

**TOWN OF BRIGHTON PLANNING BOARD**  
**FINAL AGENDA**  
**MEETING OF JANUARY 15, 2025**  
**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](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.

7PM Agenda Review with Town Staff and Planning Board Members

CHAIRPERSON: Call the meeting to order

SECRETARY: Call the roll

Approval of 11-20-2024 minutes (distributed 11-27-2024)

Approval of 12-18-2024 minutes (if available)

CHAIRPERSON & SECRETARY: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 1-9-2025 will now be held.

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**PUBLIC HEARINGS:**

**Application Number: 1P-01-25**  
*OpenGov reference no: PB-24-36*  
1900 Westfall Road

Application of Atonement Lutheran Church, owner, and Andra Smith, lessee, for Conditional Use Permit Approval to allow for a child early learning program (pre-school) on property located at 1900 Westfall Road. All as described on application and plans on file.

NEW BUSINESS:

**Application Number: [1P-NB1-25](#)**

*OpenGov reference no: PB-24-37*

0 Elmwood Avenue (Tax ID 136.14-1-1.2 and 136.14-1-1.3)

Application of 293A Alden Road, LLC, owner, Home Leasing, project agent, and Brian Burri, Bergmann Engineers, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct 120 units of affordable and supportive housing consisting of 7 Townhouse buildings (40 units) and a four story apartment building (80 units) on property located on the south side of Elmwood Avenue, adjacent to the City of Rochester municipal line, known as Tax ID #136.14-1-1.2 and #136.14-1-1.3.

OLD BUSINESS: NONE

COMMUNICATIONS: NONE

PETITIONS: NONE

SIGNS:

**Application Number: [SN-24-42 \(1745\)](#)**

1672 Monroe Ave

A 23.3 sq ft black acrylic dimensional letter sign for *The Beauty Theory*

**Application Number: [SN-24-44\(1746\)](#)**

1925 S. Clinton Ave

Two internally illuminated signs for ROC INTEGRATED MED. The sign facing the Parking lot is a 48 sq ft channel letter illuminated sign. The South Clinton facing sign will be a 30 sq ft channel “cloud” sign.

## PLANNING BOARD REPORT

**HEARING DATE:** 1-15-2025

**APPLICATION NO:** 1P-01-25  
*OpenGov reference no:* PB-24-36

**LOCATION:** 1900 Westfall Road

### APPLICATION SUMMARY:

Application of Atonement Lutheran Church, owner, and Andra Smith, lessee, for Conditional Use Permit Approval to allow for a child early learning program (pre-school) on property located at 1900 Westfall Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 1900 Westfall Road currently contains the campus of Atonement Lutheran Church, originally constructed in 1959 and expanded in 1969 and 1979.
2. The subject property is zoned Low Density Residential - B (RLB).
3. A site plan and floor plans have been submitted, as well as authorization from the church and information relevant to the Conditional Use Permit request.
4. The proposed pre-school will serve no more than 20 children, as stated in the application.
5. The proposed pre-school will operate September through June, Monday through Friday, 9AM-12PM (noon), and will follow the Brighton Central School District calendar for holidays and weather related closures.
6. Applicant should confirm the number of staff.
7. Applicant should state whether or not any food will be served on a regular basis.
8. Applicant to confirm that no exterior changes are proposed for the property at this time. Any fencing, signage, or outdoor installations shall require separate review by the Town of Brighton staff and/or the Town of Brighton Planning Board.
9. Any expansion with regard to number of children, time of operations beyond those of the regular school hours of Brighton Central School District, and/or physical size of the pre-school space, whether within the existing church building complex or a building addition. shall require separate review by the Town of Brighton staff and/or the Town of Brighton Planning Board.
10. If approved, the applicant is advised to consult with the Town Architect, Patricia Hinckley, as to whether a building permit is required or not.

**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 pre-school 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 pre-school 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 pre-school 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 pre-school 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 pre-school 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 pre-school facility will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of a pre-school facility will not result in the loss or damage to trees.
8. The Planning Board finds that the establishment of a pre-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. The applicant shall comply with all conditions of the Planning Board.
2. Any expansion with regard to number of children, time of operations beyond those of the regular school hours of Brighton Central School District, and/or physical size of the pre-school space, whether within the existing church building complex or a building addition, shall require separate review by the Town of Brighton staff and/or the Town of Brighton Planning Board.
3. Any exterior changes, fencing, signage, or outdoor installations shall require separate review by the Town of Brighton staff and/or the Town of Brighton Planning Board.
4. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
5. All Town codes shall be met that relate directly or indirectly to the applicant's request.



1900 Westfall Road, Rochester, NY, 14618

December 19, 2024

To Whom It May Concern,

On behalf of Atonement Lutheran Church, we are pleased to grant authorization for Small Wonders to rent space from and operate out of our church building located at 1900 Westfall Road. This agreement reflects our strong support for the mission and vision of Small Wonders in providing quality early childhood education to our community.

We believe that Small Wonders aligns beautifully with our values of nurturing, education, and service. Their commitment to fostering young minds and hearts resonates with our church's dedication to supporting families and children in their formative years.

We are excited to host Small Wonders in our facilities and are excited about the positive impact this program will bring to the community. The collaboration between Small Wonders and Atonement Lutheran Church is an opportunity to further our shared goal of creating a welcoming and supportive environment for all.

Should you have any questions or need further details, please feel free to contact us at 585-442-1018. We look forward to an engaging partnership and wish Small Wonders great success in this endeavor.

