

PLANNING BOARD
TOWN OF BRIGHTON
MEETING OF FEBRUARY 21, 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.

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 1-17-2024 minutes (if available)

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 2-15-2024 will now be held.

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

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. **TABLED 1-17-2024; PUBLIC HEARING REMAINS OPEN**

Application Number: [2P-01-24](#)

OpenGov reference no: PB-24-4

2000 Summit Circle Drive

Application of Jewish Senior Life, owner, for Extension of Final Site Plan Approval (Phase I, 1P-01-23) allowing for the construction of a four-story building containing 35 Independent Living dwelling units, a 5,500 +/- sf multi purpose room / theater addition, a 2,000 +/- sf fitness addition and one 1,400 +/- sf maintenance and storage building on property located at 2000 Summit Circle Drive. All as described on application and plans on file.

Application Number: [2P-02-24](#)

OpenGov reference no: PB-24-5

1200 South Winton Road

Application of 12 Corners Presbyterian Church, owner, and Kids First Childcare, Inc., lessee, for Conditional use Permit Approval to allow for a daycare facility on property located at 1200 Winton Road South. All as described on application and plans on file.

NEW BUSINESS:

NONE

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Regarding 1666 South Winton Road:

1. Holmes email, 2-18-2024
2. Massare letter, 2-19-2024
3. Witkowicz-Hume fax, 2-20-2024

PETITIONS:

Petition regarding 1666 South Winton Road, 4-4-2022, resubmitted

SIGNS:

Application Number: [1713](#)

OpenGov reference no: SN-24-1

2750 Monroe Avenue

Building face sign for ‘Crumbl Cookies’

Application Number: [1711](#) (was postponed at request of applicant)

OpenGov reference no: NA

150 Sawgrass Drive

Freestanding sign for ‘Golisano Institute for Business & Entrepreneurship’

Notes: ARB reviewed 12-19-2023 and recommended approval. Sign required variance for freestanding sign. ZBA granted variance with conditions 2-7-2024:

1. The variance applies only to the wall/free standing sign as per plans submitted and per testimony given.
2. Landscaping as depicted on submitted plans shall be installed and maintained around the base of the wall.
3. No building face signage shall be installed with the granting of this variance.

PLANNING BOARD REPORT

HEARING DATE: 2-21-2024

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 and 1-23-2024 have been submitted.
4. The project was reviewed by the Architectural Review Board (ARB) on 1-23-2024 and approved with conditions.
5. Certain components of the project, namely the outdoor pool and basketball court require area variances due to their location in the side and front yards, respectively. A variance application has been made to the ZBA. The overall project is not dependent on these components however and the applicant has stated that if the variance was not granted, these components would be deleted from the project.
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.
- d. The school addition will be built on a developed site. Therefore, the specific development of the school will not result in the destruction, loss or damage of any natural, scenic or significant historical resource.
- e. The Planning Board finds that the establishment of a 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 Planning Board 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: The initial memo was dated 1-15-2024 and included 65 items. The applicant has addressed many of them and a follow up memo dated 2-16-2024 is attached. This includes 20 outstanding issues, none of which rise to the level of preventing the Planning Board from considering approval with the conditions. The outstanding issues can be resolved between the applicant and town staff. The following items from the memo are of particular note:

1. Final design and size of the berm at the southeast corner of the site
2. Delineating limits on construction disturbance and staging
3. Planning Board to consider the location of the dumpster to the west of the building. Staff has concerns about runoff from dumpster and dumpster pad draining directly into the detention pond.
4. Fencing the retention pond from errant balls from the playing field
5. Guide rail between delivery drive/fire lane and detention pond
6. Installation of 'deliveries only' sign to help with onsite wayfinding along the rear of the residential properties.

SEWER DEPARTMENT:

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

1. Sewer construction permit
2. Grease trap/food prep
3. Need details on pool connections.
4. Need details on existing buildings staying live/connected to sanitary sewer(s) during entire construction process

CONSERVATION BOARD: NONE

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.

The Planning Board declared its intent to be Lead Agency on 1-17-2024. Staff subsequently conducted a coordinated review and found that all involved agencies concurred with the Planning Board acting as Lead Agency.

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 Site Plan Modification, EPOD Permit Approval, and Preliminary/Final Site Plan approval.

