

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF OCTOBER 18, 2023
Brighton Town Hall
2300 Elmwood Avenue

Written comments may be submitted to Jason Haremza, Executive Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to jason.haremza@townofbrighton.org.

Applications subject to public hearings and the documents to be considered by the Board will be available for review on the town's website no later than twenty-four hours prior to the meeting to the extent practicable.

FINAL AGENDA

7PM

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Consideration of procedural rules

CHAIRPERSON: Agenda Review with Staff and Members.

CHAIRPERSON: Approval of the August 16, 2023 minutes

INCENTIVE ZONING REVIEW:

Application Number: [10P-NB1-23](#)

OpenGov reference no: PB-23-14

0 East Henrietta Road (Tax parcels 149.06-1-3.12 and 149.06-1-3.11)

Review an advisory report regarding Westfall Development LLC's Incentive Zoning proposal to construct a recreation and golf entertainment venue consisting of a ±45,000 sf building with other amenities, associated outdoor elements, and other site improvements on property located at 0 East Henrietta Road (Tax parcels 149.06-1-3.12 and 149.06-1-3.11)

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of October 12, 2023 will now be held.

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

OpenGov reference no: NA

1 Knollwood Drive

POSTPONED UNTIL 11-15-2023 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 6-21-2023 - PUBLIC HEARING REMAINS OPEN**

Application Number: [10P-01-23](#)

OpenGov reference no: PB-23-9

2852 West Henrietta Road

Application of Larry Chen, owner, and Erik Bjerneby, architect, for Conditional Use Permit Approval to allow for a Papa John's Pizza takeout restaurant on property located at 2852 West Henrietta Road. All as described on application and plans on file.

Application Number: [10P-02-23](#)

OpenGov reference no: PB-23-11

1905, 1925, and 1969 South Clinton Avenue

Application of 1925 South Clinton LLC, owner, and Costich Engineering, agent, for Site Plan Modification (of phase 2) to allow for the realignment of a cross access driveway servicing an adjacent property, to/from property located at 1905 / 1925 South Clinton Avenue. All as described on application and plans on file.

Application Number: [10P-03-23](#)

OpenGov reference no: PB-23-13

1905 and 1925 South Clinton Avenue

Application of 1925 South Clinton LLC, owner, and Costich Engineering, agent, for Final Site Plan Approval and Conditional Use Permit Approval (Phase 3) to construct a 20,664 +/- sf Aldi grocery store on lot 2 (1925 South Clinton Avenue, Tax ID #136.15-1-9.1) and to allow overall site impervious coverage to increase above the allowable 55 % to 56.75% on property located at 1905 / 1925 South Clinton Avenue. All as described on application and plans on file.

Application Number: [10P-04-23](#)

OpenGov reference no: PB-23-12

2253 South Clinton Avenue (AKA 2233 South Clinton Avenue)

Application of Westfall Medical Realty, LLC, owner, and BME Associates, agent, for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a 6,015 sf medical building and reuse the existing foundation to construct a new 6,400 +/- sf medical building on property located at 2253 South Clinton Avenue (AKA 2233 South Clinton Avenue AKA Building #1). All as described on application and plans on file.

Application Number: [10P-05-23](#)

OpenGov reference no: PB-23-15

2750 Monroe Avenue (AKA 2780 Monroe Avenue)

Application of Daniele, SPC, LLC, owner, and Jigar Gandhi, lessee, for Conditional Use Permit Approval to allow for a Crumbl Cookies bakery on property located at 2750 Monroe Avenue (AKA 2780 Monroe Avenue). All as described on application and plans on file.

NEW BUSINESS:

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

OpenGov reference no: NA

125 Old Mill Road

HPC to consider landmark designation of this property; public hearing scheduled for 11-16-2023 HPC meeting. 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

PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

SIGNS:

<u>1698</u>	2425 W Henrietta Rd Jacob Ouyang TCT General Contractor Inc	Building face sign Fuji Sushi Station <i>ARB 9-23-2023 Approved as presented</i>
<u>1700</u>	1800 Brighton Henrietta Townline Rd Lynn Kosmider Fastsigns	Building face sign Fastsigns <i>ARB 9-23-2023 Approved as presented</i>
<u>1701</u>	103 & 588 White Spruce Blvd Paul Kirik Loyal Group REM	Redesign monument signs Southview Commons <i>ARB 9-23-2023 Approved as presented</i>
<u>1702</u>	1821 Monroe Ave Joseph Keable Premier Sign Systems	Building face sign Brighton Collision <i>ARB 9-23-2023 Approved as presented</i>

Town of Brighton
Planning Board Rules and Procedures
Rules of Decorum at Public Meetings

Effective October 18, 2023

This document establishes the decorum rules for the Town of Brighton Planning Board meetings. The purpose of these rules is to allow for the orderly conduct of Town business that is convenient for the public, fair to all speakers and, above all else, essential for open, transparent and effective local governance.

New York State law requires that Planning Board meetings be held in public to allow the public to observe the meetings. In addition, New York State Law requires that the procedure for consideration of certain matters to be decided by the Planning Board must include a public hearing so as to allow for public comment on matters being considered by the Planning Board.

The purpose of a public hearing is to discuss the matters before the Planning Board only. Examples of things that are NOT Planning Board business, include, but are not limited to: private disputes, and County, State, or Federal issues that the Planning Board has no jurisdiction over. The Chair of the meeting shall determine if the matter being discussed is Planning Board business.

Personal attacks, personal accusations, irrelevant or unduly repetitious communications, or other disruptive behaviors that potentially disrupt, disturb, interrupt, or impede the orderly conduct of the business of the Board may, at the discretion of the Planning Board Chair, incur a warning, recess of the meeting, or other appropriate actions to enable the Board to resume the orderly conduct of Town business.

As the Chair of each Planning Board meeting, it is the Planning Board Chair's right and responsibility to direct meetings and make decisions that will, in the exercise of discretion and judgment, inure to the benefit of all those attending.

The following rules shall apply:

1. All speakers will be requested to state their name and address for the record. At the discretion of the Chair, members of the public wishing to address the Planning Board during a public hearing may be required to sign up in advance on a list of speakers administered by Town staff. When a sign-up sheet is not in use, any member of the public in attendance at the meeting that desires to speak shall raise a hand to be recognized by the Chair.
2. During a public hearing the Chair will generally call upon the sponsor of a project or proposal before the Board to describe the matter which is the subject of the public hearing. These initial presentations shall be, to the extent practical, limited to 15 minutes. Board

members and/or staff will often then engage the sponsor or its representatives in a question and answer discussion regarding the subject project or proposal. This question and answer period has no time limit other than it will be terminated at the discretion of the Chair.

