

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF JANUARY 17, 2024  
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

7PM

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members.

CHAIRPERSON: Approval of 12-20-2023 minutes

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 1-11-2024 will now be held.

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**Application Number: [12P-02-23](#) [Additional Information](#)**

*OpenGov reference no: PB-23-23*

2525 West Henrietta Road

Application of Vision Hyundai, owner, and Andrew Spencer, BME Associates, agent, for Preliminary/Final Site Plan Approval to construct a 1,244 sf service department building addition along with other minor site improvements on property located at 2525 West Henrietta Road. All as described on application and plans on file. **TABLED 12-20-2023; PUBLIC HEARING REMAINS OPEN**

**Application Number: [1P-01-24](#)**

*OpenGov reference no: PB-24-1*

1666 South Winton Road

Application of the Talmudical Institute of Upstate New York, owner, and Betsy Brugg, Woods Oviatt Gilman, agent, for Site Plan Modification to modify an Approved Site Plan (10P-01-22) and EPOD Permit (watercourse) which allowed for a 23,000 +/- sf school building addition (with an additional 8,700 sf future phase) and Preliminary/Final Site Plan Approval to construct an additional 24,300 +/- sf school building addition all in one phase on property located at 1666 South Winton Road. All as described on application and plans on file.

**Application Number: [1P-02-24](#)**

*OpenGov reference no: PB-23-25*

1919 Elmwood Avenue

Application of Robert Hurlbut, owner, and Thomas Fitzgerald, MRB Group, agent, for Preliminary/Final Site Plan approval to construct a 4,870 +/- sf nursing home addition on property located at 1919 Elmwood Avenue. All as described on application and plans on file.

**Application Number: [1P-03-24](#)**

*OpenGov reference no: PB-23-26*

500 Canal View Boulevard

Application of Canal View Holdings LLC, owner, and Kenneth Bracker, agent, for Conditional Use Permit Approval to allow for a general office with a light duty electrical laboratory facility on property located at 500 Canal View Blvd. All as described on application and plans on file.

NEW BUSINESS:

NONE

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

SIGNS:

<a href="#"><u>1708</u></a>	2090 S Clinton Av Jessica Costa	Free standing sign [variance required] Northridge Church/Gastroenterology Group of Rochester <i>ARB 12-19-2023 Recommend approval as presented</i>
<a href="#"><u>1709</u></a>	1655 Monroe Av Jessica Costa	Building face sign High Falls/Sotheby's International Realty <i>ARB 12-19-2023 Recommend approval as presented</i>
<a href="#"><u>1710</u></a>	1925 S Clinton Av Paul Colucci	Free standing signs Aldi/Encore at Lac De Ville <i>ARB 12-19-2023 Recommend approval as presented, with recommendations</i>
<a href="#"><u>1711</u></a>	150 Sawgrass Dr Ryan Kelly	Free standing sign [variance required] Golisano Institute for Business & Entrepreneurship <i>ARB 12-19-2023 Recommend approval as presented</i> <b>POSTPONED BY APPLICANT</b>
<a href="#"><u>1712</u></a>	2900 Monroe Av Chris Bonacci	Building face sign The Great Frame Up <i>ARB 12-19-2023 Recommend approval as presented</i>

## PLANNING BOARD REPORT

**HEARING DATE:** 1-17-2024

**APPLICATION NO:** 12P-02-23

*OpenGov reference no:* PB-23-23

**LOCATION:** 2525 West Henrietta Road

**APPLICATION SUMMARY:** Application of Vision Hyundai, owner, and Andrew Spencer, BME Associates, agent, for Preliminary/Final Site Plan Approval to construct a 1,244 sf service department building addition along with other minor site improvements on property located at 2525 West Henrietta Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. The subject property is zoned General Commercial (BF-2).
2. The property contains a 26,000 (+/-) square foot, single story structure, used for retail since the 1970s and used for vehicle sales since approximately 1987.
3. A survey, site plan, and architectural plan set have been submitted.
4. Review of aerial images show that the dirt/gravel area on 2577 West Henrietta Road was enhanced/expanded with additional gravel or asphalt millings in 2021 or 2022 and used for vehicle storage space.
5. This application is limited to 2525 West Henrietta Road. The current owners of Vision Hyundai inherited certain site issues and were not fully aware of the history of this site and the three properties that, at times, have been involved (2525, 2577, and 2595).

Since the 12-20-2023 Planning Board meeting, the applicant has met with town staff and has agreed to remove vehicle storage and other operations from 2577 West Henrietta Road and restore the front of the property to lawn (see 1-4-2024 letter from BME Associates in the additional application materials). Any future improvements on 2577 West Henrietta Road will be reviewed and approved separately.

6. With regard to future site planning, the applicant is encouraged to work with their neighboring property owner to the south to establish cross access so that Vision Hyundai customers and employees could, in the future, access the signalized intersection for Movies 10.
7. See the attached memo from Assistant Town Engineer Brendan Ryan, dated 1-16-2024.

The applicant shall respond to all 13 items listed in this memo.

8. See aerial imagery and GIS parcel information at the end of this section for project orientation.
9. The project was reviewed and approved as presented by the Architectural Review Board (ARB) on 12-19-2023.



**TOWN ENGINEER:** See attached memo dated 1-16-2024. Thirteen items remain to be resolved, including providing information related to location of the gas line and gas meter as well as stormwater discharge. However these and other remaining issues are largely technical in nature and are an impediment to Planning Board approval. The applicant shall respond to all 13 items in the memo.

**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.*

1. Oil separator must comply with NYS Plumbing code as well as Town code. Oil separator must be able to adequately accommodate site additions.

**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)(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.

## **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, Assistant Town Engineer, Building and Planning Department, and Fire Marshall.
2. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. Monroe County comments shall be addressed.



## Public Works Department

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

**Brendan Ryan**  
Assistant Engineer

Date: January 16, 2024

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 12P-02-23*  
*Application of Vision Hyundai Henrietta, owner, for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 1244 +/- sf building addition*  
*2525 West Henrietta Rd*

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

### **General:**

1. 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. 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.
4. 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>

### **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.
2. The applicant should consider provisions to promote sustainable transportation such as bicycle parking.
3. The applicant should consider provisions to reduce stormwater runoff and impervious cover where possible

### **Site Plan:**

1. How would the stormwater from the proposed addition be handled (connection points to storm sewer, surface discharge, dry well, etc)? Please mark leader connections to storm sewer on the plans.

