

Town of Brighton Planning Board Final Agenda 5-21-2025

Meeting location: 680 Westfall Road (temporary location of Town Hall), Room 159 (first floor).

Meeting date and time: 5-21-2025, 7PM

Please Note: Brighton Town Hall at 2300 Elmwood Avenue is closed for renovation. Town offices and public meetings will take place at 680 Westfall Road during the renovation project. Police, courts, and library remain open at 2300 Elmwood Avenue. Mail should continue to be addressed to 2300 Elmwood Avenue, Rochester, NY 14618.

Comments may be provided in-person at the public hearing or submitted in writing to the Planning Board Secretary, Jason Haremza (jason.haremza@townofbrighton.org 2300 Elmwood Avenue, Rochester, NY 14618). Written comments must be received by noon on 5-21-2025.

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 24 hours prior to the meeting (to the extent practicable). Click on the hyperlinked File number for each case below to view the application materials.

1. Meeting with staff

- Introduction of new Senior Planner Anthony Vallone and new Commissioner of Public Works Glen Layton
- Agenda review and discussion

2. Call meeting to order (Chair)

3. Roll call of board members (Secretary)

4. Consideration of minutes from prior meeting(s)

4-16-2025

5. Public hearings

The public hearings as advertised for the Planning Board in the Daily Record of 5-15-2025 will now be held.

Case 1**Address/Location:** 1780 Monroe Avenue

Type: Conditional Use Permit

Application: 5P-01-25

File: PB-25-13

Zoning: Neighborhood Commercial (BF-1)

Applicant: Christian Duerr

Description: Application of Christian Duerr, agent, Sheffield's, lessee, and Jay Gelb - Rhinecliff Monroe Corp., owner, for Conditional Use Permit

Approval to allow an existing restaurant to expand and use basement area on property located at 1780 Monroe Avenue.

Case 2**Address/Location:** 1057 East Henrietta Road

Type: Conditional Use Permit

Application: 5P-02-25

File: PB-25-11

Zoning: Light Industrial (IG)

Applicant: Gerald Hitchcock

Description: Application of Gerald Hitchcock, agent, and East Henrietta Road LLC, owner, for Conditional Use Permit Approval to allow for a restaurant supply distribution facility on property located at 1057 East Henrietta Road.

Case 3**Address/Location:** 49 Southern Parkway

Type: Demolition Review, Site Plan Review (combined Preliminary/Final)

Application: 5P-03-25

File: PB-25-12

Zoning: Residential - Low Density B (RLB)

Applicant: Gregory McMahon, McMahon Larue Associates

Description: Application of Gregory McMahon, McMahon Larue Associates, agent, and Jason Cronberger and Susan Hollister Cronberger, owners, for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a single family home and construct a new 2,251 +/- sf single family home with a 1,078 +/- sf attached garage on property located at 49 Southern Parkway.

Case 4**Address/Location:** 3108 East Avenue

Type: Site Plan Review (combined Preliminary/Final) [Resubmittal of previously approved Site Plan]

Application: 5P-04-25

File: PB-25-15

Zoning: Office & Office Park (BE-1)

Applicant: John Hotto, Landtech

Description: Application of John Hotto, Landtech, agent, and 3108 East Avenue LLC, owner, for Preliminary/Final Site Plan Approval to construct a 968+/- sf gas pump canopy, renovate an existing 1,278 sf building, install two gas pump islands, and make additional site improvements for the purpose of operating a Quicklee's gas station and convenience store on property located at 3108 East Avenue. [Note: this is a re-submittal of previously approved site plan that has expired. No changes to project]

Case 5 - POSTPONED

Address/Location: 1285 East Henrietta Road (Tax ID #149.18-2-2)

Type: Site Plan Review (Preliminary)

Application: 4P-NB1-25

File: PB-25-9

Zoning: Light Industrial (IG)

Applicant: Loyal Group REM, LLC

Application of Thomas Fitzgerald, MRB Group, agent, and Loyal Group REM LLC, owner, Birnbaum Companies, contract vendee, for Preliminary Site Plan Approval to construct a 3,200 +/- sf commercial building for use as a cannabis dispensary on property located at 1285 East Henrietta Road, known as Tax ID #149.18-2-2. TABLED AT 4-16-2025 MEETING.

POSTPONED TO 6-18-2025 MEETING AT APPLICANT'S REQUEST.

PUBLIC HEARING REMAINS OPEN.