3. During public hearings, public comments shall be limited to three minutes per person. The Chair, in the exercise of discretion, may grant a speaker additional time. Speakers may not give or trade their allotted time to other speakers or reserve their time for other portions of the open forum or public hearing. The Chair shall act as the time keeper or may designate another Board member or Town employee as official timekeeper. Speakers shall direct their comments to the Board as a whole and not to individual members.

4. Comments should be respectful. Speakers shall present their comments in a courteous manner and not in a threatening, profane, demeaning, or abusive manner. While a speaker may disagree with or support prior speakers, all comments must be directed to the Planning Board and not to other members of the audience or prior speakers.

5. Generally, it is the role of the Board to simply listen to the public comments without response. It shall be the prerogative of the Chair to determine if it is appropriate to respond to a question.

6. Members of the public in attendance at any meeting shall conduct themselves in a civil manner and shall avoid disruptive behavior and outbursts. While members of the public in attendance may support or disagree with a speaker, audible support or disagreement, including but not limited to clapping, booing, whistling, stomping of feet, shouting out and other disruptive behavior, is prohibited. If members of the public in attendance wish to display signs, banners, posters or other material, such signs, banners, posters, and other materials shall be so positioned so as to not interfere with the ability of other members of the public from viewing and hearing the proceedings of the Planning Board. The Chair may direct where in the meeting room said signs, banners, posters, and other materials are displayed to cause minimal disruption and interference with the ability of other members of the public to view and hear the Planning Board proceedings. Similarly, the Chair may direct where in the meeting room members of the public and media may set up cameras, microphones, and other devices to minimize interference with the ability of members of the public to view and hear the Planning Board proceedings.

7. Speakers may, but are not required to, submit comments in writing to the Planning Board Secretary at or prior to the meeting.

8. Members of the public may be allowed to address the Board more than once solely at the discretion of the Chair.

9. If, in the opinion of the Chair, comments by a member of the public during the public hearing are not related to Planning Board business, the subject matter of the public hearing or in any other way violate these Rules, the Chair will notify the speaker to either re-direct the

comments to Planning Board business or otherwise follow these Rules. If the speaker or member of the public in attendance at the meeting persists in violating these Rules, said person will be warned of the violation and be asked by the Chair to cease said violation of the Rules. If after said warning, the person continues to violate the Rules, the Chair may have the person removed from the Planning Board meeting room.



October 18, 2023

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

RE: Planning Board Advisory Report

Regarding Westfall Development LLC's Incentive Zoning proposal to construct a recreation and golf entertainment venue consisting of a ±45,000 sf building with other amenities, associated outdoor elements, and other site improvements on property located at 0 East Henrietta Road (Tax parcels 149.06-1-3.12 and 149.06-1-3.11; note that '0 East Henrietta Road' is a temporary working address for this site).

Dear Town Board Members:

At the October 18, 2023 Planning Board Meeting, the Planning Board reviewed the above referenced matter and offers the following comments regarding the adequacy of the proposal as it relates to site and the adjacent uses and structures.

1. The Planning Board supports the proposed application and recommends to the Town Board that it is worthy of further consideration. The proposed project appears to be well suited for the project site and area. The proposal furthers the town's comprehensive plan (Envision Brighton 2028), specifically:

Town Policy Framework (volume 2, page 3):

"Provide leadership and actively participate in efforts to improve the overall...economic and social health of the Rochester Metropolitan Region"

Economic Vitality Policy (volume 2, page 16):

"Attract and promote the sustainable development of quality...commercial uses in areas with existing infrastructure, in an effort to expand the Town's local tax base while providing...desired goods and services, and without compromising other community goals."

2. The Planning Board recommends that the Town move to a public hearing on this application only after receiving firm commitments on the proposed amenities that include infrastructure, cash, real property taxes, community benefits and the design of the access to the site.

3. The Planning Board notes the proposed amenity of 970 +/- linear feet of sidewalk on Westfall Road from South Winton Road to Buckland Park completes a noted gap in the sidewalk network and provides pedestrian access from the east to the soon-to-open Winter Farmer's Market in Buckland Park.
4. The Planning Board notes the proposed cash amenity of \$275,000 will contribute to such specific community benefits, which may include acquisition of parkland, construction of infrastructure or other recreational purposes.
5. The Planning Board notes the proposed real property tax amenity will ensure that the full amount of Town real property taxes be paid to the Town, regardless of the terms of any County of Monroe Industrial Development Agency (COMIDA) payment-in-lieu of taxes (PILOT) agreement. The Town will be made whole with respect to the Town real property taxes.
6. The Planning Board notes the community benefits amenity will see the proposed recreation and golf entertainment venue as an engaged community partner that offers recreational opportunities benefiting the community and its residents. Among the benefits to the community is the offer of free play during certain weekday times for local nonprofit, high school teams, and other groups that mentor youth in the community. The facility also intends to offer discounts for military and first responders.
7. The Planning Board notes the proposal does not include any new curb openings on any public road. All vehicular access to the site will be from the west, through the existing CityGate entrances and internal road network. This design feature is one of the amenities provided by the applicant.
8. CityGate, immediately to the west of this site, located over the town line in the City of Rochester, currently has proposed development under review by the city. Careful and ongoing coordination between the Town of Brighton review processes and the City of Rochester review processes is necessary to create an efficient, cohesive development. This is especially critical since all vehicular traffic for the recreation and golf entertainment venue will pass through CityGate.

As important, internal pedestrian circulation networks must be constructed in a rational and effective manner on either side of the city/town border. The closest transit service to the site is on East Henrietta Road. While it is unlikely that many patrons of the venue will take transit to access the site, it *is* likely that at least a portion of the employees would utilize transit to access their jobs. Clear, safe, direct routes, maintained year round, are an important aspect of the successful final design of this project.

9. 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.

10. Careful consideration should be given to the areas of fill on the site and any impacts associated with the disturbance of these areas.
11. The proposed project includes the construction of large impervious surfaces which cause the immediate area to become warmer than the surrounding land forming an island of higher temperatures known as the “heat island effect”. Trees of substantial size should be provided where possible to create a canopy large enough to help offset the “heat island effect”. In addition, light roof colors should be provided which further reduces this phenomenon.
12. Consideration should be given to the proposed buildings being constructed to LEED standards.
13. Alternative energy sources can significantly cut greenhouse gas emissions and energy costs over time. Consideration should be given to the installation of alternative energy technologies such as solar and geothermal
14. Pervious pavements should be considered where applicable such as sidewalks, patios, driveways, at least a portion of the parking lot, and fire lanes. There have now been enough pervious paving installations across Upstate New York to determine what methods work best for the climate. Depending on the method of paving used, pervious paving can reduce the heat island effect previously noted. Most importantly, if properly maintained, previous paving can reduce the impacts of stormwater runoff, which are only growing more acute as climate change brings more intense rain events.
15. Site and building lighting should be designed with very careful consideration. Outdoor and semi-outdoor recreational facilities such as this often have very tall, bright lighting to simulate daylight conditions. Care should be taken so that site lighting does not negatively affect the apartments on the north side of Westfall Road across the town line in the City of Rochester, as well as the office and commercial uses on Sawgrass Drive to the east of the site, and Brighton Town Park, located further to the east.
16. Chapter 201-14 of the Code of the Town of Brighton indicates that the adoption of changes is the allowable uses within any zoning district, affecting 10 or more acres of the district is a Type 1 action. The proposal requests a change of allowable use for approximately 18 acres and is therefore a Type 1 action. A long Environmental Assessment Form (EAF) has been submitted by the applicant and the environmental review process has been initiated by the Building and Planning Department on behalf of the Town Board.

