

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF SEPTEMBER 20, 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 ~~August 16, 2023~~ July 19, 2023 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of September 14, 2023 will now be held.

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**Application Number: [6P-03-23](#)**

*OpenGov reference no: NA*

1 Knollwood Drive

**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**

**Application Number: [9P-01-23](#)**

*OpenGov reference no: PB-23-8*

57 Eldridge Avenue

Application of Westmarsh Properties, LLC, owner, for Final Site Plan Approval and Final EPOD (woodlot) Permit Approval to construct a 2,560 +/- 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.

*Note: Application 9P-01-23 for Final Site Plan Approval and Final EPOD Permit Approval has been combined with Application 4P-NB1-23 for Preliminary Site Plan Approval and Preliminary EPOD Permit Approval for this project.*

**Application Number: [9P-02-23](#)**

*OpenGov reference no: PB-23-10*

2980 South Clinton Avenue

Application of Jewish Senior Life, owner, for Site Plan Modification to construct 9 additional parking stalls on property located at 2980 South Clinton Avenue. All as described on application and plans on file.

NEW BUSINESS:

**Application Number: [4P-NB1-23](#) [Additional Info](#)**

57 Eldridge Avenue

Application of Westmarsh Properties, LLC, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 2,562 df 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**

*Note: Application 4P-NB1-23 for Preliminary Site Plan Approval and Preliminary EPOD Permit Approval has been combined with Application 9P-01-23 for Final Site Plan Approval and Final EPOD Permit Approval for this project.*

**Application Number: [5P-NB1-23](#)**

125 Old Mill Road

**HISTORIC PRESERVATION COMMISSION TO REVIEW CULTURAL RESOURCES SURVEY 9-28-2023.** 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:

1. Jacobson re: 0 East Henrietta Road (Tax ID numbers 149.06-1-3.12 and 149.06-1-3.11), 9-13-2023
2. Stewart re: 57 Eldridge Avenue, 9-18-2023

PETITIONS:

NONE

SIGNS:

APP #	NAME & LOCATION	TYPE OF SIGN	ARB REVIEW
			PB DECISION
ARB & PB RECOMMENDATIONS AND/OR CONDITIONS			
<a href="#">1697</a>	Willow Salon 2198 Monroe Avenue	Bldg Face	8/22/23
ARB - Approve as presented.			

## PLANNING BOARD REPORT - **REVISED**

**HEARING DATE:** 9-20-2023

**APPLICATION NO:** 9P-01-23/4P-NB1-23

*OpenGov reference no:* PB-23-8

**LOCATION:** 57 Eldridge Avenue

**APPLICATION SUMMARY:** Application of Westmarsh Properties, LLC, owner, for Preliminary/Final Site Plan Approval and Preliminary/Final EPOD (woodlot) Permit Approval to construct a 2,560 +/- sf two story single family home with a 634 sf attached garage on property located at 57 Eldridge Avenue.

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

### **COMMENTS**

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

### **BUILDING AND PLANNING:**

1. 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. The applicant should provide an update as to the status of the demolition process. Please note (and see also the Town Engineer's Memo dated 9-18-2023): The project must comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project must comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding ten-day notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and the asbestos survey and removal requirements of Section 56-5 are met.
3. The subject property is zoned Residential - Large Lot (RLL)
4. The property contains the mapped Woodlot Environmental Protection Overlay District (EPOD).
5. Plan sets (site plan, utility plan, grading and erosion plan, and landscape plan) have been

submitted (Plot Set 7-10-2023 and Plot Set 8-29-2023, although both have the date 'July 2023' on the actual drawing sheets). This additional information augments the original application in March 2023.

6. It appears that the eastern-most section of the proposed driveway is within four feet of the north property line. The driveway shall be modified to be at least four feet from the property line, per Code Section 207-10E(5) or an additional variance shall be required.
7. The town right-of-way for Eldridge Avenue is unusually wide in front of this property. The applicant shall pay particular attention to this and provide details on any lawn maintenance and other work to be performed on town right-of-way. Per Code Section 166-28B(2): All disturbed areas within the right-of-way are to be restored to their original condition on a schedule to be approved by the Highway Superintendent [or their designee].

