

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF JULY 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 June 21, 2023 meeting minutes.

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

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[4P-03-23](#) **POSTPONED AT APPLICANT'S REQUEST.** 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. **TABLED AT THE APRIL 19, 2023 MEETING - PUBLIC HEARING REMAINS OPEN**

[6P-03-23](#) **POSTPONED AT APPLICANT'S REQUEST.** Application of Carl Grasta, owner, for Site Plan Modification and EPOD (watercourse) Permit approval to construct an in-ground swimming pool in conjunction with a new home (11P-01-22) on property located at 1 Knollwood Drive. All as described on application and plans on file. **TABLED AT THE JUNE 21, 2023 MEETING - PUBLIC HEARING REMAINS OPEN**

[7P-01-23](#) Application of Gallina Cambridge, LLC, owner, and the Montessori School of Rochester, lessee, for Conditional Use Permit Approval to allow a school to be on

property located at 1880 Winton Road South. All as described on application and plans on file.

[7P-02-23](#) Application of William Burke, owner, for EPOD (steep slope) Permit Approval to allow for the construction of a 598 sf detached garage and a retaining wall on property located at 135 Superior Road. All as described on application and plans on file.

[7P-03-23](#) Application of Mindis Urbonavicius - Urbon Developing NY, LLC, owner, for Resubdivision Approval and Site Plan Modification to combine two lots into one and construct 14 parking spaces on property located at 164 Southern Drive and property located on Center Drive, known as Tax ID #148.20-2-23. All as described on application and plans on file.

NEW BUSINESS:

[4P-NB1-23](#) **POSTPONED AT APPLICANT'S REQUEST.** 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. **TABLED AT THE APRIL 19, 2023 - PUBLIC HEARING REMAINS OPEN**

[5P-NB1-23](#) **ISTORIC PRESERVATION COMMISSION REQUESTED CULTURAL RESOURCES SURVEY BE CONDUCTED.** Application of Nunzio Salafia, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary EPOD (steepslope) Permit Approval and Demolition Review and Approval to raze a single family dwelling, subdivide one lot into two, and construct a 4,054 +/- sf single family home with a 877 +/- sf attached garage on property located at 125 Old Mill Road. All as described on application and plans on file. **TABLED AT THE MAY 17, 2023 MEETING - PUBLIC HEARING REMAINS OPEN**

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<a href="#">1690</a>	The Good Feet Store 2780 Monroe Avenue	Bldg Face	6/26/23
ARB - Approved as presented			

## PLANNING BOARD REPORT

**HEARING DATE:** 7-19-2023

**APPLICATION NO:** 7P-01-23

**LOCATION:** 1880-1882 South Winton Road

**APPLICATION SUMMARY:** Application of Gallina Cambridge, LLC, owner, and the Montessori School of Rochester, lessee, for Conditional Use Permit Approval to allow a school to be on property located at 1880-1882 South Winton Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 1880-1882 South Winton Road is a land locked parcel accessed via the private road Cambridge Place and currently contains two single story commercial buildings.
2. The subject property is zoned Office and Office Park District (BE-1)
3. Floor plans and a site plan have been submitted.
4. Conditional Use Permit Findings. Staff has found that additional information is required before the findings related to the Conditional Use request can be recommended. This information includes, but is not limited to the following:
  - a. Future expansion plans. In a letter accompanying the application, dated 6-12-2023, references are made to “approximately 100 children” currently served and the desire for “modest growth”. Please provide greater details on anticipated growth and how it may impact issues such as parking and traffic.
  - b. Please provide a traffic analysis that takes into account current student and staff size and anticipated growth. This analysis should include school bus traffic, parent drop off and pick up traffic, staff traffic, and special event traffic. Traffic associated with the prior use, a university satellite site, may be very different in character from traffic associated with a preschool and elementary school that functions primarily with parental drop off and pick up. See also Item #1 in the attached memo from the Assistant Town Engineer dated 7-17-2023.
  - c. Please provide a parking analysis that takes into account current needs and future growth, as well as special events. In a letter accompanying the application, dated 6-12-2023, references are made to 75 spaces directly in front of the facility available for the school’s use. The letter also references an additional 138 spaces available at 1882 South Winton Road. It is not clear that the landlord has authorized the use of these spaces by the school or if these 138 spaces are needed for other tenants on the property.

## **ENVIRONMENTAL REVIEW/SEQR**

An environmental determination is pending. Additional information, including but not limited to a traffic analysis is needed before an environmental determination can be made.

