingness of the applicant to develop a building layout and operational plan that provides these two entrances is to be commended.
4. The proposed design includes an entry plaza/patio facing the corner of Monroe Avenue and Elmwood Avenue. This includes a focal point/vertical feature, a lightpole with banners. This or a similar feature, is a desirable element of the design.
5. The Planning Board notes the proposal maintains the same number of gas pumps as is currently on the site and therefore is not increasing the vehicle/motorist orientation of the site. In fact, due to the proposed site layout, placement of building and building entrances, the vehicle/motorist orientation of the site is reduced, furthering the implementation of Town of Brighton Comprehensive Plan as noted in item #1 above.
6. The Planning Board notes the proposed reduction in curb openings, a highly desirable aspect of the project. The current site has a total of five curb openings totaling approximately 150 linear feet of driveway width. The proposed site layout has a total of two curb openings totaling 53 linear feet of driveway width. This significantly reduces potential vehicle/vehicle conflict points and vehicle/pedestrian conflict points. In addition, the two new curb openings proposed are much further from the intersection than the current ones.
7. 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.
8. 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.



9. 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.
10. Consideration should be given to the proposed buildings being constructed to LEED standards.
11. 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
12. Pervious pavements should be considered where applicable such as sidewalks, patios, and driveways.
13. Project should use LED lighting at a level and Kelvin temperature (i.e. color appearance) appropriate for the aforementioned ‘village-like atmosphere’
14. The proposed building will have to be sprinklered in accordance with Town requirements.
15. 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

**Schedule E**  
**PROPOSED NEGATIVE DECLARATION**

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-1-23

**Date:** February 21, 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 Brighton Town 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:** Quicklee's 12 Corners

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Incentive Zoning approval to combine two parcels and construct a new gas station with a 2,667 ± sf convenience store.

**Location:** 1950-1966 Monroe Avenue, Town of Brighton, Monroe County, New York

**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 617.7), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following findings made pursuant to 6 N.Y.C.R.R. Section 617.11:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance.

The Project is taking place on a previously disturbed site with most areas of disturbance taking place in previously disturbed areas. The site is relatively flat and the proposal does not significantly alter grade or drainage on the site. The proposed use is a gas station and convenience store, and in itself will not disturb the site beyond the work done during the site improvement. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plans.

The proposed development results in a 20+/-% reduction of site impervious surface. The storm water drainage system will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads. The final design will incorporate an Irondequoit Watershed Collaborative Stormwater Pollution Prevention Plan demonstrating site compliance.

The proposed use as a gas station with convenience store will not create a substantial increase in solid waste production.

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 drainage problems.

## 2. Noise, Visual, and Neighborhood Character.

The Project will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. The Project is rebuilding a gas station and adding a convenience store to a site that had been used as a gas station and auto repair facility for many years. The project will improve the overall look of the property by adding landscaping and eliminating the outdoor storage of automobiles and other related items to a repair facility. Noise generated will be from vehicle traffic and minimal truck deliveries and from temporary construction activities.

The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the area of the proposed use and will not be detrimental or injurious to property and improvements in the area or to the general welfare of the Town.

## 3. Agriculture, Archeology, Historic, Natural, or Cultural Resources.

The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The EAF Mapper Summary Report indicates that the project area is located near archaeologically sensitive areas. Proposed improvements are taking place on a previously disturbed site. There are no known archaeological resources within the project site.

## 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. The Project is not located within a flood plain and there are no wetlands on the project site.

## 5. Community Plans, Use of Land, and Natural Resources.

The Project is located in a BF-1 Neighborhood Commercial District and will be installed on already disturbed areas and will have no adverse impacts on the natural resources found on the site. The incentive zoning proposal will allow for a gas station with convenience store with the building moved closer to Monroe Avenue and Elmwood

Avenue than as currently allowed by code. This proposed “building forward” site design creates a “village-like” feel and is in keeping with recommendations of Envision Brighton 2028. The Project will also create a sense of space with a modern hardscape design as a welcoming spot with direct pedestrian accessibility, add greenspace and reduce curb cuts.

6. Critical Environmental Area.

The Project will not have an impact on any designated Critical Environmental Area as set forth in 6 N.Y.C.R.R. Section 617.14(g).

7. Traffic.

A traffic study dated May 2021 and updated in December 2021 was submitted for the proposed project by SRF and Associates. The report indicates that the projected traffic impacts resulting from the development can be accommodated by the existing road network and will not result in any significant adverse traffic impacts.

The Project site is currently served by three curb cuts on Monroe Avenue and two curb cuts on Elmwood Avenue. The proposed redevelopment results in a single access for each right-of-way as far from the intersection as practical. The reduction in conflict points and the maximum spacing from the intersection are in keeping with Town, County and State design goals and will result in improved safety for both pedestrians and vehicles in the area.

The Project will not have a significant adverse impact on vehicular, bicycle, or pedestrian traffic. Thus, the Project will not result in any significant adverse traffic impacts. Monroe County Department of Transportation is in favor of the proposed incentive zoning improvements.

8. 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.

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

Address: Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618