

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
SEPTEMBER 4, 2024

Written comments may be submitted to Rick DiStefano, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to [rick.distefano@townofbrighton.org](mailto:rick.distefano@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.

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members

CHAIRPERSON: Approve the minutes of the April 3, 2024 meeting.  
Approve the minutes of the May 1, 2024 meeting.  
Approve the minutes of the June 5, 2024 meeting.  
Approve the minutes of the July 2, 2024 meeting.  
Approve the minutes of the August 7, 2024 meeting. **To be done at the October 2, 2024 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of August 29, 2024 will now be held.

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[9A-01-24](#) Application of Natalee Kiesling, Marathon Engineering, agent, and Jewish Home and Infirmary, owner of property located at 2021 Winton Road South, for an Area Variance from Sections 203-37A(1) and 203-2.1B(3) to allow a 7,596 +/- sf carport structure to be located in a front yard in lieu of the side or rear yard as required by code. All as described on application and plans on file.

[9A-02-24](#) Application of David Webster, owner of property located at 256 Barclay Square Drive, for an Area Variance from Sections 203-2.1B(2), 203-9A(4) and 207-8 (Through Lots) to allow a shed to be located in a front yard in lieu of the rear yard as required by code. All as described on application and plans on file.

[9A-03-24](#) Application of Anderson Frey, owner of property located at 125 Commonwealth Road, for an Area Variance from Section 205-2 to allow for the construction of a 564 +/- sf attached garage with a 12 ft. 1 in. rear setback where a 40 ft. rear setback is required by code, and a 9 ft. 1 in. side setback where a 12 ft. side setback is required by code. All as described on application and plans on file.

[9A-04-24](#) Application of Jim Hawkins, agent, and West Rochester ANY REV, LLC, owner of property located at 2525 West Henrietta Road, for a Temporary and Revocable Use Permit Pursuant to Section 219-4 to allow for the temporary parking/storage of new vehicles on an adjacent parcel of land ( 2577 West Henrietta Road) where not permitted by code. All as described on application and plans on file.

9A-05-24

Application of Serge Tsvasman, agent, and Allen and Madeline Barrett, owners of property located at 412 Antlers Drive, for an Area Variance from Section 205-2 to allow for the construction of an attached garage (replacing a detached garage) with a 4.6 ft side setback in lieu of the minimum 12.6 ft, side setback required by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-3-24

**Date:** April 10, 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 Brighton Town 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:** 2021 Winton Road South - Jewish Senior Life Modification

**SEQR Status:** Type I

**Conditioned Negative Declaration:** No

**Description of Action:** The action involves an increase in an approved Independent Senior Living Building from 78,200 sf to 90,000 sf with an increase in unit count from 75 to 90. The building's footprint will be relatively similar however a 4<sup>th</sup> story will be added. The design of the Independent Living building will be consistent with the rest of the Jewish Senior Life campus. Elimination of three future "Green House" buildings is proposed thereby reducing the skilled nursing bed count in the Green House buildings from 168 to 108.

**Location:** 2021 Winton Road South Tax ID parcel 150.09-1-1.11, Town of Brighton, Monroe County, New York

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

**Reasons Supporting This Determination:**

After considering the action contemplated and reviewing the Full Environmental Assessment Form (FEAF) and Supplement Information to the FEAF prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following findings:

1. Geology, Topography and Soils

The proposed action is located with previously disturbed portions of the site used for construction staging for the 2015 project. Natural slopes will remain substantially unchanged, and topsoil will be stockpiled for restoration of the site in accordance with New York State Department of Environmental Conservation requirements. There may be a need to import select fill for building and pavement area.

No significant geological, soil erosion or topographically related impacts will result from the proposed action.

2. Surface Waters / Drainage

The proposed action will not significantly change from the previous reviewed and approved project. The stormwater management systems will incorporate a combination of conveyance systems, stormwater management as well as standard and green infrastructure (GI) practices to treat storm water for water quality improvements and discharge it from the site at controlled rates. These improvements will provide the water quality volume needed to meet the pollutant removal goals specified in the Irondequoit Creek Watershed Stormwater Management Report Requirements and the latest New York State Stormwater Design Manual. In addition, these practices will provide a reduction of peak flows rates below existing peak runoff rates meeting the Town of Brighton and New York State Stormwater Design Manual requirements. Thus, there is "No Impact."