## **BOARD ACTION/DECISION**

If the Planning Board entertains tabling, the following reasons are recommended by staff, along with any others added by the Board:

1. Address the comments of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond in writing to all comments of the Planning Board, Assistant Town Engineer, and Building and Planning Department.
2. Address Monroe County comments, specifically those referenced by the Assistant Town Engineer in the memo dated 7-17-2023



## Public Works Department

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

**Brendan Ryan**  
Assistant Engineer

Date: July 17, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 7P-01-23*  
*Application of Gallina Cambridge, LLC, owner, and the Montessori School of Rochester, lessee, for*  
*Conditional Use Permit Approval to allow a school.*  
*1880-1882 S Winton Rd*

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

**General:**

1. Medaille College and the Montessori school fall under the same use category, but a traffic study must be conducted and data provided comparing the two. This analysis should include the intersections of Winton Rd with Westfall Road, French Road, and Cambridge Place.
2. The application mentions plans for expansion of the school, but does not specify an anticipated final size. How many students will this school potentially serve? The traffic study must consider a full build out scenario.
3. The Montessori school currently has a conditional use permit to operate their existing location. When does the school plan to move to the new location?
4. The MCDOT response contains a comment that they had not been given a copy of the plans and may have concerns about the intersection. The application should be sent to them for review, and their response should be included in the application materials to the Town.
5. A parking analysis should be provided. Does property Owner know the number of parking spaces that the Montessori school is planning on using? Is this being coordinated with Owner?

## PLANNING BOARD REPORT

**HEARING DATE:** 7-19-2023

**APPLICATION NO:** 7P-02-23

*OpenGov reference no:* PB-23-1

**LOCATION:** 135 Superior Road

**APPLICATION SUMMARY:** Application of William Burke, owner, for EPOD (steep slope) Permit Approval to allow for the construction of a 598 sf detached garage and a retaining wall on property located at 135 Superior Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 135 Superior Road currently contains a single family dwelling.
2. The subject property is zoned Residential – Low Density B (RLB)
3. The subject site is also within Environmental Protection Overlay District (EPOD) 1, Steep Slopes Protection.
4. In reviewing the application and materials submitted, town staff made the determination, that the subject site is *not* within Environmental Protection Overlay District (EPOD) 2, Woodlot Protection, as no trees will be removed as part of this proposal.
5. A topographical survey map, site plan, and building plans, have been submitted.
6. Per [Town of Brighton Code Section 203-120B](#) No permit to undertake a regulated activity within a steep slope protection district in the Town of Brighton shall be issued by the authorized official or the Planning Board unless the applicant can adequately demonstrate that:
  - (1) The stable angle of repose of the soil classes found on the site shall be used to determine the proper placement of structures and other development-related facilities within the plateau area. Site-specific calculations of the stable angle of repose for the site shall be determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the Soil Survey of Monroe County and obtained for the site by borings, as well as high-intensity soil survey data provided by the applicant.
  - (2) The stability of soils will be maintained or increased to adequately support any construction thereon or to support any landscaping, agricultural or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer.

- (3) No proposed activity will cause erosion or slipping of soil or cause sediment to be discharged into any stream or tributary, or the wetlands or tributaries of Irondequoit Bay.
- (4) Plant life located on the slopes outside of the minimum area that need to be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful effects set forth above to maintain the natural scenic characteristics of any steep slope.
- (5) Access down steep slopes shall be provided with ramp slopes no greater than 1:6 and side slopes no greater than 1:3 if not terraced or otherwise structurally stabilized. Disturbed nonroadway areas shall be stabilized and adequately drained;
- (6) There is no reasonable alternative for the proposed regulated activity on that portion of the site not containing steep slopes.

**TOWN ENGINEER:** See attached memo dated 7-11-2023 (Note: SWBR is providing engineering services to the Town on an interim basis). The following items from the memo are of particular importance:

1. Providing information on the spoil material excavated for the new garage
2. Providing information on slope stability/angle of repose
3. Providing information on the stormwater easement on the submitted drawings
4. Clarity in labeling the EPOD boundaries on the submitted drawings

**CONSERVATION BOARD:**

*Advisory comments*

1. Minimize any tree removals.
2. Incorporate the recommendations/directions as specified by the Foundation Design report into the construction of the garage.

**ENVIRONMENTAL REVIEW/SEQR**

This is an unlisted action. If the Planning Board finds that the proposed action will not have a significant impact on the environment, staff recommends that the Planning Board adopt the prepared negative declaration when considering Final Site Plan Approval.