BOARD ACTION/DECISION

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

1. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, Town Engineer, Building and Planning Department, and Fire Marshal.
2. The applicant shall satisfy the requirements of the Town Engineer. For a complete list of specific requirements, please refer to the attached memo dated 2-16-2024.
3. The applicant shall obtain the necessary area variances or delete the pool and basketball court from the project.
4. Monroe County comments, if any, shall be addressed.
5. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.

7. The project shall be constructed in accordance with the drawings submitted to date or any subsequent revisions to reflect final town staff requirements.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 1P-01-24

Date: 2-21-2024

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-01-24

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action: 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.

Location: 1666 South Winton Road, Rochester, NY (Town of Brighton)

Findings and Reasons Supporting this Negative Declaration:

Based on information submitted to the Lead Agency, Long 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: 2-21-2024

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
Telephone: 585-784-5228



Public Works Department

Commissioner of Public Works – James P. Sprague, P.E.

Ken Hurley, P.E.
Town Engineer

MEMO

Date: February 16, 2024

From: Ken Hurley

To: Jason Haremza

Copy: File

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:

1. The proposed dumpster is located within 2' of the highwater elevation of the detention basin and drains directly into the pond. We have concerns that leakage from the dumpsters or garbage placed inside the enclosure will disperse pollutants directly into the pond. The dumpster needs to be relocated away from the pond or the Engineer is to provide a suitable design that would minimize the potential of pollution entering the pond which discharges to Allens Creek.
2. The delivery access drive/fire lane is located as close as 5' from the detention basin. The detention basin is designed to permanently hold as much as 7 ½ of water in the pond. A guide rail should be provided along the pond frontage of the access drive for safety.
3. The Grass Playfield Area is located within 30' of the detention pond (designed to hold up to 7 ½ of water permanently). A suitable means to minimize balls and children from entering the detention basin, such as a fence, should be provided for safety.
4. The final proposed grading for the southeastern berm is to be provided on the grading plan and the maximum height is to be labeled. Please remove the note that calls for the final berm shaping to be field directed based on actual excavated material.

5. A 4'-6' deep sediment forebay is required for the southwestern pond inlet. It is recommended that a small forebay or sump be provided at the northwestern pond inlet to help contain sediment in the detention basin and reduce annual maintenance.
6. The erosion control plan does not have any temporary sediment traps sized and designed to capture sediment during construction. As designed, a majority of the construction site's discharged sediment will end up in the detention basin. A note is to be added to the plans indicating that "the detention basin will have to be cleaned of all accumulated construction sediment after the site vegetation has stabilized (80% vegetative cover). Verification of sediment removal is to be provided to the Town prior to acceptance of the Notice of Termination".
7. The Limits of Disturbance (LOD)/Project Limits needs to be labeled on the Construction Plans to help identify what work areas are covered under NYSDEC Stormwater Permitting and the Town Site Plan Approval. It has been indicated that the orange construction fence is the LOD for the project. Please provide a label to the construction fence noting this is also the LOD. For the gaps between construction fencing locations, the Engineer should provide an LOD line and label to encompass a fully closed area of construction for the site. The area of the LOD should be noted on the plan.
8. A Deliveries Only sign should be provided at the entrance to the access drive to minimize unwanted vehicle entry.
9. Provide deep test/bore data to illustrate bedrock is not located less than 2' below the bottom of detention basin.
10. Concrete washout to be relocated to provide 100' separation from pond and inlets.
11. Provide calculations for spillway discharge/velocity. Consider flood plain recession will leave pond full up to the top of berm with a majority of discharge going through the spillway until it reaches the spillway elevation.
12. Provide Rip-rap detail and label dimension of rip-rap on plan for the pond discharge.
13. Provide a copy of the Draft NOI for review.
14. Design, label, and detail anti-seep collar for outlet structure pipe discharge.
15. Provide reference/backup for rainfall depths used for storm calculations (NOAA, NRCC, etc).
16. Contributing drainage areas shown on GI calc figure, Bio Worksheets, and contributing areas as determined by the grading plan don't seem to match. Provide a map at scale, label the contributing areas with size, and show grading on a plan to justify areas.

17. Provide an at scale map showing PRE and POST contributing drainage areas for the 9.29 acre areas used in those comparisons calculations.
18. Provide an at scale map for the PRE and POST runoff calculations for the 21.8 acre drainage areas.
19. Drainage calculations were provided for Bio Area #1 (15P). Where are the stormwater calculations for Bio Area #2?
20. The outlet structure base is at 474.0. The grade in front of the structure is 474.0 and the grade at the back of the structure 476.0. Please provide a sump or other means to bury the outlet structure for stability.

