

**TOWN OF BRIGHTON PLANNING BOARD**  
**AGENDA**  
**MEETING OF MARCH 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](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 1-15-2025 minutes and 2-19-2025 minutes

CHAIRPERSON & SECRETARY: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of 3-13-2025 will now be held.

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**PUBLIC HEARINGS:**

**Application Number: 3P-01-25**

*OpenGov reference no: PB-25-1*

1530 Brighton Henrietta Town Line Road

Application of Thomas Fitzgerald, MRB Group, agent, and JK Findings, owner, for Demolition Review and Approval to raze a single family home on property located at 1530 Brighton Henrietta Town Line Road.

**Application Number: 3P-02-25**

*OpenGov reference no: PB-25-2*

27 Tower Drive

Application of Thomas Pschierer, agent, and Tom Terry, owner, for Site Plan

Modification to install a standby emergency generator on property located at 27 Tower Drive.

**Application Number 3P-03-35**

*OpenGov reference no: PB-25-2*

2250 Brighton Henrietta Town Line Road

Application of Mike Ritchie, Costich Engineering, agent, and 2250 Brighton Henrietta LLC, owner, for Site Plan Modification to install 15 additional parking spaces on property located at 2250 Brighton Henrietta Town Line Road.

NEW BUSINESS: NONE

OLD BUSINESS: NONE

COMMUNICATIONS: NONE

PETITIONS: NONE

SIGNS:

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

**Application Number: SN-5-25**

2000 Monroe Avenue

A 34 sq ft green internally illuminated building face channel letter sign with logo for *Citizens Bank*  
**ARB Recommended approval as presented**

**Application Number: SN-7-25**

2747 West Henrietta Road

An 53 sq ft LED internally illuminated sign cabinet for *Chick Magnet Fried Chicken*

**ARB Recommended approval as presented**

**Application Number: SN-8-25**

1690 Monroe Avenue

An 8.47 sq ft externally illuminated flat cut .25" aluminum letter signs that are painted Spanish gold for *Redd Wood*.

**ARB Recommended approval as presented**

## PLANNING BOARD REPORT

**HEARING DATE:** 3-19-2025

**APPLICATION NO:** 3P-01-25  
*OpenGov reference no:* PB-25-3

**LOCATION:** 1530 Brighton Henrietta Town Line Road

**APPLICATION SUMMARY:** Application of Thomas Fitzgerald, MRB Group, agent, and JK Findings, owner, for Demolition Review and Approval to raze a single-family home on property located at 1530 Brighton Henrietta Town Line Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 1530 Brighton Henrietta Town Line Road contains a vacant single-family dwelling.
2. The subject property is presently zoned IG Light Industrial (IG).
3. A demolition plan has been submitted.
4. The Historic Preservation Commission (HPC) has not yet reviewed the structure for landmark status.

**TOWN ENGINEER:** See comments below.

### General:

1. A demolition letter of credit shall be provided for this project. An estimate of the cost to demolish and restore the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to establish the value of the demolition letter of credit. The letter of credit amount must be sufficient to ensure the restoration of the property following demolition and must be submitted to and accepted by the Town prior to the issuance of a permit for demolition.
2. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
3. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
4. The project must comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the project must comply with Section 56-

3.4(a)(2) regarding on-site maintenance of a project record, Section 56-3.6(a) regarding ten-day notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and the asbestos survey and removal requirements of Section 56-5 are met.

**Demolition Plan:**

1. If any environmental conditions or issues, not previously identified, are encountered during construction, the owner, and the contractors(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the construction process.
2. The location of the existing septic system which is to be demolished should be depicted on the plans.
3. A restoration plan should be developed and submitted for review. The restoration plan must show the proposed grading associated with the restoration of the site should construction of the new house not commence immediately following demolition.
4. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
5. Orange construction fencing must be provided to delineate the limits of disturbance and be shown on the plans.
6. All trees to be saved shall be protected with orange construction fencing placed at the drip line.
7. Erosion control measures necessary during demolition/restoration should be determined and depicted on this sheet. Erosion and siltation controls shall be consistent with the New York Guidelines for Urban Erosion and Sediment Control

**SEWER DEPARTMENT:**

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

1. Pump out septic tank, drill hole in bottom

**CONSERVATION BOARD: NONE**

**ENVIRONMENTAL REVIEW/SEQR**

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 Demolition Review.

## **BOARD ACTION/DECISION**

The Planning Board may consider tabling the application until the April meeting (close the public hearing) since the Historic Preservation Commission has yet to review the home for possible consideration of Landmark Status.

