

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF AUGUST 16, 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 July 19, 2023 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of August 10, 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**

[8P-01-23](#) Application of Gallina Cambridge, LLC, owner, and the Montessori School of Rochester, lessee, for an Environmental Protection Overlay District (watercourse)

Permit to allow for the installation of a chain link fence on property located at 1880-1882 Winton Road South. All as described on application and plans on file.

[8P-02-23](#) Application of Guiyan Li, owner, for Conditional Use Permit Approval and Site Plan Modification Approval to allow for an Asian supermarket with minor site improvements on property located at 2720 West Henrietta Road. All as described on application and plans on file.

NEW BUSINESS:

[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.

**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="#">1691</a>	Auto Glass Now! 2627 West Henrietta Road	Bldg Face	7/25/23
ARB - Approve as presented.			
<a href="#">1692</a>	Care-A-Lot Generations 1501 Monroe Avenue	Bldg Face	7/25/23
ARB - Approved as presented.			
<a href="#">1693</a>	Norveau Beauty Aesthetics 2423 Monroe Avenue	Bldg Face	7/25/23
ARB - Approved as presented.			
<a href="#">1694</a>	Go Car Wash 2875 Monroe Avenue	Bldg Face	7/25/23
ARB - Approved as presented.			
<a href="#">1695</a>	Chara 1900 Monroe Avenue	Bldg Face	ADMIN REVIEW 6/29/23
Approved.			
<a href="#">1696</a>	boujee coiffure 1530 Monroe Avenue	Bldg Face	7/25/23
ARB - Apprve with conditions 1. Center the lettering of “boujee” horizontally within the sign.			

## PLANNING BOARD REPORT

**HEARING DATE:** 8-16-2023  
**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.
4. A site plan, wall section, and Floodplain Development Permit Application have been submitted.
5. The application was reviewed by the Planning Board on 4-19-2023. The Planning Board tabled the application pending additional information, primarily this item in 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.
6. Subsequently, the applicant chose to pursue a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA). This LOMA *may* show that the proposed project does not encroach into flood hazard zone AE. Thus, a different application would be made to the Planning Board, or no application would be required at all

**TOWN ENGINEER:** Attached for reference, memo dated 4-16-2023

**ENVIRONMENTAL REVIEW/SEQR**

Not applicable if the Board decides to deny the application (see below).

If the Board decides to table the application, the granting of an EPOD permit is an unlisted action. Environmental Review and a determination is pending.

**BOARD ACTION/DECISION**

If the Board entertains denying this application, without prejudice, staff suggests the following reasons, along with any others suggested by the Board:

1. Regardless of the outcome of the Letter of Map Amendment (LOMA) process, a different application, or none at all, would need to be made to the Planning Board.
2. While understanding of the speed (or lack thereof) of federal government processes, the Town of Brighton Planning Board cannot let applications linger on its agenda for extended periods of time.

## PLANNING BOARD REPORT

**HEARING DATE:** 8-16-2023

**APPLICATION NO:** 8P-01-23

*OpenGov reference no:* PB-23-2

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

**APPLICATION SUMMARY:** Application of Gallina Cambridge, LLC, owner, and the Montessori School of Rochester, lessee, for an Environmental Protection Overlay District (EPOD) (watercourse) Permit to allow for the installation of a chain link fence 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. The Planning Board approved a Conditional Use Permit for the Montessori School of Rochester to locate in this building on 7-19-2021.
2. The subject property is zoned Office and Office Park District (BE-1)
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.
4. A site plan 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 8-9-2023 (Note: SWBR is providing engineering services to the Town on an interim basis). The following items from the memo are of particular importance:

1. The plans show an 80 foot wide floodway. Please confirm that the floodway delineation is consistent with the latest FEMA mapping.

**CONSERVATION BOARD:**

*Advisory comments*

1. Consider planting shade trees within the fenced area.

**ENVIRONMENTAL REVIEW/SEQR**

The granting of an EPOD permit 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.

