

TOWN OF BRIGHTON PLANNING BOARD
FINAL AGENDA – NOTE LOCATION CHANGE
MEETING OF NOVEMBER 20, 2024
Temporary Location of Brighton Town Hall
680 Westfall Road (Empire State University), Room 159

Please Note: As of November 15, 2024, Town Hall is closed for renovation. Town offices and public meetings will take place at 680 Westfall Road during the approximately 18 month renovation project. Police, courts, and library will remain at 2300 Elmwood Avenue. Mail should continue to be addressed to 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.

7PM

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members.

CHAIRPERSON: Approval of 10-16-2024 minutes

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 11-14-2024 will now be held.

PUBLIC HEARINGS:

Application Number: [10P-02-24](#)

OpenGov reference no: PB-24-31
1625 Crittenden Road

Application Of Brighton Village Apartments, owner, and Jake Goldstein, agent, for Preliminary/Final Site Plan Approval to construct a 2,400 sf storage building on property located at 1625 Crittenden Road (Tax ID #148.16-1-4). All as described on application and plans on file. **POSTPONED FROM 10-16-2024 (at the applicant's request).**

Application Number: 11P-01-24

OpenGov reference no: PB-24-26

1900 South Clinton Avenue

Application of New Lac De Ville Plaza, LLC, owner, and Enci Lin, lessee, for Conditional Use Permit Approval to allow for a take-out restaurant with limited seating on property located at 1900 South Clinton Avenue. All as described on application and plans on file.

Application Number: 11P-02-24

OpenGov reference no: PB-24-33

3300 Brighton Henrietta Town Line Road

Application of 3300 BHTL Partners, LLC, owner, and Joshua Saxton, Passero Associates, agent, for Preliminary/Final Site Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single family home and construct a 20,000 sf medical office building with associated site improvements on property located at 3300 Brighton Henrietta Town Line Road. All as described on application and plans submitted.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

SIGNS:

Application Number: [SN-24-28 \(1733\)](#)

2775 Monroe Ave

Non-illuminated 32sq ft aluminum sign printed with 3mm Jbond material with a black core in the middle for Spin and Savor

Application Number: [SN-24-34 \(1737\)](#)

1840 S Winton Rd

An internally illuminated 22.5 sq ft LED sign with translucent vinyl graphics for *Zea Proukou PLLC Worker's Comp- SSD*

Application Number: [SN-24-35 \(1738\)](#)

1501 Monroe Ave

An internally illuminated 21.25 sq ft acrylic sign for *First Learning*.

Application Number: [SN-24-37 \(1739\)](#)

2400 W Henrietta Rd

A 75 sq ft internally illuminated acrylic and aluminum sign for *Cortese Mitsubishi Motors*

Application Number: [SN-24-33 \(1740\)](#)

2729 Monroe Ave

A 75 sq ft stud mounted flat cut acrylic letters and a 76.8 sq ft backlit box sign.

PLANNING BOARD REPORT

HEARING DATE: 11-20-2024

APPLICATION NO: 10P-02-24

OpenGov reference no: PB-24-31

LOCATION: 1625 Crittenden Road

APPLICATION SUMMARY: Application Of Brighton Village Apartments, owner, and Jake Goldstein, agent, for Preliminary/Final Site Plan Approval to construct a 2,400 sf storage building on property located at 1625 Crittenden Road (Tax ID #148.16-1-4). ***Postponed from 10-16-2024 at the applicant's request.***

COMMENTS

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

BUILDING AND PLANNING:

1. The property contains multiple multifamily residential buildings built in the 1960s. The location of the proposed storage building at the southeast corner of the parcel is not visible from any public road.

The site is zoned Residential High Density-2 (RHD-2).

2. A survey map and site plan have been submitted.
3. The project requires review by the Architectural Review Board (ARB). An application was submitted and reviewed by ARB on 10-22-2024 and tabled. The ARB continued their review on 11-19-2024 **and the outcome is pending at this time.**
4. The project required an area variance to waive the 600sf size limit for storage structures. The ZBA reviewed the variance application and granted the variance, with conditions on 12-6-2023.

