

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF MAY 15, 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 4-17-2024 minutes

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 5-9-2024 will now be held.

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PUBLIC HEARINGS:

**Application Number:** [5P-01-24](#)

*OpenGov reference no: PB-24-11*

1 Johnsarbor Drive

AKA 0 Johnsarbor Dr (Tax Parcels 136.15-1-1.2 [Lot 2] & 136.15-1-1.4 [Lot 4])

Application of St. John's Meadow, owner, and Stantec Consulting, agent, for Preliminary/Final Site Plan Approval to construct two elevators and small elevator lobbies on property located at 1 Johnsarbor Drive - Chestnut Court. All as described on application and plans on file.

**Application Number: [5P-02-24](#)**

*OpenGov reference no: PB-24-12*

55 Stonybrook Drive

Application of Stephen Artim and Tricia Shalka, owners, and Jerry Serafine, agent, for EPOD (watercourse) Permit Approval to allow for the construction of 462 +/- sf building addition within Zone AE of the 100 year floodplain on property located at 55 Stonybrook Drive. All as described on application and plans on file.

**Application Number: [4P-01-24](#)**

*OpenGov reference no: PB-24-9*

1402 Blossom Road

Application of C and K Real Estate Ventures LLC, owner, and McMahon LaRue Associates, agent, for Preliminary/Final Site Plan Approval to construct a 2,415 +/- sf single family home on property located at 1402 Blossom Road. All as described on application and plans on file. **TABLED AT 4-17-2024 MEETING, POSTPONED BY APPLICANT 5-15-2024 TO 6-20-2024 MEETING; PUBLIC HEARING REMAINS OPEN**

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

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PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

SIGNS:

**Application Number:** [SN-24-5 \(1717\)](#)

1780 Monroe Ave

Building face illuminated sign for ‘Needle Drop Records’. ARB recommended approval.

**Application Number:** [SN-24-6 \(1718\)](#)

1925 S Clinton Ave

Two building face internally illuminated signs for ‘ALDI’. ARB recommended approval. *Note: Signs require variances.*

**Application Number:** [SN-24-7 \(1719\)](#)

1357 Monroe Ave

A building face nonilluminated sign for ‘Elysian Homes’. ARB recommended approval.

**Application Number:** [SN-24-4 \(1716\)](#)

1905 South Clinton Avenue

TABLED IN PART

Building face signs and detached directional signs for ‘Starbucks’. ARB recommended approval. *Note: At the 3-20-2024 meeting, Planning Board approved two code compliant signs and tabled the remaining signs that require variances. The applicant has applied for the necessary variances and is on the 6-5-2024 ZBA agenda. If the Planning Board considers approving the signs, it would be on condition of receiving ZBA approval.*

## PLANNING BOARD REPORT

**HEARING DATE:** 5-15-2024

**APPLICATION NO:** 5P-01-24

*OpenGov reference no:* PB-24-11

**LOCATION:** 1 Johnsarbor Drive  
AKA 0 Johnsarbor Dr (Tax Parcels 136.15-1-1.2 [Lot 2] & 136.15-1-1.4 [Lot 4])

**APPLICATION SUMMARY:** Application of St. John's Meadow, owner, and Stantec Consulting, agent, for Preliminary/Final Site Plan Approval to construct two elevators and small elevator lobbies on property located at 1 Johnsarbor Drive - Chestnut Court

### COMMENTS

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

### BUILDING AND PLANNING:

1. The subject property is zoned High Density Residential 2 (RHD-2).
2. A survey and site plan drawing set have been submitted.
3. This is a very minor addition of 230 square feet total, with no impact to the site layout, landscaping, parking, or utilities.
4. The project was reviewed and approved by the Architectural Review Board (ARB) on 4-23-2024.

**TOWN ENGINEER:** NONE

**SEWER DEPARTMENT:** NONE

**CONSERVATION BOARD:** NONE

### ENVIRONMENTAL REVIEW/SEQR

Town staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined this project 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, Building and Planning Department, and Fire Marshal.
2. Monroe County comments, if any, shall be addressed.
3. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.