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, Town Engineer, and Building and Planning Department.
2. The applicant shall satisfy the requirements of the Town Engineer noted above.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
5. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control structures, tree protection and preservation throughout construction.
6. Erosion control measures shall be in place prior to site disturbance.
7. The plans shall clearly show all trees proposed to be removed.
8. All trees to be saved shall be protected with orange construction fencing placed at the drip line or a distance greater than the drip line. Trees shall be pruned, watered, and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
9. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the town's Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations and shall be registered and shall carry insurance as required by Chapter 175 of the Comprehensive Development Regulations.
10. The project will comply with the requirements of NYSDOL Code Rule 56 regarding asbestos control and Chapter 91 of the Code of the Town of Brighton, Lead-Based Paint Removal. In addition to any other requirements of Code Rule 56, the applicant shall verify that the project will comply with Section 56-3.4(a)(2) regarding on-site maintenance of a project record, and Section 56-3.6(a) regarding 10 Day Notice requirements for residential and business occupants. The property owner shall ensure that the licensing requirements of Section 56-3 and asbestos survey and removal requirements of Section 56-5 are met.
11. Prior to the issuance of a demolition permit or building permit, asbestos shall be removed

according to NYS and the Town of Brighton requirements and verification shall be submitted from a qualified company that asbestos has been removed.

12. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water main, stormwater water management facilities, landscaping, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
13. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.
14. Historic Preservation Commission review and subsequent decision not to consider the property for landmark designation is required prior to issuance of any permits.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 3P-01-25

**Date:** 3-19-2025

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:** 3P-01-25

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Thomas Fitzgerald, MRB Group, agent, and JK Findings, owner, for Demolition Review and Approval to raze a single family home on property located at 1530 Brighton Henrietta Town Line Road.

**Location:** 1530 Brighton Henrietta Town Line Road

**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, nor promote flooding or drainage problems. Stormwater runoff from the Project will be adequately collected and treated on site through the stormwater management facility to be constructed on the Property and discharged in accordance with all applicable New York State standards.
2. Noise and Visual Impacts. The Project will not create any adverse noise or visual impacts. The demolition of the existing vacant building will actually improve the visual impact of this property on the surrounding area.
3. Agriculture, Archeology, Historic, Natural, or Cultural Resources, Community or Neighborhood Character. The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The site has been previously developed, so no

significant cultural resources should be disturbed.

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. The Property does contain a very small portion of a flood hazard area but this will not be impacted by the demolition.
5. Community Plans, Use of Land, and Natural Resources. The Project is consistent with and in furtherance of the goals set forth in 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: 3-19-2025

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](mailto:rick.distefano@townofbrighton.org)  
Telephone: 585-784-5228

## PLANNING BOARD REPORT

**HEARING DATE:** 3-19-2025

**APPLICATION NO:** 3P-02-25  
*OpenGov reference no:* PB-25-4

**LOCATION:** 27 Tower Drive

**APPLICATION SUMMARY:** Application of Thomas Pschierer, agent, and Tom Terry, owner, for Site Plan Modification to install a standby emergency generator on property located at 27 Tower Drive.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 27 Tower Drive is a storage facility
2. The subject property is zoned Light Industrial (IG)
3. The proposed generator is located in a side yard, approximately 200 ft. from Tower Drive. The property to the north side of the building is vacant land and owned by the owner of 27 Tower Drive.
4. The generator is a residential sized generator and will be powered by natural gas.

**TOWN ENGINEER:** No comment

### CONSERVATION BOARD:

None

### SEQRA

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, nonresidential 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, but not radio communication or microwave transmission facilities.

## **DECISION**

If the Board entertains approval, Town staff suggests including, among any others suggested by the Board, the following conditions:

1. Meet all requirements of the Town of Brighton's Department of Public Works.
2. All Monroe County comments, if any, shall be addressed.
3. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. All necessary building permits and Fire Marshal approvals shall be obtained.

## PLANNING BOARD REPORT

**HEARING DATE:** 3-19-2025

**APPLICATION NO:** 3P-03-25  
*OpenGov reference no:* PB-25-5

**LOCATION:** 2250 Brighton Henrietta Town Line Road

**APPLICATION SUMMARY:** Application of Mike Ritchie, Costich Engineering, agent, and 2250 Brighton Henrietta LLC, owner, for Site Plan Modification to install 15 additional parking spaces on property located at 2250 Brighton Henrietta Town Line Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 2250 Brighton Henrietta Town Line Road currently contains a 20,000 +/- sf office building.
2. The subject property is zoned Light Industrial (IG)
3. A site plan has been submitted.
4. No changes to the existing structure or existing use are proposed.
5. The 15 additional parking spaces have already been installed along the west property line. A number of trees within this area were removed.
6. The site has ample parking to meet code requirements (not including the additional 15 spaces requested).