**BOARD ACTION/DECISION**

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

1. Meet all requirements of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond in writing to all comments of the Planning Board, Town Engineer, and Building and Planning Department.
  - b. Requirements of the Department of Public Works include but are not limited to:
    - i. Information on the spoil material excavated for the new garage
    - ii. Information on slope stability/angle of repose



- iii. Information on the stormwater easement
- iv. Labeling the EPOD boundaries on the submitted drawings

2. Monroe County comments, if any, shall be addressed.

State Environmental Quality Review

**Notice of Determination**

Negative Declaration

**Project Number:** 7P-02-23/PB-23-1

**Date:** 7-18-2023

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 Planning Board, 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:** 135 Superior Road

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** EPOD (steep slope) Permit Approval to allow for the construction of a 598 sf detached garage and a retaining wall on property located at 135 Superior Road.

**Location:** 135 Superior Road

**Findings and Reasons Supporting This Determination:**

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

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

The proposed Project is taking place on a previously disturbed site with most areas of disturbance taking place in previously disturbed areas. The area to be disturbed is quite small and the proposal does not significantly alter the overall grade or drainage on the site. The proposed use is a residential garage, 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 plan. The storm water drainage system will be designed and will be constructed in accordance with all applicable Town requirements. The proposed use will not create a substantial increase in solid waste production.

The proposed 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 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. Proposed improvements are taking place on a previously disturbed site. There are no known archaeological resources within 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 Residential – Low Density B (RLB) district. The garage will be installed on already disturbed areas and will have no adverse impacts on the natural resources found on the site.

## 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.

The proposed Project will not generate more vehicle trips to or from the project site. 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.

## 8. Public Health and 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: 7-18-2023

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

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

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

Telephone: 585-784-5228

## Memo

Date: July 11, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: 7P-02-23  
135 Superior Road  
Application of William Burke, owner, for EPOD (steep slope) Permit Approval to allow for the construction of a 598 sf detached garage and a retaining wall on property located at 135 Superior Road..

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. The applicant must submit a written response to the comments listed below.

### **General:**

1. The Code of the Town of Brighton indicates that the boundaries of the steep slope protection district shall include all areas of 15% or greater slopes, and all areas within 50 feet of the toe or top of such slopes. The boundaries of the steep slope must be accurately shown on the site plan.
2. A note must be added to the plans indicating that plant life located on the slopes outside of the minimum area that need to be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful effects set forth above to maintain the natural scenic characteristics of any steep slope.
3. Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.
4. Access down steep slopes shall be provided with ramp slopes no greater than 1:6 and side slopes no greater than 1:3 if not terraced or otherwise structurally stabilized. Disturbed nonroadway areas shall be stabilized and adequately drained.
5. The Garage Construction & Slope Stability Assessment prepared by Foundation Design, P.C. dated June 5, 2023, indicates that Foundation Design does not believe that the proposed structure will have an impact on the stability of the adjacent slope/ravine providing that roof drains collect and divert roof runoff away from the steep portion of the hill slope. Additionally, this report indicates that the roof drainpipes must be installed to divert roof runoff to the north, away from the west ravine slope. The discharge point of the roof drains must be shown the plans and must not discharge down the steep slope.

6. The Town of Brighton mapping suggests that there is a stormwater easement on the property. The location of this easement must be shown on the plans along with its liber and page.

## **Sustainability**

1. The soils in the area are permeable. The applicant should consider installing porous asphalt on the new portion of the driveway.

## **Garage Construction & Slope Stability Assessment**

2. The Assessment must confirm that the building is properly located based upon the stable angle of repose of the soil classes found on the site. Site-specific calculations of the stable angle of repose for the site shall be determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the Soil Survey of Monroe County and obtained for the site by borings, as well as high-intensity soil survey data provided by the applicant.

## **Site Plan, Sheet A1:**

1. The existing and proposed contours are indistinguishable and cannot be reviewed. The plans must clearly identify the proposed contours.
2. The limits of disturbance should be shown on the plans along with a barrier, such as orange construction fencing, that will prevent the contractor from disturbing the steep slopes.
3. The garage and driveway excavation will generate a substantial volume of spoil material. Will this material be removed from the site? The location of the spoil pile along with the appropriate erosion and control must be shown on the plans.
4. The proposed erosion control fencing delineation is difficult to identify on the plans. The plans should be revised to clearly identify the location of the silt fence.
5. The plan must show the trees to be protected and the measures proposed to protect these trees.
6. Will a floor drain be installed within the new garage? Floor drains, if installed, shall be connected to the sanitary sewer system.
7. The location of the foundation drains must be shown on the plans. The foundation drains must not discharge down the steep slopes.
8. If it is discovered that the existing roof drains discharge over the steep slopes, the proposed roof leaders should not connect to these drains.
9. The plans should include flow arrows in the area adjacent to the existing and proposed garages that illustrate the direction of the stormwater runoff flowing from the driveway.