6. Presentations/Communications

None

7. Petitions

None

8. Signs

None

Town of Brighton Planning Board Staff Report

Hearing Date: 5-21-2025

Address/Location: 1780 Monroe Avenue

Type: Conditional Use Permit

Application: 5P-01-25

File: PB-25-13

Zoning: Neighborhood Commercial (BF-1)

Applicant: Christian Duerr

Description: Application of Christian Duerr, agent, Sheffield's, lessee, and Jay Gelb - Rhinecliff Monroe Corp., owner, for Conditional Use Permit Approval to allow an existing restaurant to expand and use basement area on property located at 1780 Monroe Avenue.

The Planning Board may wish to consider the following staff comments.

Building and Planning Office

Jason Haremza (jason.haremza@townofbrighton.org 585-784-5259)

1. 1780 Monroe Avenue currently contains a 14,100 +/- sf single story multi-tenant retail structure built in 1955.
2. This business last expanded in 2019. The Planning Board's approval of the 2019 Conditional Use Permit was included in the application packet and attached to this staff report for reference.
3. A floor plan and site plan and parking analysis have been submitted. The Planning Board may make a determination that existing parking is adequate to serve the expanded use.
4. This project is exempt from Monroe County Development Review per the 1994 Intermunicipal Agreement between Monroe County and the Town of Brighton.
5. Applicant to provide operational details such as the nature of the proposed expansion.
6. Applicant to confirm that no exterior changes are proposed for the property at this time.
7. Any signage shall be reviewed separately.

Fire Marshal

Please see attached memo dated 5-15-2025.

Town Engineer

None

Sewer Department

None

Conservation Board

None

Conditional Use Permit Findings

The following draft findings, based on the standards found in [Town of Brighton Code Section 217-7](#), are recommended for the Planning Board's consideration and discussion.

1. The Planning Board finds that the proposed restaurant expansion complies with the standards of the Neighborhood Commercial (BF-1) District.
2. The Planning Board finds that the proposed use is in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the proposed restaurant expansion, the intensity, size of the site and access have all been considered in the Board's review.
3. The Planning Board finds that the expansion of an existing restaurant 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 restaurant expansion 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 expansion of an existing restaurant will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
6. The Planning Board finds that the expansion of an existing restaurant will be adequately served by essential public facilities.
7. The Planning Board finds that the expansion of an existing restaurant will not result in the loss or damage to trees.
8. The Planning Board finds that the expansion of an existing restaurant in this location essentially conforms to the Town's Comprehensive Plan: Envision Brighton 2028. Specifically Volume 2, Pages 16, the Economic Vitality Policy Objectives [emphasis added]:
 - A. *Attract and promote the sustainable development of quality office, retail,*

commercial, medical, light industrial, and residential uses in areas with existing critical infrastructure, in an effort to expand the Town's local tax base while providing needed and desired goods and services, and without compromising other community goals.

E. *Provide support for local businesses*, entrepreneurs, institutions, and enterprises to attract and retain local talent and increase access to local goods.

Environmental Review/State Environmental Quality Review (SEQR)

Town staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined this project is a Type 2 action, requiring no further environmental review.

Specifically 6 NYCRR 617.5(c)(18):

Reuse of a...commercial structure..., where the...commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special [conditional] use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

Decision or Action by the Planning Board

With proposed conditions for the Board's consideration

Option A – Approval with Conditions

If the Planning Board considers approval, the following conditions are recommended by staff. The Planning Board can add, delete, or revise conditions.

1. The applicant shall address the comments and comply with the requirements of:
 - a. The Fire Marshal
2. All Town codes shall be met that relate directly or indirectly to the applicant's request.
3. A building permit is required. Building Permits are submitted online: <https://www.townofbrighton.org/970/Building-Permit-Applications> However, two full sized sets of paper construction drawings are required for projects of this size and scope. The entire project shall comply with the current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
4. Any unresolved or deficient site improvements or other conditions of prior approvals shall be corrected.

Option B – Table

If the Planning Board entertains tabling, the following reasons are recommended by staff. The Planning Board can add, delete, or revise reasons for tabling.

1. Address the comments the Fire Marshal
2. Provide additional details on parking utilization using real time information such as periodic time stamped photos showing parking utilization on site and on the adjacent vacant restaurant site (former Dunkin Donuts).
3. Provide documentation of shared parking proposals with neighboring properties within walking distance.
4. Identify and provide a plan for resolving/correcting deficient site improvements or other conditions of prior approvals.