### **BOARD ACTION/DECISION**

If the Planning Board entertains approval, the following conditions are recommended by staff, along with any others added 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. The entire project 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.



State Environmental Quality Review

**Notice of Determination**

Negative Declaration

**Project Number:** 8P-01-23/PB-23-2

**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:** Watercourse EPOD Permit, 1880-1882 South Winton Road

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** EPOD (watercourse) Permit Approval to allow for the installation of a 6' high chain link fence by the Montessori School of Rochester

**Location:** 1880-1882 South Winton 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. The area to be disturbed is quite small and the proposal does not significantly alter the overall grade or drainage on the site. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan. The proposed fence will not create an increase in stormwater nor an 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 and there is very little ground disturbance with the proposed project. 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. Impacts to the floodplain have been carefully evaluated. No impact to the natural characteristics of the water course or floodplain is anticipated. The fenced area will allow for children and adults to experience more of the outdoor area in this location. As proposed the fence would be installed in existing open lawn area and not impact wooded or established brush areas.

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

The Project is located in an Office and Office Park District (BE-1) district. The proposed fence is consistence with community plans and existing uses on the site and in the immediate area.

## 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.

## 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: 8-16-2023

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



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Architecture  
Graphic Design  
Interior Design  
Landscape Architecture  
Structural Engineering

## Memo

Date: August 9, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: 8P-01-23  
1880-1882 Winton Road – Install Chain Link Fence within a Water Course EPOD  
Application of Gallina Cambridge, LLC, owner and Montessori School of Rochester for an  
Environmental Protection Overlay District Permit.

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. The plans show an 80 foot wide floodway. Please confirm that the floodway delineation is consistent with the latest FEMA mapping.
2. The installation of the fence shall not require the removal of any trees.
3. Ground disturbance resulting from the installation of the fence must be restored and seeded immediately following the disturbance.

## PLANNING BOARD REPORT

**HEARING DATE:** 8-16-2023

**APPLICATION NO:** 8P-02-23

*OpenGov reference no:* PB-23-5

**LOCATION:** 2720 West Henrietta Road

**APPLICATION SUMMARY:** Application of Guiyan Li, owner, for Conditional Use Permit Approval and Site Plan Modification Approval to allow for an Asian supermarket with minor site improvements on property located at 2720 West Henrietta Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 2720 West Henrietta Road currently contains a single story commercial building.
2. The subject property is zoned General Commercial District (BF-2)
3. Floor plans and a site plan have been submitted.
4. The proposed project was approved by the Architectural Review Board (ABR) on 4-26-2022.
5. All issues related to number of parking spaces and shared parking were reviewed by the Zoning Board of Appeals (ZBA). Area variance 5A-01-22 was granted by the ZBA on 8-3-2023 to allow for 45 parking spaces in conjunction with a new grocery store in lieu of the minimum 55 parking spaces required by code.
6. Please clarify the proposed hours of operation.
7. Please clarify if there will be an in-store café or if any kind of prepared food will be available for in-store or takeout consumption. If so, will the food preparation take place on site or will the food be prepared off-site?
8. Conditional Use Permit Findings. The following findings are suggested for the Planning Board's consideration and discussion.
  - a. The Planning Board finds that the proposed supermarket use complies with the standards of the General Commercial District (BF-2).
  - 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 supermarket, the intensity, 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 supermarket 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 supermarket 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 a supermarket 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 supermarket will be adequately served by essential public facilities.
- g. The Planning Board finds that the establishment of a supermarket will not result in the loss or damage to trees.
- h. The proposed finds that the establishment a supermarket in this location essentially conforms to the Town Master Plan: Envision Brighton 2028. Specifically Volume 2, Pages 47-47, the West Henrietta Road Land Use Focus Area. The redevelopment of this blighted building and site will improve the West Henrietta Road corridor.