## **Details & Notes, Sheet 5&6 of 6:**

1. A tree protection detail must be provided.
2. A detail illustrating the installation of the jute mesh must be provided.
3. A concrete washout detail must be provided.
4. The following notes must be added to the plans:
  - a. 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.

- b. 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.
- c. The landscaping associated with the project shall be guaranteed for three years.
- d. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
- e. The contractor shall be responsible for all damage and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation. Sidewalks, driveways, gutters, curbs, and fences shall be replaced in kind.
- f. 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.
- g. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
- h. 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.
- i. Tree protection and erosion control measures shall be in place prior to clearing or construction.

## PLANNING BOARD REPORT

**HEARING DATE:** 7-19-2023

**APPLICATION NO:** 7P-03-23

*OpenGov reference no:* PB-23-3

**LOCATION:** 164 Southern Drive and property located on Center Drive (Tax ID# #148.20-2-23)

**APPLICATION SUMMARY:** Application of Mindis Urbonavicius - Urbon Developing NY, LLC, owner, for Resubdivision Approval and Site Plan Modification to combine two lots into one and construct 14 parking spaces on property located at 164 Southern Drive and property located on Center Drive, known as Tax ID #148.20-2-23.

### 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: 164 Southern Drive and property located on Center Drive between Tax ID #148.20-2-23 (between 151 Center Drive and 2805 West Henrietta Road), which are proposed to be combined into a single parcel.
2. 164 Southern Drive currently contains a single story commercial/light industrial structure used for cabinet making.
3. The Center Drive property is currently vacant land.
4. Both properties are zoned General Commercial (BF-2).
5. Subdivision Approval is required for the combination of the two parcels.
6. Demo, layout, and utility plans, and, grading and erosion control plans have been submitted.
7. Confirm installation of privacy fence along west property line. Properties to the west are also zoned General Commercial but are currently pre-existing nonconforming uses (single family residential).

**TOWN ENGINEER:** See attached memo dated 7-11-2023 (Note: SWBR is providing engineering services to the Town on an interim basis). The following items from the memo are of particular importance:

1. Review and confirm lot coverage calculations
2. Disposition of west property line with 150 Southern Drive
3. Disposition of stormwater collection system



4. Necessity of 14' wide connecting driveway
5. Proposed fence detail

**SEWER DEPARTMENT:**

None

**CONSERVATION BOARD:**

*Advisory comments*

1. Additional landscaping along the western side of the new parking area should be considered.
2. Add some native deciduous shade trees to the site to help reduce heat island effect of the new parking area.

**ENVIRONMENTAL REVIEW/SEQR**

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.

**BOARD ACTION/DECISION**

If the Planning Board entertains approval, staff recommends the following conditions, along with any others imposed 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.
2. All Monroe County comments, if any, shall be addressed.
3. 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.
4. 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.

State Environmental Quality Review

**Notice of Determination**

Negative Declaration

**Project Number:** 7P-03-23/PB-23-3

**Date:** 7-18-2023

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 Planning Board, 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:** 164 Southern Drive and Center Drive Parcel 148.20-2-23

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Resubdivision Approval and Site Plan Modification to combine two lots into one and construct 14 parking spaces on property located at 164 Southern Drive and property located on Center Drive, known as Tax ID #148.20-2-23.

**Location:** 164 Southern Drive and Parcel 148.20-2-23

**Findings and Reasons Supporting This Determination:**

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

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

The proposed 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 surface parking lot, 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 plan. The storm water drainage system will be designed and will be constructed in accordance with all applicable Town requirements. The proposed use as a

parking lot will not create a substantial increase in solid waste production.

The proposed 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 Site is immediately adjacent to the intensely developed West Henrietta Road corridor. Noise generated will be from vehicle traffic and minimal truck deliveries.

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 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-2 General Commercial District. The parking lot will be installed on already disturbed areas and will have no adverse impacts on the natural resources found on the site.

## 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.

The proposed Project may generate more vehicle trips to or from the project site but is located immediately adjacent to a significant road and will not significantly increase traffic on the road. 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.

#### 8. Public Health and 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: 7-18-2023

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

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

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

# Memo

Date: July 11, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: 7P-03-23  
164 Southern Drive – Select Cabinetry Parking Expansion  
Application of Mindus Urbonavicius, Uban Developing NY, LLC for Resubdivision Approval and Site Plan Modification to combine two lots into one and construct 14 parking spaces on property located at 164 Southern Drive and property located on Center Drive.