Please note (and see also the Town Engineer's Memo dated 9-18-2023):

- a. A permit for work in the right of way must be obtained for clearing the brush and shrubs in the right-of-way.
- b. Orange construction fencing shall be installed around the **tree(s)** in the right-of-way to protect it during removal of brush and shrubs.

*[Please note the town's definition of tree: "A living perennial, woody plant (including its trunk, branches, root system and stump), whose trunk is greater than two inches diameter at a height of four feet above the ground and whose full height at maturity would reach a minimum of 12 feet".]*

8. The project was reviewed by the Planning Board on 8-16-2023 and tabled. The applicant responded to the comments (see attached letter dated 8-23-2023).
9. The project required area variances. Variances were granted by the Zoning Board of Appeals on 5-3-2023.
10. The project was reviewed and approved with conditions by the Architectural Review Board (ARB) on 8-22-2023.

**TOWN ENGINEER:** See attached memo dated 9-18-2023. All 16 items in the memo must be addressed but the following items, generally related to sewers, wetlands, and work in the public right of way, are of particular importance:

1. 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.
2. 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.
3. 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.

4. Town staff awaits communication between the applicant and the Army Corps regarding the wetland permit.
5. 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.

#### **SEWER DEPARTMENT:**

*The applicant should contact Tim Jason ([tim.jason@townofbrighton.org](mailto:tim.jason@townofbrighton.org) 585-784-5289) in the Sewer Department with any questions on these comments.*

#### **Previous 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*

Previous comments have been addressed.

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

If the Planning Board finds that the proposed action will not have a significant impact on the environment, Town staff suggests that the Planning Board adopt the prepared negative declaration when considering Preliminary/Final Site Plan Approval and Preliminary/Final Approval of the Woodlot Environmental Protection Overlay District (EPOD) Permit.

#### **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. The applicant shall satisfy the requirements of the Town Engineer including, but not limited to the following issues:
  - a. A letter of credit shall be provided

- b. A schedule of all easements shall be provided
- c. Formation of a sanitary sewer district
- d. Design and technical documentation of the proposed sewer
- e. Documentation of the Army Corps of Engineers review of the federal wetlands to be impacted by sewer construction
- f. Existing drainage cross the property under development shall be maintained during development

For a complete list of specific requirements, please refer to the attached memo dated 9-18-2023.

- 3. A permit for work in the right of way shall be obtained for clearing the brush and shrubs in the right-of-way. Orange construction fencing shall be installed around the tree(s) in the right-of-way to protect it during removal of brush and shrubs. All disturbed areas within the right-of-way are to be restored to their original condition on a schedule to be approved by the Highway Superintendent [or their designee].
- 4. Monroe County comments, if any, shall be addressed.
- 5. The entire project shall comply with the most current New York State Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
- 6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
- 7. The driveway shall be located at least four feet from any property line (except where it crosses the front property line onto the public right-of-way).
- 8. As no generator is shown on the plans, any future generator installation shall require separate permitting and approval.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 9P-01-23/4P-NB1-23

**Date:** 9-20-2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Preliminary/Final Site Plan Approval and Preliminary/Final EPOD Permit Approval

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Westmarsh Properties LLC, owner, and John Marchioni, agent, Preliminary/Final Site Plan Approval and Preliminary/Final EPOD (woodlot) Permit Approval to construct a 2,560 +/- sf two story single family home with a 634 sf attached garage on property located at 57 Eldridge Avenue.

**Location:** 57 Eldridge Avenue

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

Based on information submitted to the Lead Agency, Short Environmental Assessment Form (EAF) Part 1 this action will not have a significant adverse impact on the environment for the reasons set forth below:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance. The Project will not create any significant adverse impact in the existing air quality or water quality, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. Stormwater runoff from the Project will be adequately collected and treated on site through the stormwater management facility to be constructed on the Property and discharged in accordance with all applicable New York State standards.
2. Noise and Visual Impacts. The Project will not create any adverse noise or visual impacts.
3. Agriculture, Archeology, Historic, Natural, or Cultural Resources, Community or Neighborhood Character. The Project will not adversely impact agricultural, archeological,



historical, natural, or cultural resources. The site has been previously developed, so no significant cultural resources should be disturbed.

4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains. The Project will not have a significant adverse impact on plant or animal life. The Property does not host any threatened or endangered species, and therefore the Project will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the Property. The Property is not within any designated floodway or floodplain. Impacts to adjacent wetlands are minor and temporary in nature. Construction techniques including but not limited to directional drilling will be utilized to further minimize impacts.

