

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
NOVEMBER 6, 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.

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 September 4, 2024 meeting.  
Approve the minutes of the October 1, 2024 meeting. **To be done at the December 4, 2024 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of October 31, 2024 will now be held.

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11A-01-24 Application of Essie Spawn-Cox, owner of property located at 270 South Landing Road, for an Area Variance from Section 203-2.1B(3) to allow a detached garage to be 1,000 sf in size, after construction of a 400 sf addition, in lieu of the minimum 600 sf allowed by code. All as described on application and plans on file.

11A-02-24 Application of Steven Berg, owner of property located at 88 Riverside Drive, for an Area Variance from Sections 203-16A(4) and 203-2.1B(2) to allow a shed to be 288 sf in size in lieu of the maximum 250 sf allowed by code. All as described on application and plans on file.

11A-03-24 Application of Paul Mahoney, agent, and Ellan Fustanio, owner of property located at 154 Cloverland Drive, for an Area Variance from Section 205-2 to allow a front addition (Cloverland Drive frontage) to extend 18.6 ft. into the 40 ft. front setback required by code. All as described on application and plans on file.

11A-04-24 Application of Charlie Turner, owner of property located at 60 Danforth Crescent, for an Area Variance from Section 205-2A to allow a 6 ft. high fence to be located in a front yard (Dartford Road frontage) where a maximum 3.5 ft. high fence is allowed by code. All as described on application and plans on file.

11A-05-24 Application of Valerie Intini, agent, and Ian and Laura Walters, owners of property located at 147 Avalon Drive, for an Area Variance from Section 205-2 to allow an attached garage addition to extend 10.6 ft. into the 25.1 ft. front (east side) setback where a 40 ft. front setback is required by code, and to extend 3 +/- ft. into the existing 32.7 ft. rear setback where a 40 ft. rear setback is required by code. All as described

on application and plans on file.

11A-06-24 Application of Rod Buffington, agent, and 1690 Monroe Ave Redd, LLC, owner of property located at 1690 Monroe Avenue, for an Area Variance from Section 207-14.2A(3)(b) to waive the requirement of screening of restaurant roof exhaust equipment from view of the street and view from the second story of adjacent residential properties as required by code. All as described on application and plans on file.

11A-07-24 Application of Danny Daniele, owner of property located at 2729 Monroe Avenue for modification of approved sign variances (3A-07-08, 9A-06-18 and 5A-06-19) allowing for a replacement/chance of a front elevation business identification sign and modification of approved variances (9A-07-18 and 5A-07-19) allowing for replacement/change of a rear elevation business identification sign. All as described on application and plans on file.

11A-08-24 Application of James Greaser, owner of property located at 22 Victoria Lane, for an Area Variance from Section 205-2 to allow a rear addition to extend 6 ft. into the 40 ft. rear setback required by code. All as described on application and plans submitted.

11A-09-24 Application of Lawton Watts, agent, and 3300 BHTL Partners, LLC, owner of property located at 3300 Brighton Henrietta Town line Road, for an Area Variance from Section 205-8 to allow a medical office building to be constructed with a 42 ft. front setback (Brighton Henrietta Town Line Road frontage) in lieu of the minimum 75 ft. front setback required by code. All as described on application and plans on file.

11A-10-24 Application of Lawton Watts, agent, and 3300 BHTL Partners, LLC, owner of property located at 3300 Brighton Henrietta Town line Road, for an Area Variance from Section 203-129B(2) to allow a new medical office building and other site improvements (e.g. parking spaces) to encroach into the 100 ft. vegetative watercourse EPOD buffer where not allowed by code. All as described on application and plans on file.

11A-11-24 Application of Lawton Watts, agent, and 3300 BHTL Partners, LLC, owner of property located at 3300 Brighton Henrietta Town line Road, for an Area Variance from Section 205-12 to allow a medical office building to be constructed with 69 parking spaces in lieu of the minimum 134 spaces required by code. All as described on application and plans on file.

11A-12-24 Application of Lawton Watts, agent, and 3300 BHTL Partners, LLC, owner of property located at 3300 Brighton Henrietta Town line Road, for an Area Variance from Section 205-164A to allow front yard parking where not allowed 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:

Letter from residents on South landing Road , dated October 29, 2024, in opposition of application 11A-01-24, 270 South Landing Road.

PETITIONS:

NONE

RECEIVED  
NOV 05 2024

TOWN OF BRIGHTON  
BUILDING & PLANNING

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

**Re: Variance Application for 270 South Landing Road**

Members of the Zoning Board of Appeals:

We, the undersigned, are property owners who live on South Landing Road in the Town of Brighton, either immediately adjacent to, or in close proximity of, 270 South Landing Road (the “Premises”). We submit this letter to the Zoning Board of Appeals to be included as part of the record for the variance application.