Warm regards,

*The Rev. Gail Swanson*  
Reverend Gail Swanson  
Pastor  
Atonement Lutheran Church

*Margy Peet*  
Margy Peet  
Board of Ministry, President  
Atonement Lutheran Church

## PLANNING BOARD REPORT

**HEARING DATE:** 1-15-2025

**APPLICATION NO:** 1P-NB1-25  
*OpenGov reference no:* PB-24-37

**LOCATION:** 0 Elmwood Avenue (Tax ID #136.14-1-1.2 and #136.14-1-1.3)

**APPLICATION SUMMARY:** Application of 293A Alden Road, LLC, owner, Home Leasing, project agent, and Brian Burri, Bergmann Engineers, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct 120 units of affordable and supportive housing consisting of 7 Townhouse buildings (40 units) and a four story apartment building (80 units) on property located on the south side of Elmwood Avenue, adjacent to the City of Rochester municipal line, known as Tax ID #136.14-1-1.2 and #136.14-1-1.3.

### COMMENTS

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

### BUILDING AND PLANNING:

1. The parcels under review make up the Brighton portion of the former Rochester Psychiatric Center site, sold by the State of New York to the applicant sometime between 2010 and 2015. The parcels are vacant land.

The bulk of the former state hospital site, including the 16-story Terrence Building, immediately to the west of the project site, is located over the town line in the City of Rochester.

2. The internal private (although publicly accessible) road network, including the street that will serve this project under review by the Town of Brighton, were approved by the City of Rochester as incremental development within Planned Development (PD) #18 on 9-14-2023 (attached for reference). This approval expired 9-14-2024 but was extended so the 9-14-2023 approval remains valid.

Careful and ongoing coordination between the Town of Brighton review processes and the City of Rochester review processes is necessary to create an efficient, cohesive development. This is especially critical since substantial vehicular traffic and nearly all the pedestrian access for the 9.88 acre Brighton portion will pass through the City.

3. The site is zoned Residential High Density 2 (RHD-2) and is subject to an Incentive Zoning agreement adopted by the Town Board on 10-9-2024 (attached for reference). The Planning Board issued an advisory report to the Town Board dated 6-20-2024 (attached for reference)
4. A survey map, site plan drawing set, architectural drawing set, tree survey, lighting spec

sheet, project monument sign, and preliminary stormwater pollution prevention plan (SWPPP) have been submitted.

5. All dwelling units (apartments and town houses) will be rental units. The applicant should provide information on the disposition of the two current parcels. Will they be combined or have the line between them adjusted?
6. The applicant should provide more information on project phasing, both the Brighton portion under this review and the relevant portions of the city portion, including but not limited to the phasing as it pertains to the road network construction and access to the Brighton portion.
7. The project requires review by the Architectural Review Board (ARB) and is tentatively scheduled for the 2-25-2025 ARB meeting.
8. The applicant is encouraged to work with Town planning staff regarding the refinement of the proposed landscaping (see also Conservation Board advisory comments). There is a balance between buffering the trail from the adjacent residential uses and allowing some visibility so that trail users do not feel completely isolated.

*Regarding landscaping on the city side of the line: the proposed new street visually aligns with the southern end of Goodman Street, but requires a sharp turn to the right for vehicles to connect to Elmwood Avenue. A recommendation to the applicant and our colleagues and neighbors in the City of Rochester is to require suitable landscaping/hardscaping at this location to prevent inattentive or errant motorists, either north or southbound, from following the visual continuation of the street and mounting the curb and sidewalk.*

9. There is little mitigation for the loss of trees. Merely because many of the trees identified in the survey are ash trees and presently succumbing to the emerald ash borer does not absolve the applicant from complying with the spirit and intent of the Woodlot Environmental Protection Overlay District (EPOD).
10. The sign, as presently proposed and understood by town staff will require a sign variance from the Zoning Board of Appeals (ZBA). The applicant is encouraged to propose a code-compliant sign or relocate the sign a short distance to the west, in the City of Rochester, where such sign may meet the city's sign regulations.

**TOWN ENGINEER:**

*Ken Hurley, PE ([ken.hurley@townofbrighton.org](mailto:ken.hurley@townofbrighton.org)) 585-784-5225)*

1. The Town Engineer conducted an initial review of the project and requires additional information regarding stormwater management.

**SEWER DEPARTMENT:**

*Tim Jason ([tim.jason@townofbrighton.org](mailto:tim.jason@townofbrighton.org)) 585-784-5289)*

1. A Town of Brighton sewer permit is required.
2. Provide flow/water calculations
3. Check depths for sewer/water crossings
4. Provide top of rim elevations/inverts
5. Maintain a minimum of 4 ft of coverage throughout the site
6. Utilize/provide the Town of Brighton detail sheets
7. Grease trap/food prep details/specifications (if applicable)
8. Garage drainage must tie into the sanitary sewer
9. Provide sanitary sewer profiles
10. Must maintain 18" separation between sewer and water
11. Resolve sewer fee issue. Buildings are in the Town of Brighton but connected to the city (Monroe County Pure Waters) sewer.

## **CONSERVATION BOARD:**

### *Advisory comments*

1. A more robust landscape buffer should be installed west of the Highland Crossing Trail running the length of the townhomes' east property line.
2. A pollinator seed mix should be considered within the solar panel field and elsewhere on site where feasible.
3. Foundation plantings around the apartment building are highly recommended.
4. Additional tree plantings should be considered throughout the site to help mitigate the loss of existing trees.