In addition to Chapter 201-14 of the Town of Brighton Code, Section 617.4(6)(i) of the New York State Environmental Quality Review (SEQR) regulations provides that Type 1 actions include “activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; ... a project or action that involves the physical alternation of 10 acres;” The project site includes two parcels that are approximately 18 acres total. The vast majority of that land will be altered by grading and excavation and thus the area to be altered is clearly more than 10 acres.

Therefore, the project clearly exceeds both a New York State Type 1 threshold and a Town of Brighton Type 1 threshold.

17. Type 1 Actions require coordinated review amongst the involved agencies and the Town Board has declared their intent to be Lead Agency. The Planning Board consents to Town Board being Lead Agency.
18. The provisions of Code Section 225-6(b) require that the Planning Board make a determination concerning the following issues:

(a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.

The use, a recreation and golf entertainment venue, is anticipated to be a regional, if not super-regional destination. Not unlike the Costco immediately to the west of the site. The site under review is bordered by large scale retail structures to the west and medium scale office structures to the east. I-390 dominates the southern edge of the site, although care should be given how the site interfaces with the Erie Canal, also to the south of the site. In addition, careful consideration should be given to any impacts to the residential community to the north of the site.

However, in general, given the scale and intensity of surrounding land uses, both in the Town of Brighton and the City of Rochester, the uses permitted by the proposed zoning change are entirely appropriate for the area concerned.

(b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.

Access to the proposed recreation and golf entertainment venue will be through the existing CityGate development to the west. CityGate, is already well served by NYS Route 15A (East Henrietta Road) and Westfall Road, both classified as minor arterials by NYSDOT. In addition, there is nearby access to I-390 via both East Henrietta Road and Mount Hope Avenue/West Henrietta Road.

The nearest transit service is approximately 1,500 feet to the west of the site, at the intersection of East Henrietta Road and Stan Yale Drive. These stops are currently served by RTS routes 17 and 41.

The proposed zoning change is not anticipated to have a significant impact on residential development and therefore is not anticipated to have a significant impact on public schools.

(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

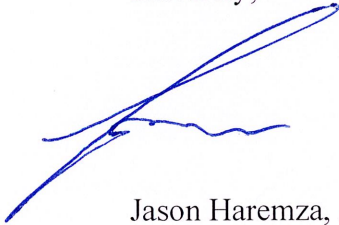
The proposed rezoning to General Commercial District (BF-2) is in accord with the existing development immediately adjacent to the west on the CityGate site and with proposed plans for further development of the CityGate site as are now pending before the City of Rochester.

(d) The effect of the proposed amendment upon the growth of the town as envisioned by the Master Plan.

As noted in item #1 of this document, the proposed zoning change furthers the town's comprehensive plan (Envision Brighton 2028).

19. If the Town Board decides to move forward with the IZ proposal, the Planning Board looks forward to providing additional project review and comment as part of the site plan review and approval.

Sincerely,



Jason Haremza, AICP
Executive Secretary
Planning Board

PLANNING BOARD REPORT

HEARING DATE: 10-18-2023

APPLICATION NO: 10P-01-23

OpenGov reference no: PB-23-9

LOCATION: 2852 West Henrietta Road

APPLICATION SUMMARY: Application of Larry Chen, owner, and Erik Bjerneby, architect, for Conditional Use Permit Approval to allow for a Papa John's Pizza takeout restaurant on property located at 2852 West Henrietta Road.

COMMENTS

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

BUILDING AND PLANNING:

1. 2852 West Henrietta Road currently contains a single story, multi-tenant, commercial building.
2. The subject property is zoned General Commercial District (BF-2)
3. Floor plans and a site diagram have been submitted.
4. The change of use from a retail space to a restaurant space creates a 13 space parking deficiency. A variance application was submitted, and the Zoning Board of Appeals (ZBA) reviewed the application on 10-4-2023. The ZBA denied, without prejudice, the variance request.

Note: The Town of Brighton does not, for purposes of calculating parking requirements, distinguish between a take out restaurant and a sit down restaurant. Although the code does offer two methods to calculate parking requirements. While the ZBA felt the applicant did not make a sufficient case at the 10-4-2023 meeting to be granted a variance, it is not anticipated that should such a variance be granted, there would be any detrimental impact on parking availability.

5. Please confirm the size of the restaurant, and proposed days and hours of operation.
6. Please confirm the number of employees and customers anticipated to be present during the busiest times.
7. 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 restaurant 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 restaurant, 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 restaurant 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 restaurant 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 restaurant 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 restaurant will be adequately served by essential public facilities.
- g. The Planning Board finds that the establishment of a restaurant will not result in the loss or damage to trees.
- h. The proposed finds that the establishment a restaurant 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. Although small, the redevelopment of this tenant space will improve the West Henrietta Road corridor.

TOWN ENGINEER: NONE

SEWER DEPARTMENT:

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

1. Install grease trap.
2. Grease trap must adhere to NYS plumbing code as well as town code.

CONSERVATION BOARD: 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) 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

Option A: If the Planning Board entertains approval, the following conditions are recommended by staff, along with any others added by the Board:

1. Applicant shall obtain the necessary approvals of the Zoning Board of Appeals
2. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, Town Engineer, and Building and Planning Department
3. Monroe County and NYSDOT comments, if any, shall be addressed.
4. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.

Option B: If the Planning Board feels that the variance should be obtained prior to the conditional use permit, then the Planning Board may wish to entertain tabling this item until next month's meeting.

PLANNING BOARD REPORT

HEARING DATE: 10-18-2023

APPLICATION NO: 10P-02-23

OpenGov reference no: PB-23-11

LOCATION: 1905, 1925, and 1969 South Clinton Avenue

APPLICATION SUMMARY: Application of 1925 South Clinton LLC, owner, and Costich Engineering, agent, for Site Plan Modification (of phase 2) to allow for the realignment of a cross access driveway servicing an adjacent property, to/from property located at 1905 / 1925 South Clinton Avenue.