**TOWN ENGINEER:** See attached memo dated 8-8-2023 (Note: SWBR is providing engineering services to the Town on an interim basis). All 30 items in the memo must be addressed but the the following items are of particular importance:

1. Section 217-12 (B) and section 217-13 (C) of the Code of the Town of Brighton indicates that the applicant shall cause a current site plan map and report to be prepared by a professional engineer or a land surveyor licensed to practice in the State of New York. The plan must be certified by one of the following professionals, licensed professional engineer, licensed landscape architect or a licensed land surveyor prior to final approval.
2. The plans must be revised to differentiate between existing and proposed conditions. Property lines must be clearly identified.
3. Since there is a shared access agreement between 2710 and 2720 W. Henrietta Road, we suggest that the applicant consider removing the entrance from West Henrietta Road to 2720 or provide striping for a single entrance to eliminate conflicts between vehicles entering/exiting the property.
4. Section 73-29 B. of the Code of the Town of Brighton indicates that when the cost of the alteration, addition or repair made within any six-month period exceeds 50% of the value of replacement of any existing structure the alteration is considered a "structure constructed after January 13, 1993. Structures constructed after January 13, 1993 are required to have an automatic fire sprinkler system. If automatic sprinklers are not proposed, documentation must be provided demonstrating that the proposed

improvements to the building do not exceed the 50% threshold.

5. The increase in traffic volume on Brighton's major streets increases the desirability of sidewalks to provide convenient and safe pedestrian travel through Town. Therefore, we are requesting that sidewalk easements be considered along West Henrietta Road to facilitate the possible future installation of sidewalks.

#### **SEWER DEPARTMENT:**

1. None, but refer to the Town Engineer's memo dated 8-8-2023.

#### **CONSERVATION BOARD:**

##### *Advisory comments*

1. Consider an alternative native species in lieu of the Bradford Pear.
2. The Board supports the project and the rehabilitation of the site.

#### **ENVIRONMENTAL REVIEW/SEQR**

Staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined the proposed accessory structure 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, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

#### **BOARD ACTION/DECISION**

If the Planning Board entertains approval, the following conditions 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, Town Engineer, and Building and Planning Department
2. Monroe County and NYSDOT comments, if any, shall be addressed.
3. 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.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.

# Memo

Date: August 8, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: 8P-02-23  
2720 West Henrietta Road  
Application of Guiyan Li for Conditional Use Permit Approval and Site Plan Modification Approval  
Allow for a Supermarket

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

**General:**

1. Section 217-12 (B) and section 217-13 (C) of the Code of the Town of Brighton indicates that the applicant shall cause a current site plan map and report to be prepared by a professional engineer or a land surveyor licensed to practice in the State of New York. The plan must be certified by one of the following professionals, licensed professional engineer, licensed landscape architect or a licensed land surveyor prior to final approval.
2. The plans must be revised to differentiate between existing and proposed conditions. Property lines must be clearly identified.
3. Since there is a shared access agreement between 2710 and 2720 W. Henrietta Road, we suggest that the applicant consider removing the entrance from West Henrietta Road to 2720 or provide striping for a single entrance to eliminate conflicts between vehicles entering/exiting the property.
4. A detail of the dumpster enclosure should be provided.
5. The man door and concrete pad along the south side of the building appears to encroach onto the adjacent property. An easement may be required to accommodate this door. Also, the Monroe County lidar data suggests that the topography in this area is significantly different than that shown on the site plan. Existing topographic information must be provided.
6. Section 73-29 B. of the Code of the Town of Brighton indicates that when the cost of the alteration, addition or repair made within any six-month period exceeds 50% of the value of replacement of any existing structure the alteration is considered a "structure constructed after January 13, 1993. Structures constructed after January 13, 1993 are required to have an automatic fire sprinkler system. If automatic sprinklers are not proposed, documentation must be provided demonstrating that the proposed improvements to the building do not exceed the 50% threshold.