## **ENVIRONMENTAL REVIEW/SEQR**

Environmental Review pursuant to the New York State Environmental Quality Review Act was conducted by the City of Rochester in 2017 and a Negative Declaration was issued. As the Brighton portion of the project remains substantially the same, it is consistent with the 2017 Environmental Determination.

## **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 documentation and management plans by the Town Engineer.
2. Address the comments of the Sewer Department.
3. Address the comments of the Planning Board and Town Planning staff.
4. Provide a revised landscaping plan.
5. Submit an ARB application.



# City of Rochester

Neighborhood and Business Development  
30 Church St. Rm. 125B  
Rochester, NY 14614  
www.cityofrochester.gov

Division of Zoning

RECEIVED  
CITY OF ROCHESTER  
CLERK/COUNCIL OFFICE

September 14, 2023

2023 SEP 18 P 2:43

Messrs. Bob and Todd Morgan  
293 A Alden Road, LLC  
1170 Pittsford-Victor Road  
Pittsford, NY 14534

Re: Site Plan Approval: SP-03-21-22, Incremental Development of PD#18  
Address: 1201 Elmwood Avenue

Your site plan review application has been **APPROVED on condition. This approval is based on the drawings dated August 10, 2021, last revised on November 7, 2022.**

#### Conditions:

1. No work shall be conducted within the 100' buffer of the NYS Wetland without a permit from the NYS Department of Environmental Conservation.
2. All drawings submitted for work in the public ROW must address comments from the City of Rochester's Department of Environmental Services Office of Street Design received by the Division of Zoning on January 31, 2023 and the actions delineated therein must be taken/completed (as described below in Final Drawings for Certificate of Zoning Compliance in the Next Steps section).

#### Approval Information:

The project shall be constructed and maintained in accordance with this approval. Any future redevelopment or plan modification must be brought to the attention of the Zoning Office.

**This is not a permit.** Site Plan Approval alone does not authorize any project work to be completed. See **Next Steps** for more information.

**This approval will EXPIRE on September 14, 2024** unless a building permit is obtained and maintained. You can apply for an extension of time **prior to the expiration date** using the form provided at <https://www.cityofrochester.gov/zoningforms/>. Extension applications received after the expiration date will not be granted and will require a new site plan review application.

#### Project Description:

In accordance with the Development Concept Plan for PD#18, dated June 26, 2017, adopted by City Council through Ord. No. 2017-254 & 255, the subject incremental development plan includes the construction of a system of private drives, including a connection to Brickstone Circle in the Town of Brighton, a connection to Science Parkway across 330 Science Parkway, and a connection to an existing access road, Southwood Drive. The proposal includes 30+- on-street parking spaces and additional improvements, including utilities, curbing, sidewalks, crosswalks, driveways, landscaping, and lighting. A stormwater management pond, connected to the storm sewer system, is included at approximately the center of the site. The proposed incremental development will position the site for further redevelopment.

#### Code Compliance:

1. **Minor Site Plan Review:** Approval by the Manager of Zoning is required per §120-191D(3)(a)[16] for incremental development in a Planned Development District. The proposal does not meet any

of the denial criteria listed in §120-191D(4) of the Zoning Code and is in substantial compliance with the adopted Development Concept Plan for PD#18.

2. **City Council Actions:** The Development Concept Plan for PD #18 was initially adopted by City Council at their meeting on August 15, 2017 through Ord. No. 2017-254 & 255. The regulations for PD#18 were modified on November 12, 2019 by Ord. No. 2019-325 to reflect changes to the planned development regulations. At the November 15, 2022 meeting, City Council approved, through Ord. No. 2022-333, the sale of a permanent non-exclusive easement over a portion of 330 Science Parkway to 293 A Alden Road, LLC to build and maintain a privately-owned road linking Science Parkway to Gateway Road in Brighton and necessary utilities thereupon, over, or under.
3. **SEQR/Chapter 48 Compliance:** In accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, the proposed incremental development of PD#18 is classified as an Unlisted Action. A Negative Declaration was issued in 2017 for the buildup of the Development Concept Plan which included most of the proposed incremental development. However, the easement and road construction across 330 Science Parkway was not included in that Negative Declaration and the Manager of Zoning conducted a new SEQR review for that portion of the proposal and issued a negative declaration on October 3, 2022.

**Findings:**

1. The Manager of Zoning was notified on January 7, 2023 that the easement necessary for the implementation of the proposed road was recorded on January 5, 2023.
2. In a memo dated September 7, 2021, the Division of Environmental Quality stated that they have no spill files (since 1990) on 1201 Elmwood Avenue and no files related to remediation actions at the site.
3. As requested in a memo from the City Engineering Division, dated December 7, 2021, a vehicle turning template was provided in drawing C101, last revised on November 7, 2022. The other comments were addressed in the plan revisions.
4. In a memo dated September 13, 2021, the City Landscape Architect stated that the intersection of the proposed private drive with the asphalt trail must have signage to protect trail users. See instructions under Next Steps, below.
5. Comments from the ROW Permits Office dated October 5, 2021 were addressed in the plans last revised on 11/7/2022.
6. Comments from the City Maps and Surveys Office indicated that the location of an RCS Monument needed to be shown on the drawings. This is addressed in the revised plans dated November 7, 2022.
7. Comments were received from the Rochester Fire Department on January 18, 2022. The revised drawings substantially address the issues raised. Final resolution will occur through the Building Permit review process.
8. In correspondence dated September 15, 2021 with the Monroe County Department of Transportation, it was agreed that the need for a traffic mitigation would be determined when an application is submitted for development, as proposed in the Development Concept Plan. Any changes or modifications to traffic regulation signs or signals within the right-of-way requires approval from Monroe County Department of Transportation.