COMMENTS

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

BUILDING AND PLANNING:

1. The Project has previously received:
 - (1) Preliminary Overall Site Plan Approval
 - (2) Final Site Plan Approval for Phase 1 which consisted of the 11,600 square foot Doodlebugs Children's Center facility
 - (3) Final Site Plan Approval for Phase 2 which consisted of the 9,200 +/- sf multi-tenant retail building (including a Starbucks with drive-through operation) and other associated site improvements
2. This proposal is a modification of the Phase 2 Site Plan Approval.
3. The subject property is zoned Office – Low Density District (BE-L), and is subject to an Incentive Zoning Approval.
4. Plan sets dated 2-15-2022 (revised 9-19-2023) containing existing features/demolition plan, site plans, utility plans, grading and erosion control plans, phasing plans, lighting plans, and landscaping plans, have been submitted.

TOWN ENGINEER: See attached memo dated 10-16-2023 (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 property at 1981 South Clinton Avenue is a Town of Brighton designated historic landmark. The proposed driveway is located approximately 20 feet from the western property line of 1981 South Clinton Avenue. The construction of the roadway requires earth disturbance adjacent to this property line. The construction of this roadway must not encroach onto the adjacent property. We suggest that the property line be surveyed and located in the field prior to construction and precautions be implemented that will prevent disturbance to the adjacent property.

2. The proposed driveway will require numerous access easements to permit the free movement of traffic from parcel to parcel. Reciprocal access easements have been provided for Lots 1, 2,3 and 1969 S. Clinton. These easements do not address access to vehicles from the Brighton LLC property at 2001 S. Clinton Ave. Reciprocal access easements That include 2001 S. Clinton will be required for the following properties: 2001 Clinton Avenue, 1969 Clinton Avenue, 1925 S. Clinton Avenue, 1905 S. Clinton Avenue, and possibly 1825 S. Clinton Avenue.
3. The applicant should consider reducing the number of entrances onto the new driveway between the Brighton LLC property and the southern entrance drive. Also, a centerline stripe should be considered for this section of driveway.
4. How will the stormwater discharged from the proposed driveway onto the ring road serving the Brighton LLC property at 2001 S. Clinton be collected? Where will this stormwater be directed and what is its ultimate disposition?
5. Any remaining piles of soil and/or stone must be removed or regraded to final grade before a Certificate of Occupancy for the Starbucks restaurant is issued.
6. The Engineers Report for Phased Bioretention Build Out, dated September 1, 2022, indicates that the stormwater generated by the driveway is intended to be treated in bioretention areas #1 - #4. Bioretention Areas #1 through #4 and supporting storm sewer infrastructure must be installed and fully functional prior to the completion of the new driveway. These improvements must be shown on the approved modified site plans.
7. Additional landscape screening should be provided between the new driveway and the rear property line of 1981 S. Clinton Ave.

SEWER DEPARTMENT: NONE

CONSERVATION BOARD: NONE

ENVIRONMENTAL REVIEW/SEQR

This proposed modification falls within the parameters of the previous environmental determination for Phase 2, adopted by the Planning Board 3-15-2022, which in turn was the Planning Board's adoption of the original environmental determination made by the Town Board for the overall project. No further review is required.

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. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, 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. Easements
 - b. Stormwater
 - c. Final grading

For a complete list of specific requirements, please refer to the attached memo dated 10-16-2023.

3. Monroe County comments, if any, shall be addressed.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.

Memo

Date: October 16, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: Application 10P-02-23
1925 South Clinton Avenue
Application of 1925 South Clinton LLC, owner, and Costich Engineering, agent for Final Site Plan Modification to allow for the realignment of a cross access driveway servicing an adjacent property, to/from property located at 1905 / 1925 South Clinton Avenue.

We have completed our review of the above reference project and offer the following comments for your consideration:

General:

1. The property at 1981 South Clinton Avenue is a Town of Brighton designated historic landmark. The proposed driveway is located approximately 20 feet from the western property line of 1981 South Clinton Avenue. The construction of the roadway requires earth disturbance adjacent to this property line. The construction of this roadway must not encroach onto the adjacent property. We suggest that the property line be surveyed and located in the field prior to construction and precautions be implemented that will prevent disturbance to the adjacent property.
2. The proposed driveway will require numerous access easements to permit the free movement of traffic from parcel to parcel. Reciprocal access easements have been provided for Lots 1, 2,3 and 1969 S. Clinton. These easements do not address access to vehicles from the Brighton LLC property at 2001 S. Clinton Ave. Reciprocal access easements That include 2001 S. Clinton will be required for the following properties: 2001 Clinton Avenue, 1969 Clinton Avenue, 1925 S. Clinton Avenue, 1905 S. Clinton Avenue, and possibly 1825 S. Clinton Avenue.

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.

3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: the roadway, sanitary sewer, storm sewer, stormwater management facilities, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval.
4. The owner or operator must always keep the SWPPP current so that it accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the owner or operator shall amend the SWPPP, whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants. The SWPPP should include an amendment showing the relocated driveway and associated erosion control features.

Sheet CA110 – Overall Site and Pavement Marking Plan

1. Stop signs should be installed at the southern project access drive to minimize conflicts between traffic entering the site with north/south traffic.
2. The applicant should consider reducing the number of entrances onto the new driveway between the Brighton LLC property and the southern entrance drive. Also, a centerline stripe should be considered for this section of driveway.
3. The beginning and termination of curbing must be clearly identified on the plans.
4. All sidewalk construction shall comply with the Americans with Disabilities Act.

Sheet CA120 & CA 121 Phase II Utility Plan

1. An easement will be required to accommodate the sanitary sewer lateral serving 1969 S. Clinton.
2. It is our understanding that the dedicated sanitary sewer and associated laterals will be constructed as part of the roadway installation. Easements for the sanitary sewer must be provided. All easements must be shown on the plans along with the appropriate liber and page, See comment 2.
3. Cleanouts shall be provided within 5 feet outside of the right of way or easement line and a maximum spacing of 75 feet between cleanouts thereafter up to the building. Cleanouts used in paved areas shall be placed in a cast iron frame and cover and installed flush with finished grade. The castings shall be in accordance with the Town of Brighton Specifications for Dedication. The cleanout locations must be shown on the plans.
4. Lateral connection invert elevations at manholes must be consistent with the mainline invert elevations. The manhole bench construction must consider the lateral installation.
5. The light poles conflict with the locations of the laterals serving 1969 S. Clinton and the future building along S. Clinton Avenue. The lighting pole and/or lateral locations should be reviewed.
6. The installation of catchbasins at the intersection of the southern entrance drive with the north/south roadway should be considered.
7. If not already installed, the storm sewer is located within the sanitary sewer easement between sanitary manholes S-4 and S-3. The sanitary sewer is 9 to 10 feet deep in this location and repairs to the sanitary sewer requiring excavation will likely undermine the storm sewer. The storm sewer should be located outside of the dedicated sanitary sewer easement.