**TOWN ENGINEER:** See attached letter dated 3-15-2023. All seven items in the memo must be addressed but the following items, generally related to stormwater and drainage, are of particular importance:

### SEWER DEPARTMENT:

None

### CONSERVATION BOARD:

1. The proposed trees shall be planted at 2.5 to 3 inches in diameter and shall be a native species.

2. Additional trees plantings along the eastern lot line are strongly recommended.

## **ENVIRONMENTAL REVIEW/SEQR**

Staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) Code and determined the proposed parking expansion 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, but not radio communication or microwave transmission facilities. [emphasis added]*

## **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. Address the comments of the Town of Brighton's Department of Public Works.
  - a. Applicant shall respond in writing to all comments of the Planning Board, Town Engineer, and Building and Planning Department
2. The applicant shall satisfy the requirements of the Town Engineer including, but not limited to, issues related to stormwater and drainage. For specifics, please refer to the attached letter dated 3-13-2025.
3. Proposed trees shall be planted at 2.5 to 3 inches in diameter and shall be a native species.
4. Monroe County comments, if any, shall be addressed.
- 5.. All Town codes shall be met that relate directly or indirectly to the applicant's request.



## **Brighton**

# Public Works Department

**Ken Hurley, P.E.**  
Town Engineer

March 13, 2025

Costich Engineering  
Attention: Michael Ritchie, P.E.  
217 Lake Avenue  
Rochester, NY 14608

RE: Flau Management -Site Plan modifications  
2250 Brighton-Henrietta Town Line Road

Dear Mr. Ritchie,

The Engineering Department has reviewed the above referenced Site Plans dated 2/18/25. We have compiled a list of comments from our review and have provided as follows:

### Existing Features Plan

- On the plan, there are 15 spaces shown on the western side of the building on the far side of the driveway. These are labeled as “proposed” on the site plan modifications plan. These should be removed from this plan if these parking spaces do not exist.

### Site Plan Modification

- The site plan notes that the grading will be so that the drainage will be directed to the existing storm system. Currently the grade flows towards and over the western property line. Proposed grading needs to be added to the plan to show the diversion of water towards the retention pond at the new parking spaces and not over towards the adjacent property. Curbing may be needed at the back of the parking spaces to ensure drainage from leaving across the western property line. This would be dependent on the proposed grading.
- Grading or notation for the landscaping area (berm, depressed, or at grade) is required. Will there be mulch proposed for the landscape area? If so, would this be a mulch bed or mulch at each individual tree. Using this area for snow storage may have an impact on what type of mulch is proposed.
- On the site plan, the hatched area near the middle of the proposed 15 additional parking spaces appears to be to provide protection and separation for the existing light pole. This light pole will be located 2' or less from the adjacent parking space. Does this light pole have appropriate protection, such as a raised concrete pedestal that would provide damage protection if struck by a vehicle? If not, bollards will be required to provide the appropriate protection for the light pole. This note also applies to the light pole at the northern end of the proposed parking.
- There are no inverts on the upstream catch basin or for the outlet pipe, so it is unclear whether there will be an impact to the existing stormwater drainage pipe that runs underneath the new parking spaces. This information is needed and if minimal separation is provided, a stormwater profile showing the pavement

and subbase would be required to indicate that the existing storm piping will not be crushed due to loading from the parking spaces above.

- Details for the parking lot pavement, Curbing (if necessary), and tree planting details are required. A detail for the bollard(s) for light pole protection is required if necessary.
- The proposed trees to be planted are to be identified by type, caliper, and quantity.
- The parking spaces are to be dimensioned to ensure the minimum town requirements are met.
- A letter of credit worksheet will be required for the proposed improvements. The Brighton Town code requires a 3-year guarantee for landscaping.

This concludes the engineering comments for the materials submitted. Additional comments may be forthcoming based on review of the provided responses.

Please direct any questions or comments to my attention.

Sincerely,



Ken Hurley, P.E.

Department of Public Works

Cc: Rick DiStefano, Town of Brighton

Jason Haremza, Town of Brighton