

TOWN OF BRIGHTON PLANNING BOARD
FINAL AGENDA
MEETING OF FEBRUARY 19, 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.

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 12-18-2024 minutes and 1-15-2025 minutes (if available)

CHAIRPERSON & SECRETARY: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 2-13-2025 will now be held.

PUBLIC HEARINGS:

Application Number: 2P-01-25

OpenGov reference no: PB-25-1
481 French Road

Application of Nicholas LoBrutto and Josephine D'Angelo, owners, and Greg McMahon, McMahon LaRue Associates, engineer, for Preliminary/Final Site Plan Approval and Demolition Review and Approval to raze an existing house and construct a new 2,384 sf one story single family home with a 734 sf attached garage on property located at 481 French Road.

Application Number: 2P-02-25

OpenGov reference no: PB-25-2
175 Allens Creek Road

Application of Scott Fisk, agent, Robert Coffee, lessee and First Baptist Church of Rochester, owner, for Conditional Use Permit Approval to allow for an infant development program on property located at 175 Allens Creek Road.

NEW BUSINESS:

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

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. **TABLED AT THE 1-15-2025 MEETING - PUBLIC HEARING REMAINS OPEN**

OLD BUSINESS: NONE

COMMUNICATIONS: NONE

PETITIONS: NONE

SIGNS:

The seven sign review applications were all reviewed by the ARB which recommended approval as presented.

Application Number: [SN-24-45 \(1747\)](#)

2341 Monroe Ave

A 44 sq ft black 3M™ Scotchcal™ Perforated Window Graphic Film sign for *Manzara Café*

ARB Recommended approval as presented

Application Number: [SN-24-46 \(1748\)](#)

1360 Monroe Ave

A 16 sq ft nonilluminated aluminum sign for *Allegro Smiles Family Dentistry*

ARB Recommended approval as presented

Application Number: [SN-25-2 \(1749\)](#)

33 Corporate Woods

A 41 sq ft internally illuminated aluminum and polycarbonate sign for *Courtyard by Marriott*

ARB Recommended approval as presented

Application Number: SN-25-3(1750)

2253 S Clinton Ave

A 70 sq ft internally illuminated deep aluminum channel letter sign for the south face of *Planned Parenthood*

ARB Recommended approval as presented

Application Number: SN-25-4 (1751)

2383 Monroe Ave

A 24 sq ft internally illuminated acrylic sign for *Waterlily*

ARB Recommended approval as presented

Application Number: SN-25-5 (1752)

2000 Monroe Ave

A 34 sq ft green internally illuminated channel letter sign for *Citizens Bank*

ARB Recommended approval as presented

Note: Citizens Bank has proposed additional signage that does not conform to the sign code and thus requires a variance. A variance application has been made. If approved by the ZBA, those additional signs will proceed through the ARB and PB process.

Application Number: SN-25-6(1753)

1900 South Clinton Ave

An 89 sq ft internally illuminated channel letter sign for *AutoZone*

ARB Recommended approval as presented

PLANNING BOARD REPORT

HEARING DATE: 2-19-2025

APPLICATION NO: 2P-01-25
OpenGov reference no: PB-25-1

LOCATION: 481 French Road

APPLICATION SUMMARY: Application of Nicholas LoBrutto and Josephine D'Angelo, owners, and Greg McMahon, McMahon LaRue Associates, engineer, for Preliminary/Final Site Plan Approval and Demolition Review and Approval to raze an existing house and construct a new 2,384 sf one story single family home with a 734 sf attached garage on property located at 481 French Road.