**Next Steps:**

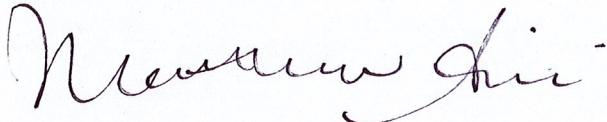
The following is a list of some next steps to assist you in completing the predevelopment approval process. This is intended as guidance and may not be an exhaustive list of all necessary approvals.

- 1. Final Drawings for Certificate of Zoning Compliance (CZC).** Three sets of final hard copy site and building drawings, and one digital copy, shall be submitted to the Manager of Zoning, Matthew Simonis, via [siteplanreview@cityofrochester.gov](mailto:siteplanreview@cityofrochester.gov) who may be reached at (585) 428-6914. The CZC will be issued upon submission of accurate final drawings. These drawings must reflect the following:
  - a. Show the 50 feet wide access easement centered along the new private drive off of Science Parkway.
  - b. Provide an enlarged detailed view of the private drive intersection with Elmwood Ave depicting all existing and proposed features.
  - c. Provide new sidewalk curb ramps that are aligned with the striped crosswalks.
  - d. Relocate the pedestrian signal pole and the new traffic signal pole such that they do not impede sidewalk snow removal operations; provide sufficient clear space for unencumbered passage of the sidewalk and access to the sidewalk curb ramps.
  - e. The radii curb for both connections of the private drives with Elmwood Av and Science Parkway shall be granite.
  - f. Confirm that the existing storm water retention pond has sufficient capacity to handle all of the existing and the proposed storm water runoff from the surrounding site, including the new private drive(s).
  - g. A 30 feet wide easement, centered on the new pipes, must be obtained for installation and future maintenance of all private storm water sewer/lateral pipes that are to cross City owned property for connection into the existing storm water retention pond.
  - h. The developer shall enter into an agreement to be responsible for, and mitigate any and all issues with the existing storm water retention pond that may arise from the introduction of the additional storm water runoff from the developers site.
  - i. Add the following City details to the plan set:
    - i. S604-94
    - ii. R608-6
    - iii. R609-1
    - iv. S609-16
    - v. S617-1
    - vi. S617-2
- 2. Building Permit and Certificate of Occupancy.** The Site Plan Reviewer will stamp and forward two sets of final drawings (once received) to Plan Review for your Building Permit with the issued CZC. Additional construction drawings, demolition application, insurance certification, etc. may be submitted to the Plans Examiner, [planreview@cityofrochester.gov](mailto:planreview@cityofrochester.gov) or dropped off at the permit desk at City Hall.
- 3. Demolition Permit.** Demolition requires a demolition permit. Contact Juan Linares, [Juan.Linares@cityofrochester.gov](mailto:Juan.Linares@cityofrochester.gov), 585-428-7771.
- 4. Water Bureau Approval.** Final Water Bureau approval is required as part of the Building Permit process. Contact Ian Scott, [Ian.Scott@CityofRochester.Gov](mailto:Ian.Scott@CityofRochester.Gov), 585-428- 6142.

5. **Right-of-way Permits.** Permits are required for any work in the public right-of-way (water services, laterals, driveway curb cuts, etc). Contact the Department of Environmental Services (DES) Permit Office at 585-428-6917.
6. **Street Lighting.** Coordinate with Abebe A. Woldemariam in DES Street Lighting for any relocation of street lights in the ROW. Contact Abebe at [Abebe.Woldemariam@cityofrochester.gov](mailto:Abebe.Woldemariam@cityofrochester.gov), 585-428-7170. All costs incurred will be billed to the developer.
7. **Trail Signage.** Details of the proposed vehicular intersection with the existing asphalt pedestrian trail running along the eastern boundary of the site must be reviewed by the City Landscape Architect. Submit details of signs and other changes to the trail to Jeff Mroczek, City Landscape Architect, at [jeff.mroczek@cityofrochester.gov](mailto:jeff.mroczek@cityofrochester.gov), 585-428-7124.
8. **Sewer Connection Permits.** Monroe County Pure Water (MCPW) Review and approval is required for any new connections to the sewer main. Rich Bianchi, [RBianchi@monroecounty.gov](mailto:RBianchi@monroecounty.gov), 585-753-7614.

Contact the Site Plan staff, by email at [siteplanreview@cityofrochester.gov](mailto:siteplanreview@cityofrochester.gov) with any questions regarding this Site Plan Approval.