Thursday, May 15, 2025

Jason Haremza
Planner
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618
jason.haremza@townofbrighton.org

Re: Sheffield – 1776 Monroe Avenue – Increase Use with a Basement Occupancy (Application: 5P-01-25)

Dear Jason:

I have reviewed the proposed project and have the following comments based on the review using the 2020 Codes of New York State:

The current assembly space [A-2] has been posted for an occupancy of 95 occupants; with the additional assembly space this proposed project would place the occupant load above 100 occupants and therefore require installation of an automatic fire sprinkler system in compliance with FCNYS Section 903.2.1.1.

2020 Fire Code of New York State

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464 m²).
2. **The fire area has an occupant load of 100 or more.**
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Group A-2 assembly occupancies are intended for food or drink consumption, such as banquet halls, nightclubs and restaurants. Occupancies in Group A-2 involve life safety factors such as high occupant density, flexible fuel loading, movable furnishings and limited lighting; therefore, they must be protected with an automatic sprinkler system under any of the listed conditions.

In the case of an assembly use, the purpose of the automatic sprinkler system is to provide life safety from fire as well as preserving property. By requiring fire suppression in areas through which the occupants may egress, including the level of exit discharge serving such occupancies, the possibility of unobserved fire development affecting occupant egress is minimized.

The 5,000-square-foot (464 m²) threshold for the automatic sprinkler system reflects the higher degree of life safety hazard associated with Group A-2 occupancies.

As alluded to earlier, Group A-2 occupancies could have low lighting levels, loud music, late hours of operation, dense seating with ill-defined aisles and alcoholic beverage service. These factors in combination could delay fire recognition, confuse occupant response and increase egress time.



Although the calculated occupant load for a 5,000 square-foot (465 m²) space at 15 square feet (1.4 m²) per occupant would be over 100, the occupant load threshold in Condition 2 is meant to reflect the concern for safety in these higher density occupancies.

Although the major reason for establishing the occupant threshold at 100 was because of several recent nightclub incidents, the requirement is not limited to nightclubs or banquet facilities but to all Group A-2 occupancies. Any restaurant with an occupant load greater than 100 would require sprinkler protection as well. This includes fast food facilities with no low lighting or alcohol sales. The similar intent of Condition 3 is addressed in the commentary to Section 903.2.1.1.

In addition to the installation of an automatic fire sprinkler system, I have concerns about the maintenance and access to the rear basement stairs. Through our annual fire safety inspections, we have found that most of the time this area is blocked or reduced with keg and other combustible storage. These storage practices would not allow for full and instant use and adds combustibility within the egress path and reduces the minimum egress width.

2020 Fire Code of New York State

1031.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free **from obstructions or impediments to full instant use** in the case of fire or other emergency where the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

Further, if the contents consist of combustible materials or ignition sources, the use of the stairway as a means of egress may be jeopardized, creating a hazard to life safety.

In closing, there is more to this proposal than just installing 6 dart stations and allowing 36 people within the basement area, including:

- How will this be monitored and maintained, will the 2 to 4 staff members upstairs behind the bar, in the kitchen or waiting on an occupied bar area above be responsible for the occupants with the lower basement level, “out of sight and out of mind”?
- How will the lower means of egress be maintained to provide unobstructed and instant access to this newly created assembly space?
- Will this newly created assembly space impact other tenants such as the auto parts store which also needs to have access and egress from the lower basement area

This stair also serves as the second means of egress from most if not all basement areas.



This project has many unanswered moving parts and questions with respect to life and fire safety; I would recommend tabling this project until a time where a New York State licensed design professional can provide a life safety and egress plan detailing compliance with the 2020 Codes of New York State.

If you have any questions or concerns, please feel free to contact me directly.