COMMENTS

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

BUILDING AND PLANNING:

1. The subject property is zoned Residential – Low Density A (RLA). A small portion of the southern end of the parcel is within a Woodlot Environmental Protection Overlay District (EPOD). The woodlot area will not be impacted by this project.
2. The property contains an 1860 +/- sf single family dwelling constructed in 1950.
3. This proposed demolition was referred to the Historic Preservation Commission (HPC) by the Secretary of the Planning Board. HPC reviewed this referral at their 1-23-2025 meeting. The HPC decided not to advance landmark designation and therefore allow the demolition to proceed.
4. Full site, grading, utility, and landscaping plans have been submitted. In addition asbestos survey documentation has also been submitted.
5. The eastern of the two driveways is proposed to be closed and consolidated into a single driveway access.
6. The existing house is on a septic system. The applicant proposes to connect the proposed house to the sanitary sewer system. New connections to the sanitary sewer are reviewed and approved by the Monroe County Department of Health. An extension of the sewer district is required and is approved by Town Board.
7. The applicant should review the proposed grading, particularly on the west side of the proposed new house as it relates to the property to the west and ensure stormwater runoff is contained on 481 French Road and not directed to any neighboring property.

8. The applicant may want to consider additional landscaping to buffer existing houses to the east and west.
9. The project requires review by the Architectural Review Board (ARB).

TOWN ENGINEER:

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

1. See #7 in the previous section.

SEWER DEPARTMENT:

The applicant should contact Tim Jason (tim.jason@townofbrighton.org 585-784-5289) in the Sewer Department with any questions on these comments.

1. Details of the connection to the sewer system and extension of the sewer district are of a technical nature and can be coordinated by the applicant and town staff.

CONSERVATION BOARD:

Advisory comments

None

ENVIRONMENTAL REVIEW/SEQR

Demolition is an unlisted action. If the Planning Board finds that the proposed action will not have a significant impact on the environment, Town staff suggests that the Planning Board adopt the prepared negative declaration when considering this approval.

BOARD ACTION/DECISION

If the Planning Board entertains approval, the following conditions are recommended by staff, along with any others added by the Board:

1. Applicant shall respond in writing to all comments of the Planning Board, Department of Public Works, Building and Planning Department, and Fire Marshal.
2. ARB approval shall be obtained.
3. The applicant shall provide a revised grading and landscaping plan to satisfy the requirements of the Town Engineer and town planning staff.
4. Monroe County comments, if any, shall be addressed.
5. The entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
6. Extension of the sewer district and approval of connection to the sanitary sewer requires

Town Board and Monroe County Department of Health approvals. Documentation of such approvals shall be provided by the applicant prior to the issuance of a building permit [certificate of occupancy].

7. All Town codes shall be met that relate directly or indirectly to the applicant's request.
8. The project shall be constructed in accordance with the ARB approved design and the final site plan drawing set.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 2P-01-25

Date: 2-19-2025

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 Town of Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: 2P-01-25

SEQR Status: unlisted

Conditioned Negative Declaration: No

Description of Action: Demolition of an existing house associated with the proposed construction a new 2,384 sf one story single family home with a 734 sf attached garage on property located at 481 French Road.

Location: 481 French Road, Rochester, NY 14618 (Town of Brighton)

Findings and Reasons Supporting this Negative Declaration:

Based on information submitted to the Lead Agency, Short Environmental Assessment Form (EAF) Part 1, this action will not have a significant adverse impact on the environment for the reasons set forth below:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance. The Project will not create any significant adverse impact in the existing air quality or water quality, nor in solid waste production, nor potential for erosion. After thorough documentation provided by the applicant's engineer and careful review by the town engineer, the project will not promote flooding or drainage problems.
2. Noise and Visual Impacts. The Project will not create any adverse noise or visual impacts.
3. Agriculture, Archeology, Historic, Natural, or Cultural Resources, Community or Neighborhood Character. The Project is on an already developed site and will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The proposed demolition was reviewed by the Town Historian and the Historic Preservation Commission.
4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species,

Wetlands, Flood Plains. The Project will not have a significant adverse impact on plant or animal life. The Property does not host any threatened or endangered species, and therefore the Project will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the Property. There are no Flood Plains on the Property.