We have reviewed the application for a variance regarding the 1,000 square foot garage/pole barn (“Garage”) that has already been constructed on the Premises, and submit this letter in opposition to the requested variance.

As you know, area variances are governed by New York State Town Law § 267-b, which provides for a five-part balancing test. An area variance should only be granted when the evidence in the record establishes that the benefit to the applicant outweighs the detriment to the health, safety, and welfare of the neighborhood or community. As set forth below, the requested variance does not meet any part of the statutory test.

**1. Undesirable Change: whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

South Landing Road is a historic street in the Town of Brighton. There are multiple homes, including one immediately adjacent to the Premises, that the Town of Brighton has designated as historic. The Garage of this size is completely out of character with this historic neighborhood and surrounding community. There are very few detached garages on South Landing Road. For the few homes that do have them, they are smaller in size, and are constructed, both in materials and color, to match the principal residences. Simply put: this Garage sticks out like a sore thumb. It looks like a commercial or industrial warehouse building in the middle of a historic, residential neighborhood. The Garage will produce an undesirable change in the character of the neighborhood, resulting in a number of negative impacts and detriments to nearby properties, including a decrease in property values.

Additionally, allowing the Garage to remain as-is will set a negative precedent. It will encourage people to build on their property in violation of the Town Code, and then seek a variance after the fact, if and when the Town becomes aware of the violation.

**2. Feasible Alternatives: whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.**

There is a feasible alternative to the requested variance: the Garage could be built to comply with the Town of Brighton Town Code. The Premises is located in a Residential – Low Density District (“RLA District”) Pursuant to the Town of Brighton Town Code § 203-2.1(B)(3), provided it is not less than five feet from the lot line, a garage building not exceeding 600 square feet is a permitted accessory use in the RLA District. There is no credible evidence in the record why a 600 square foot garage is not feasible.

**3. Substantiality: Whether the requested area variance is substantial**

The variance is substantial. The total size of the Garage is 1,000 square feet, approximately 66% more than what is permitted by the Town Code. The additional size also creates a substantial, adverse visual impact.

**4. Adverse Effects: whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**

The variance will have an adverse effect on the physical and environmental conditions in the neighborhood. As it is already constructed, the Zoning Board of Appeals need not imagine the visual impact. It is the only detached garage of its size in the neighborhood. Also, it does not match the principal residence, which only increases the negative impact to the neighborhood. The additional size of the Garage also reduces greenspace and increases stormwater runoff.

**5. Self-Created Difficulties: Whether the alleged difficulty necessitating the variance was self-created.**

This difficulty was entirely self-created. It is our understanding that the applicant received a permit for a 600 square foot garage, and then constructed a garage in excess of that permit, suggesting that the applicant was aware that the construction was in violation of the Town Code.

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Although the variance application, in its current form, does not meet the required legal test, we would be in favor of the structure remaining if the Zoning Board of Appeals imposes the following conditions:

- A. The exterior of the Garage should be sided with materials and color that match the principal residence. This is consistent with the conditions imposed by the Architectural Review Board regarding the gazebo/front porch addition that was approved for the Premises in 2018.
- B. A 6' wooden, board-on-board fence be constructed, from the northwest corner of the Garage, in a northerly direction towards the principal residence.

We feel that these conditions are reasonable and would help mitigate the adverse impacts caused by the Garage, and lessen the visual impacts of such a large structure. Otherwise, the variance should be denied, and the applicant should be required to build a garage in accordance with the Town Code.

Thank you in advance for your consideration.

Name (print)	Address	Signature
Greg & Kate Nearpass	248 S. Landing Rd.	Greg & Kate Nearpass
Jim + Sue Hauke	319 S. LANDING RD.	Jim + Sue Hauke
Carol and George Orlanki	301 S. Landing Rd. Cal. G.	Carol and George Orlanki
Floyd + Sue Winslow	316 Landing Rd. S.	Floyd + Sue Winslow
MIKE & MARGARET YANCER	294 LANDING RD. S.	Margaret Yancer
Greg + Ann Garback	225 Landing Rd S.	Greg + Ann Garback
Arthur Morris	277 Landing Rd S.	Arthur Morris
John B. Guggey	234 Landing Rd S	John B. Guggey