Have a safe fire day

Respectfully,

Christopher A. Roth
Chief Fire Marshal



June 20, 2019

TY Lin International
225 East Ave
Rochester, NY 14604
Attn: Andrew Gartley

Rhinecliff Monroe Corp
33 Knollwood Drive
Rochester, NY, 14618

RE: Planning Board Application 6P-01-19

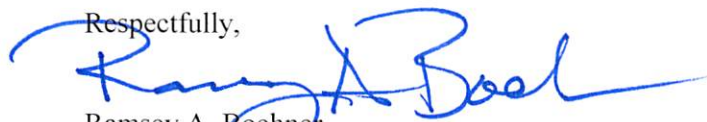
Dear Sir and/or Madam:

Your application 6P-01-19, for Conditional Use Permit Approval to allow for the expansion of an existing restaurant use with hours of operation until 2:00 AM on property located at 1780 Monroe Avenue, was presented for consideration before the Planning Board at their meeting held on June 19, 2019. The Planning Board approved the application as presented based on the testimony given and plans submitted, and with the following conditions:

1. An Operational Permit shall be obtained from the Town of Brighton Fire Marshal (Chris Roth, 585-784-5220).
2. The restaurant shall comply with the most current Building & Fire Codes of New York State.
3. Meet all requirements of the Town of Brighton's Department of Public Works.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. All parking lot lighting shall be low in height and intensity.
6. The dumpster shall be enclosed with building materials that are compatible with the existing building and located in the rear yard. The enclosure shall equal the height of the dumpster. The dumpster enclosure shall be large enough to hold both refuse and grease.
7. The parking lot shall be striped as per the requirements of the Brighton Comprehensive Development Regulations.
8. All County Development Review Comments shall be addressed prior to final approval.

9. A total of number of seats shall not exceed 33 without further Town review and approval.
10. All new accessible parking space signage to be installed or replaced shall have the logo depicting a dynamic character leaning forward with a sense of movement as required by Secretary of State pursuant to section one hundred one of the Executive Law.
11. The basement shall only be used for storage without further Town review and approval.
12. Live entertainment is prohibited.
13. The site plan must be revised to provide greater details for the install of the accessible parking spaces. Signage and a guardrail block the accessible route to the existing walkway. The revised plan shall be submitted to and reviewed and approved by the Building and Planning Department.
14. The site plan must be revised to include details of the proposed dumpster enclosure.
15. Outdoor dining is not permitted without further Town review and approval.
16. All requirements of the Architectural Review Board and Zoning Board of Appeals shall be met.
17. All applicable requirements of Sections 203-74.B (3) and 207-14.2 of the Comprehensive Development Regulations shall be met.
18. A letter or memo in response to all Planning Board comments and conditions shall be submitted.
19. The hours of operation shall be from 11 AM to 2 PM.
20. All exterior facade defects shall be repaired.
21. The patio area shall be enclosed with a 4-foot-high decorative fence on the west and south side. The plans shall be revised and approved by the Building and Planning Department.

Respectfully,



Ramsey A. Boehner
Executive Secretary, Planning Board

cc: Rick DiStefano, Planner

Town of Brighton Planning Board Staff Report

Hearing Date: 5-21-2025

Address/Location: 1057 East Henrietta Road

Type: Conditional Use Permit

Application: 5P-02-25

File: PB-25-11

Zoning: Light Industrial (IG)

Applicant: Gerald Hitchcock

Description: Application of Gerald Hitchcock, agent, and East Henrietta Road LLC, owner, for Conditional Use Permit Approval to allow for a restaurant supply distribution facility on property located at 1057 East Henrietta Road.

The Planning Board may wish to consider the following staff comments.

Building and Planning Office

Jason Haremza (jason.haremza@townofbrighton.org 585-784-5259)

1. 1057 East Henrietta Road currently contains a 34,000 +/- sf single story office/warehouse structure built in 1992.
2. A survey map and interior demolition and floor plan have been submitted.
3. This project is exempt from Monroe County Development Review per the 1994 Intermunicipal Agreement between Monroe County and the Town of Brighton.
4. Applicant to provide operational details such as the nature of the business, hours of operation, number of employees on site at any one time, and how deliveries and trash removal occur.
5. Applicant to confirm walk-in or retail operations are minimal and ancillary to the wholesale activities.
6. Applicant to confirm that no exterior changes are proposed for the property at this time.
7. Any signage shall be reviewed separately.

Town Engineer

None

Sewer Department

None

Conservation Board

None

Conditional Use Permit Findings

The following draft findings, based on the standards found in [Town of Brighton Code Section 217-7](#), are recommended for the Planning Board's consideration and discussion.

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

Environmental Review/State Environmental Quality Review (SEQR)

Town staff reviewed the submitted materials and carefully considered both State (6 NYCRR 617.5) and Town (Town Code Section 201-14) and determined this project is a Type 2 action, requiring no further environmental review.