TOWN ENGINEER:

Ken Hurley, PE (ken.hurley@townofbrighton.org 585-784-5225)

None

SEWER DEPARTMENT:

Tim Jason (tim.jason@townofbrighton.org 585-784-5289)

None

CONSERVATION BOARD:

Advisory comments

1. Mitigate the loss of the four trees with planting 4 new trees throughout the complex.

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, 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.
4. The project shall be constructed in accordance with the design approved by the ARB and the final site plan drawing set.

PLANNING BOARD REPORT

HEARING DATE: 11-20-2024

APPLICATION NO: 11P-01-24

OpenGov reference no: PB-24-26

LOCATION: 1900 South Clinton Avenue, Unit 750

APPLICATION SUMMARY: Application of New Lac De Ville Plaza, LLC, owner, and Enci Lin, lessee, for Conditional Use Permit Approval to allow for a take-out restaurant with limited seating on property located at 1900 South Clinton Avenue.

COMMENTS

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

BUILDING AND PLANNING:

1. 1900 Monroe Avenue currently contains a 140,000 +/- sf single story multi-tenant retail plaza built in the early 1980s.
2. The subject property is zoned Neighborhood Commercial District (BF-1).
3. A site plan and floor plans have been submitted, as well as operational information relevant to the Conditional Use Permit request.
4. Applicant to confirm whether there will be any tables and chairs inside the store.
5. Applicant to confirm that no exterior changes or exterior seating are proposed at this time.
6. As a take out restaurant, this operation is likely to generate trash. The applicant should provide information on trash containers in the vicinity of the restaurant.
7. Any signage shall be reviewed separately.
8. The applicant has provided property owner's authorization in writing.
9. This property meets the Zoning Code definition of community shopping center: a group of commercial establishments managed as a total entity ranging in size from 50,000 to 450,000 square feet, with parking provided on-site. The parking requirement for community shopping centers is five spaces per 1,000 sf of gross floor area, assessed on a property-wide basis. Changes of use of individual tenant spaces do not affect the overall parking assessment.

TOWN ENGINEER:

None

SEWER DEPARTMENT:

Tim Jason (tim.jason@townofbrighton.org) 585-784-5289)

1. A grease trap must be installed and adhere to NYS Plumbing Code as well as Town Code

CONSERVATION BOARD:

Advisory comments

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 take out restaurant complies with the standards of the Neighborhood Commercial (BF-1) district.
2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the proposed take out restaurant, 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 take out restaurant use 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 take out restaurant use 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 a take out restaurant 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 take out restaurant will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of a take out restaurant will not result in the loss or damage to trees.
8. The Planning Board finds that the establishment of a take out restaurant in this location essentially conforms to the Town's Comprehensive Plan: Envision Brighton 2028. Specifically Volume 2, Pages 16, the Economic Vitality Policy Objectives [emphasis added]:
 - A. Attract and promote the sustainable development of quality office, *retail*, commercial, medical, light industrial, and residential uses in areas with existing critical infrastructure, in an effort to expand the Town's local tax base while providing needed and desired goods and services, and without compromising other community goals.
 - E. *Provide support for local businesses, entrepreneurs*, institutions, and enterprises to attract and retain local talent and increase access to local goods.

ENVIRONMENTAL REVIEW/SEQR

Staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined the granting of a conditional use permit for a take out restaurant 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. The applicant shall respond in writing to all comments of the Planning Board, Building and Planning Department, Sewer 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.

PLANNING BOARD REPORT

HEARING DATE: 11-20-2024

APPLICATION NO: 11P-02-24

OpenGov reference no: PB-24-33

LOCATION: 3300 Brighton Henrietta Town Line Road

APPLICATION SUMMARY: Application of 3300 BHTL Partners, LLC, owner, and Joshua Saxton, Passero Associates, agent, for Preliminary Plan Approval, EPOD (watercourse) Permit Approval and Demolition Review and Approval to raze a single family home and construct a 20,000 sf medical office building with associated site improvements on property located at 3300 Brighton Henrietta Town Line Road.