Sheet CA130 & 131 – Phase II Grading and Erosion Control Plan

1. How will the stormwater discharged from the proposed driveway onto the ring road serving the Brighton LLC property at 2001 S. Clinton be collected? Where will this stormwater be directed and what is its ultimate disposition?
2. Erosion and control must be provided for the area disturbed during the driveway construction. A jute mesh product should be used to stabilize all slopes greater than 1:3.

3. A sediment basin appropriately sized should be considered prior to the discharge of stormwater into bio-retention facility #5.
4. During the site construction, the bio-retention areas must be protected from the deposition of sediment. Erosion control measures to limit the deposition of sediment within the bio retention areas must be shown on the plans.
5. Any remaining piles of soil and/or stone must be removed or regraded to final grade before a Certificate of Occupancy for the Starbucks restaurant is issued.
6. The Engineers Report for Phased Bioretention Build Out, dated September 1, 2022, indicates that the stormwater generated by the driveway is intended to be treated in bioretention areas #1 - #4. How will the stormwater be directed to these areas? It may be necessary to install a structure to capture the stormwater and direct it to their prescribed treatment areas. Will the proposed roadway realignment alter the volume of stormwater discharged to the bioretention areas? Please confirm that the stormwater discharged to the bioretention areas from the new driveway alignment versus the previous alignment are similar.
7. The existing stormwater management facility and the bio-retention facilities should be inspected for the deposition of sediment once the site has been stabilized. Sediment must be removed from these facilities and disposed of following the stabilization of the site.

Sheet CA140 – Phase II Phasing Plan

1. The Phasing legend provided on the Phasing Plan does not differentiate between Phase 2 and the Future Phase. Please revise.

Sheet CA141 – Utility Phasing Plan

1. The Engineers Report for Phased Bioretention Build Out, dated September 1, 2022, indicates that the stormwater generated by the driveway is intended to be treated in bioretention areas #1 - #4. Bioretention Areas #1 through #4 and supporting storm sewer infrastructure must be installed and fully functional prior to the completion of the new driveway. These improvements must be shown on the approved modified site plans.

Sheet EA100 & EA101 Phase II Lighting Plan

1. The proposed parking lot lighting will provide an maximum horizontal illuminance of approximately 6.0 footcandles directly beneath the light fixture. The applicant should demonstrate that the proposed lighting is consistent with the IESNA recommendations. In addition, the proposed lighting fixtures will be approximately 27 feet high. The fixture will be visible from S. Clinton Avenue and could produce glare that would distract drivers. The height of the lights should be reviewed.

Sheet LA100 & LA110 – Phase II Landscape Plan

1. Additional landscape screening should be provided between the new driveway and the rear property line of 1981 S. Clinton Ave.

PLANNING BOARD REPORT

HEARING DATE: 10-18-2023

APPLICATION NO: 10P-03-23

OpenGov reference no: PB-23-13

LOCATION: 1905 and 1925 South Clinton Avenue

APPLICATION SUMMARY: Application of 1925 South Clinton LLC, owner, and Costich Engineering, agent, for Final Site Plan Approval and Conditional Use Permit Approval (Phase 3) to construct a 20,664 +/- sf Aldi grocery store on lot 2 (1925 South Clinton Avenue, Tax ID #136.15-1-9.1) and to allow overall site impervious coverage to increase above the allowable 55 % to 56.75% on property located at 1905 / 1925 South Clinton Avenue.

COMMENTS

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

BUILDING AND PLANNING:

1. The Project has previously received:
 - a. Preliminary Overall Site Plan Approval
 - b. Final Site Plan Approval for Phase 1 which consisted of the 11,600 square foot Doodlebugs Children's Center facility
 - c. Final Site Plan Approval for Phase 2 which consisted of the 9,200 +/- sf multi-tenant retail building (including a Starbucks with drive-through operation) and other associated site improvements
2. The subject property is zoned Office – Low Density District (BE-L), and is subject to an Incentive Zoning Approval.
3. Plan sets dated 9-19-2023 containing existing features/demolition plan, site plans, utility plans, grading and erosion control plans, phasing plans, lighting plans, and landscaping plans, have been submitted.
4. The project was reviewed and approved with conditions by the Architectural Review Board (ARB) on 9-26-2023.
5. The applicant shall confirm that the hours of operation, including deliveries, conform to the BE-L/IZ regulations.
6. Per the IZ regulations, the Planning Board may grant the applicant a reduction in the code-mandated green space requirement. However, the applicant is strongly encouraged to explore ways to meet the 45% requirement and if it truly cannot be met, provide a detailed rationale as to why.

6. 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 grocery store use complies with the combined standards of the Office – Low Density District (BE-L) and Incentive Zoning for this development.
 - b. The Planning Board finds that ***more information/clarification on certain operational aspects of the grocery store is needed*** before it can find that the proposed use is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). Specifically, the hours of operation including deliveries. The location and size of the grocery store, the intensity, size of the site and access must be considered in the Board's review.
 - c. The Planning Board finds that ***more information/clarification on the parking analysis is needed*** before it can find that the establishment of a grocery store 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 grocery store will be built on a newly developed site, the overall development of which was reviewed during Phase 1. Therefore, the specific development of the grocery store will 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 grocery store 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 grocery store will be adequately served by essential public facilities.
 - g. The Planning Board finds that the establishment of a grocery store will not result in the loss or damage to trees.
 - h. The proposed finds that the establishment of a grocery store in this location essentially conforms to the Town's Comprehensive Plan: Envision Brighton 2028. Specifically Volume 2, Pages 40-41, the South Clinton Avenue Land Use Subarea. "Predominant land uses should continue to reflect general office and commercial development."

TOWN ENGINEER: See attached memo dated 10-16-2023 (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 applicant is requesting to increase the overall site impervious coverage from the allowable 55% to 56.75% on the property located at 1905/1925 South Clinton Avenue. This request should also include 1825 S. Clinton Avenue. Will the impervious threshold of 55% be exceeded with the completion of Phase 3? Otherwise, the future phases may

be able to be modified to provide additional green space and the 55% threshold can be maintained. It may be premature to grant this relief. Also, the plans indicate that 367 parking spaces are required by the Town Code for the overall project and 384 spaces are being proposed. Additional green space could be obtained by reducing the number of parking spaces provided.

2. The project must adhere to the hours of operation identified in Schedule B, 1925 South Clinton Avenue Incentive Zoning Regulations. What are the operating hours for the Aldi's store and when will deliveries be received?
3. The updated Traffic Memorandum indicates that the proposed use, an Aldi's grocery store will generate an increase of 7 trips in the morning and 90 trips in the evening. The revised evening trips represent a 25% increase in traffic generated by the project. This represents a significant increase in traffic. The September 8, 2017, Traffic Impact Study concluded that a signal will likely be warranted once the proposed development and the background developments become occupied. The September 8, 2017, Traffic Impact Study should be amended to consider this additional traffic, the resulting level of service at the surrounding intersections and the need for a traffic signal at the northern entrance to the project site opposite of Rue De Ville. The amended report should be submitted to the Monroe County Department of Transportation for review.
4. The striped area east of the Aldi's loading area may require an area variance and appropriate easements. The applicant should consider removing the striped area and providing additional green space.
5. The applicant must complete a Fire Apparatus Access and Fire Worksheet and submit the completed sheet to the Fire Marshal for review. An additional hydrant may be required to meet the 150-foot fire hose rule that is illustrated on the worksheet.
6. The truck turning radius shown on the site plan indicates that large delivery trucks will need to utilize the oncoming traffic lane to negotiate the parking lot. Deliveries should occur during periods of minimal traffic.
7. The existing soil pile north of the Aldi's parking area and located on the vacant building pad must be removed. The grading plan should show the removal of this material.