Specifically 6 NYCRR 617.5(c)(18):

Reuse of a...commercial structure..., where the...commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special [conditional] use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

Decision or Action by the Planning Board

With proposed conditions for the Board's consideration

If the Planning Board considers approval, the following conditions are recommended by staff. The Planning Board can add, delete, or revise conditions.

1. 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.
2. A building permit is required. Building Permits are submitted online: <https://www.townofbrighton.org/970/Building-Permit-Applications> However, two full sized sets of paper construction drawings are required for projects of this size and scope. The entire project shall comply with the current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.

Town of Brighton Planning Board Staff Report

Hearing Date: 5-21-2025

Address/Location: 49 Southern Parkway

Type: Demolition Review, Site Plan Review (combined Preliminary/Final)

Application: 5P-03-25

File: PB-25-12

Zoning: Residential - Low Density B (RLB)

Applicant: Gregory McMahon, McMahon Larue Associates

Description: Application of Gregory McMahon, McMahon Larue Associates, agent, and Jason Cronberger and Susan Hollister Cronberger, owners, for Demolition Review and Approval and Preliminary/Final Site Plan Approval to raze a single family home and construct a new 2,251 +/- sf single family home with a 1,078 +/- sf attached garage on property located at 49 Southern Parkway.

The Planning Board may wish to consider the following staff comments.

Building and Planning Office

Jason Haremza (jason.haremza@townofbrighton.org 585-784-5259)

1. A site plan application was submitted that included the following:
 - a. Engineer's Report
 - b. Report for referral to the Historic Preservation Commission
 - c. Part 1 of the Environmental Assessment Form (EAF), short version
 - d. Monroe County Development Review Response (attached)
 - e. Drawing set containing the following:
 - i. Existing Conditions and Demolition Plan
 - ii. Site Development Plan
 - iii. Town and Erosion Control Notes and Details
2. The demolition portion of this project was referred to the Historic Preservation Commission (HPC) for their review at the 4-24-2025 meeting. The HPC declined to consider landmark designation, therefore demolition review by the Planning Board may advance.
3. This project requires area variances from Town of Brighton Code Section 205-2 south side setback 15%=15' by code, 9.2' requested and 205-2 maximum size of attached garage, 900 sq.ft. by code, 1078 sq.ft. requested. An application has been made to the ZBA and will be considered at the 6-4-2025 meeting.
4. This project requires review by the Architectural Review Board (ARB). The ARB approved as presented at the 4-22-2025 meeting.

Town Engineer

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

1. See attached memo dated 5-19-2025. The applicant shall resolve the issues raised to the satisfaction of the Town Engineer.

Sewer Department

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

1. Sewer sanitary/storm must be capped prior to demolition
2. Sewer permit required, must be obtained by a licensed plumber

Conservation Board

None

Environmental Review/State Environmental Quality Review (SEQR)

The proposed 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 recommends that the Planning Board adopt the draft negative declaration (attached) when considering Preliminary/Final Site Plan approval.

Decision or Action by the Planning Board

With proposed conditions for the Board's consideration

If the Planning Board considers approval, the following conditions are recommended by staff. The Planning Board can add, delete, or revise conditions.

1. The applicant shall address the comments and comply with the requirements of:
 - a. The Town Engineer
 - b. The Sewer Department
 - c. The Fire Marshal
2. Monroe County comments, if any, shall be addressed.
3. All Town codes shall be met that relate directly or indirectly to the applicant's request.
4. Three sets of paper final site plan drawings shall be submitted to the Building and Planning Office to the attention of Jason Haremza. A signature block for the Commissioner of Public Works and the Town Engineer shall be included on the utility sheet only.

5. A building permit is required. Building Permits are submitted online: <https://www.townofbrighton.org/970/Building-Permit-Applications> However, two full sized sets of paper construction drawings are required for projects of this size and scope. The entire project shall comply with the current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
6. A pre-construction meeting is required. It is the applicant's responsibility to schedule this with the Town Engineer.
7. The project shall be constructed in accordance with the design approved by the Architectural Review Board (ARB) and the site plan drawing set approved by the Planning Board.



Department of Planning & Development

Monroe County, New York

Adam J. Bello
County Executive

Ana J. Liss
Director

To: Town of Brighton Planning Board

From: Steven Olufsen, Planner 2 *SO*

Date: December 19, 2024

Subject: 49 Southern Parkway
49 Southern Pkwy, Rochester 14618
MCDP&D Response to Development Review Referral (BH24022)

Review Authority and Response:

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

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

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

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

MCDP&D Comments:

1. The Monroe County Department of Planning and Development has reviewed this application and does not have any comment. Please refer to the attached Project Review Report for the complete list of Development Review Committee comments.