2. Where is the power for the new Level 3 DC charging stations being drawn from? Will there be any new infrastructure and/or utility improvements necessary to provide power to these stations?
3. The plans should depict how the gas line is being re-routed in at least a schematic level to clarify the extents of any additional site work that will be required.
4. The location of the gas line underground along with any excavation required for the relocation of the meters should be shown on the plans.

**General Notes:**

1. 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.
2. An erosion and sediment control plan must be provided.



## PLANNING BOARD REPORT

**HEARING DATE:** 10-18-2023

**APPLICATION NO:** 1P-01-24

*OpenGov reference no:* PB-24-1

**LOCATION:** 1666 South Winton Road

**APPLICATION SUMMARY:** Application of the Talmudical Institute of Upstate New York, owner, and Betsy Brugg, Woods Oviatt Gilman, agent, for Site Plan Modification to modify an Approved Site Plan (10P-01-22) and EPOD Permit (watercourse) which allowed for a 23,000 +/- sf school building addition (with an additional 8,700 sf future phase) and Preliminary/Final Site Plan Approval to construct an additional 24,300 +/- sf school building addition all in one phase on property located at 1666 South Winton Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. The property had previously received on 11-1-2022:
  - (1) Conditional Use Approval for The Montessori School of Rochester
  - (2) Site Plan Approval, EPOD (watercourse) Permit Approval and Conditional Use Permit Approval to construct a 23,000 +/- sf building addition (with an additional 8,700 sf future phase), to re-purpose the former Brookside School for the use by the Talmudical Institute of Upstate New York
2. The subject property is zoned Low Density Residential B (RLB).
3. A survey and site plan drawing sets dated 4-19-2022, revised 12-18-2023, have been submitted.
4. The project will be reviewed by the Architectural Review Board (ARB) on 1-23-2024.
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 school use complies with the combined standards of the Low Density Residential B (RLB) for this development.
  - b. The Planning Board finds that the proposed school 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.
  - c. The Planning Board finds that the establishment of a school 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.  
*Documentation that the 176 parking spaces proposed will be adequate for all uses on the site.*

- d. The school addition will be built on a developed site. 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. *The 2022 review included a letter from the State Historic Preservation Office. A copy or updated version of that letter should be submitted.*
- e. The Planning Board finds that the establishment of a school 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 school will be adequately served by essential public facilities.
- g. The Planning Board finds that the establishment of a school will not result in the loss or damage to trees.
- h. The proposed finds that the establishment of a school in this location essentially conforms to the Town's Comprehensive Plan: Envision Brighton 2028. Specifically, the Sense of community Statement and Objective: Objective F: Maintain the attributes of the community that support our world-class educational system, diverse cultural and religious history, and inclusive community environment.

**TOWN ENGINEER:** See attached memo dated 1-15-2024 (Note: SWBR is providing engineering services to the Town on an interim basis). The memo includes 65 items, all of which must be addressed in writing by the applicant. The following items from the memo are of particular note:

1. The revised plans include a berm along the northeast corner of the project site adjacent to the residential properties. It is imperative that the drainage along the east side of the berm is captured and directed away from the residential properties. There shall be no ponding of water along the rear of the residential properties.
2. The traffic engineering services letter prepared by SRF associates should be revised to consider the current project.
3. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenterNiew/4393>
4. Several issues related to stormwater management

**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.*

1. Sewer construction permit
2. Existing sanitary manhole must be plugged at the southwest invert prior to demo
3. Grease trap/food prep
4. Need details on pool connections.
5. Profile not provided as called out on plans for storm crossing near SA-4

## **CONSERVATION BOARD: NONE**

*Advisory comments*

## **ENVIRONMENTAL REVIEW/SEQR**

This project has been classified by the Town of Brighton as a Type 1 Action. A long Environmental Assessment Form (EAF) was submitted by the application on 1-16-2024, superseded the previously submitted short EAF. Review of the long environmental assessment form is ongoing and a determination is pending.

## **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. Drainage and stormwater
  - b. Grading and erosion control
  - c. Water service and fire protection
  - d. Updated traffic and parking information
  - e. Fire and delivery truck maneuvering and access information
  - f. Construction phasing and access for other users
  - g. State Historic Preservation Office (SHPO) sign off

For a complete list of specific requirements, please refer to the attached memo dated 1-15-2024.

2. Monroe County comments shall be addressed.

# Memo

Date: January 15, 2024

From: Michael E. Guyon

To: Jason Haremza

Copy: Evert Garcia, Rick DiStefano

Re: Application No. 1P-01-24  
1666 South Winton Road  
Talmudical Institute of Upstate New York, Site Plan Modification to modify an Approved Site Plan (10P-01-22) and EPOD Permit (watercourse) which allowed for a 23,000 +/- sf school building addition (with an additional 8,700 sf future phase) and Preliminary/Final Site Plan Approval to construct an additional 24,300 +/- sf school building addition all in one phase.

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

## General:

1. It is our understanding that the portion of the building occupied by the Town of Brighton and the existing daycare will remain open during the entirety of the project. A description of how this will be accomplished should be submitted to the Town for review. A phasing plan should be provided.
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/DocumentCenterNiew/4393>
3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: the landscaping, sanitary sewer, storm sewer, water main, stormwater water management facilities, earthwork, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval.
4. The owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at

reasonable times for periodic inspection by the Town, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by the Code of the Town of Brighton. If necessary, the agreement will allow the Town to implement emergency repairs to protect the health, safety and welfare of the public. This agreement must be filed in the MCCO prior to obtaining final signatures on the plans.

5. The revised plans include a berm along the northeast corner of the project site adjacent to the residential properties. It is imperative that the drainage along the east side of the berm is captured and directed away from the residential properties. There shall be no ponding of water along the rear of the residential properties.

**Roadway and Traffic:**

1. Construction vehicles, Delivery vehicles and other equipment used for construction of the proposed development and will cross the Columbus Way bridge shall not exceed the load rating values analyzed in the Load Rating and Condition Assessment Report by Erdman Anthony.