5. Community Plans, Use of Land, and Natural Resources. The Project is consistent with and in furtherance of the goals set forth in the Town's Comprehensive Plan. There will be a small impact to natural resources by the removal of trees but this will be mitigated with planting replacement trees.

6. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.

7. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

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

9. Traffic. The Project will not have a significant adverse impact on vehicular traffic.

10. Public Health and Safety. The Project will not have a significant adverse impact on public health or safety.

The Project is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements of the Town of Brighton, Monroe County Department of Transportation, Monroe County Water Authority, Monroe County Department of Health, and New York State Department of Environmental Conservation.

Pursuant to SEQRA, based on the abovementioned information, documentation, testimony, correspondence, and findings, and after examining the relevant issues, including all relevant issues raised and recommendations offered by involved and interested agencies and Town Staff, the Lead Agency determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration, and, therefore, SEQRA does not require further action relative to the Project.

The Town of Brighton Planning Board, as Lead Agency, has made the following additional determinations:

A. The Lead Agency has met the procedural and substantive requirements of SEQRA.

B. The Lead Agency has carefully considered each and every criterion for determining the potential significance of the Project upon the environment as set forth in SEQRA, and the Lead Agency finds that none of the criteria for determining significance set forth in SEQRA would be implicated as a result of the Project.

C. The Lead Agency has carefully considered (that is, has taken the required “hard look” at) the Project and the relevant environmental impacts, facts, and conclusions in connection with same.

D. The Lead Agency has made a reasoned elaboration of the rationale for arriving at its determination of environmental non-significance, and the Lead Agency’s determination is supported by substantial evidence, as set forth herein

E. To the maximum extent practicable, potential adverse environmental impacts will be largely avoided or minimized by the Applicant’s careful incorporation in its application materials of measures designed to avoid such impacts that were identified as practicable.

Date Issued: 9-20-2023

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

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

Email: rick.distefano@townofbrighton.org

Telephone: 585-784-5228



## Public Works Department

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

Brendan Ryan  
Assistant Engineer

### MEMO

Date: September 18, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 9P-01-23*  
*Application of John Marchioni, Owner, for Final 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. 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.
6. 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.
7. The project must comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project must comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding ten-day notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and the asbestos survey and removal requirements of Section 56-5 are met.

8. What is the status of the demolition process, is the applicant ready to proceed with demolition after obtaining the permit?

**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. Were Hazen Williams C factors used in water service calcs? Is this calculation consistent with MCWA?
3. The Hydrocad model needs to be revised as one of the drywells is missing from the calculations.

**Utility Plan:**

1. Town staff awaits communication between the applicant and the Army Corps regarding the wetland permit.

**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.

**Site Plan:**

1. A permit for work in the right of way must be obtained for clearing the brush and shrubs in the right-of-way.
2. Orange construction fencing shall be installed around the tree in the right-of-way to protect it during removal of brush and shrubs.



Engineers & Surveyors

August 29, 2023

Town of Brighton  
2300 Elmwood Ave.  
Rochester, N.Y. 14618

Attn: Jason Haremza, AICP  
Executive Secretary  
Planning Board

Re: 57 Eldridge Ave.  
Planning Board Application 4P-NB1-23

Dear Mr. Haremza,

We are in receipt of comments dated August 10, 2023, and respond as follows:

**Town Engineer**

**General**

1. We acknowledge this requirement.
2. We acknowledge this requirement.
3. We will prepare a Letter of Credit estimate for Town review following Final Approval. A Letter of Credit has been provided for demolition.
4. There are no existing easements and no easements proposed.
5. We have corrected the Liber and Page of the Sanitary Sewer Easement.
6. We are in the process of preparing a Petition to the Town Board to incorporate this property in a sewer district.
7. We acknowledge this requirement.
8. We will include.
9. We acknowledge this requirement.

**Sustainability**

1. We acknowledge this recommendation.

## **Engineers Report**

1. We have added the E-ONE specifications and details to the report. We have requested design information from the Town for the existing system. Once received we will review, input information into the E-ONE design software and provide the calculations to the Town.
2. Water calculations have been attached.
3. Drainage calculations have been attached.