5. Community Plans, Use of Land, and Natural Resources. The Project is consistent with the Town's Comprehensive Plan.

6. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.

7. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

8. Critical Environmental Area. The Project will not have an impact on any designated Critical Environmental Area as set forth in 6 NYCRR Section 617.14(g).

9. Traffic. The Project will not have a significant adverse impact on vehicular traffic.

10. Public Health and Safety. The Project will not have a significant adverse impact on public health or safety.

The Project is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements of the Town of Brighton, Monroe County Department of Transportation, Monroe County Water Authority, Monroe County Department of Health, and New York State Department of Environmental Conservation.

Pursuant to SEQRA, based on the abovementioned information, documentation, testimony, correspondence, and findings, and after examining the relevant issues, including all relevant issues raised and recommendations offered by involved and interested agencies and Town Staff, the Lead Agency determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration, and, therefore, SEQRA does not require further action relative to the Project.

The Town of Brighton Planning Board, as Lead Agency, has made the following additional determinations:

A. The Lead Agency has met the procedural and substantive requirements of SEQRA.

B. The Lead Agency has carefully considered each and every criterion for determining the potential significance of the Project upon the environment as set forth in SEQRA, and the Lead Agency finds that none of the criteria for determining significance set forth in SEQRA would be implicated as a result of the Project.

C. The Lead Agency has carefully considered (that is, has taken the required "hard look" at) the Project and the relevant environmental impacts, facts, and conclusions in connection with same.

D. The Lead Agency has made a reasoned elaboration of the rationale for arriving at its determination of environmental non-significance, and the Lead Agency's determination is supported by substantial evidence, as set forth herein

E. To the maximum extent practicable, potential adverse environmental impacts will be largely avoided or minimized by the Applicant's careful incorporation in its application materials of measures designed to avoid such impacts that were identified as practicable.

Date Issued: 2-19-2025

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

Address: Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Email: rick.distefano@townofbrighton.org
Telephone: 585-784-5228

PLANNING BOARD REPORT

HEARING DATE: 2-19-2025

APPLICATION NO: 2P-02-25
OpenGov reference no: PB-25-2

LOCATION: 175 Allens Creek Road

APPLICATION SUMMARY:

Application of Scott Fisk, agent, Robert Coffee, lessee and First Baptist Church of Rochester, owner, for Conditional Use Permit Approval to allow for an infant development program on property located at 175 Allens Creek Road.

COMMENTS

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

BUILDING AND PLANNING:

1. Allens Creek Road currently contains the campus of First Baptist Church of Rochester, originally constructed in 1955 and expanded in 1961.
2. The subject property is zoned Low Density Residential - A (RLA).
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 infant (small child) development program will serve no more than three children ages six months to five years, and four staff members as stated in the application. Applicant should indicate if any future expansion is anticipated.
5. The proposed infant (small child) development program will operate Monday through Friday, 7:30AM-5:30PM.
6. Applicant should state whether or not any food will be served on a regular basis.
7. 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.
8. Any expansion with regard to number of children, time of operations, and/or physical size of the pre-school space, whether within the existing church building complex or a building addition. shall require additional review by the Town of Brighton staff and/or the Town of Brighton Planning Board.
9. 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 infant (small child) development program complies with the standards of the Low Density Residential - A (RLA).
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 infant (small child) development program, 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 an infant (small child) development program 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 infant (small child) development program 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 an infant (small child) development program 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 an infant (small child) development program will be adequately served by essential public facilities.
7. The Planning Board finds that the establishment of an infant (small child) development program will not result in the loss or damage to trees.
8. The Planning Board finds that the establishment of an infant (small child) development program 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 [in excess of ____], time of operation [beyond 7AM to 6PM] and/or physical size of the pre-school space, whether within the existing church building complex or a building addition. shall require additional 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.