**Engineer's Report:**

1. The traffic engineering services letter prepared by SRF associates should be revised to consider the current project.
2. The plans indicate that irrigation will be provided for the grass playing area. The water system design must consider the water demands from this irrigation system.
3. The anticipated sanitary sewer flows referenced in section three of the engineer's report are not consistent with the flows calculated in the appendix.
4. The Fire Marshal's office has request supporting calculations demonstrating how the required fire flow was determined and how the anticipated demand for the automatic fire sprinkler system was established. The Fire Marshal's office recommends using Appendix B and Appendix C of the Fire Code of New York State to determine the required fire flow.
5. Are fire hydrants located within 600 feet of the perimeter of the facility?
6. Has the MCWA been consulted regarding backflow prevention for the project? It is not uncommon for the MCWA to require that the installation of the backflow prevention device be located closer to the public watermain.
7. The Engineer's report indicates that a domestic water demand of 10,220 gal/day with a peak demand of 60 gallons per minute is anticipated. Documentation supporting this demand should be provided.
8. Calculations demonstrating that the proposed grease trap complies with the NYS Plumbing code must be provided.

9. Has an “all-clear” letter from the State Historic Preservation Office, (SHPO) been received? A copy should be provided to the Town of Brighton for their records.

**SWPPP:**

1. The NYS Stormwater Management Design Manual indicates that the slope of the area under the canopy cannot exceed 5% to consider tree planting as a runoff reduction technique. The grading may need to be adjusted along the roadway.
2. The tree planting/tree pit worksheet references 43 trees. We could not identify the trees reference on the spreadsheet. The trees being considered for run-off reduction should be noted on the map provided. This map should also delineate the impervious area treated by the trees.
3. The Flood Insurance Survey indicates that Allens Creek will rise to a level of approximately  $477\pm$  during a 10-year storm event. This suggests that the outfall structure will be operating in a surcharge condition. The design engineer should demonstrate that the outfall structure will operate as designed.
4. SWPPP indicates that a surcharge storm sewer analysis was provided to the town to demonstrate that there was no impact to the building or design. A storm sewer analysis that reflects the current stormwater collection system configuration should be provided. The calculations and information must consider a 25 year and 100 year storm frequency, indicating the consequences of such a storm event and impact on the stormwater system and property. The calculations must consider the surcharge condition of the stormwater collection system.
5. Appendix M must include existing and proposed condition mapping. The areas identified on the mapping must be consistent with the information presented on the Routing Diagram.
6. The Summary for Pond 25P: Proposed SWMF indicates that the pond volume for storm events was computed based on the bottom of the pond. Since the pond will ultimately fill to the lower invert elevation of the outfall structure, the volume available to detain storm runoff should be calculated from this invert elevation.
7. Question number 32A of the NOI questions indicates that the runoff reduction does not meet the minimum RRv required. The NYS Stormwater Management Design Manual indicates that in no case shall the runoff reduction achieved from the newly constructed impervious area be less than the minimum RRv. The plans should meet the minimum RRv value.
8. The construction phasing in sequence plan in the SWPPP indicates that the disturbance on the site shall be limited to less than five acres at any one time and the five acre waiver is not necessary. A phasing plan must be submitted demonstrating how disturbance of the site will be limited to 5 acres.
9. The hydraulic design of the SWMF shall be performed in accordance with the hydrologic criteria specified in Chapter 215 with the ultimate stormwater control being quantified with respect to the watercourse to which the development is

tributary. The ultimate stormwater control capacity volume shall be based upon the design recurrence interval with the discharge rate from the structure's outfall not exceeding the criteria outlined in Chapter 215. For a primary watercourse, the outlet control structure shall be designed to control the difference of the 100 year develop to the 25-year undeveloped. The proposed SWMF shall be designed to meet this requirement. It appears that Appendix N addresses this criteria, however, the appendix does not include a description of the methodology or sufficient mapping to complete our review.

10. Similar to comment 8, it appears that Appendix N addresses the issue regarding the placement of fill in the floodplain. However, we cannot complete our review without a brief narrative describing the methodology used. The analysis should include the size and volume of the existing floodplain and the size and volume of the floodplain following the construction of the project. The analysis must consider the water surface elevation in the stormwater management facility during a 100 year storm event.
11. Calculations demonstrating that the proposed stormwater management facility provides the required Channel Protection Volume, CPv, Overbank protection, Qp, and the Extreme Flood Control, Qf must be provided. This information must be listed in the SWPPP.
12. The Runoff Reduction Volume and Treatment Volumes worksheet indicates that the Pocket Pond P-5 provides a WQv treated of 8200 cubic feet. How was this determined?
13. The stormwater management facility outfall structure information included in the SWPPP is not consistent with the information shown on the detail.
14. A detail of the bioretention area outfall structure should be provided on the plans.
15. The Total Quality Volume Calculation worksheet must include a map showing the catchment areas.
16. The sequence of construction for the development of the site should be included on the Grading and Erosion Control sheet.
17. A copy of the preliminary jurisdictional determination should be forwarded to this office upon receipt by the applicant to confirm the USACOE's review of the wetland delineation performed by Diehlux.

## **Plans**

### **Notes Legend and Abbreviations, Sheet C1.0**

1. The following note should be added to the Erosion Control notes, "*The owner or operator of a construction activity shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Town of Brighton.*"

### **Existing Conditions and Demolition Plan, Sheet V1.0:**

1. A schematic which depicts the proposed phasing plan that defines the maximum disturbed area per phase, and the specific sequencing and phasing that will be done to minimize the amount and duration of exposed areas to the maximum extent practicable must be submitted for review and approval prior to this signing the plans and final acceptance of the SWPPP.
2. Orange construction fencing and silt fence should be consistently depicted on the demolition sheet. There appears to be multiple line types used to delineate construction fencing.
3. The existing drive, parking area and several miscellaneous areas are shown as hatched. A legend or note should be provided to denote the intent of the hatched areas. Should the hatched area include the parking area along the front of the existing building?
4. It is our understanding that the portion of the building occupied by the Town of Brighton and the existing daycare will remain open during the entirety of the project. A description of how this will be accomplished should be submitted to the Town for review. Will there be sufficient parking for the Town and daycare once the demolition is completed?
5. How will sanitary sewer and water service be provided to the occupied portions of the building during demolition and throughout construction.
6. Will access from Winton Road be closed during construction? Will the Idlewood Road access see additional traffic during this period?
7. Will demolition material be stockpiled on site for reuse? The location of the stockpile must be shown on the plans. If the material is to be removed it should be taken from the site within 7 days of its demolition.