7. Section 217-7.2 of the Code of the Town of Brighton indicates that commercial uses shall provide bicycle racks. A bicycle rack should be provided and shown on the plans.
8. The parking lot drainage information shown on the plans is insufficient. Drainage maps and information supporting the rainfall intensity, runoff coefficient, (C factor), time of concentration, (Tc) and drainage areas must be provided.
9. Two parking spaces at the northeast corner of the building obstruct a proposed overhead door and should be removed.
10. What type of delivery truck is anticipated? When will deliveries be made and how long with the truck remain on the premises?
11. Note 9 under the heading General Notes indicates that security lighting will be provided by the owner per the Town requirements. All lighting and photometrics must be shown on the plans for review and approval.
12. Dimensions for the ADA parking must be provided.
13. The location of the proposed trees must be clearly shown on the plans.
14. 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.
15. The increase in traffic volume on Brighton's major streets increases the desirability of sidewalks to provide convenient and safe pedestrian travel through Town. Therefore, we are requesting that sidewalk easements be considered along West Henrietta Road to facilitate the possible future installation of sidewalks.
16. The utilities serving the proposed parcel should be shown on the plans.
17. As part of the redevelopment process, all existing utility laterals that are proposed to be used for serving this site shall be televised to determine their condition and adequacy for doing so. If the laterals 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.
18. If there are sanitary sewer cleanouts on site they shall be protected by orange construction fencing during construction.
19. 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.
20. 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/DocumentCenterNiew/4393>.

21. Section 149-13 of the Code of the Town of Brighton indicates, grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commission, they are necessary for the proper handling of wastes containing grease in excessive amounts or any flammable wastes, sand, grit and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Sewer Commission and shall be located so as to be readily and easily accessible for cleaning and inspection. The applicant must contact the sewer superintendent to determine the need for a grease trap. If a grease trap is required, it must be shown on the plans and the appropriate calculations must be provided for review.
22. The four items referenced under the Asphalt Pavement Notes must be shown on the plans including the existing grade elevations.
23. The plans indicate that the existing green area on the site is 3754 square feet in size and the green area of the proposed site is 4404 square feet in size. A map should be provided showing the existing and proposed green areas.
24. The plans must clearly identify accessible access to the building. Spot elevations must be provided along the accessible ramps. The floor elevation of the existing building must be provided.
25. Please specify and show the type of erosion control measures proposed for the areas where asphalt will be removed and replaced with topsoil.
26. A cross-section of the proposed pavement should be shown on the plans.
27. The plans suggest that the parking area perimeter will be curbed. A detail of the proposed curbing must be provided, and the grading plan must show the grading necessary to accommodate the top of curb elevation.
28. A grading plan must be provided.
29. The plans must show demolition associated with the existing building.
30. The following notes must be included on the plans:
  - a. Proposed plantings are not to interfere with street signs for sight distance.
  - b. 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.
  - c. A note must be added to the plans indicating that 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.
  - d. 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.
  - e. 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.

- f. Tree protection and erosion control measures shall be in place prior to clearing or construction.
- g. The landscaping associated with the project shall be guaranteed for three years.
- h. 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.
- i. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
- j. 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.
- k. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
- l. As part of the redevelopment process, all existing utility laterals that are proposed to be used for serving this site shall be televised to determine their condition and adequacy for doing so. If the laterals 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.
- m. Sanitary and/or storm sewer cleanouts on site or within the right of way, shall be protected by orange construction fencing during construction.
- n. 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.
- o. Permits will be required from the Town's Building and Sewer Departments and may be required from other jurisdictional agencies. All other approvals must be received from those agencies with jurisdiction prior to the Town issuing its approval.
- p. 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.