COMMENTS

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

BUILDING AND PLANNING:

1. The property contains a vacant single family dwelling built in the 1950s or 1960s. The proposed medical office building is located in the central portion of this corner parcel.

The site is zoned Technology and Office Park (TOP) with a Watercourse Environmental Protection Overlay District (EPOD) due to the presence of Allen's Creek. Allen's Creek borders the site on the west and north sides.

2. A survey map, site plan drawing set, building floor plans and elevations, and owner verification have been submitted.
3. The current proposal is very similar to a prior proposal reviewed and approved by the Planning Board in 2019 (10P-01-19). The applicant may want to highlight the differences between the two proposals.
4. Architectural Review Board (ARB) approvals do not expire. Therefore, the project would only require review by the Architectural Review Board (ARB) if the design is different from the 2019 proposed design. The applicant should provide a comparison of the two proposals.
5. The proposed demolition requires review by the Historic Preservation Commission (HPC). This is scheduled for the 11-21-2024 meeting. HPC declined to advance landmark designation of the single family dwelling in 2019. Therefore, demolition could proceed, although it never did and the house in question remains standing.
6. The project required area variances for front yard setback, encroachment into the watercourse buffer, number of parking spaces, and location of parking in the front yard. The ZBA reviewed the variance applications and granted all the variances, with conditions on 11-6-2024.

7. The project was referred to Monroe County on 10-21-2024. Monroe County provided comments dated 11-19-2024 (attached) which are relevant to Site Plan Approval.

TOWN ENGINEER:

Ken Hurley, PE (ken.hurley@townofbrighton.org 585-784-5225)

1. The Town Engineer has concerns over certain aspects of the stormwater infrastructure and proposed grading in the flood plain.

SEWER DEPARTMENT:

Tim Jason (tim.jason@townofbrighton.org 585-784-5289)

1. A sewer permit required
2. The Town requests a sanitary sewer easement at northeast portion of the parcel, where a new sanitary manhole is being proposed.

CONSERVATION BOARD:

Advisory comments

1. Consider use of low mow grass options, especially in the watercourse/floodplain areas.

ENVIRONMENTAL REVIEW/SEQR

This project has been classified by the Town of Brighton as an Unlisted Action. A short Environmental Assessment Form (EAF) was submitted. Review of the EAF is ongoing and a draft environmental 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. Allow for final review of the stormwater management and grading plans by the Town Engineer.
2. Submit an application for Final Site Plan Review so that Preliminary and Final Approval can be combined at the 12-18-2024 meeting.
3. Completion of demolition review by the HPC.
4. Confirm whether ARB review is required.



Department of Planning & Development

Monroe County, New York

Adam J. Bello
County Executive

Ana J. Liss
Director

To: Town of Brighton Planning Board, Zoning Board

From: Lucy Creighton, Planner II 

Date: November 19, 2024

Subject: 3300 BHTL Road
3300 Brighton Henrietta Town Line Rd, Rochester 14623
MCDP&D Response to Development Review Referral (BH24018)

Review Authority and Response:

General Municipal Law: Section 239-m (Zoning)
 Approval Modification Disapproval Comment No Comment

Section 239-n (Subdivision)
 Approval Modification Disapproval Comment No Comment

County Charter: Section C5-4.A (Airport)
 Approval Approval with Conditions Disapproval

Section C5-4.C (Advisory Review)
 Comment No Comment

Previously Reviewed by MCD&P (if yes, previous referral response applies to this referral):

Yes No

Referred to the Development Review Committee (DRC) (If yes, DRC Project Review Report attached):

Yes No

MCDP&D Comments:

1. Applicants are encouraged to contact other County Departments and non-county agencies to ensure all permitting requirements for this project have been satisfied.
2. As the population of older adults increases, it is important to design age-friendly spaces that preserve safety and dignity for all. Age-friendly design supports a healthier community by promoting independence and equitable access to services and community spaces.