#### **Layout Plan, Sheet C2.0**

1. The Layout Plan indicates that the project includes a future building addition of 8,700 sf. Is the applicant seeking approval for this future building addition?
2. A detail of the proposed 3.5' high screen wall called out on this sheet should be provided on the plans.
3. The dumpster enclosure call-out should reference the correct detail.
4. The layout indicates that there will be minor work within the floodway. Will this work involve fill?
5. The applicant should contact the Town of Brighton Recreation Department to determine the required parking to accommodate the recreation staff and participating residents.
6. The plans show 104 parking spaces. The notes indicate 98 spaces. The notes and plans should be consistent.
7. The previous plans contained 189 parking spaces. The latest plans include 176 spaces. Why was the parking reduced?
8. The width of the driveway along the south side of the dorms should be noted on the plans.



9. A detail of the school sign should be provided.

**Utility Plan, Sheet C3.0:**

1. A phasing plan should be provided that illustrates how the portion of the building occupied by the Town and the daycare will remain operational during construction of the utilities.
2. The grease trap sizing calculations shall be submitted for review prior to this department signing the final plans for this project.
3. The invert elevation of 475.9 at the cleanout for the 6" sewer lateral should be verified prior to the final design of the sanitary sewer system. Inadequate separation between the sewer lateral and the proposed 6" DIP water service at the point of crossing can have design implications.
4. The plans should clarify that no east invert will be provided within the Y1-C7 structure as the stormwater through this catch basin is being directed to the new SWMF.
5. The utility plan should show the sprinkler system main service line.

**Grading and Erosion Control Plan, C4.0:**

1. The fence linetypes on this sheet should be revised to clearly indicate what type of fencing is being proposed at the various locations around the site.
2. We suggest that additional sedimentation basins be constructed to minimize the deposition of sediment into the stormwater management facility. The design should consider using the yard inlets as sedimentation sinks. The size and location of the pond will make removing the sediment following construction difficult.
3. A stabilized construction entrance should be installed on the Winton Road driveway. An area to clean the trucks before the enter Winton Road should be provided.
4. Where will materials be stockpiled?
5. I am concerned that the material excavated to construct the stormwater management facility and the paved areas will exceed the material to construct the berm. Earthwork calculations should be provided demonstrating that there is not excessive spoil material.
6. The first floor elevation of the existing building should be shown on the plans.
7. Please confirm that the first floor elevation of the new building shown on the plans represents the entire building.

**Details, Sheets C6-0 -C6.2:**

1. The pavement section should indicate which section is heavy and medium duty.

2. The SWMF Outlet Control Structure detail must be consistent with the information presented in the stormwater calculations.

**Sanitary Sewer Profile, Sheet C7.0**

1. The sanitary sewer profile includes an existing sewer crossing at approximately station
2. 8+40. The utility plan does not show this crossing. Please review the sanitary sewer profile.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: TIUNY - Talmudical Institute of Upstate NY		
Project Location (describe, and attach a general location map): 1666 S Winton Rd Rochester NY 14618		
Brief Description of Proposed Action (include purpose or need): Re-purposing of former Brookside School for educational and public uses. Proposal for Talmudical Institute of Upstate NY (TIUNY) to use a portion of the existing building, 34,000+/- sq ft (previously approved), construct a 20,000+/- sq ft addition, and make related site improvements for operation of their residential school. Remaining building will continue to be leased.		
Name of Applicant/Sponsor: Talmudical Institute of Upstate NY		Telephone: 585-473-2810
		E-Mail:
Address: 769 Park Ave		
City/PO: Rochester	State: NY	Zip Code: 14607
Project Contact (if not same as sponsor; give name and title/role): Matt Tomlinson, Marathon Engineering, Project Manager		Telephone: 585-458-7770
		E-Mail: mtomlinson@marathoneng.com
Address: 39 Cascade Dr		
City/PO: Rochester	State: NY	Zip Code: 14614
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Site Plan, Conditional Use Permit, EPOD Permit	12/19/23
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Town of Brighton ZBA - potential variance	TBD
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Brighton Architectural Review Board	TBD
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Monroe County Health Dept Monroe County Water Authority	TBD
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - stormwater permit	TBD
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FEMA (Administered by Town)	12/19/23
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
RLB: Residential Low Density

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No  
If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Brighton Central School District

b. What police or other public protection forces serve the project site?  
Brighton Police Department

c. Which fire protection and emergency medical services serve the project site?  
Brighton Volunteer Ambulance, Brighton Fire District

d. What parks serve the project site?  
Brighton Community Garden, Buckland Park, Meridian Centre Park

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential secondary school

b. a. Total acreage of the site of the proposed action? 21.8 acres  
b. Total acreage to be physically disturbed? 9.3 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 21.8 acres

c. Is the proposed action an expansion of an existing project or use? ☒ Yes ☐ No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 97 Units: SF

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No  
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 18 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

Driven by enrollment only

f. Does the project include new residential uses? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed.				
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>	
Initial Phase			36 dorm rooms, 4 staff apts	
At completion				
of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>30'</u> height; <u>300</u> width; and <u>150</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>54,000+/-</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater Management Facility</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater runoff</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: <u>0.5</u> acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
_____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
_____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
_____	
_____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	
_____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 10,220 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: MCWA
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

\_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 10,220 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary Waste Water

\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Van Lare
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or <u>2.3</u> acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or <u>21.8</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>New building, parking and sidewalks</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p><u>On-site surface waters</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li style="margin-left: 20px;"><u>Allens Creek</u></li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p style="margin-left: 40px;"><u>Construction equipment and delivery vehicles</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7am-7pm</li> <li>• Saturday: _____ 7am-7pm</li> <li>• Sunday: _____ 7am-7pm</li> <li>• Holidays: _____ 7am-7pm</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24/7</li> <li>• Saturday: _____ 24/7</li> <li>• Sunday: _____ 24/7</li> <li>• Holidays: _____ 24/7</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7am-7pm</li> <li>• Saturday: _____ 7am-7pm</li> <li>• Sunday: _____ 7am-7pm</li> <li>• Holidays: _____ 7am-7pm</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24/7</li> <li>• Saturday: _____ 24/7</li> <li>• Sunday: _____ 24/7</li> <li>• Holidays: _____ 24/7</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7am-7pm</li> <li>• Saturday: _____ 7am-7pm</li> <li>• Sunday: _____ 7am-7pm</li> <li>• Holidays: _____ 7am-7pm</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24/7</li> <li>• Saturday: _____ 24/7</li> <li>• Sunday: _____ 24/7</li> <li>• Holidays: _____ 24/7</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: _____  <u>Typical construction noises are to be expected during regular business hours throughout the construction phase.</u></p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____  <u>18' high LED dark-sky compliant fixtures</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____  <u>Kitchen for school - 3 meals per day. 690'+/- to nearest structure</u></p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____  <u>Lawn maintenance</u></p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	3.6	5.9	+2.3
• Forested	2.7	2.7	-
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	-	-	-
• Agricultural (includes active orchards, field, greenhouse etc.)	-	-	-
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.2	1.0	+0.8
• Wetlands (freshwater or tidal)	1.0	1.0	-
• Non-vegetated (bare rock, earth or fill)	-	-	-
• Other Describe: Lawn	14.3	11.2	-3.1