Sincerely,



Matthew Simonis  
Manager of Zoning

CERTIFIED TO BE A TRUE COPY OF A RECORD ON  
FILE IN THE BRIGHTON TOWN CLERK'S OFFICE



At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held on the 9th day of October, 2024 at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, New York

PRESENT:

WILLIAM W. MOEHLER,

Supervisor

CHRISTOPHER K. WERNER  
ROBIN R. WILT  
CHRISTINE E. CORRADO  
NATHANIEL V. SALZMAN,

Councilmembers



**WHEREAS**, Home Leasing and Providence Housing (the "Applicant") has submitted to the Town of Brighton (the "Town") pursuant to Chapter 209 of the Town Code an incentive zoning proposal dated May 16, 2024 (the "Proposal") for the development of an affordable housing community located on the south side of Elmwood Avenue bordering the City of Rochester (Tax ID# 136.14-1-1.2 and 136.14-1-1.3) (collectively, the "Property"), which was thereafter received and filed by the Town Board on May 22, 2024; and

**WHEREAS**, the Proposal includes the development of 120 units of affordable housing (40 townhouses and an 80-unit multifamily building) and other site improvements; and

**WHEREAS**, to enable the Proposal to move forward, the following steps have been identified:

- (1) Rezoning of the Property from RLB-Residential Low Density District to RHD-2 Residential High Density;
- (2) Incentive Zoning pursuant to Chapter 209 of the Town Comprehensive Development Regulations by the Town Board;
- (3) Site plan review and approval by the Planning Board; and
- (4) Compliance with the Comprehensive Development Regulations and approval and review of other requisite boards except as expressly set forth herein; and

**WHEREAS**, the Town Board recognizes the identified amenities being offered in the Proposal include the following:

- (1) The Applicant will develop an affordable housing project consisting of 120 units of quality, affordable housing serving households below 80% of Area Median Income, with units ranging in size from one to three bedrooms. Rents will be restricted to ensure that no household is paying more than 48% of their income for gross rent, and 36 units will be set aside for households eligible for supportive housing including a mix of Frail Seniors and People Living with HIV/AIDS (see Town Comprehensive Development Regulations § 209-3(A)(1));
- (2) The apartment portion of the Proposal will achieve a minimum modeled source (primary) energy saving of 20% when compared with a project design that complies with the relevant Energy Conservation Code of New York State, and the townhome portion of the Proposal will be constructed using Enterprise Green Communities standards for energy efficiency. A solar array will help the Proposal target net zero (see Town Comprehensive Development Regulations § 209-3(A)(9)); and
- (3) A Conservation Easement to be dedicated to the Town of Brighton for the New York State wetland and regulated 100 foot buffer on the Property adjacent the Highland Crossing Trail advancing the Town's goal of establishing a greenbelt between the Town Park on Westfall Road and highland Park in the City of Rochester (see Town Comprehensive Development Regulations § 209-3(A)(2)); and

**WHEREAS**, the Town Board wishes to move forward with the Proposal of the Applicant as described above; and

**WHEREAS**, the Town Board, finding that the Proposal was worthy of consideration, directed the Applicant to submit the documentation required by

Section 209-5(B) of the Town Comprehensive Development Regulations to the Planning Board for its review and report to the Town Board; and

**WHEREAS**, on July 10, 2024 the Town Board received and filed correspondence dated June 20, 2024 from Jason Haremza, Executive Secretary to the Town of Brighton Planning Board, containing the Planning Board's advisory recommendations with respect to the Proposal pursuant to Sections 209-5(C) and 225-6 of the Town Comprehensive Development Regulations; and

**WHEREAS**, the Town timely and properly submitted the Proposal to the Monroe County Department of Planning and Development, and has received a response therefrom dated August 9, 2024; and

**WHEREAS**, on August 14, 2024 and August 28, 2024, the Town Board conducted public hearings to consider the Proposal; and

**WHEREAS**, such hearing was duly called and held on August 14, 2024 and August 28, 2024, all at 7:00 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, Monroe County, New York and all persons at the public hearings desiring to speak on the matter were heard, all correspondence on the matter was read, and these statements were considered by the Town Board; and

**WHEREAS**, pursuant to resolution adopted on August 14, 2017, the City of Rochester as Lead Agency undertook a coordinated review of the Proposal and issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act, and on August 23, 2024 determined that the Proposal currently under review by the Town of Brighton as an Involved Agency is consistent with what was previously considered such that the City of Rochester is no re-opening the environmental review, and the Town is bound by the Negative Declaration issued by the Lead Agency; and

**WHEREAS**, pursuant to resolution adopted on October 9, 2024, the Town Board adopted Local Law No. 6 of 2024, "Rezoning of Home Leasing and Providence Housing parcels" Local Law, to amend the Zoning Map of the Town of

Brighton by changing the zoning for the Property (Tax ID# 136.14-1-1.2 and 136.14-1-1.3) from RLB-Residential Low Density District to RHD-2 Residential High Density;

**NOW, THEREFORE, BE IT RESOLVED**, that each of the Whereas Clauses in this Resolution is incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein; and it is further

**RESOLVED**, that the Town Board makes the following additional findings with respect to the Proposal:

- (1) The approval of the Proposal benefits the Town by providing tangible benefits to the Town and surrounding neighbors (as described below and in the application), while also permitting the Applicant to develop the Property, to the benefit of the neighborhood, the Town, and the region by providing critical affordable housing. The Town Board finds that a reasonable balance has been struck between the proposed amenities and requested incentives;
- (2) The amenities to be provided by the Applicant in connection with the Proposal fulfill enumerated Town goals and/or provide specific physical, social, and cultural benefits that will inure to the community and are designed to enhance the surrounding neighborhoods, to wit: supporting affordable housing options that provide financial benefit and cost savings to families and the community, green infrastructure, and passive recreational opportunities in the form of a conservation easement to be dedicated to the Town that advances the Town's goal of establishing a greenbelt between the Town Park on Westfall Road and highland Park in the City of Rochester;
- (3) The incentives to be provided to the Applicant by the Town in accordance with the application, to wit: adoption of the Incentive Zoning Regulations and waiver of certain area, bulk, and density

requirements at the Property contained the Town Comprehensive Development Regulations, are appropriate and will permit the Applicant to develop the Property in a manner that benefits the neighborhood, the Town, the region, and the Applicant, while at the same time, in accordance with the Incentive Zoning Regulations, protecting the surrounding neighborhoods from potential adverse impacts to the maximum extent practicable;