Communications

Received as of 5PM 2-20-2024

1666 South Winton Road

Application Number: 1P-01-24

OpenGov reference no: PB-24-1

1. Holmes email, 2-18-2024
2. Massare letter, 2-19-2024
3. Witkowicz-Hume fax, 2-20-2024

Note: Holmes email included documents from the 2022 review that were re-submitted.
These documents are

- Requested Conditions prepared by a group of neighborhood residents, 4-4-2022
- Petition, 4-4-2022

From: [Seth Holmes](#)
To: [Jason Haremza](#)
Subject: Resident comments RE: 1P-01-24
Date: Sunday, February 18, 2024 6:05:34 PM
Attachments: [image.png](#)
[Conditions Requested for 1666 S Winton Rd Conditional Use Permit.pdf](#)
[TIUNY petition 5-11-22_compressed.pdf](#)

Dear Mr. Haremza, Mr. Price, and the Brighton Planning board

My name is Seth Holmes and I live at 182 Idlewood Rd in Brighton. I am writing to you regarding the 1P-01-24 Site Plan Modification application from TIUNY for the 1666 S Winton Road property. I have written to you in the past regarding TIUNY's previous 10P-01-22 Final Site Plan approval and Conditional Use Permit (CUP) application as well as the associated 5P-02-22 Montessori School of Rochester CUP. I have reviewed the site plan and building plan design documents associated with the 1P-01-24 Site Plan Modification application and have some questions I wish for the board to address. I also want to remind you of concerns that the neighborhood has with the Idlewood Road vehicular entrance to the property.

I see in the revised site plan and building plan that the size of the addition has increased from a two-phase project eventually totalling 31,800 SF, to a single-phase project totalling 53,820 SF. Though I appreciate that the TIUNY and daycare student headcounts remain the same in the new design, there is a significant increase in square footage associated with the tenant space. There is also a ~15% increase in square footage for TIUNY, for a gymnasium, kitchen related spaces, and faculty apartments, as noted in TIUNY's application letter. Using the HLN building plans submitted, I have tabulated the square footages for all internal spaces from both the 2022 (10P-01-22) and 2024 (1P-01-24) proposed building designs. Please note the TIUNY square footage for 2022 includes both phase 1 and phase 2 construction.

Total Square Footage			
	2022	2024	Change
TIUNY (total)	59,400	68,875	9,475
<i>in existing Building</i>	<i>27,600</i>	<i>15,055</i>	<i>-12,545</i>
<i>in Addition (Phases 1+2)</i>	<i>31,800</i>	<i>53,820</i>	<i>22,020</i>
Daycare (MSR/TLC)	15,050	15,050	0
Tenant (Brighton)	13,350	25,895	12,545

This analysis clearly shows that the tenant space has nearly doubled from 13,350 SF to 25,895 SF. This is accomplished mostly by TIUNY constructing new space instead of utilizing existing space in the building's central wing. How will this nearly doubling of tenant space affect vehicular traffic to and from the site during construction and occupancy of the completed building? The current site plan modification application still references the 2022 SRF traffic study which assumed a 13,350 SF tenant space. Though the traffic study is likely still accurate for TIUNY and daycare traffic given the headcounts staying flat, I would imagine it is not accurate for the tenant space given the significant increase in tenant space proposed in this modification. As you know from previous letters and comments from myself and numerous Evans Farm residents, one of our biggest concerns is the long-term use of the tenant space and the associated vehicles, noises, etc. that come with that space. My neighbors

and I do appreciate that the current plan indicates that only the daycare traffic will use the Idlewood vehicle entrance; however, what does the future hold?

- What type of tenant would take over if/when Brighton vacates the property?
- Could the daycare expand into the tenant space and seek a new CUP allowing for more vehicular access through the Idlewood entrance?
- Could TIUNY take over the space and seek a new CUP allowing vehicular use of the Idlewood entry?
- Who will enforce the ban on any vehicles using the Idlewood entrance other than daycare traffic?