## ***Short Environmental Assessment Form***

### ***Part 1 - Project Information***

#### **Instructions for Completing**

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>		
Name of Action or Project: 2729 Monroe Avenue New Hotel Sign		
Project Location (describe, and attach a location map): 2729 Monroe Avenue, Brighton , NY		
Brief Description of Proposed Action: Change of hotel operating requiring new signs to front and back of building.		
Name of Applicant or Sponsor: Danny Daniel		Telephone: 585-703-3849 E-Mail: <a href="mailto:djd@danielefamily.com">djd@danielefamily.com</a>
Address: 2851 Monroe Avenue		
City/PO: Rochester		State: NY Zip Code: 14618
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Brighton Building Permit		
3. a. Total acreage of the site of the proposed action? <u>less than 1 ac</u> acres b. Total acreage to be physically disturbed? <u>0</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>0</u> acres		
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland		

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			
<input type="checkbox"/> <input checked="" type="checkbox"/>			
If Yes, identify: _____			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
b. Are public transportation services available at or near the site of the proposed action?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
9. Does the proposed action meet or exceed the state energy code requirements?			
If the proposed action will exceed requirements, describe design features and technologies:  _____ _____			
10. Will the proposed action connect to an existing public/private water supply?			
If No, describe method for providing potable water: _____  _____ _____			
11. Will the proposed action connect to existing wastewater utilities?			
If No, describe method for providing wastewater treatment: _____  _____ _____			
12. a. 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?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
b. 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"/> <input type="checkbox"/>			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____  _____ _____			



***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]	
Project:	11A-07-24
Date:	November 6, 2024

## ***Short Environmental Assessment Form***

### ***Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed project deals only with replacing two building face signs, having no short-term, long-term or cumulative environmental impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Brighton Zoning Board of Appeals

November 6, 2024

Name of Lead Agency

Date

Rick DiStefano

Secretary

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

## ***Short Environmental Assessment Form***

### ***Part 1 - Project Information***

#### **Instructions for Completing**

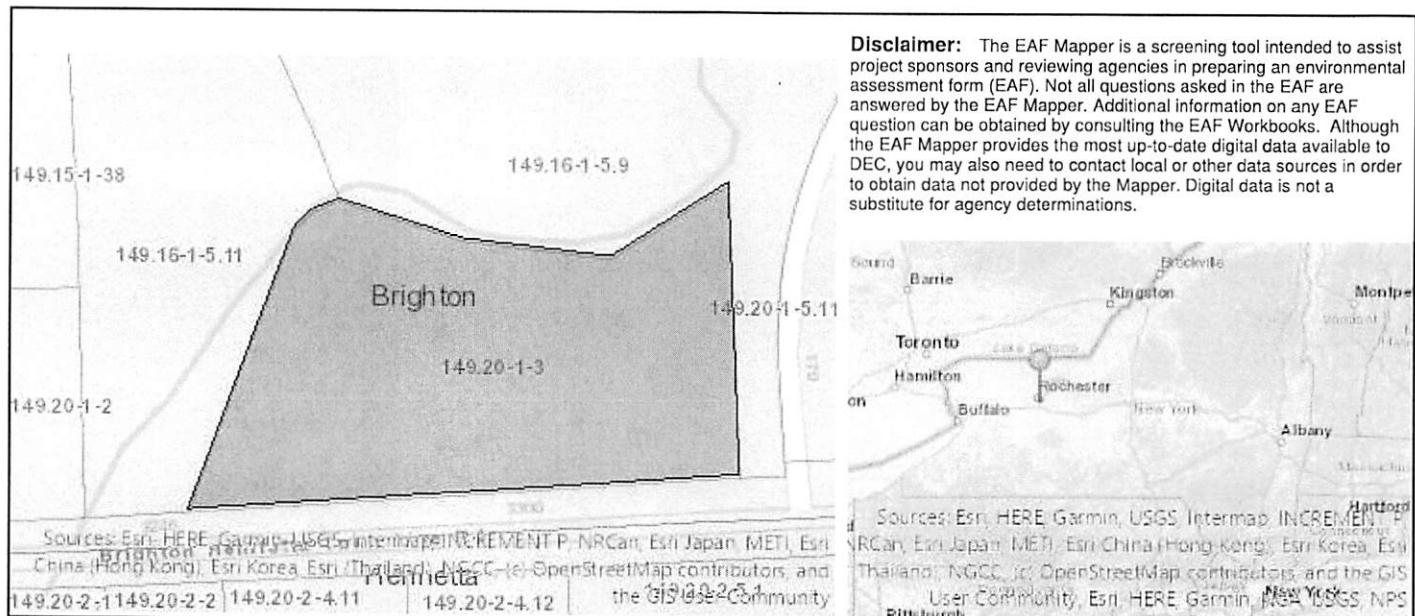
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>												
<p><b>Name of Action or Project:</b> 3300 Brighton Henrietta Townline Road</p> <p><b>Project Location (describe, and attach a location map):</b> 3300 Brighton Henrietta Townline Road</p> <p><b>Brief Description of Proposed Action:</b> The project consists of the demolition of an existing single-family home located in the Technology and Office Park zoned district, and the construction of 20,000 SF medical office building with an associated parking lot, utility connections and storm water management facilities. The project will be constructed on 2.2 acres; however, a majority of the site is located in an EPOD stemming 100 feet from the top of bank of Allen's Creek. This EPOD area is mostly manicured lawn, having been maintained by the current resident. As part of the proposed development and EPOD permit, the project will reestablish the riparian buffer along the top of bank with plantings, grasses and provide a walking trail along the creek bank.</p>												
<p><b>Name of Applicant or Sponsor:</b> 3300 BHTL Partners, LLC</p>		<p>Telephone: 585-292-1580</p> <p>E-Mail: <a href="mailto:davem@teamfsi.com">davem@teamfsi.com</a></p>										
<p><b>Address:</b> 90 Goodway Drive</p>												
<p><b>City/PO:</b> Rochester</p>		<p><b>State:</b> NY</p>	<p><b>Zip Code:</b> 14623</p>									
<p>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</p> <p>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.</p>												
<p>2. Does the proposed action require a permit, approval or funding from any other government Agency?</p> <p>If Yes, list agency(s) name and permit or approval: Town of Brighton Planning Board, Zoning Board, MCHD, MCWA, MCDOT, MCPW</p>		<p><input type="checkbox"/> NO</p>	<p><input type="checkbox"/> YES</p>									
<p>3. a. Total acreage of the site of the proposed action? <u>2.2 acres</u>          b. Total acreage to be physically disturbed? <u>1.5 acres</u>          c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>2.2 acres</u></p>												
<p>4. Check all land uses that occur on, are adjoining or near the proposed action:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Urban</td> <td style="width: 33%;"><input type="checkbox"/> Rural (non-agriculture)</td> <td style="width: 33%;"><input type="checkbox"/> Industrial</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Parkland</td> <td><input type="checkbox"/> Aquatic</td> <td><input checked="" type="checkbox"/> Other(Specify): Technology and Office Park</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Parkland	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other(Specify): Technology and Office Park
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial										
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)										
<input type="checkbox"/> Parkland	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other(Specify): Technology and Office Park										