(4) The Project together with the proposed amenities will assist the Town in implementing the specific physical, cultural, and social policies of the Town Comprehensive Plan including:

- a. Meeting Housing goals by providing a balance in the type and cost of residential development for Brighton's citizens, including supporting affordable housing options in the community, and encouraging the use of tools available to support affordable rental and owner-occupied housing development preferably with mixed-income communities, including payments in lieu of taxes, incentive zoning and other incentive mechanisms;
- b. Meeting Land Use goals by permitting quality development that will help produce a sound economic base for the Town without compromising other community goals;
- c. Meeting Regional Coordination goals by participating in efforts to improve the overall environmental and economic health of the Rochester Metropolitan Region;
- d. Meeting Natural Environment goals by protecting and enhancing sensitive environmental areas to the maximum extent practicable;
- e. Meeting Town Transportation goals by encouraging an efficient, safe, and convenient transportation system, including roads,

and sidewalks, to serve the needs of existing and projected development within the Town, providing cross-access between the Property and neighboring developments, and enhancing pedestrian linkages through adjoining commercial developments;

(5) The Proposal, when implemented, results in a residential land use that is compatible with the land use patterns in the area and provides a balance in the type and affordability of housing for Brighton residents; and

(6) The Proposal will result in a land use that is compatible with the Town Comprehensive Plan and with land use patterns and intensities of use of other developments in the area; and

(7) The Proposal, together with the proposed amenities, will provide sufficient public benefit for the Town of Brighton to warrant the provision of the request incentives; and it is further

**RESOLVED**, that pursuant to the authority conferred by the Municipal Home Rule Law, Article 16 of the Town Law of the State of New York, and the Comprehensive Development Regulations of the Town of Brighton, that the Proposal, be and it is hereby approved, and that the Town Board thereby: (i) accepts the amenities as set forth in the attached Schedule C; and (ii) grants the incentives set forth in the attached Schedule D; all subject to the conditions set forth in the attached Schedule C and Schedule E, which conditions shall be fully satisfied by the Applicant at or before the times set forth in such schedules; and it is further

**RESOLVED**, that the Proposal approved as set forth herein is subject to the approval of the Site Plan as provided for under Chapter 217 of the Town Comprehensive Development Regulations; and it is further

**RESOLVED**, that the Supervisor is authorized to execute the documents and agreements needed in connection with the conditions set forth in Schedule E, each upon review and approval as to form by the Attorney to the Town.

Dated: October 9, 2024

William W. Moehle, Supervisor	Voting	<u>Y</u>
Christopher K. Werner, Councilmember	Voting	<u>Y</u>
Robin R. Wilt, Councilmember	Voting	<u>Y</u>
Christine E. Corrado, Councilmember	Voting	<u>Y</u>
Nathaniel V. Salzman, Councilmember	Voting	<u>Y</u>



2020-2021



**SCHEDULE A**  
**PROPERTY DESCRIPTION**

**SCHEDULE B**

**CONCEPT PLAN**

## **SCHEDULE C**

### **AMENITIES**

#### **1. Affordable Housing**

Home Leasing and Providence Housing will develop an affordable housing project which in itself is an amenity per Article 1, Section 209-3 of the Code of the Town of Brighton Comprehensive Development Regulations. The project will consist of 120 units of quality affordable housing serving households at or below 80% of Area Median Income. Units will range in size from one to three bedrooms. Rents will be restricted to ensure that no household is paying more than 48% of their income for gross rent.

#### **2. Supportive Housing**

Thirty-Six units will be set aside for households eligible for supportive housing including a mix of Frail Seniors and People Living with HIV/AIDS.

#### **3. Green Buildings**

The apartment portion of the project will achieve a minimum modeled source (primary) energy savings of 20% when compared with a project design that complies with the relevant Energy Conservation Code of New York State. A solar array on site will help the Project target net zero.

The Town Homes will be constructed using Enterprise Green Communities standards for energy efficiency.

#### **4. Open Space**

A Conservation Easement to be dedicated to the Town for the NYS wetland and regulated 100 ft. buffer on the site advancing the Town's goal of establishing a greenbelt between the Town Park on Westfall Road and highland Park in the City of Rochester.

SCHEDULE D

INCENTIVES

1. Area Incentives for the Townhouse Portion of the Proposal

- a) An Area Incentive to allow the lot width of a parcel of land zoned RHD-2 to be 100 ft. in lieu of the minimum 150 ft. required by code (Code §205-5).
- b) An Area Incentive to allow front yard setbacks to be 12 ft. in lieu of the minimum 40 ft. required by code (Code §205-5).
- c) An Area Incentive to allow rear yard setbacks to be 30 ft. in lieu of the minimum 35 ft. required by code (Code §205-5).
- d) An Area Incentive to allow a side yard setback of 20 ft. in lieu of the minimum 30 ft. required by code (Code §205-5).