<p>c. Is the project site presently used by members of the community for public recreation?</p> <p>i. If Yes: explain: <u>Brighton Parks &amp; Recreation occupies, neighborhood uses lawn area</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?</p> <p>If Yes,</p> <p>i. Identify Facilities:</p> <p><u>Torah Loving Care School located on-site</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam?</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?</p> <p>If Yes:</p> <p>i. Has the facility been formally closed?</p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? _____</li> <li>• Explain: _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No												
<b>E.2. Natural Resources On or Near Project Site</b>													
a. What is the average depth to bedrock on the project site? _____ 76' feet													
b. Are there bedrock outcroppings on the project site? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Type D</td> <td style="width: 40%; text-align: right;">100 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		Type D	100 %	_____	_____ %	_____	_____ %						
Type D	100 %												
_____	_____ %												
_____	_____ %												
d. What is the average depth to the water table on the project site? Average: _____ feet													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">100 % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input checked="" type="checkbox"/> Poorly Drained	100 % of site						
<input type="checkbox"/> Well Drained:	_____ % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ % of site												
<input checked="" type="checkbox"/> Poorly Drained	100 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input type="checkbox"/> 0-10%:	_____ % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site						
<input type="checkbox"/> 0-10%:	_____ % of site												
<input type="checkbox"/> 10-15%:	_____ % of site												
<input type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features. <ul style="list-style-type: none"> <li>i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> <li>iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>iv. For each identified regulated wetland and waterbody on the project site, provide the following information:             <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name 846-37, 846-36</td> <td style="width: 50%;">Classification <sup>B</sup> _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name Federal Waters, Federal Waters, Federal Waters,...</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table> </li> </ul>		• Streams:	Name 846-37, 846-36	Classification <sup>B</sup> _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name 846-37, 846-36	Classification <sup>B</sup> _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: _____</li> </ul>													

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 33%;">suburban wildlife</td> <td style="border-bottom: 1px solid black; width: 33%;">song birds</td> <td style="border-bottom: 1px solid black; width: 33%;">deer</td> </tr> <tr> <td style="border-bottom: 1px solid black;">small mammals</td> <td style="border-bottom: 1px solid black;">rodents</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>			suburban wildlife	song birds	deer	small mammals	rodents	
suburban wildlife	song birds	deer						
small mammals	rodents							
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>								
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>								
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>								
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>								
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>								
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>								
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>								
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>								
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>								

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No

#### F. Additional Information


Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

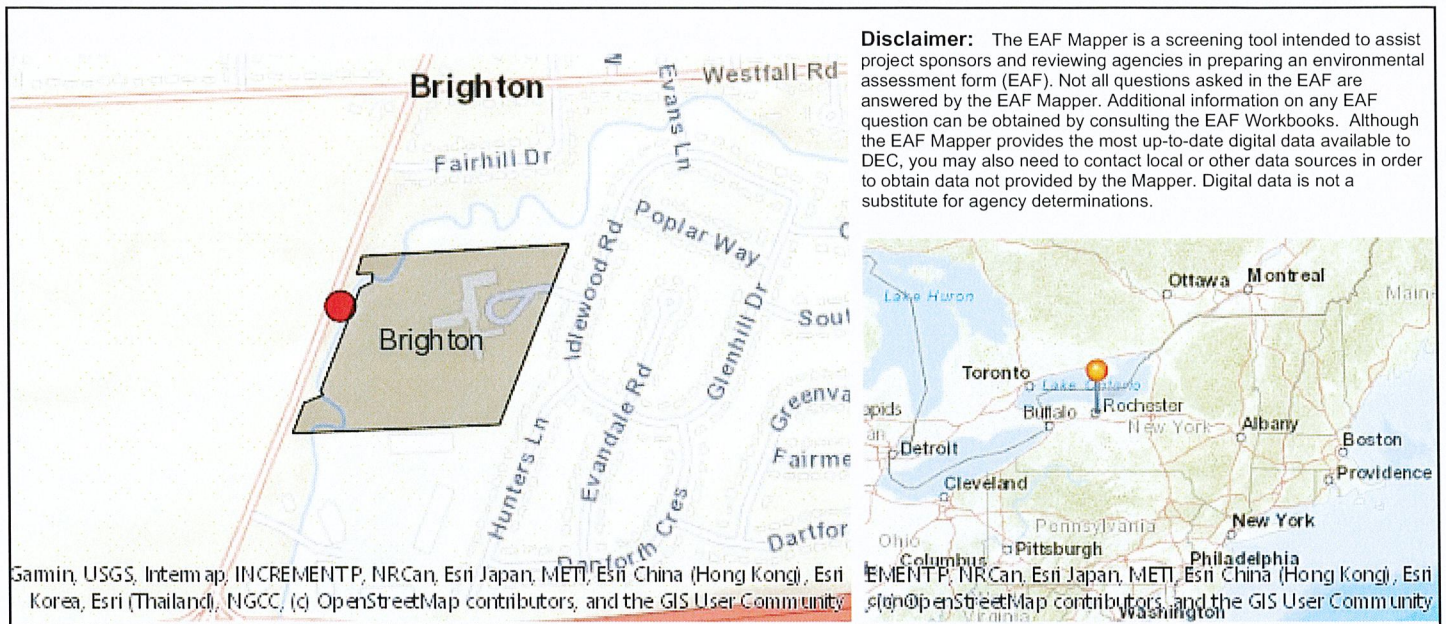
#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Matt Tomlinson, Marathon Engineering as agent Date 01/14/24

Signature  Title Project Manager





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	846-37, 846-36
E.2.h.iv [Surface Water Features - Stream Classification]	B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes



E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**From:** [Peg Warrick](#)  
**To:** [Jason Haremza](#)  
**Subject:** 1P-01-24 application  
**Date:** Monday, January 15, 2024 10:12:11 PM

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Regarding 1P-01-24 for site plan approval of the 1666 Winton Road property:

1. I appreciate how much the traffic has decreased on Idlewood Road with the switch from the Montessori School to Torah Loving Care.
2. I am generally comfortable with the site plan changes in this proposal - especially given that the plan is for the same number of students and the plan shows no increase in the traffic on Idlewood Road.
3. The removal of the extra parking spaces on the Idlewood Road side gives me confidence that we will not see a future increase in traffic through the Idlewood Road entrance. Wonderful.