## **Utility Plan**

1. We have added the invert for the E-One unit to the home and have labeled the minimum cover for the force main. There are no other inverts to label.
2. We will be preparing a Joint Permit for the boring pit on the Federal Wetland. We will copy the Town on all communications.
3. Access to this pit will be part of our application.
4. Limits have been shown based on the Federal Wetland Mapper.

## **SWPPP**

1. We acknowledge this requirement.

## **Grading and Erosion Plan**

1. The concrete washout has been moved.

## **Site Plan**

1. We have added roof leader locations and propose to direct them to a drywell. Overflow from the dry well will flow south.
2. See #1.
3. We have added orange construction fence around the trees to be saved.
4. We have called out the orange construction fence around the limits of disturbance.

## **Notes**

1. Notes have been added.

### **Sewer Department**

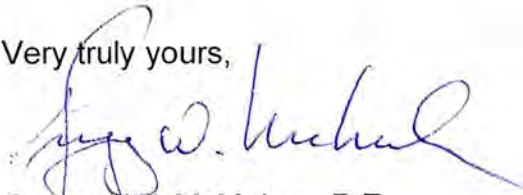
1. A force main connection detail has been added.
2. Calculations to be provided.
3. Permits will be obtained.
4. See Town Engineer comments.

### **Conservation Board**

1. A landscaping plan is included with the submittal.

Should you have any questions please contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gregory W. McMahon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gregory W. McMahon, P.E.

xc: Westmarsh Properties

## PLANNING BOARD REPORT - **REVISED**

**HEARING DATE:** 9-20-2023

**APPLICATION NO:** 9P-02-23

*OpenGov reference no:* PB-23-10

**LOCATION:** 2980 South Clinton Avenue

**APPLICATION SUMMARY:** Application of Jewish Senior Life, owner, for Site Plan Modification to construct 9 additional parking stalls on property located at 2980 South Clinton Avenue.

### **COMMENTS**

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

### **BUILDING AND PLANNING:**

1. 2980 South Clinton Avenue currently contains a senior living/adult day care facility constructed in 2012.
2. The subject property is zoned Residential Low Density B District (RLB)
3. A site plan has been submitted.
4. No changes to the existing structure or existing use are proposed.
5. There are five existing parking spaces. The applicant should explain the need for the 180% increase to 14 parking spaces.

**TOWN ENGINEER:** See attached memo dated 9-18-2023. All seven items in the memo must be addressed but the following items, generally related to stormwater and drainage, are of particular importance:

1. The original plans for Marians House which showed rain gardens in the location of the proposed storm sewer which were designed to address Water Quality Volume WQv at the time of the original development. Why is the proposed storm sewer needed? Have the rain gardens been removed, or are they proposed to be fully removed? Please clarify
2. The proposed storm sewer system will need to be revised to accommodate an equal amount of WQv from the site that was previously provided by the rain gardens now being bypassed. Supporting computations will need to be provided. The applicant's engineer should contact this office to review this matter.
3. Stormwater calculations will need to be provided demonstrating what portions of the roof's outflow will be handled by the proposed system.
4. The proposed storm sewer system converts surface flow to a point discharge. This discharge will need end point treatment to control the concentrated outflow.



**SEWER DEPARTMENT:**

None

**CONSERVATION BOARD:**

*Advisory comments*

None

**ENVIRONMENTAL REVIEW/SEQR**

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

Specifically 6 NYCRR 617.5(c)(9):

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

**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. The applicant shall satisfy the requirements of the Town Engineer including, but not limited to, issues related to stormwater and drainage. For specifics, please refer to the attached memo dated 9-18-2023.
3. Monroe County comments, if any, shall be addressed.
4. The entire project shall comply with the most current New York State Fire Prevention and Building Code.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.



## Public Works Department

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

Brendan Ryan  
Assistant Engineer

### MEMO

Date: September 18, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 9P-02-23*  
*Application of Marians House for Preliminary and Final Site Plan Approval*  
*2980 S Clinton Ave*

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 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.
4. The DPW has reviewed the original plans for Marians House which showed rain gardens in the location of the proposed storm sewer which were designed to address Water Quality Volume WQv at the time of the original development. Why is the proposed storm sewer needed? Have the rain gardens been removed, or are they proposed to be fully removed? Please clarify
5. The proposed storm sewer system will need to be revised to accommodate an equal amount of WQv from the site that was previously provided by the rain gardens now being bypassed. Supporting computations will need to be provided. The applicant's engineer should contact this office to review this matter.
6. Stormwater calculations will need to be provided demonstrating what portions of the roof's outflow will be handled by the proposed system.
7. The proposed storm sewer system converts surface flow to a point discharge. This discharge will need end point treatment to control the concentrated outflow.