2. Area Incentives for the Apartment Building Portion of the Proposal

- a) A Parking Incentive allowing for no covered/enclosed parking spaces where a minimum of one space per unit shall be covered/enclosed (Code §205-12).
- b) A Parking Incentive to allow for 101 parking spaces (1.26 spaces per unit) in lieu of the minimum 160 parking spaces (2 spaces per unit) required by code (Code §205-12).
- c) An Area Incentive to allow for the apartment building to be 50 ft. in height in lieu of the maximum 40 ft. allowed by code (Code §205-5).
- d) An Area Incentive to allow the apartment building to be 4 stories in lieu of the maximum 3 stories allowed by code (Code §205-5).
- e) An Area Incentive to allow the apartment building length to be 220 ft. in lieu of the maximum 160 ft. allowed by code (Code §203-30(3)(b)).
- f) An Area Incentive to allow for ground mounted solar arrays where only roof mounted arrays are allowed by code (Code §Article IX).

**EXHIBIT E**

**ADDITIONAL CONDITIONS**

1. That the project shall only be developed as affordable housing in accord with this resolution, in general accord with the Overall Site Plan dated May 1, 2024, prepared by Bergman Associates attached hereto, and as the same may be modified and approved by the Planning Board during the site plan approval process.
2. That the maximum new development for the site shall be as follows:
  - a. construction of 40 townhouse units consisting of 6 - 2 bedrooms and 34 - 3 bedroom:
  - b. construction of a 4 story, 80 unit, 1- and 2-bedroom apartment building with an associated 101 spaces parking lot: and
  - c. a ground mounted solar array.
3. That the Applicant, including all successors and assigns in whole or in part of the Applicant, the Project or the Property, shall comply with the terms of the Regulatory Agreement with New York State Homes and Community Renewal to adhere to affordable housing requirements for a period of no less than 30 years.
4. That 36 units will be set aside for households eligible for supportive housing through Empire State Supportive housing Initiative or a successor agency.
4. That the Applicant shall deliver to the Town of Brighton a Payment In Lieu Of Taxes (PILOT) agreement to be approved by the Town of Brighton under Article 11 of the NY Private Housing Finance Law. The proposed PILOT will have a fixed rate 7% of Shelter Rents for a term of 40 years, the term of the mortgage, that provides a payment of approximately \$700-\$800 annually per unit. This commitment will be binding on the Applicant and on all successors and assigns in whole or in part of the Applicant, Project or Property. In the event of a breach of this provision, the parties agree and acknowledge that the Town is entitled to obtain injunctive relief to enforce the provisions of the PILOT. All costs of enforcement, including reasonable attorneys' fees shall be the responsibility of the breaching party. The PILOT agreement shall be in the form as approved by the Attorney to the Town.
5. That, prior to the issuance of any Town permits, the Applicant shall deliver a Conservation Easement to be dedicated to the Town of Brighton for the New York State wetland and regulated 100 foot buffer on the site advancing the Town's goal of establishing a greenbelt between the Town Park on Westfall Road and highland Park in the City of Rochester. All texts, maps, and descriptions shall be prepared and submitted to the Town for review and approval. Upon satisfactory completion of documents, the Conservation Easement shall be filed by the Applicant in the Monroe County Clerk's Office with the Town being provided a copy of such easement with the liber and pages of filing.
6. That site plan development shall be subject to the approval of the Planning Board and of the Town Engineer of the Town of Brighton and shall be consistent with this Resolution. Said site plan shall include a detailed

landscaping plan and lighting plan of which both shall be reviewed and approved by the Planning Board during the site plan review process. The lighting plan shall use LED light fixtures or the latest generation of energy efficient fixtures into the Project. All lighting shall be dark sky requirements.

7. That, in addition to any other required approvals, all exterior sides of all structures to be constructed and improved, shall be subject to review and approval of the Architectural Review Board of the Town of Brighton, as provided in the Code of the Town of Brighton, New York, Comprehensive Development Regulations.

8. That the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board and the Applicant.

9. That any agreements required to be executed under the terms of these conditions shall be in form and substance as may be approved by the Town Attorney.

10. That the Applicant shall be responsible for obtaining all necessary governmental approvals and permits associated with the project and all amenities.

11. That, except as otherwise specifically provided, any deviation from the incentives granted in D of this Resolution or any other applicable provisions under the Town Code shall require an area variance or a use variance, as applicable, from the Town Zoning Board of Appeals pursuant to the provisions of Town Code Section 219-2(B).

12. That, these conditions may be altered, modified, and/or removed only upon written consent of the Town Board and the Applicant.

13. That, if any one or more of the conditions or requirements or any portion thereof which are set forth in this Resolution are determined by a Court of competent jurisdiction to be contrary to law, such condition or requirement, or portion thereof, shall NOT be deemed and construed to be severable from the remaining conditions and requirements which are herein contained and the same SHALL affect the validity of the Resolution or the validity of the remaining conditions and requirements, or portions thereof.



Town of  
**Brighton**

## Planning Board

Executive Secretary – Jason Haremza, AICP

June 20, 2024

Honorable Town Board  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618

### **RE: Planning Board Advisory Report**

*Regarding Home Leasing and Providence Housing's Incentive Zoning proposal to construct 120 units of affordable housing (40 townhouses and an 80 unit multifamily building) and other site improvements on the 9.88 +/- acre Brighton portion of the former state hospital property located on Elmwood Avenue (Tax parcels 136.14-1-1.2 and 136.14-1-1.3) (the "Project").*

Dear Town Board Members:

On June 20, 2024, the Planning Board reviewed the above referenced matter and offers the following comments regarding the adequacy of the proposed Project as it relates to the project site and the adjacent uses and structures.