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. The applicant must provide responses in writing to the comments listed below:

## General:

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All easements must be shown on the plans along with the appropriate liber and page. Texts, maps and descriptions for proposed easements shall be prepared and submitted for review. Upon satisfactory completion of these documents, the proposed easements shall be filed at the Monroe County Clerk's Office and shown on the plan with the appropriate liber and page. Copies of the filed easements must be provided to the Town for their records. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: improvements within the Town right of way, restoration, landscaping and sediment and erosion control. A letter of credit estimate should be submitted to the Town for review and approval. The letter of credit estimate must be approved by the Town and an Original Letter of Credit must be received before the Town signs the plans.
3. The project will require a highway permit from the Town of Brighton Highway Department. The contractor shall obtain all necessary Highway Access permits from the Town prior to starting work.
4. A parking analysis justifying the need for the parking area should be provided. There appears to be area along the south side of the existing building that could be used for parking. A previous site plan showed 7 spaces in this area.
5. Where is material delivered to the project?

6. Will the project generate additional traffic including truck traffic? Information regarding the traffic generated by the proposed project must be provided.
7. Will lighting be installed?
8. The plans indicate that the proposed project will result in a lot coverage of 45%. Our rough calculations suggest that the overall lot coverage is considerably greater than 45%. Please review the lot coverage.

## **Sustainability:**

1. The stormwater memorandum indicates that the proposed project is under all thresholds that require a Stormwater Pollution Prevention Plan, (SWPPP). The memorandum should note the area of disturbance and a map should be provided showing the ultimate area of disturbance. Although not required we suggest that the applicant consider the installation of green infrastructure to remove the pollutants associated with the parking area and control the volume of stormwater discharged from the site.

## **Layout, Grading, & Utility Plan**

1. The plans show a second proposed property line along the western boundary of the parcel. What is the intent of this property line? The Resubdivision Plat does not show this property line. An easement may be required to accommodate the pavement that encroaches onto lot 150 Southern Drive.
2. The ultimate disposition of the stormwater collection system must be provided. Easements may be required to convey stormwater across the adjacent property.
3. The proposed snow storage area along the west side of the proposed parking area will cause snow melt runoff to discharge onto the adjacent property. Snow should be stored along the east side of the proposed parking area.
4. The proposed gate shall not be located within the Town of Brighton Right of Way. What is the intent of the gate and how will it be controlled?
5. The proposed connecting drive between the proposed parking area and the existing pavement is approximately 14 feet wide and will not accommodate 2-way traffic. Is this interconnection needed? If not, it should be removed. How will the direction of traffic be controlled?
6. A tree protection detail must be provided.
7. A detail of the proposed fence must be provided.
8. Erosion control details must be provided.
9. Car stops should be provided to discourage collisions with the proposed fence.
10. Location of the stabilized construction entrance must be shown on the plans. A detail must also be provided.

## **Resubdivision Plat**

1. A portion of the existing paved area is located on 150 Southern Drive. An easement agreement between the property owners of 164 and 150 Southern Drive must be provided.

## **Stormwater Memorandum:**

1. Maps showing the existing and proposed drainage areas must be included with the calculations. The maps should illustrate the watershed, area of disturbance, the ponding area, ground cover and stormwater travel path.
2. The memorandum indicates that the existing project site is assumed to be brush and grass. Google maps suggests that the majority of the site was covered with trees and shrubs in 2019. The runoff coefficient must be reexamined.
3. The calculations consider an 8" diameter storm sewer. Has the diameter of the storm sewer been confirmed?
4. The existing condition considers a CN of 88 for a poor brush condition whereas the proposed condition considers a CN of 77 for a fair condition. What improvements are being implemented to improve the brush condition?

## **Construction Details & Note Sheet:**

1. The Sequence must reference the installation of the parking area.
2. The accessible parking detail must be consistent with the parking space configuration.
3. The following notes must be added to the plan:
  1. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
  2. The final location of trees and other landscaping shall be determined in the field based on utility stakeout and shall not conflict with traffic signs and/or utilities.
  3. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans, and shall be subject to the inspection and approval of the Town of Brighton.
  4. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
  5. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work
  6. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
  7. All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
  8. The landscaping associated with the project shall be guaranteed for three years.
  9. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
  10. Sanitary and/or storm sewer cleanouts on site or within the right of way, shall be protected by orange construction fencing during the demolition.

11. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
12. 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.
13. Tree protection and erosion control measures shall be in place prior to clearing or construction.
14. All inlets to the storm system shall be straw-baled on all sides to control siltation. The utility contractor shall be responsible to maintain the bales until ground cover is established.

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