If you have any questions regarding this review, please contact me at 585-753-2027 or SOlufsen@monroecounty.gov.

xc: Development Review Committee
Susan Hollister-Cronberger
Monroe County Planning & Development

Subject: Attachment to File BH24022
49 Southern Parkway
49 Southern Pkwy, Rochester 14618

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

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

1. Plans for any extension or relocation of water main or sanitary sewer must be submitted to and approved by the Monroe County Department of Public Health.

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

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

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

1. The Monroe County Department of Planning and Development has reviewed this application and does not have any comment. Please refer to the attached Project Review Report for the complete list of Development Review Committee comments.

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

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





Public Works Department

Ken Hurley, P.E.
Town Engineer

May 19, 2025

McMahon LaRue Associates
Attention: Bryon White, L.S.
822 Holt Road
Webster, NY 14580

RE: Site Plan Review
49 Southern Parkway

Dear Mr. White,

The Engineering Department has reviewed the above referenced Site Plan and support data dated 4/22/25 for approval. We have compiled a list of comments from our review and have provided as follows:

Site Development Plan

- At the southeast corner of the property, the lawn area (south of the driveway) is being re-graded from the corner of the garage, along the existing driveway, and to the ROW line. A grass swale is proposed in this area. This swale would create a direct discharge point with concentrated flow onto the existing sidewalk, which is not acceptable. Since the driveway and the southwestern corner of the existing garage exist and will not change, it is recommended that this area remain undisturbed. This will not change the existing drainage flow in this area and the established lawn would not be subject to potential erosion as a newly disturbed area would be. Another option if this grading is desired is to provide a yard inlet and tie it into the new drainage piping.
- Please illustrate the limits of disturbance and area of disturbance on the plan.
- The Engineer's Report indicates that the erosion control fence and tree protection have been included on the plans. Please illustrate the location of these items on the plan.

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: Anthony Vallone, Town of Brighton

Jason Haremza, Town of Brighton

Glen Layton, Town of Brighton

Town of Brighton Planning Board Staff Report

Hearing Date: 5-21-2025

Address/Location: 3108 East Avenue

Type: Site Plan Review (combined Preliminary/Final) [Resubmittal of previously approved Site Plan]

Application: 5P-04-25

File: PB-25-15

Zoning: Office & Office Park (BE-1)

Applicant: John Hotto, Landtech

Description: Application of John Hotto, Landtech, agent, and 3108 East Avenue LLC, owner, for Preliminary/Final Site Plan Approval to construct a 968+/- sf gas pump canopy, renovate an existing 1,278 sf building, install two gas pump islands, and make additional site improvements for the purpose of operating a Quicklee's gas station and convenience store on property located at 3108 East Avenue. [Note: this is a re-submittal of previously approved site plan that has expired. No changes to project]

The Planning Board may wish to consider the following staff comments.

Building and Planning Office

Jason Haremza (jason.haremza@townofbrighton.org 585-784-5259)

1. This project was previously approved by the Planning Board on 5-17-2023 (approval document attached for reference). This approval expired on 5-17-2024 and the opportunity for a one year extension to 5-17-2025 has passed.
2. The applicant has stated that the resubmitted project is identical to the one approved in 2023.
3. The variances granted by the ZBA and the certificate of appropriateness granted by the HPC have also lapsed. The applicant has resubmitted the relevant applications to these boards and approvals were granted.

Town Engineer

None

Sewer Department

None

Conservation Board

None

Environmental Review/State Environmental Quality Review (SEQR)

Town staff recommends that the Planning Board adopt the 2023 negative declaration when considering Preliminary/Final Site Plan approval.

Decision or Action by the Planning Board

With proposed conditions for the Board's consideration

If the Planning Board considers approval, the following conditions are recommended by staff. The Planning Board can add, delete, or revise conditions.