But part of me still can't help but ask about possible future use of the space in the north wing listed in the new site plan as "Brighton Community Space". If the use of that space changes (e.g. Brighton moves out and the space is used by a new tenant or a new use for TIUNY) I would expect that the original Conditions 33, 34 and 35 as stated in the 11/1/22 Planning Board Minutes continue to hold (with the understanding that "Montessori" has been replaced by "Torah Loving Care"). Those conditions are:

"33. The Talmudical Institute shall direct their traffic and all other traffic, excluding that of the Montessori School, to the Winton Road entrance.

"34. Construction vehicles and all related vehicles and equipment shall NOT use Idlewood Dr to enter or exit the site. All such traffic shall be routed to the entrance from South Winton Rd.

"35. The Talmudical Institute will use as its business address, and shall, prior to the issuance of a certificate of occupancy for the project, require all tenants other than the Montessori School, to change their business and mailing address to 1666 South Winton Road."

Sincerely,  
Peg Warrick  
215 Idlewood Road

January 16, 2024

TIUNY is again presenting information before you, seeking your insight, input, and approval of their property use changes (1666 South Winton Road, 1P-01-24)). As our Town's Planning Board, you've been entrusted to view this application, and all applications, with a critical lens. That lens safeguards adjacent property owners from current and future uses, including potential expansions, potential changes, and chain events caused through your approvals. Your volunteer dedication is appreciated. It is no small task to carry this responsibility.

The current application can be summarized: TIUNY is preparing to build a two-story dormitory at the former Brookside site. Sleeping arrangements for well over 100 residential students, and dozens of instructors and support staff. Some of the space also includes Educational space, and exterior adjustments to account for rainfall, drainage, resurfaced parking, and exterior lighting. It has been noted that there are also aesthetic considerations, as any project of this magnitude should include, especially when situated next to an existing residential neighborhood. This is particularly crucial when transitioning a property's use from public space to private commercial use.

For the past two years, we've been inquiring about the inappropriate use of this space relative to zoning regulations, especially given its current residential designation, which does not permit hosting over 100 temporary residents, even under religious circumstances. While we acknowledge that you may have made private inquiries, we would appreciate having those details documented. ***Would you be willing to share your research publicly during the meeting?***

The questions at hand are ones we trust the Board will address publicly. Public comments, questions, and perspectives serve to protect our collective future interests in this formerly public, now private property. As committed community volunteers, we believe you are cognizant of the significant concerns our neighbors have regarding this project and its potential future scale. ***Will you publicly acknowledge this awareness during the Planning Board meeting on January 17, 2024?***

For decades, neighbors have consistently advocated for the closure of the Idlewood Road driveway entrance to vehicular traffic. This is a fact. Originally designed 80 years ago for public education, the recent sale to a private entity offers an opportune moment for all stakeholders to reassess the property's use. Given the significant changes in roadway infrastructure, environmental standards, safety protocols, and legal requirements over the past eight decades, we believe it's imperative to scrutinize the property's usage objectively. ***We seek your individual perspectives on a specific matter: If it were possible to redirect vehicle traffic to the existing Winton Road entrance/exit, would you support adding this condition to align with the neighborhood's longstanding request?***

As you examine the plans, you will notice some positive changes. Notably, the elimination of the small side parking lot from the Idlewood side entrance is a welcome change. This

adjustment is expected to result in a reduced volume of traffic, which is a favorable concept for the neighborhood.

However, let's consider three things:

- Traffic patterns were never contingent on parking spaces in that lot. While it was utilized, the ongoing discussion has consistently revolved around traffic on Idlewood, particularly the to-and-from vehicle movement to the building. The overwhelming majority of this vehicle traffic derived from drop-offs and pickups to the Montessori School. While the decrease in stationary parking options is positive, it does not address the continued regular, frequent, multi-trip-per-day use of the entrance. ***What evidence, studies, and reports are provided to support a reduction in vehicle traffic to this side of the building?***
- This parking lot is connected to the existing bus loop, and the 8-foot pathway connecting the Winton Road and Idlewood parking areas. The removal of this parking raises questions about its impact. Neighbors proposed widening the walking pathway along the north side of the building to connect the lots, followed by closing the Idlewood entrance to regular vehicle traffic, perhaps with a locked gate, enhancing security, while providing infrequent vehicular access when necessary. Given your commitment to the Planning Board, it's likely you perceive the removal of this lot as further disconnection between the lots. ***Do you also interpret this as a further intention to continue using the bus loop for long-term, regular business purposes?***
- ***If you approve this permit as applied, are there conditions to prevent the future expansion of the parking lot on the Idlewood-facing bus loop?***
- ***What specific expectations do you hold of the landlord concerning the Idlewood vehicle entrance, and how do these expectations translate into requirements through your approval of this plan?***

As you further examine the plans, you will notice the original Conditional Use Permit for the Montessori School to operate at 1666 South Winton Road has not been adhered to, and the school is not currently present at the location. Through your experience on the Planning Board, you know this permit was approved before TIUNY purchased the property. The application for the Montessori School was done expressly for them; the Town's attorney explicitly asked three times in your 2022 Planning Board meeting if all other tenants would use a different entrance (and address). The "expectation", as stated by the Town Attorney, was to necessitate a reapplication for any other uses, or expansions to use of that space. The Town's Attorney and TIUNY's attorney then discussed RLUPA - telegraphing TIUNY's intent of use to the Planning Board. It is reasonable to assume that not every neighbor can afford to bring a personal attorney to every Planning Board meeting. Like the rest of the community, you likely believed a restriction was established through the language of the existing conditions; as the Town's Attorney "expected." ***Would you have approved this conditional use permit if you believed it to be fully transferable to another organization? Does transference align with your approach to other Planning Board applications?***