## PLANNING BOARD REPORT

**HEARING DATE:** 5-15-2024

**APPLICATION NO:** 5P-02-24

*OpenGov reference no:* PB-24-12

**LOCATION:** 55 Stonybrook Drive

**APPLICATION SUMMARY:** Application of Stephen Artim and Tricia Shalka, owners, and Jerry Serafine, agent, for EPOD (watercourse) Permit Approval to allow for the construction of 462 +/- sf building addition within Zone AE of the 100 year floodplain on property located at 55 Stonybrook Drive.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 55 Stonybrook Drive currently contains a single family dwelling.
2. The subject property is zoned Residential – Low Density B (RLB)
3. The subject property is also within Environmental Protection Overlay District (EPOD) 3, Watercourse and Floodplain Protection. The boundaries of the Watercourse Protection District shall be delineated on the Official Town of Brighton EPOD maps and shall include the following areas: West Branch of Allens Creek, Crittenden Creek, Allens Creek, Irondequoit Creek, Buckland Creek, Red Creek, the Genesee River and the New York State Erie Canal; for a distance of 100 feet from each bank or to the landward boundary of special flood hazard. A map of the town's flood hazard area is attached.
4. A survey map, site, grading, and erosion control plan, and engineers report have been submitted.
5. A workshop meeting with the applicant and staff was held on 4-30-2024. The location of the compensatory flood water storage area was discussed, as well as the final grading. There was general agreement on the path forward. A final site, grading, and erosion control plan is pending.
6. The applicant has received a variance from the NYS Building Code regarding the finished floor elevation being 18 inches rather than 24 inches above the flood level.
7. The applicant has applied for an area variance from the Town of Brighton Code regarding the finished floor elevation.
8. Per [Town of Brighton Code Section 203-129B](#) No permit to undertake a regulated

activity within the Watercourse and Floodplain Protection District shall be issued by the Planning Board unless it determines that the proposed project complies with the following standards:

- (1) The proposed activity provides adequate measures to prevent disruption and pollution of fish and wildlife habitats and freshwater wetlands, stormwater runoff, septic and sewage systems and any other activity on the site.
  - (2) A natural vegetative buffer of 100 feet from each bank shall be retained adjacent to the watercourses to absorb floodwaters, to trap sediments, to protect adjacent fish and wildlife habitats and to protect scenic qualities.
  - (3) Site preparation, including stripping of vegetative cover or grading, shall be undertaken so that the amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water is limited. Disturbed soils shall be stabilized and revegetated before construction can begin. During the interim, erosion protection measures, including but not limited to vegetation, retention ponds, recharge basins, berming, silt traps and mulching, shall be used to ensure that sedimentation is minimized and mitigated.
  - (4) The project shall provide adequate measures to protect surface and ground waters from direct or indirect pollution and from overuse.
  - (5) Fill shall not encroach on natural watercourses, constructed channels or floodway areas. All fill shall be compacted at a final angle of repose which provides stability for the material, minimizes erosion and prevents settlement.
  - (6) Roads, trails and walking paths along water bodies shall be sited and constructed so they are not a source of runoff and sedimentation. Such roads, trails and walking paths shall be constructed and sited in such a manner as to maximize the visual opportunities of a water body while maintaining the scenic qualities of the water body.
  - (7) No new dock, boat launching site or fishing access and parking area shall be constructed unless it is shown that it will not impede the natural flow of the streams to which this section applies and will be located and constructed so as to minimize its intrusion into the streams and avoid adverse environmental impact and unreasonable impacts upon public use of the waters.
  - (8) New structures, except for fences, bridges and fishing access parking areas, shall not be constructed within 25 feet of the bank of the stream.
  - (9) New structures shall be designed and constructed in accordance with erosion control standards and stormwater control standards contained in the Best Management Practices for Stormwater Runoff Management and Stormwater Management Guidelines for New Development, as found in Chapter 6 of the New York State Department of Environmental Conservation's Stream Corridor Management Manual.
9. A flood plain development permit will be required from the Town. This is an administrative review and approval by the Town Engineer.
10. A permit from the Town of Brighton Highway Department will be required for the temporary construction entrance.

**TOWN ENGINEER:** Comments are pending submission of final site, grading, and erosion

control plan.

**CONSERVATION BOARD:** The board noted the patio in the side yard will be in the area to be re-graded. The applicant has confirmed that this patio will be removed as part of the re-grading.

## **SEQRA**

The granting of an EPOD permit is an unlisted action. Environmental Review 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 final site, grading, and erosion control plan for Town Engineer to review. The Town Engineer's review is integral to the environmental review and determination.
2. Monroe County comments, if any, shall be addressed.