SEWER DEPARTMENT:

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

1. Sewer permit
2. Cleanouts shall be provided within 5' outside of the building and a maximum spacing of 75' between cleanouts.

CONSERVATION BOARD:

Advisory comments

1. Bicycle parking (racks) close to the Aldi's building should be incorporated into the project. If possible, weather protection should be provided for the bicycle parking (racks).

ENVIRONMENTAL REVIEW/SEQR

This proposed modification falls within the parameters of the previous environmental

determination for Phase 2, adopted by the Planning Board 3-15-2022, which in turn was the Planning Board's adoption of the original environmental determination made by the Town Board for the overall project. No further review is required.

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. Submit additional information that addresses the general topics raised in this staff report and the accompanying Town Engineer memo, including but not limited to:
 - a. Clarification/resolution of the traffic analysis, including agreement by Monroe County
 - b. Adherence to the green space requirement or a justification as to why the project cannot adhere to that requirement.
 - c. Confirmation that Aldis will adhere to the hours of operation requirements of this zoning district, including deliveries. If not, an application for extended hours of operation shall be made.
 - d. Fire and delivery truck maneuvering and access information

For a complete list of specific requirements, please refer to the attached memo dated 10-16-2023.

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

Memo

Date: October 16, 2023

From: Michael E. Guyon

To: Jason Haremza

Copy: File, Evert Garcia

Re: Application 10P-03-23

1925 South Clinton Avenue

Application of 1925 South Clinton LLC, owner, and Costich Engineering, agent, for Final Site Plan Approval and Conditional Use Permit Approval (Phase 3) to construct a 20,664 +/- sf Aldi grocery store on lot 2 and to allow overall site impervious coverage to increase above the allowable 55 % to 56.75%.

We have completed our review of the above reference project and offer the following comments for your consideration:

General:

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided with copies of each Town easement with the liber and page of filing. Upon filing, all easements will have to be noted upon the resub map (with ownership, purpose and liber/page) prior to the site or subdivision plans being signed by the DPW.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: the roadway, sanitary sewer, storm sewer, water main, stormwater management facilities, sediment and erosion control and landscaping. The letter of credit should be submitted to the Town for review and approval.
3. 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.
4. Will any component of the project be LEED certified? The applicant should identify which components will be certified and the level of certification.
5. The applicant is requesting to increase the overall site impervious coverage from the allowable 55% to 56.75% on the property located at 1905/1925 South Clinton Avenue. This request should also include 1825 S. Clinton Avenue. Will the impervious threshold of 55% be exceeded with the completion of Phase 3? Otherwise, the future phases may be able to be modified to provide additional green space and the 55% threshold can be maintained. It may be premature to grant this

relief. Also, the plans indicate that 367 parking spaces are required by the Town Code for the overall project and 384 spaces are being proposed. Additional green space could be obtained by reducing the number of parking spaces provided.

6. Will Aldi's grocery store include on-premises food preparation and/or the sale of food capable of being immediately consumed which is sold in disposable packaging? These conditions require that the project comply with Section 207-14.2 of the Town of Brighton Town Code.
7. The project must adhere to the hours of operation identified in Schedule B, 1925 South Clinton Avenue Incentive Zoning Regulations. What are the operating hours for the Aldi's store and when will deliveries be received?

Phase 3 Engineer's Report

1. The water distribution calculations suggest that there is adequate flow and pressure to serve the proposed Aldi's project. However, a map showing the water network must be provided to complete the review of the calculations.
2. The SWPPP should be amended to reflect the changes to the project. Calculations demonstrating that adequate water quality treatment volume has been provided for Phases I through III should be provided for review. A map including the proposed topography illustrating the revised drainage areas must be included with the calculations. The calculations provided in the Engineer's report cannot be reviewed without the corresponding drainage mapping.
3. The updated Traffic Memorandum indicates that the proposed use, an Aldi's grocery store will generate an increase of 7 trips in the morning and 90 trips in the evening. The revised evening trips represent a 25% increase in traffic generated by the project. This represents a significant increase in traffic. The September 8, 2017, Traffic Impact Study concluded that a signal will likely be warranted once the proposed development and the background developments become occupied. The September 8, 2017, Traffic Impact Study should be amended to consider this additional traffic, the resulting level of service at the surrounding intersections and the need for a traffic signal at the northern entrance to the project site opposite of Rue De Ville. The amended report should be submitted to the Monroe County Department of Transportation for review.

GA002 Phase III General Notes and Legend Sheet:

1. The project description must be consistent with the proposed project.
2. General Notes number 10 should be revised as follows: "All construction shall conform to Town of Brighton Standards and shall be subject to the inspection and approval of the Town of Brighton." Deviations from the Town of Brighton requirements should be listed on the plans.
3. General Notes number 26 should also reference the New York State Building Code.

CA100 Phase III Existing Features/Demolition Plan:

1. The proposed driveway will require numerous access easements to permit the free movement of traffic from parcel to parcel. Reciprocal access easements have been provided for Lots 1, 2, 3 and 1969 S. Clinton. These easements do not address access to vehicles from the Brighton LLC property at 2001 S. Clinton Ave. Reciprocal access easements That include 2001 S. Clinton will be required for the following properties: 2001 Clinton Avenue, 1969 Clinton Avenue, 1925 S. Clinton Avenue, 1905 S. Clinton Avenue, and possibly 1825 S. Clinton Avenue.

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. The buffer area along the western property line should be noted and delineated.
3. The owner or operator must keep the SWPPP current so that it at all times accurately documents the erosion and sediment control practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the owner or operator shall amend the SWPPP, whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants. The SWPPP should be amended to consider Phase III of the project and associated erosion control features.