As the Planning Board, you possess the authority to examine and potentially deny permits. ***Have you assessed the compliance of the existing permit to determine if it was followed as you expected as individual Planning Board members?*** If there are disparities, are they significant? Certainly, you recognize the neighbors believe Torah Loving Care's (TLC) residency is not a detriment to the neighborhood, contrary to certain opinions, but rather a misapplication of the Town's processes. Many residents are concerned about the perceived lack of transparency, procedural shortcomings, and transferable nature of the existing Conditional Use Permit. ***Why, as a Planning Board member, would you choose to deny your neighbors the opportunity to voice their insight on the topic?***

Through the presence of TLC and the lack of support for the neighborhood's request for a new Conditional Use Permit (CUP), you may not have been presented with all the evidence. You may not be aware the signage required through the CUP was never established. Additionally, you may not be informed about the time taken for all other tenants to vacate the building or the existing confusion regarding public access to the space. The landlord has argued from before purchase that the space cannot be publicly accessible. It's noteworthy that neighborhood members, including children, families, and dog walkers, have already been asked to leave the premises, now deemed "private property."

You may recall the Montessori School statement that they attempted to extend their lease, but were prevented from doing so by TIUNY. In other words, TIUNY themselves instigated the change to your CUP, which is not the result of hardship but rather a deliberate choice. ***Are you aware TLC is a religious-based organization in a space where you mandated a CUP limitation of attendees due to traffic concerns? Does failing to ask for a CUP for TLC enable a future RLUPA expansion claim by TIUNY, thereby limiting your ability to control future traffic, parking, and Planning enforcement?***

TIUNY's relationship with the Town, and the Neighborhood, has been questionable. Neighborhood greeting parties, access through the property, traffic limitations, use of the playground equipment, being open and transparent neighbors, and participating with the neighborhood have all been promised, yet unfulfilled. Concerning this specific property only, TIUNY continues to create their own circumstances to further align with their new property expectations, regardless of the neighbors' and Town's expectations. This is a common goal for property owners, and we recognize that. That's precisely why we have Town Planning Boards. ***As a Planning Board, how are you protecting our neighborhood? What provisions are enforceable, and how is enforcement carried out? Additionally, what pathways and options for the future are possible?***

We trust you will complete your permit process to the best of your personal abilities, and willingness to support your neighbors.

Aron Reina, 62 Poplar Way

## PLANNING BOARD REPORT

**HEARING DATE:** 1-17-2024

**APPLICATION NO:** 1P-02-24

*OpenGov reference no:* PB-23-25

**LOCATION:** 1919 Elmwood Avenue

**APPLICATION SUMMARY:** Application of Robert Hurlbut, owner, and Thomas Fitzgerald, MRB Group, agent, for Preliminary/Final Site Plan approval to construct a 4,870 +/- sf nursing home addition on property located at 1919 Elmwood Avenue.

### COMMENTS

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

### BUILDING AND PLANNING:

1. The site was last reviewed in 2004, the most recent time the nursing home was expanded.
2. The subject property is zoned Low Density Residential C (RLC).
3. An area variance was required to waive the set sideback requirement. This was granted by the Zoning Board of Appeals on 1-3-2024.
4. A survey and site plan drawing sets dated 12-1-2023 have been submitted.
5. There is a bus stop on Elmwood Avenue close to this site and nursing home employees are more likely than average to rely on transit. Therefore, a sidewalk connection from the main entrance of the building to the public sidewalk on Elmwood Avenue should be provided.
6. The project will be reviewed by the Architectural Review Board (ARB) on 1-23-2024.

**TOWN ENGINEER:** See attached memo dated 1-16-2024. 20 items remain to be resolved, including but not limited to providing information related to stormwater runoff, water service, construction sequencing, a physical barrier along the east property line, and a sidewalk connection. However these and other remaining issues are largely technical in nature and are an impediment to Planning Board approval. The applicant shall respond to all 20 items in the memo.

**SEWER DEPARTMENT:** NONE

**CONSERVATION BOARD:** NONE

**ENVIRONMENTAL REVIEW/SEQR**

The proposed addition is an unlisted action. 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.

## **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, Assistant Town Engineer, Building and Planning Department, and Fire Marshal.
2. The applicant shall satisfy the requirements of the Assistant Town Engineer including, but not limited to, the following issues:
  - a. stormwater runoff
  - b. water service
  - c. construction sequencing
  - d. a physical barrier along the east property line
  - e. a sidewalk connection

For a complete list of specific requirements, please refer to the attached memo dated 1-16-2024.

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 and the Town of Brighton sprinkler requirements.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.



State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 1P-02-24

**Date:** 1-17-2024

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:** 1P-02-24

**SEQR Status:**unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Preliminary/Final Site Plan approval to construct a 4,870 +/- sf nursing home addition on property located at 1919 Elmwood Avenue.

**Location:** 1919 Elmwood Avenue, Rochester, NY 14618 (Town of Brighton)

**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 is on an already developed site and will not adversely impact agricultural, archeological, historical, natural, or cultural resources.
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 proposed addition does not impact the flood hazard areas on the property.

5. Community Plans, Use of Land, and Natural Resources. The Project is consistent with the Town's Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

Date Issued: 1-17-2024

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

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

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



# Public Works Department

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

**Brendan Ryan**  
Assistant Engineer

Date: January 16, 2024

From: Brendan Ryan

To: Jason Haremza

Copy: File

Re: *Application No. 1P-02-24*  
*Application of Robert Hurlbut, owner, for Preliminary/Final Site Plan Approval to construct a 4870 +/- sf building addition*  
*1919 Elmwood Ave*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's 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 copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
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. 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.
6. 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>

**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.
2. The applicant should consider provisions to promote sustainable transportation such as bicycle parking and/or a connection to the sidewalk.
3. The applicant should consider provisions to reduce stormwater runoff and impervious cover where possible

#### **Site Plan:**

1. How will the stormwater runoff from the proposed addition be handled (connection points to storm sewer, surface discharge, dry well, etc.)? Please mark leader connections to storm sewer on the plans.
2. The applicant should consider placing barriers, wheel stops, etc between the parking area and the Town's Highway Department driveway.
1. Is water for the addition being fed internally? Are there any changes required to the existing service to accommodate the addition? 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. Will the proposed development require the installation of an RPZ? If required, the location of this infrastructure must be shown on the plans.
3. Dimensional information for features such as the drive aisle, parking stalls, etc should be shown on the plans.