Creating an age-friendly environment helps people navigate their communities more comfortably and safely and is good for local economies. According to an AARP study (2019), Americans aged 50 and older contributed \$8.3 trillion to the U.S. economy in 2018. The contribution was so significant that Americans 50 and older would be the world's third-largest economy if they were counted as their own country.

When designing indoor and outdoor spaces, it is important to consider the perspective of individuals of all ages, disabilities, and backgrounds to create a more inclusive space. Please consider including these age-friendly design elements wherever possible:

1. Signage: Concise, clear messaging positioned at short intervals is a good practice, whenever possible. Usage of visual supports, such objects, photographs, or pictures help individuals with limited literacy skills and cognitive disabilities.
2. Rest areas: Provide ample seating for those who need to rest. Add age-friendly seating with appropriate seat

heights, angles, and armrests, both indoors and outdoors, wherever possible.

3. Other age-friendly considerations include:

- Non-slip walking surfaces
- Escalators and elevators, and adequate stairway railings
- Entry ramps for mobility devices, such as wheelchairs and walkers
- Safe pedestrian crossings for navigating traffic, including well-timed crosswalks
- Inclusive public parks and recreation spaces that support physical, social, and educational activities for people of all ages and abilities
- Support for healthy eating and nutrition through farmers' markets and community gardens
- Well-lit, predictably designed spaces, including walkways, trails, and buildings, to enhance navigation, wayfinding, and safety for individuals with visual and cognitive impairments

3. The proposed project is a medical service development. This type of development has the potential to generate substantial demand for public transportation. If not already considered, the applicant should contact Regional Transit Service (RTS) to discuss whether the project is currently accessible via RTS Connect (fixed route) and/or RTS On Demand. The applicant may also discuss any potential alternatives for providing public transportation to the development site, as well as any operational constraints/limitations and also how to incorporate on site transit amenities such as bus stops and bus shelters. For additional information, please contact Dan Kenyon, Transportation Planner, email: dkenyon@myrts.com / office: 585.654.0605 / website: <https://www.myrts.com/>

4. As Monroe County drivers' transition to electric vehicles ("EV") there is increasing need for charging facilities. EVs drivers currently need a mix of at home charging and on-the-go charging facilities - these come in the form of different level chargers that correspond with charging speed. Site developers of commercial spaces, both private and open to the public should consider whether EV chargers are complementary additions to new developments or redevelopments. Site developers can make investments in charging facilities ranging from ev-capable (lowest cost), ev-ready, to ev-installed (highest cost). for more information, visit: www.epa.gov/statelocalenergy/introduction-electric-vehicle-ready-buildings. Retrofitting the same ev-investments costs 4-6-times as much. Rochester Gas & Electric recognizes the need to grow charging facilities across the region and has a program to help property owners add EV charging facilities. Their EV Charger Make Ready Program can help property owners cover costs related to installation of EV chargers. Learn more at: <https://www.rge.com/smartenergy/electricvehicles/ev-charger-make-ready-program>. For information on charging best practices for EV owners and property owners' visit: <https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric>.

5. The subject parcel is within 500 feet of the Town Henrietta's municipal boundary. The clerk of the board should provide written notice to the neighboring municipality in accordance with General Municipal Law 239-nn.

6. According to the Flood Boundary and Floodway Map published by the Federal Emergency Management Agency this site may be located within the federal flood insurance program's 100-year floodplain boundary. The municipality's permit administrator should be satisfied that the proposed development will meet the requirements of the National Flood Insurance Program in order for the municipality to maintain eligibility in the program and for the applicant to obtain flood insurance.