## PLANNING BOARD REPORT

**HEARING DATE:** 8-16-2023  
**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, utility plan, grading and erosion plan, and landscape plan has been submitted, dated July 2023. This additional information augments the original application in March 2023.
5. The property contains the mapped Woodlot Environmental Protection Overlay District (EPOD).
6. The project requires area variances. Variances were granted by the Zoning Board of Appeals on 5-3-2023.
7. An application has been submitted to the Architectural Review Board (ARB) and is on the 8-22-2023 agenda.

**TOWN ENGINEER:** See attached memo dated 8-10-2023. All 24 items in the memo must be addressed but the following items are of particular importance:

1. A schedule of all easements (existing/proposed, public/private) associated with this project shall be provided. All texts, maps and descriptions of proposed easements shall be prepared and submitted to this office for review. Upon satisfactory completion of these

documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.

2. A 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. It is recommended that the applicant commence this process as soon as possible as the district formation process is lengthy in nature.
3. 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.
4. The engineer's report must provide documentation on the impact of the new e-one unit on the overall low-pressure sewer system in this area. The design of the new force main must take into consideration the existing system curve and consider the impact of the new 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. The applicant's engineer should consider using the e-one design assistant software to provide this information to Town staff.
5. 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.
6. The engineer's report must provide stormwater and runoff calculations. The stormwater runoff calculations must include drainage maps and information supporting the various design storm events, runoff coefficient, (C factor), time of concentration, (Tc) and drainage areas.
7. The proposed plans depict excavation of a boring pit within the limits of Federal wetlands. Is a plan in place for how to conduct this work legally, and has the US Army Corps of Engineers been contacted to secure a wetland disturbance permit to accommodate this work? Supporting documentation will need to be provided.
8. A plan must be developed to limit the disturbance to the federal wetlands by construction equipment needed to excavate the receiving/drilling pit. The plan must be reviewed and approved by the US Army Corp of Engineers.

#### **SEWER DEPARTMENT:**

##### *Previously provided comments*

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:**

##### *Advisory comments*

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

## **ENVIRONMENTAL REVIEW/SEQR**

The granting of an EPOD permit is an unlisted action. Environmental Review and determination cannot be completed until additional information is submitted.

## **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. 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. 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.
5. 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.



## Public Works Department

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

**Brendan Ryan**  
Assistant Engineer

### MEMO

Date: August 10, 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. Written responses to the comments below shall be provided by the applicant or their representative:

#### 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. 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 estimate should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
4. 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.
5. 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.
6. 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. It is recommended that the applicant commence this process as soon as possible as the district formation process is lengthy in nature.
7. 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.
8. The approved demolition and restoration plan should be included with the plan set for reference.
9. 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

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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.

**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 provide documentation on the impact of the new e-one unit on the overall low-pressure sewer system in this area. The design of the new force main must take into consideration the existing system curve and consider the impact of the new 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. The applicant's engineer should consider using the e-one design assistant software to provide this information to Town staff.
2. 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.
3. The engineer's report must provide stormwater and runoff calculations. The stormwater runoff calculations must include drainage maps and information supporting the various design storm events, runoff coefficient, (C factor), time of concentration, (Tc) and drainage areas.

**Utility Plan:**

1. Invert elevations must be provided for all utilities being proposed on this site.
2. The proposed plans depict excavation of a boring pit within the limits of Federal wetlands. Is a plan in place for how to conduct this work legally, and has the US Army Corps of Engineers been contacted to secure a wetland disturbance permit to accommodate this work? Supporting documentation will need to be provided.
3. A plan must be developed to limit the disturbance to the federal wetlands by construction equipment needed to excavate the receiving/drilling pit. The plan must be reviewed and approved by the US Army Corp of Engineers.
4. Have the limits of the federal wetlands present on this site been delineated?

**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.

**Grading and Erosion Control Plan:**

1. The concrete washout area is proposed within the right-of-way. This must be located on the applicant property.

**Site Plan:**

1. 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.
2. 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.
3. 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.
4. The limits of disturbance shall be delineated with orange construction fencing. The orange construction fencing shall be called out on the plans.



**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