1. The 16 conditions of the 2023 Planning Board approval.
2. The applicant shall address any new, revised, or updated comments and comply with the requirements of:
 - a. The Town Engineer
 - b. The Sewer Department
 - c. The Fire Marshal
3. Monroe County comments, if any, shall be addressed.
4. All Town codes shall be met that relate directly or indirectly to the applicant's request.
5. Three sets of paper final site plan drawings shall be submitted to the Building and Planning Office to the attention of Jason Haremza. A signature block for the Commissioner of Public Works and the Town Engineer shall be included on the utility sheet only.
6. A building permit is required. Building Permits are submitted online: <https://www.townofbrighton.org/970/Building-Permit-Applications> However, two full sized sets of paper construction drawings are required for projects of this size and scope. The entire project shall comply with the current New York State Fire Prevention and Building Code and the Town of Brighton sprinkler requirements.
7. A pre-construction meeting is required. It is the applicant's responsibility to schedule this with the Town Engineer.
8. The project shall be constructed in accordance with the design approved by the Historic Preservation Commission (HPC) and the site plan drawing set approved by the Planning Board.



May 19, 2023

PEMM, LLC
2697 Lakeville Road
Avon, NY 14414

RE: Planning Board Application 5P-02-23, 3108 East Avenue

To the applicant:

Your application 5P-02-23, to construct a 720+/- sf gas pump canopy, renovate an existing 1,278 sf building, install two gas pump islands, and make additional site improvements for the purpose of operating a Quicklee's gas station and convenience store on property located at 3108 East Avenue was considered by the Planning Board at their meeting held on May 17, 2023.

Note: Application 5P-NB2-22 for Preliminary Site Plan Approval has been combined with Application 5P-02-23 for Final Site Plan Approval for this project.

DECISION: APPROVED

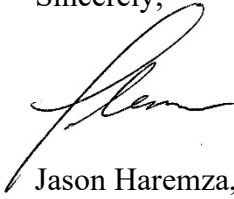
This letter shall serve as formal notification of the Planning Board decision. Please email (jason.haremza@townofbrighton.org) or call (585-784-5259) with any questions.

The Planning Board approved the application as presented based on the testimony given and plans submitted and with the following conditions:

1. Meet all requirements 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, Sewer Department, Building and Planning Department, and Fire Marshal.
 - b. Requirements of the Department of Public Works include but are not limited to:
 - i. updated drawings to reflect the project details that was approved by the Historic Preservation Commission (HPC) (e.g. masonry dumpster enclosure, canopy dimensions, etc.)
 - ii. construction detail of decorative masonry wall including foundation/footer
 - iii. detail of 3 ½ foot tall fence along south property line
 - iv. relocate or eliminate the proposed 3 foot wide crosswalk across the parking lot
2. Hours of operation will be from 6AM to 10PM.

3. All light fixtures will have a maximum temperature of 3000 k as required by the Historic Preservation Commission. Parking lot lights will be turned off from 10PM to 5AM.
4. All Monroe County comments, if any, shall be addressed.
5. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code. The building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. Erosion control measures shall be in place prior to site disturbance.
9. Location of spoil piles and plans for their removal or distribution shall be provided.
10. 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.
11. 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.
12. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
13. The Town of Brighton Department of Public Works (DPW) requires that the existing laterals be televised and the conditions assessed. Replacement laterals will need to be installed if the DPW determines they are required.
14. Show the storm sewers on the site and their connections.
15. 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.
16. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Haremza', with a stylized, flowing script.

Jason Haremza, AICP
Executive Secretary, Planning Board

copy via email: Rick DiStefano, Senior Planner, Town of Brighton
Evert Garcia, Town Engineer, Town of Brighton
Jerry Goldman, Woods Oviatt Gilman, LLP
Bob Winans, LandTech Surveying

PLANNING BOARD REPORT

HEARING DATE: 5-17-2023
APPLICATION NO: 5P-02-23/5P-NB2-22
LOCATION: 3108 East Avenue

APPLICATION SUMMARY: Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, owner, for Final Site Plan Approval to construct a 968+/- sf gas pump canopy, renovate an existing 1,278 sf building, install two gas pump islands, and make additional site improvements for the purpose of operating a Quicklee's gas station and convenience store on property located at 3108 East Avenue.

Note: The pending Preliminary Site Plan Review has been combined with the Final Site Plan Review Application.

COMMENTS

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

BUILDING AND PLANNING:

1. 3108 East Avenue is a 0.358 acre property containing a 1,178 square foot building originally built as a gas station and vehicle repair operation in the 1920s.
2. The subject property is zoned Office and Office Park (BE-1).
3. The Zoning Board of Appeals (ZBA) has granted use and area variances on 12-7-2022
4. The Historic Preservation Commission (HPC) issued a Certificate of Appropriateness on 2-23-2023.
5. Full site, grading, utility, and landscaping plans have been submitted. The applicant has also responded to previous comments in a letter dated 4-17-2023.
6. The proposed 3 foot wide crosswalk across the southern edge of the paved area is a well intentioned attempt to increase the site's walkability. However, the crosswalk is within the drive lane of the driveway. An alternative location may be at the southern end of the decorative masonry wall and along the southern edge of the canopy.