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. 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?	NO	YES	
b. 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"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
16. Is the project site located in the 100-year flood plan?			
<input type="checkbox"/> <input checked="" type="checkbox"/>			
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,			
<input type="checkbox"/> a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?			
If Yes, briefly describe:  SWMA will discharge to the existing creek on-site.			
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: Proposed development will include a storm water management area.			
<input type="checkbox"/> <input checked="" type="checkbox"/>			
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:			
NYSDEC EAF mapper indicates this site is adjacent to a DEC remediation site, however, upon review of the NYSDEC Environmental Site Remediation Database, we did not find the proposed site, or a site in close proximity, that was in the database.			
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>			
Applicant/sponsor/name: <u>Joshua Saxton</u> Date: <u>10/22/2024</u>			
Signature: <u>Joshua Saxton</u> Title: <u>Project Manager</u>			



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project:	11A-09,10,11,12-24
Date:	November 6, 2024

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project: 11A-09,10,11,12-24

Date: November 6, 2024

***Short Environmental Assessment Form***  
***Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Brighton Zoning Board of Appeals	November 6, 2024
Name of Lead Agency	Date
Rick DiStefano	Secretary
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 11A-09-24, 11A-10-24  
11A-10-24, 11A-12-24

**Date:** 11/06/24

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 Zoning Board of Appeals as an involved 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:** 3300 Brighton Henrietta Town Line Road

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:**

**Location:** 3300 Brighton Henrietta Town Line Rd.

**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 Zoning Board of Appeals finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. There will be disturbance in the EPOD and floodplain that will be minimized and additional plantings will be added to the area outside the floodway. The building is located outside of the floodplain.
3. A traffic survey was completed and showed that the proposed development will not negatively affect street networks or intersections. Monroe County Department of Transportation has reviewed and approved the project. All required County permits will be obtained.

4. Some areas in the floodplain will be filled affecting flood storage, however enough compensatory storage is proposed to result in net positive flood storage on site.
5. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.
6. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.
7. The requirements of the State Environmental Quality Review Law have been complied with.
8. The duration of all impacts will be short term in nature.
9. There will be no resources of value irreversibly lost.
10. No threatened or endangered species of plants or animals will be affected by this project.

For further information:

Contact Person: Rick DiStefano, Secretary - Zoning Board of

Address: Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618

Telephone: (585)784-5228