3. Terrestrial and Aquatic Ecology

Per the October 22, 2014, Negative Declaration no habitat for rare fish, animal or plants that were listed as potential endangered species were identified on the development site. However, an additional species (short-eared owl) was identified as a potential endangered or threatened species in the Full Environmental Assessment Form. Short-eared owls have pasture and meadow habitats that support small mammals and nesting. The project site is currently maintained as lawn and has recently been utilized for construction staging. The proposed development is wholly located within the previous project area and no changes have occurred on site affecting terrestrial and aquatic ecology, therefore having no adverse impact.

4. Transportation

The associated parking, utilities and site improvements for the project modification occupy the area that was earmarked for Green House #4 precluding the 36 beds within the Green House from being constructed.

The range of rates and ratios of traffic entering / exiting for distribution are similar between Assisted Living and Senior Adult Housing uses within the Institute of Traffic Engineers (ITE) calculation sheets and the peak hour of generation does not correlate to the peak hour of adjacent roadways. As there is no proposed increase in units on the site there are no anticipated adverse impacts related to traffic from the project.

5. Land Use and Zoning

The property was not identified within Envision Brighton 2028 Comprehensive Plan and there are currently no recommendations regarding the land use of the parcel.

The land use surrounding the parcel is well established and virtually built out. Uses include senior housing, office complexes, medium to high residential housing, a town park and a highway. The increase of Independent Living building units is offset by the reduction of skilled nursing beds through the elimination of three Green Houses. The proposed project modification has an inconsequential impact on building coverage and impervious surface coverage. The proposed project is consistent with the original incentive zoning approvals and therefore will have no adverse environmental impacts.

#### 6. Community Services

No increase in units is proposed, therefore having no anticipated adverse impacts related to community services. The project per Schedule C-1 of the 2015 incentive zoning approval summarizes the project's contribution to the community via tax and a PILOT agreement.

#### 7. Cultural Resources

The proposed project is wholly located within the previously approved project area and no changes have occurred on the site that affect cultural resources, therefore there is no adverse impact from the modified project.

#### 8. Visual Resources

The proposed project modifies the Independent Living building from 3-stories to 4-stories with an increase of building height (average grade to midpoint of roof) from 43 ft. to 51 ft. Zoning permits up to 7 stories and 80 ft. in height, thus, not requiring, and incentive modification.

The 2014 SEQRA document includes several views of the proposed project showing both the Green Houses and 3-story Independent Living building to determine if there is any visual impact to the surrounding community. The proposed modification allowing for a 4-story Independent Living building is similar in size and scale to the original approved design. Views from the original have been recreated with the modified architecture and demonstrate there are no adverse impacts related to visual resources as a result to the project modification. In addition, two 4-story Independent Living buildings on an adjacent parcel (2000 Summit Circle Drive) each with a building height of 50 +/- ft. have recently been approved.

#### 9. Impact on Land, Construction

The proposed action is a modification of an independent living building not exceeding 78,200 gross square feet with a maximum of 75 residential units to an independent living building not exceeding 90,000 gross square feet with a maximum of 90 residential units located within a previously disturbed area of the site used for construction staging as part of previous development. Land disturbance will be essentially the same as reviewed and approved under previous approvals (SEQRA Negative Declaration - October 22, 2014). A SWPPP will be provided as part of the project that is in full compliance with the New York State Department of Conservation General Permit, as well as the New York State 'blue Book'. Thus, there is no adverse impact.

10. The Summit Environmental Impact Statement

In conjunction with the 1996 "The Summit" Incentive Zoning/Rezoning Environmental Impact Study and the 2015 Jewish Senior Life Incentive Zoning environmental review, the proposed project modification will be within the parameters of those environmental review findings.

Based upon this information and the information contained in the completed Full EAF, and the other information summarized herein comprising the Town Board record in this matter, the Town Board finds that the proposed action will not have any significant adverse impact upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

Lead Agency:           Town Board of the Town of Brighton

For further information:

Contact Person:       Rick DiStefano, Environmental Review Liaison Officer

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