7. According to the New York State Department of Environmental Conservation (NYS DEC) classification of fresh surface waters the segment of 846-37 located on this site is a protected waterway. The Protection of Waters Program regulates the following activities: disturbance of the bed or banks of a protected stream or other watercourse, construction and maintenance of dams, excavation and/or filling in navigable waters, and construction of docks and other moorings. Any disturbance of the streambed or banks may require an Article 15 Permit from the DEC. For additional information regarding the need for a permit, the applicant should contact: NYS DEC Permit Administrator, (585) 226-5400

If you have any questions regarding this review, please contact me at 585.753.2005 or lucycreighton@monroecounty.gov.

xc: Development Review Committee
3300 BHTL Partners, LLC, 3300 BHTL Partners, LLC
Joshua Saxton, Passero Associates
New York State Department of Environmental Conservation
Monroe County Planning & Development

Subject: Attachment to File BH24018
3300 BHTL Road
3300 Brighton Henrietta Town Line Rd, Rochester 14623

The Monroe County Development Review Committee (DRC) has reviewed the subject application and have the following comments that need to be addressed prior to submission of final plans for approval.

Monroe County Department of Health (MCDOH), Contact Brett Gobe (585-753-5459) with questions.

1. The proposed project may require a backflow preventer. An engineer's report shall be submitted to the supplier of water to determine the degree of hazard and the need for backflow prevention.
2. Plans for proposed backflow preventer(s) must be submitted to and approved by the supplier of water and the Monroe County Department of Public Health prior to installation.
3. Plans for any extension or relocation of water main or sanitary sewer must be submitted to and approved by the Monroe County Department of Public Health.

Monroe County Department of Transportation (MCDOT), Contact John Raymond (753-7711) with questions.

1. The Monroe County Geodetic Survey Monumentation Network provides the framework for all positioning activities (latitude, longitude, elevation) in Monroe County. In order to preserve geodetic survey monuments, the location of monuments in the vicinity of the project should be evaluated. It is the responsibility of the Developer to see if a monument is in or near the work area by utilizing the Monroe County GIS Interactive Map Gallery GPS Base Stations & Survey Monuments map; plotting the location of any monuments within the proposed construction area and by e-mailing full site plans and a request for review to the County Surveyor, at gregorybly@monroecounty.gov. A security deposit and a survey monument monitoring report may be required to protect any monumentation located in or near the work area. Contact Gregory D. Bly, PLS, at (585) 753-1156 if you have questions.
2. This project was previously submitted in 2019, and MCDOT was ready to approve plans. The plans appear to be the same.

Monroe County Department of Environmental Services (MCDES), Division of Pure Waters, Contact Richard Bianchi (753-7614) with questions.

1. Please be advised that Monroe County Pure Waters (MCPW) must review and approve plans for any site development / new construction in the **"Irondequoit Bay South Central Pure Waters District"**.
2. Plan resides within our **"Irondequoit Bay South Central Pure Waters District"**- formal Plans to be sent to MCPW. Engineer to complete the PW-2 abbreviated form. Monroe County Industrial Waste Division will need to see that grease trap or oil/water separator is included within the design of this project. They will ask for – A.) Interior plumbing plans. B.) Manufacturer cut-sheet(s) for separator. C.) Sizing calculations for any grease trap or oil/water separator.

PW-2 Forms can be downloaded at:

<https://www.monroecounty.gov/des-pw2-forms>

3. Once the plans are received from the Engineer, it will be logged and reviewed by Pure Waters as a Master Plan / Capacity Stamp review. The stamp block must be added to the utility plan. The block must be minimum 4.0" tall by 3.5" wide to accommodate the stamp. The title outside of the block should be **"Irondequoit Bay South Central Pure Waters District."**
4. This project falls within the **"Irondequoit Bay South Central Pure Waters District"**. The applicant will need to submit a PW-2 application with their submittal (PW-2 form attached).

PW-2 Forms can be downloaded at:

<https://www.monroecounty.gov/des-pw2-forms>

Please send the filled PW-2 form to Rich Bianchi via email at RBianchi@MonroeCounty.gov

New York State Department of Transportation (NYSDOT), Contact Zachary Starke (272-3472) with questions.

1. This project was not sent to New York State Department of Transportation for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.