There is a simple solution that will end these concerns from residents in the neighborhood: **eliminate daily vehicular use through the Idlewood Road entrance.** A simple gate could be installed to allow emergency access to the property. Additionally, the east and west parking lots could be connected by extending the already proposed, 20ft wide fire truck access driveway another ~400ft from its currently designed termination point just south of the daycare. As you may recall, the neighborhood gathered 278 signatures from the ~350 homes in Evans Farm asking the board to require the closure of the Idlewood Road entrance back in 2022. We also produced our own study describing why we want the entrance closed to vehicles - namely because we have no sidewalks along our streets and are concerned about pedestrian safety. Instead, we have shared roadways full of walkers, bikers, children, elderly, dog walkers, etc. as well as neighborhood vehicles. Pedestrian safety in our neighborhood is a major concern, and we are fortunate that there has not been a major incident yet, and we would like to keep it that way. I have attached both the study and the signatures to this email for your reference, as I know chairman Price and other town staff were not present during the deliberations in 2022. Please see page 9 of the "Conditions Requested for 1666 S Winton Rd Conditional Use Permit.pdf" document for a drawing of the proposed parking lot connector driveway as described above.

We have made this request to close the Idlewood vehicular entrance before. When asked by the board at the 11/1/2022 planning board meeting "why" TIUNY wanted to keep the Idlewood entrance open, the TIUNY lawyer said it was to provide access to the daycare. When asked why they could not simply provide access by connecting the parking lots by extending the southern driveway an additional 400ft, TIUNY's lawyers indicated it was too costly and referenced RLUIPA, insinuating (but not specifically stating why) the request would infringe on TIUNY's religious freedom.

With those 11/1/2022 comments in mind, I ask the board to reconsider requiring the closure of the Idlewood vehicle entrance for the following two reasons:

1. If cost for the parking lot driveway connector was an issue to TIUNY back in 2022, why does the new site plan modification request include a new swimming pool and an additional ~22,000 SF of building compared to the 2022 phase 1+2 design proposal? Surely the pool and 22,000SF of building are significantly more costly than 400 ft of additional driveway to connect the two parking lots? If costs were such an issue, how are these items being added to the building design without TIUNY even increasing their primary income stream - student headcount? I find that TIUNY's lawyer saying "the creation of a parking lot connector driveway would be too expensive and thus an undue hardship" to be an invalid argument given the significant increase in building square footage and swimming pool shown in this site plan modification application.

2. TIUNY's lawyer stated that the federal RLUIPA laws protect TIUNY's land use plans from "substantial burdens on religious exercise" as well as "protection against unreasonable limitation of religious assemblies." I certainly agree with the purpose of RLUIPA and these protections; however, I compel the board to thoroughly consider how RLUIPA would specifically apply to this situation. TIUNY stated that the only reason they wanted the Idlewood Road entrance open was for access to the daycare; yet the daycare would still have access if TIUNY constructs the driveway extension linking the parking lots and closes the Idlewood vehicle entrance. How is that a substantial burden or unreasonable limitation? If there are residents in Evans Farm that work, go to school, or worship with TIUNY, they could easily walk to the building using the existing Idlewood sidewalk entrance (the only sidewalk in Evans Farm I might add). Otherwise, if they need to drive, they simply drive around the block and enter from S Winton Road. Putting a gate across the Idlewood entrance driveway and a sign saying "emergency access only" would not infringe on TIUNY's, or any tenant's, religious liberties or right to worship from my perspective. I also see from the HLN plan that the TIUNY's Beis Medrash religious space in the new addition is designed to be on the inside of the building facing the courtyard and therefore should not be affected by any daycare-bound traffic using the parking lot connector driveway. Again, how does RLUIPA apply here?

I hope you will consider these concerns and ask pointed questions. Personally, if TIUNY closed the Idlewood vehicular entrance to daily traffic, I would be fine with the remainder of the proposed design (bigger addition, pool, etc). Otherwise, if they continue to insist on keeping the Idlewood entrance open for daily traffic, I request that you deny this site plan modification application and require TIUNY to use their already approved final site plan from 11/1/2022. In short: they are asking for more; what's in it for us?

Thank you for your time and service to our community.

_Seth Holmes

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Seth H. Holmes, R.A., LEED AP bd+c
setholmes@gmail.com
860.461.9437

February 19, 2024

To Mr. Haremza, Mr. DiStefano, and the Planning Board

Re: **Application 1P-01-24**

As I mentioned at last month's Planning Board meeting, although it appeared that the Planning Board agreed to issue a CUP specifically to Montessori School (see minutes of 11/1/2022 meeting), that permit morphed into permission for any daycare/preschool to operate in the south wing of the old Brookside School. I think that the Planning Board needs to be very specific in its approval of the new plan from TIUNY (1P-01-24), lest it also changes into something that we do not expect and the Planning Board did not approve. Do not assume that the engineers, lawyers, owners, or contractors will act with any concern for the adjacent neighborhood nor in accordance with your best intentions. They will push the limit of what the permit or approval allows, as has been demonstrated with the CUP for the Montessori School.