PLANNING BOARD REPORT

HEARING DATE: 2-19-2025

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 municipal border between the City of Rochester and the Town of Brighton, 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 ([refer to the January staff report for this document](#), starting on page 10 of 31). 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 ([refer to the January staff report for this document](#), starting on page 10 of 31). 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. Additional materials were submitted by the applicant on 2-5-2025. These materials were in response to the staff report prepared for the 1-15-2025 Planning Board meeting, the comments of the Planning Board at that meeting, and a meeting with town staff and the applicant on 1-22-2025.
6. All dwelling units (apartments and town houses) will be rental units. The applicant has stated that the two parcels will remain as currently configured. They will be assigned legal street addresses.
7. The applicant has stated that the townhouses, the apartment building, and the road network necessary to access this development will all be constructed in a single phase. However, should fiscal limitations necessitate a phased approach, the apartment building and road network will be constructed first and the townhouses in a second phase. To assist development review as it progresses to building permits, etc., a color coded diagrammatic plan for the entire site would be very helpful to show the phasing options, including the development on the city side of the municipal border.
8. The project requires review by the Architectural Review Board (ARB). It was reviewed at the 1-28-2025 ARB meeting and was generally well received. It was tabled and the ARB requested additional information on some of the townhouse cladding material. The ABR review will continue at the 2-25-2025 meeting.
9. The applicant has revised the site layout slightly, per the recommendations of the Planning Board, and shifted the location of several of the townhouse buildings slightly to the west, furthering two goals:
 - a. Reducing the amount of impervious surface (driveways)
 - b. Increasing the distance from the rear of the townhouses to the Highland Crossing Trail.
10. The applicant has submitted a revised landscaping plan which demonstrates a commendable willingness on the part of the applicant to address staff, Conservation Board, and Planning Board comments in three main areas:
 - a. Providing a buffer between the Highland Crossing Trail and the rear of the townhouses
 - b. Using a low mow pollinator seed mix for areas where appropriate, including under the ground mounted solar panels
 - c. Mitigating the loss of trees so as to justify the granting of a Woodlot

Environmental Protection Overlay District (EPOD) Permit by the Planning Board.

The landscaping plans have been developed with enough detail for the Planning Board to consider Preliminary Site Plan Approval and the granting of a Woodlot EPOD Permit. Further refinement of the landscaping can occur with the review of Final Site Plan Approval.

11. The applicant has stated that the proposed ground-mounted sign will comply with the Town of Brighton code.

TOWN ENGINEER:

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

1. The applicant has submitted a revised Stormwater Pollution Prevention Plan in response to Town Engineer comments. This has been found to be satisfactory by the Town Engineer. Any further refinements, including consideration of any minor grading or drainage improvements to mitigate the standing water on the Highland Crossing Trail, are of a technical nature and can be addressed by the applicant and the Town Engineer. Any minor, technical, outstanding issues should not prevent the Planning Board from considering Preliminary Site Plan Approval.

SEWER DEPARTMENT:

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

1. The applicant has addressed the Sewer Department comments with the exception of flow usage and determining the sewer permit fees. These outstanding issues can be addressed through review of Final Site Plan Approval and/or by the applicant and the Sewer Department. These two remaining issues should not prevent the Planning Board from considering Preliminary Site Plan Approval.

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 approval with conditions, 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, Department of Public Works (Sewer Department), Town Engineer, Fire Marshal, and Building and Planning Department.
2. The applicant shall provide documentation of review and approval by the Fire Marshal.
3. The applicant shall apply for Final Site Plan Approval.
4. The applicant shall continue to work with Town Planning staff to refine the landscaping plan for review through Final Site Plan Approval.
5. Monroe County comments shall be addressed.
6. The applicant shall provide documentation of the parcel address as approved by the Monroe County 911 Office prior to the issuance of a Certificate of Occupancy.
7. The project shall obtain ARB approval.
8. Upon Final Site Plan Approval, the entire project shall comply with the most current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
9. All Town codes shall be met that relate directly or indirectly to the applicant's request.