Sheet CA111 – Phase III Site and Pavement Marking Plan

1. Stop signs and stop bars should be installed at the southern project access drive to minimize conflicts between traffic entering the site with north/south traffic.
2. Additional crosswalks should be provided to direct pedestrians from the center parking area across the drive aisle that extends along the front of the Aldi's building. For example, a crosswalk should be considered at the west end of bioretention area #2 to direct pedestrians across the drive aisle to the sidewalk on the western side of the roadway.
3. A stop bar and stop sign should be provided on the southernmost intersection between the parking lot and the access road to 2001 S. Clinton Road.
4. The applicant should consider reducing the number of entrances onto the new driveway between the 2001 S. Clinton Ave. property and the southern entrance drive. Also, a centerline stripe should be considered for this section of driveway.
5. The beginning and termination of curbing must be clearly identified on the plans.
6. All sidewalk construction shall comply with the Americans with Disabilities Act.
7. Is there sufficient snow storage? How was the snow storage area determined?
8. The striped area east of the Aldi's loading area may require an area variance and appropriate easements. The applicant should consider removing the striped area and providing additional green space.
9. The applicant must complete a Fire Apparatus Access and Fire Worksheet and submit the completed sheet to the Fire Marshal for review. An additional hydrant may be required to meet the 150-foot fire hose rule that is illustrated on the worksheet.
10. The truck turning radius shown on the site plan indicates that large delivery trucks will need to utilize the oncoming traffic lane to negotiate the parking lot. Deliveries should occur during periods of minimal traffic.

Sheet CA121 Phase III Utility Plan

1. The Aldi's sanitary sewer lateral invert elevation at the manhole is different than the invert elevation shown on the plans included with the Phase II Modified Site Plan request. The lateral invert elevations should be consistent and coincide with the invert elevation of the dedicated sanitary sewer.

2. Cleanouts shall be provided within 5 feet outside of the right of way or easement line and a maximum spacing of 75 feet between cleanouts thereafter up to the building. Cleanouts used in paved areas shall be placed in a cast iron frame and cover and installed flush with finished grade. The castings shall be in accordance with the Town of Brighton Specifications for Dedication. The cleanout locations must be shown on the plans.
3. Lateral connection invert elevations at manholes must be consistent with the mainline invert elevations. The manhole bench construction must consider the lateral installation.
4. The roadway light poles conflict with the lateral locations. The lighting pole and/or lateral locations should be reviewed.
5. Bio-retention area #5 must be constructed as part of Phase III.
6. The Engineers Report for Phased Bioretention Build Out, dated September 1, 2022, indicates that the stormwater from the Aldi's building was to be direct to bioretention area #5. The plans indicate that a portion of the roof drainage will be collected and discharged to the existing stormwater management facility. The stormwater calculations must be revised and resubmitted for review. The stormwater calculations must consider Phases I through Phase III.
7. The storm sewer collection system configuration is different than the system initially proposed. Calculations must be submitted demonstrating that the collection system has sufficient capacity to accommodate the Phase III modifications.

Sheet CA131 – Phase III Grading and Erosion Control Plan

1. Bioretention area #5 must be installed, and the grading plan must reflect its construction.
2. How will stormwater be conveyed to the bioretention facilities? A detail must be provided showing how the stormwater will be collected and discharged to these facilities.
3. The existing soil pile north of the Aldi's parking area and located on the vacant building pad must be removed. The grading plan should show the removal of this material.
4. A sediment basin appropriately sized should be considered prior to the discharge of stormwater into bio-retention facility #5.
5. During the site construction, the bio-retention areas must be protected from the deposition of sediment. Erosion control measures to limit the deposition of sediment within the bio retention areas must be shown on the plans.
6. The existing stormwater management facility and the bio-retention facilities should be inspected for the deposition of sediment once the site has been stabilized. Sediment must be removed from these facilities and disposed of following the stabilization of the site.
7. The concrete wash-out area should be shown on the plans.
8. Stockpile areas and associated erosion control must be shown on the plans.
9. The proposed grading plan indicates that the stormwater will be directed across the stone dust trail. This is not acceptable, and a culvert may be required to convey the stormwater beneath the trail.

Sheet CA140 – Phase III Phasing Plan

1. The Phasing legend provided on the Phasing Plan does not differentiate between Phase 3 and the Future Phase. Please revise.

Sheet EA100 & EA101 Phase III Lighting Plan

1. The proposed parking lot lighting will provide a maximum horizontal illuminance of approximately 6.0 footcandles directly beneath the light fixture. The applicant should demonstrate that the proposed lighting is consistent with the IESNA recommendations. In addition, the proposed lighting fixtures will be approximately 27 feet high. The fixture will be visible from S. Clinton Avenue and could produce glare that would distract drivers. The height of the lights should be reviewed.

Sheet LA100 & LA110 – Phase III Landscape Plan

1. Additional landscape screening should be provided between the new driveway and the rear property line of 1981 S. Clinton Ave.
2. The applicant should consider providing additional landscaping along the rear of Aldi's grocery building to screen the view from the existing apartments to the west.

PLANNING BOARD REPORT

HEARING DATE: 10-18-2023

APPLICATION NO: 10P-04-23

OpenGov reference no: PB-23-12

LOCATION: 2253 South Clinton Avenue (AKA 2233 South Clinton Avenue
AKA Building #1)

APPLICATION SUMMARY: Application of Westfall Medical Realty, LLC, owner, and BME Associates, agent, for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a 6,015 sf medical building and reuse the existing foundation to construct a new 6,400 +/- sf medical building on property located at 2253 South Clinton Avenue (AKA 2233 South Clinton Avenue AKA Building #1).

COMMENTS

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

BUILDING AND PLANNING:

1. 2253 South Clinton Avenue is a 7.65 acre parcel containing five medical office buildings interspersed with surface parking lots. The building under review for this proposal is specifically Building #1, which also uses the postal address of 2233 South Clinton Avenue. This is the easterly of the two buildings on the northern portion of the property.
2. The subject property is zoned Office and Office Park District (BE-1)
3. Plan sets dated 9-19-2023 (site plan, existing conditions and demolition plan, utility and grading plan, and erosion control plan) have been submitted.
4. A nearly identical version of this project was reviewed and approved by the Planning Board 7-21-2021.
5. The building in question was reviewed by the Historic Preservation Commission on 9-28-2023. The Commission declined to consider the building for landmark designation.
6. The project requires review by the Architectural Review Board.
7. The site currently lacks any formalized pedestrian access. Given the opportunity this project provides, consideration should be given to constructing a sidewalk from the front door of the re-constructed Building #1 to the existing public sidewalk on the south side of Westfall Road. This, in turn, provides a connection to the nearest transit stop, approximately 1,600 feet to the east at the intersection of Westfall Road and Lac De Ville Boulevard.

TOWN ENGINEER: See attached memo dated 10-17-2023. All 18 items in the memo must be addressed. The outstanding items are generally of a technical nature, related to stormwater calculations, water service, and letter of credit, and do not rise to the level of hindering approval.

SEWER DEPARTMENT:

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

1. Sewer permit required.
2. Sanitary lateral must be capped and inspected prior to demo.

CONSERVATION BOARD:

Advisory comments

1. Existing foundation plantings if to remain will need to be analyzed after construction and replaced where needed. If foundation plantings are to be removed as part of demolition then a foundation planting plan should be submitted for review.