CONCERN #1:

The plan for the dormitory includes 36 rooms, some of which will be triples and some of which will be quads, for a total of 120 students. Yet the size of the rooms are all the same, so there is nothing stopping the school from turning all of those rooms into quads, for a total of 144 students, a 20% increase from the present plan. And what if the owners decide on a second story for the dormitory? Will just a building permit be required since it's part of the same 'educational use'?

The dormitory proposed in the new site plan is equivalent to a 30-unit apartment complex (that's 4 occupants per unit) that is being erected adjacent to a low-density residential neighborhood. Just because it falls under an educational use does not make it any less of an imposition on the taxpayers who live near it.

- 1. The Planning Board needs specify that their approval of the plan includes a cap on the number of students at 120, as stated in the new plan.**
- 2. The approval should also specify that it is for a one-story dormitory.**

CONCERN #2:

The engineer has deferred discussion of the phasing plan to time when neither the Planning Board nor the Evans Farm neighborhood will have any input. See 'GENERAL' section, #1, and 'EXISTING CONDITIONS AND DEMOLITION PLAN' section, #4.

While it is understandable that the phasing plan has to wait for a contractor to be selected, I think the Planning Board needs to make some stipulations in their approval of the new plan. Brighton Recreation traffic and TIUNY traffic, as well as the usual daycare traffic will be routed through the narrow streets of the Evans Farm neighborhood. Just to remind you, Idlewood Road is actually narrower than the driveway that will be constructed on the south side of the new building. Furthermore, our pavement is shared by pedestrians, bicycles, and cars. Ideally, the phasing plan should be reviewed by the Planning Board as a condition of the approval of the new construction project. If that is not possible, then the suggestions below might help mitigate the increase in traffic through Evans Farm. The appropriate Town office should be made aware of any stipulations in the approval and ensure that they are followed.

- 1. The phasing plan should minimize the time during which tenant traffic is routed through the Evans Farm neighborhood.**

2. **Tenant traffic should NOT be routed through the Evans Farm neighborhood until construction starts on the parking lot on the west side of the property.**
3. **Tenant traffic should use the Winton Road entrance immediately after the parking lot construction is completed, regardless of the status of the rest of the construction project.**
4. **As soon as the west parking lot is completed, TIUNY should erect a sign at the Idlewood Road entrance specifying that access and parking is ONLY for day care patrons and staff.**

CONCERN #3:

The availability of adequate parking on the Brookside property during construction has not been addressed. The CUP issued to TIUNY specified that all construction equipment will enter via the Winton Road entrance, but what about parking for private vehicles belonging to construction workers? Where will they park during the construction? How will that impact the available parking for Brighton Recreation patrons? Will it force them to use the Idlewood Road entrance even before construction starts on the parking lot?

Will construction workers also be driving through Evans Farm and parking on the Idlewood Road side of the property when the west parking lot is under construction? Are there enough spaces on the east side for everyone? Keep in mind that any cars parked on Idlewood Road can be a hazard to pedestrians.

1. **The Planning Board should specify that construction workers enter the property via the Winton Road entrance only.**
2. **Construction workers' vehicles should not occupy parking spaces required by Brighton Recreation, thereby requiring patrons to park on the east side of the property even before construction begins on the west parking lot.**

I hope that the Planning Board will think about the impact of the construction, as well as the impact of a 120-student dormitory, on the Evans Farm neighborhood.

Judy Massare
126 Idlewood Road

TO : Brighton Planning Board

From: Steven Witkowicz and Susan Hume, 95 Poplar Way

Re: TIUNY's Application for an Additional 56,000 sq. Ft.