Communications  
Planning Board Meeting  
9-20-2023

## Comment for the Brighton Planning Board

Howie Jacobson <redrock1886@gmail.com>

Wed 9/13/2023 2:38 PM

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

Cc: Dan Aman <daniel.aman@townofbrighton.org>; Berkley Brean  
<bbrean@whec.com>; doveracker@whec.com <doveracker@whec.com>

Dear Brighton Planning Board-

Re: TopGolf project

For the record, I am in favor of this project with some concerns.

1) The Supervisor says there will be tax benefits ( property tax and sales tax) to the residents of Brighton. Yet the Brighton residents were told the same thing with the Whole Foods Plaza project and we have yet to see any benefits in taxes - no property reassessments in 8 years and the sales tax estimates are dramatically overestimated. We as residents need accountability for what we are told on this TopGolf project.

2) With Incentive Zoning comes risks to the Town residents when decisions 'over promise and under deliver'! The Town Board of Brighton has created a traffic nightmare on Monroe Avenue with the Whole Foods Plaza which promised major property & school tax benefits to start in 2019 and if we are lucky will start in 2025 ! This has already cost the Town over \$1,000,000 in lost revenue. And the Town Board was told and believed sales tax revenue would increase 6 times from previous site which will not happen based on the tenants in the Plaza and lower sales volume at Whole Foods grocery. This will cost the Town over \$100,000 a year in lost revenue every year! These are good examples of 'overpromise and under deliver!' The Town Board and Planning Board each need to be accountable and not repeat poor decisions. Carefully review and ask questions about how Brighton will benefit! Do not take a developer's word without asking probing questions and verifying.

Please forward to the Planning Board so this can be read into the minutes of the meeting coming up in this issue.

Thank you.

Howie Jacobson

Brighton Town resident

Redrock1886.com

Sent from my iPad



## Jason Haremza

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**From:** Debra Stewart <colombapace@yahoo.com>  
**Sent:** Monday, September 18, 2023 3:19 PM  
**To:** Jason Haremza  
**Subject:** 9P-03-23