1. The Planning Board supports the proposed application and recommends to the Town Board that the Project is worthy of further consideration as part of the Incentive Zoning review process. The proposed Project appears to be well suited for the project site and area. The proposal also furthers the town's comprehensive plan (Envision Brighton 2028), specifically:

Environmental Policy Objection (volume 2, page 6):

“Preserve, in their natural state, open space areas that have significant ecological value, and sensitive environmental areas, including wetlands, floodplains, watercourses, woodlots, steep slopes, and wildlife habitats.”

Environmental Policy Objective (volume 2, page 6):

“Promote and support the increased use of renewable energy sources...”

Sense of Community Policy Objective (volume 2, page 12):

“Provide a balance in the type and affordability of housing for Brighton residents, employing smart-growth principles that strategically encourage density and diversity of housing options in areas with ready access to local goods, services, infrastructure, and mass transit.”

2. The Planning Board recommends that the Town move to a public hearing on this application only after receiving firm commitments on the proposed amenities that include affordable and supportive housing, adherence to green building standards, open space/playground, and real property taxes.
3. The Planning Board notes the proposed amenity of affordable housing is the first on the list identified in the Incentive Zoning chapter of the Town Code, [Town of Brighton Code Section 209-3](#): Amenities for which incentives may be offered under this article.
4. The bulk of the former state hospital site, including the Terrence Building, immediately to the west of the project site, located over the town line in the City of Rochester, currently has proposed development under review by the City. Careful and ongoing coordination between the Town of Brighton review processes and the City of Rochester review processes is necessary to create an efficient, cohesive development. This is especially critical since substantial vehicular traffic and nearly all the pedestrian access for the 9.88 acre Brighton portion will pass through the City.
5. The Planning Board notes the proposal does not include any new curb openings on any public road. All vehicular access to the project site will be from a new private road to be constructed just over the town line, to the west, in the City of Rochester. This will connect at the north to the existing cross access point to Brickstone Circle and at the south to the existing Science Parkway and ultimately to South Avenue. This new private roadway is entirely within the City of Rochester and conceptual plans show sidewalks on both sides.

While this transportation infrastructure is in an adjacent municipality, it is critical to the accessibility of the development on the Brighton side of the municipal boundary.

Affordable housing, in particular, should carefully consider access to transit. The sidewalk network to the west provides this access to transit on Elmwood Avenue and South Avenue.

6. Regional materials should be used to construct the proposed Project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
7. The inclusion of renewable energy installations (ground mounted solar) is to be commended.
8. The project is adjacent to the existing Highland Crossing Trail and the applicant has also noted that the project site contains environmentally sensitive areas, including wetlands and a woodlot. In order to accommodate and protect such environmental resources, the applicant has represented that a 100 foot buffer around the wetlands within the subject site will be maintained, the Project will complement the existing Highland Crossing Trail, and the applicant will offer a conservation easement to the Town of Brighton, which will

assist in the creation of a greenway between the Town Park on Westfall Road and Highland Park in the City of Rochester. The Town Board may wish to consider an additional amenity in the form of trail improvements, including but not limited to trail surface rehabilitation and landscaped buffers, subject to Site Plan Review and the Town Engineer.

9. Environmental Review pursuant to the New York State Environmental Quality Review Act was conducted by the City of Rochester in 2017 and a Negative Declaration was issued. As the project remains substantially the same, it is consistent with the 2017 Environmental Determination.
10. The provisions of Code Section 225-6(b) require that the Planning Board make a determination concerning the following issues:

- (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.

The site under review is bordered by large scale legacy institutional structures to the west and south and medium scale residential development to the east.

Given the scale and intensity of existing and proposed surrounding land uses, both in the Town of Brighton and the City of Rochester, the uses permitted by the proposed zoning change are entirely appropriate for the area concerned.

- (b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.

Access to the project site from Elmwood Avenue will be through the existing Brickstone development to the east. In addition, there is proposed access to the existing traffic light at Elmwood Avenue and Azalea Road via a new internal street network to the west, to South Avenue via an extension of Science Parkway, and to the existing traffic light at Westfall Road at Sawgrass Drive via the internal street network to the south.

The nearest transit service to the project site is at the north end of the site, surrounding the intersection of Elmwood Avenue and Goodman Street. These stops are currently served by RTS routes 97 and 41. A little over a half a mile to the west of the site, there is additional transit access to RTS route 13 at South Avenue and Science Parkway.

The proposed zoning change will allow additional residential development that will include school-age children. However, only 34 units of the 120 total will be three bedroom units and only 14 will be two bedroom units. It is reasonable to expect that the Brighton Central School District has adequate school capacity for

48 housing units sized to accommodate families, if the school-age children residing at the project site attend Brighton Central School District schools.

(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

The proposed rezoning to Residential High Density 2 (RHD-2) District is in accord with the proposed development immediately adjacent to the west on the rest of the former state hospital site and with existing medium density residential development to the east.

(d) The effect of the proposed amendment upon the growth of the town as envisioned by the Master Plan.

As noted in item #1 of this document, the proposed zoning change furthers the town's comprehensive plan (Envision Brighton 2028).

11. If the Town Board decides to move forward with the IZ proposal, the Planning Board looks forward to providing additional project review and comment as part of the site plan review and approval process.

Sincerely,



Jason Haremza, AICP  
Executive Secretary  
Planning Board