Date: Feb. 20, 2024

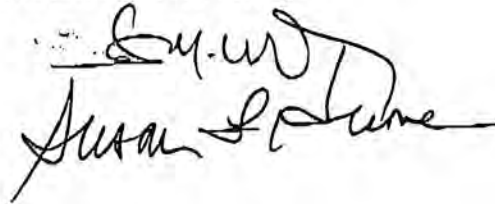
Dear Planning Board:

We adamantly oppose the applicant's request. Frankly, it reeks of bad faith. The original proposal was considerably smaller in design and was approved as the applicant requested. Now, without explanation as to why the larger design could not have been proposed at the original hearing, the applicant seeks to, once again, skirt neighborhood opposition by claiming this is merely an amendment to the original proposal.

Evans Farm Is, and always has been, a residential neighborhood. The magnitude of the amended request highlights again what will be a voluminous increase in traffic through the neighborhood. In the 40 years we have lived here there has never been more children than at present, to say nothing of pedestrians, joggers, bikers, and dog walkers. Since the closing of the Montessori School and related uses, we have observed a significant decline in traffic. We foresee a dangerous increase in such if this proposal is granted.

However, should the Board decide to approve the proposal, we respectfully request that it be conditioned on TIUNY closing the Idlewood entrance to their facility.

Thank you for your consideration.



VIA FAX 784-5373

URGENT

RECEIVED
FEB 20 2024

PLANNING BOARD REPORT

HEARING DATE: 2-21-2024

APPLICATION NO: 2P-01-24

OpenGov reference no: PB-24-4

LOCATION: 2000 Summit Circle Drive

APPLICATION SUMMARY: Application of Jewish Senior Life, owner, for Extension of Final Site Plan Approval (Phase I, 1P-01-23) allowing for the construction of a four-story building containing 35 Independent Living dwelling units, a 5,500 +/- sf multi purpose room / theater addition, a 2,000 +/- sf fitness addition and one 1,400 +/- sf maintenance and storage building on property located at 2000 Summit Circle Drive.

COMMENTS

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

BUILDING AND PLANNING:

1. Site Plan Approval was approved by the Planning Board on 1-18-2023. The proposed extension is to 1-18-2025 (two years from the date of the initial approval).

TOWN ENGINEER: NONE

SEWER DEPARTMENT: NONE

CONSERVATION BOARD: NONE

ENVIRONMENTAL REVIEW/SEQR

The extension of this approval falls within the purview of the environmental review and determination (negative declaration) conducted for the initial 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. Maintain the conditions associated with the initial approval 1P-01-23
2. The approval is valid until 1-18-2025

PLANNING BOARD REPORT

HEARING DATE: 2-21-2024

APPLICATION NO: 2P-02-24

OpenGov reference no: PB-24-5

LOCATION: 1200 South Winton Road

APPLICATION SUMMARY: Application of 12 Corners Presbyterian Church, owner, and Kids First Childcare, Inc., lessee, for Conditional use Permit Approval to allow for a daycare facility on property located at 1200 Winton Road South.

COMMENTS

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

BUILDING AND PLANNING:

1. 1200 Winton Road South currently contains the mid-20th century, multi-building campus of 12 Corners Presbyterian Church.
2. The subject property is zoned Low Density Residential - B (RLB).
3. In addition to the church and related uses, the property also contains 12 Corners Nursery School.
4. A site plan and floor plans have been submitted, as well as operational information relevant to the Conditional Use Permit request (attached).
5. The proposed daycare is licensed for 98 children.
6. The applicant should explain in further detail hours of operation, drop off and pick up procedures and traffic circulation, and any conflicts with the Brighton Central School District property, and shared driveway, to the north
7. Applicant to confirm that no exterior changes are proposed for the property at this time. Any fencing, signage, or outdoor installations shall be reviewed separately.
8. Applicant shall provide property owner's authorization in writing.

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 daycare facility complies with the standards of the Low Density Residential - B (RLB).

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 daycare 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 a daycare 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 daycare 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 daycare 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 a daycare facility will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of a daycare facility will not result in the loss or damage to trees.
8. The Planning Board 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.

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 Marshal
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.

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') KIDS First Daycare
2. Size (in square feet) of the proposed business or occupancy 7,319 sq/ft
3. Days and hours of operation (for example 'M-Sat 10AM-9PM, Sun noon-6PM') Mon-Fri 7-6
4. Anticipated busiest time (for example '7AM-9AM') 7-8am 5-6pm
5. Number of employees anticipated to be on site during the busiest time 20
6. Number of customers or visitors anticipated to be on site during the busiest time Drop off only.
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. 119 spaces
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'). No large deliveries
9. Trash generation, on-site storage, and pick up Dumpster on site
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 N/a
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 N/A