Hi Jason,

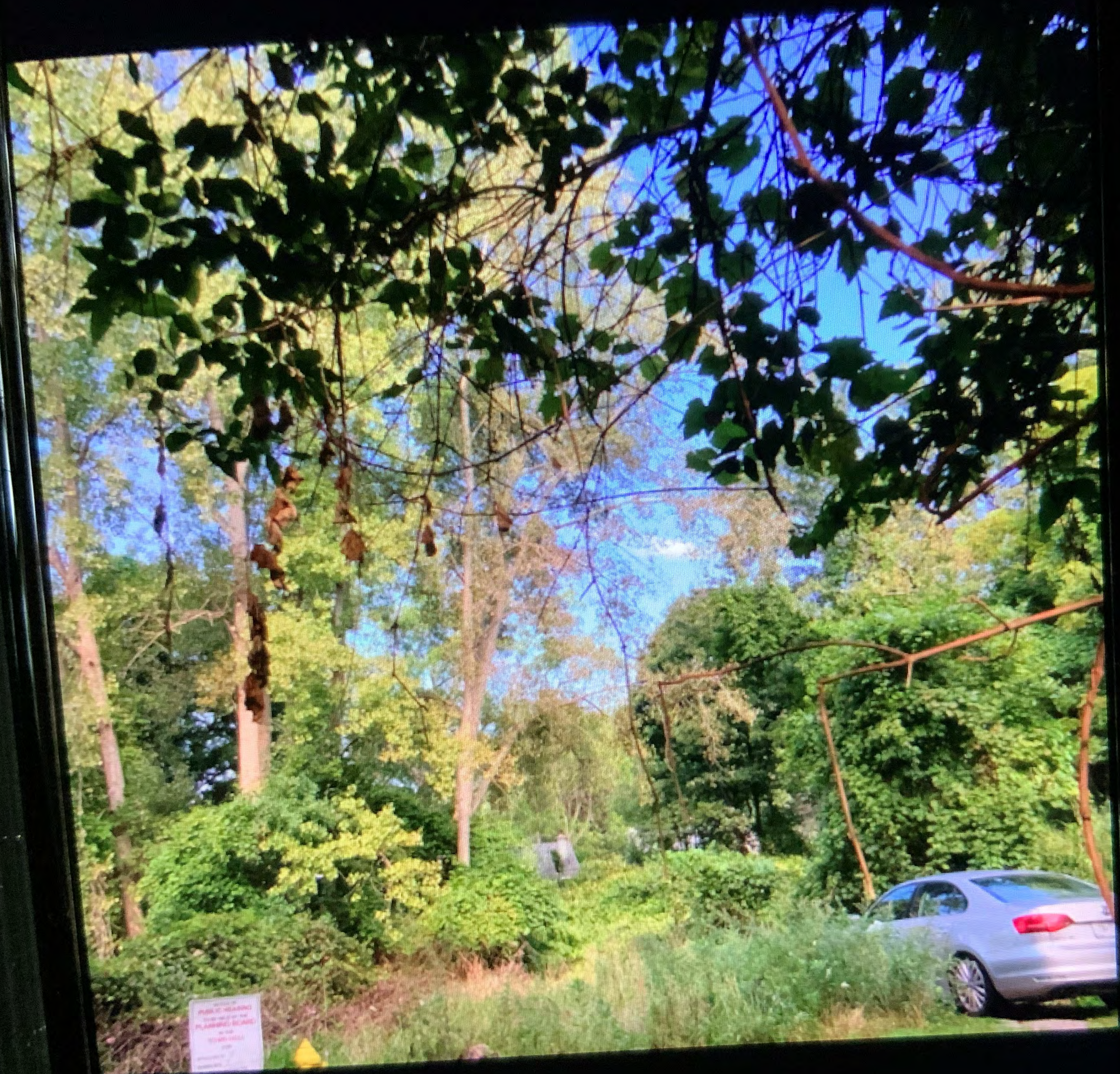
Re: TABLED AT THE JUNE 21, 2023 MEETING-PUBLIC HEARING REMAINS OPEN

I am unable to attend. Just wanted to forward photos from a walk down Eldridge Avenue this morning. I wanted to enjoy looking at the trees on 57 Eldridge as next fall they will probably be clear cut for the much larger (than the original) house. It's been wonderful to look out of my little house's sky light at the beautiful rustling leaves. When the new house is built I'll be looking at someone's second floor house and garage! I don't understand why anyone would want to move into a park and cut down so many trees!