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 Demolition Review and Approval and Preliminary/Final Site Plan Approval.

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. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, 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. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the demands associated with this project must be provided.
 - c. Calculations must be provided demonstrating the sanitary sewer demand of the proposed project.
 - d. Technical documentation must be provided demonstrating that the increase in stormwater runoff resulting from the proposed improvements will have minimal impact to the existing stormwater system.
 - e. The disturbed area illustrated on the plans appears to be greater than 20,000 square feet. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a

Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. Please develop a SWPPP for this project. The SWPPP must meet the design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer.

For a complete list of specific requirements, please refer to the attached memo dated 10-17-2023.

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. 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. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.
6. 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: 10P-04-23

Date: 10-18-2023

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 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: Demolition Review and Approval and Preliminary/Final Site Plan Approval

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Westfall Medical Realty, LLC, owner, and BME Associates, agent, for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a 6,015 sf medical building and reuse the existing foundation to construct a new 6,400 +/- sf medical building on property located at 2253 South Clinton Avenue (AKA 2233 South Clinton Avenue AKA Building #1).

Location: 2253 South Clinton Avenue (AKA 2233 South Clinton Avenue AKA Building #1)

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 significant adverse noise or visual impacts.
3. Agriculture, Archeology, Historic, Natural, or Cultural Resources, Community or

Neighborhood Character. The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The site has been previously developed, so no significant cultural resources should be disturbed.

4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains. The Project will not have a significant adverse impact on plant or animal life, as natural habitat on the site is extremely limited, particularly in the area of this specific building, which is being demolished and rebuilt on the same footprint. The overall site has been previously developed and currently consists of buildings, paved parking areas, and mowed lawns.

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 no impact to natural resources.

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: 10-18-2023

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
Telephone: 585-784-5228



Historic Preservation Commission

Secretary – Jason Haremza, AICP

September 29, 2023

Town of Brighton Planning Board
2300 Elmwood Avenue
Rochester, New York 14618

Re: Historic Preservation Commission Advisory Report -
Demolition of 2253 South Clinton Avenue

To the Planning Board:

The Historic Preservation Commission reviewed the demolition application for 2253 South Clinton Avenue (Building #1 AKA 2233 South Clinton Avenue) at the 9-28-2023 meeting. The Commission decided not to schedule a public hearing to consider the property for landmark status.

Sincerely,

Jason Haremza, AICP
Secretary, Historic Preservation Commission



Public Works Department

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

Brendan Ryan
Assistant Engineer

MEMO

Date: October 17, 2023

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 10P-04-23
Westfall Medical Realty, LLC, Owner
Demolition review and approval and Preliminary/Final Site Plan approval to raze a 6,015 sf medical building and reuse the existing foundation to construct a new 6,400 +/- sf medical building
2233 South Clinton Avenue*

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

General:

1. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water service, stormwater management, and sediment and erosion control. An estimate for this letter of credit should be submitted to the Town for review and approval.
2. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>
3. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
5. Demolition will require a sewer permit including a stipulation that the existing sanitary sewer lateral be capped before demolition.
6. All Town and Monroe County Pure Waters requirements for sanitary sewer use must be adhered to.
7. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process. A note stating this should be provided on the plans.

Engineer's Report:

1. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the demands associated with this project must be provided.
2. Calculations must be provided demonstrating the sanitary sewer demand of the proposed project.

3. Technical documentation must be provided demonstrating that the increase in stormwater runoff resulting from the proposed improvements will have minimal impact to the existing stormwater system.

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.

Construction Erosion Control Plan

1. The proposed limits of disturbance appear to include a large area behind the building with no proposed work shown. Is any work being proposed in this area?
2. The disturbed area illustrated on the plans appears to be greater than 20,000 square feet. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. Please develop a SWPPP for this project. The SWPPP must meet the design criteria set forth in the most recent version of the Town of Brighton's Design Standards; NYS Stormwater Management Design Manual; and NY Standards and Specifications for Erosion and Sediment Control; and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Town Engineer.

Utility and Grading Plan

1. The design engineer has indicated that all roof leaders for the new building will connect to the existing storm sewer system. The location of the existing storm sewer and proposed conductors should be depicted on the plans.
2. The material type for the proposed 4" fire service should be called out on the utility plan.
3. A geothermal permit from the Town of Brighton has previously been obtained for this site, but the well field is shown as proposed on the plans. Was this work completed?

Notes:

1. Standard MCWA water service notes should be provided on the plans.
2. 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: 10-18-2023

APPLICATION NO: 10P-05-23

OpenGov reference no: PB-23-13

LOCATION: 2750 Monroe Avenue (AKA 2780 Monroe Avenue)

APPLICATION SUMMARY: Application of Daniele, SPC, LLC, owner, and Jigar Gandhi, lessee, for Conditional Use Permit Approval to allow for a Crumbl Cookies bakery on property located at 2750 Monroe Avenue (AKA 2780 Monroe Avenue).

COMMENTS

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

BUILDING AND PLANNING:

1. 2750 Monroe Avenue currently contains four single story commercial buildings; the eastern portion of the Whole Foods Plaza.
2. The subject property is zoned General Commercial District (BF-2) with Incentive Zoning.
3. Floor plans and a site diagram have been submitted.
4. Please clarify the proposed hours of operation.
5. 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 bakery 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 bakery, 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 bakery 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 bakery 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 bakery 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 bakery will be adequately served by essential public facilities.
- g. The Planning Board finds that the establishment of a bakery will not result in the loss or damage to trees.
- h. The proposed finds that the establishment a bakery in this location essentially conforms to the Town Comprehensive Plan: Envision Brighton 2028. Specifically Economic Vitality Policy (volume 2, page 16): “Attract and promote the sustainable development of quality...commercial uses in areas with existing infrastructure, in an effort to expand the Town’s local tax base while providing...desired goods and services, and without compromising other community goals.”

TOWN ENGINEER: NONE

SEWER DEPARTMENT: NONE

CONSERVATION BOARD: NONE

Advisory comments

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. Applicant shall obtain the necessary approvals of the Zoning Board of Appeals
2. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, Town Engineer, and Building and Planning Department

3. Monroe County and NYSDOT comments, if any, shall be addressed.
4. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.



Historic Preservation Commission

Secretary – Jason Haremza, AICP

September 29, 2023

Town of Brighton Planning Board
2300 Elmwood Avenue
Rochester, New York 14618

Re: Historic Preservation Commission Advisory Report -
Demolition of 125 Old Mill Road

To the Planning Board:

The Historic Preservation Commission reviewed the demolition application and Cultural Resources Survey at the 9-28-2023 meeting. The Commission decided to consider this property for landmark designation and scheduled a public hearing for 11-16-2023.

Sincerely,

Jason Haremza, AICP
Secretary, Historic Preservation Commission