#### **Grading and Erosion Control Plans:**

1. A sequence for construction of the proposed improvements, including installation of sediment and erosion control measures, tree protection, stripping and clearing, rough grading, construction of utilities, building construction, and final grading and landscaping shall be provided on the plans.
2. Orange construction fencing shall be used to delineate the area of disturbance. The location of the orange construction fencing shall be depicted on the plans.
3. The grading at the southwest corner of the building appears to be fairly steep. Any grading over 1 in 3 should be stabilized with jute mesh during and after construction.

#### **Engineer's Report:**

1. The engineer's report specifies no increased water demand. However, the additional building area likely means additional sprinklers which may increase water demand in a fire event. Please clarify and provide calculations.
2. The engineer's report indicates that stormwater runoff from the building addition will be directed to a 3' wide stone filter area. Where is this area located on the site? The site plans should be update to reflect this feature.
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. (show catchment area of proposed sand filter etc,

## PLANNING BOARD REPORT

**HEARING DATE:** 1-17-2024

**APPLICATION NO:** 1P-03-24

*OpenGov reference no:* PB-23-26

**LOCATION:** 500 Canal View Boulevard

**APPLICATION SUMMARY:** Application of Canal View Holdings LLC, owner, and Kenneth Bracker, agent, for Conditional Use Permit Approval to allow for a general office with a light duty electrical laboratory facility on property located at 500 Canal View Boulevard.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 500 Canal View Boulevard currently contains a single story, 66,000 (+/-) square foot, multi-tenant, commercial building.
2. The subject property is zoned Technology and Office Park (TOP).
3. A site plan and floor plans have been submitted, as well as operational information relevant to the Conditional Use Permit request.
4. Applicant to confirm that no exterior changes are proposed for the property.
5. Applicant to confirm that all operations will take place within the building and there will be no outdoor storage or other activities.
6. Applicant shall address the performance standards as found in Town of Brighton Code [Section 203-168D](#) (also attached).

**TOWN ENGINEER:** NONE

**SEWER DEPARTMENT:** NONE

**CONSERVATION BOARD:** NONE

### CONDITIONAL USE PERMIT FINDINGS

The following findings, based on the standards found in [Town of Brighton Code Section 217-7](#), are suggested for the Planning Board's consideration and discussion.

1. The Planning Board finds that the proposed office with electrical laboratory facility complies with the standards of the Technology and Office Park (TOP) District.
2. 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 office with electrical laboratory facility, the intensity, size of the site and access have all

been considered in the Board's review.

3. The Planning Board finds that the establishment of an office with electrical laboratory facility 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.
4. The office with electrical laboratory facility 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.
5. The Planning Board finds that the establishment of an office with electrical laboratory facility will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the establishment of an office with electrical laboratory facility will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of an office with electrical laboratory facility will not result in the loss or damage to trees.
8. The proposed finds that the establishment of an office with electrical laboratory facility in this location essentially conforms to the Town's Comprehensive Plan: Envision Brighton 2028. Specifically Volume 2, Pages 16, the Economic Vitality Policy Objectives [emphasis added]:
  - A. *Attract and promote the sustainable development of quality office, retail, commercial, medical, light industrial, and residential uses in areas with existing critical infrastructure, in an effort to expand the Town's local tax base while providing needed and desired goods and services, and without compromising other community goals.*
  - E. *Provide support for local businesses, entrepreneurs, institutions, and enterprises to attract and retain local talent and increase access to local goods.*

## **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 respond in writing to all comments of the Planning Board, Department of Public Works, Town Engineer, Building and Planning Department, and Fire Marshall
2. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.



## Chapter 203. District Use Regulations

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

#### § 203-168. Special requirements.

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

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

- (b) The Planning Board may require a report by one or more expert consultants retained by the Planning Board or retained by the applicant and approved by the Planning Board, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within 20 days, and a copy of his report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant.
- (4) Performance standard regulations.
- (a) Fire and explosive hazards. All activities involving, and all storage of, flammable and explosive materials shall be protected at all times with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in industry. Burning of waste materials in open fires is prohibited at any time. The relevant provisions of state and local laws and regulations shall also apply.
- (b) Vibration.
- [1] No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed two-thousandths (0.002)g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration-measuring equipment.
- [2] Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding one-thousandth (0.001)g. Single-impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding one-hundredth (0.01)g.
- (c) Noise.
- [1] The maximum decibel level radiated by any use or facility at any lot line shall not exceed the values in the designated octave bands given in Table I. The sound-pressure level shall be measured with a sound-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave - Bank Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

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

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

from the maximum levels set forth in Table I.

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

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

(j) Glare.

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

### Conditional Use Permit Application Information

1. Name of the proposed business or other occupancy and the nature of the proposed business (for example: 'sit down restaurant' or 'retail grocery store')

Panasonic – Office Space and Lab

2. Size (in square feet) of the proposed business or occupancy

11,559 Square Feet

3. Days and hours of operation (for example 'M-Sat 10AM-9PM, Sun noon-6PM')

M-F 8 AM – 6 PM

4. Anticipated busiest time (for example '7AM-9AM')

M-F 8 AM – 6 PM

5. Number of employees anticipated to be on site during the busiest time

15-20

6. Number of customers or visitors anticipated to be on site during the busiest time

0

7. Scaled site diagram and description of parking, including number of spaces available for the proposed use and whether they are shared with any other use.

8. Deliveries: how, when, and where they will occur (for example: 'two tractor trailer trucks per week, generally between 7AM and 9AM, parked in the parking lot, with deliveries hand-trucked to the rear door').

Deliveries to rear loading dock door or front entrance several times per week. FedEx/UPS/USPS. No regular freight deliveries anticipated.

9. Trash generation, on-site storage, and pick up

Pick up

10. Any unusual solid or liquid waste (for example 'commercial laundromat effluent' or 'commercial kitchen waste oil and grease') proposed to go into the sanitary sewer

None

11. Any anticipated special events, promotions or other displays that would be visible outside of the building, cause extra traffic, noise or other increase in activity

None