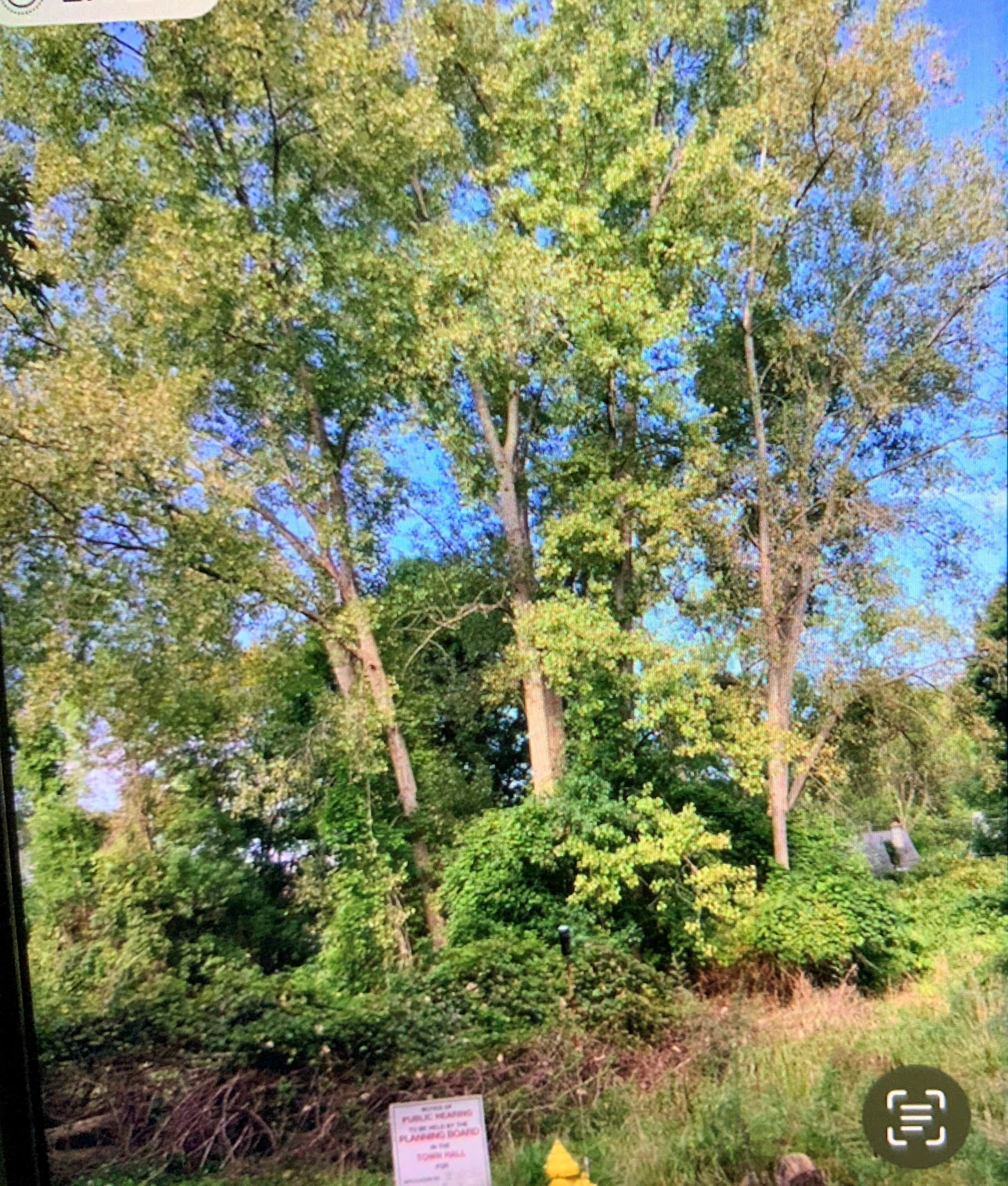
I'm also still concerned about additional standing water behind my house when the trees are gone. My house is directly behind the house to be razed.

Sincerely,  
Debra Stewart  
28 Midland Avenue,  
Brighton, 14620

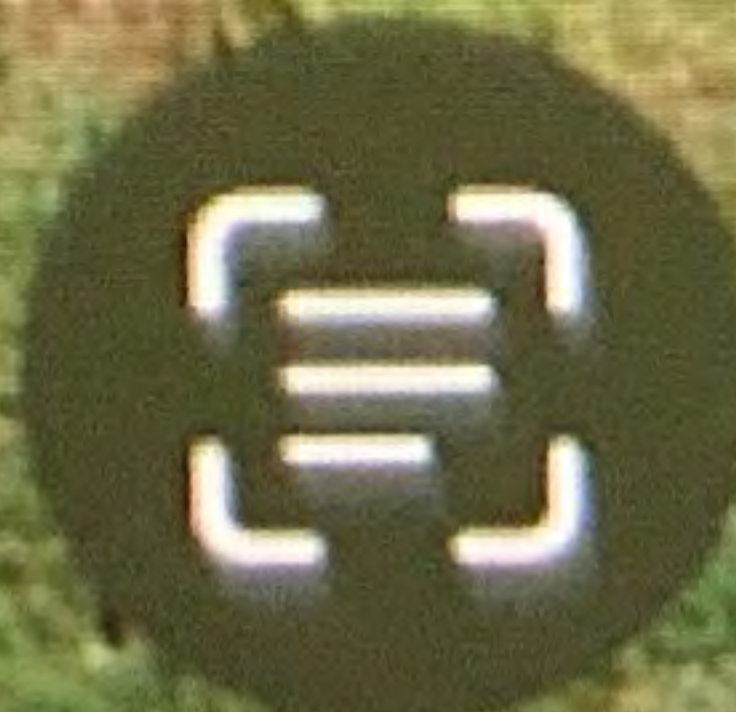








NOTICE OF  
PUBLIC HEARING  
TO BE HELD BY THE  
PLANNING BOARD  
ON THE  
TOWN HALL  
FRI  
10/10/2020









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