TOWN ENGINEER: See attached memo dated 5-9-2023 (Note: SWBR is providing engineering services to the Town on an interim basis). The following items from the memo are of particular importance:

1. The proposed building and site plan must comply with the New York State Fire Code and the Town of Brighton Fire Prevention and Building Construction code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations.

The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>.

2. The size of the canopy referenced in the Engineer's Report does not coincide with the size of the canopy shown on the plans. This discrepancy must be resolved and either the plans or report should be revised accordingly.
3. This department is concerned about the creation of a point discharge from this site to an adjacent residential property where before the stormwater runoff from this site was overland in nature. The level spreader will alleviate this situation, but it is critical that the spreader is constructed correctly. Record drawings showing the final construction and top elevation of the spreader will be required. The top elevation must not deviate over the length of the spreader.
4. The location of the 3' wide crosswalk conflicts with vehicles entering the project's southern driveway. Can this crosswalk be relocated to minimize conflicts between pedestrians and vehicles? A detail of the crosswalk must be provided. (see also Building and Planning comment)
5. Is there sufficient clearance beneath the existing overhead wire to accommodate truck traffic? (see also Building and Planning comment 6)
6. A detail for the 3.5 foot high fence along the edge of the concrete wall should be provided. (see also condition 1b)
7. The location of the underground storage tanks must be shown on the plans. The size and contents of the tanks should be noted. The installation of the tanks must adhere to all EPA, NYSDEC and industry standards to prevent future contamination of the site.
8. The location of the underground fill ports should be shown on the plans.

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. Sewer permit required
2. Storm sewers- existing location, catch basin discharge, roof/canopy drains, pond overflow?
3. Televiser sanitary and lateral up to Town owned manhole

CONSERVATION BOARD:

Advisory comments

1. Show location of on site car charging stations.
2. Use of native plantings is encouraged.
3. Low mow techniques is encouraged to the rear of the property.
4. Stormwater mitigation needs to be more thoroughly addressed.

ENVIRONMENTAL REVIEW/SEQR

If the Planning Board finds that the proposed action will not have a significant impact on the environment, staff recommends that the Planning Board adopt the prepared negative declaration when considering Final Site Plan Approval.

BOARD ACTION/DECISION

If the Planning Board entertains approval, staff recommends the following conditions, along with any others imposed by the Board:

1. Meet all requirements 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, Sewer Department, Building and Planning Department, and Fire Marshal.
 - b. Requirements of the Department of Public Works include but are not limited to:
 - i. updated drawings to reflect the project details that was approved by the Historic Preservation Commission (HPC) (e.g. masonry dumpster enclosure, canopy dimensions, etc.)
 - ii. construction detail of decorative masonry wall including foundation/footer
 - iii. detail of 3 ½ foot tall fence along south property line
 - iv. relocate or eliminate the proposed 3 foot wide crosswalk across the parking lot
2. Hours of operation will be from 6AM to 10PM.
3. All light fixtures will have a maximum temperature of 3000 k as required by the Historic Preservation Commission. Parking lot lights will be turned off from 10PM to 5AM.
4. All Monroe County comments, if any, shall be addressed.
5. The entire building shall comply with the most current New York State Uniform Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.
7. The project and its construction entrance shall meet the New York State Standards and Specifications for Erosion and Sediment Control.
8. Erosion control measures shall be in place prior to site disturbance.
9. Location of spoil piles and plans for their removal or distribution shall be provided.
10. 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.
11. 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.

12. All other reviewing agencies must issue their approval prior to the Department of Public Works issuing its final approval.
13. The Town of Brighton Department of Public Works (DPW) requires that the existing laterals be televised and the conditions assessed. Replacement laterals will need to be installed if the DPW determines they are required.
14. Show the storm sewers on the site and their connections.
15. 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.
16. The contractor shall obtain all necessary Highway Access, Sewer Construction, Demolition, or other permits from the Town or other agencies prior to starting work.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 5P-02-23/5P-NB2-22

Date: May 17, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, 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: 3108 East Avenue – Final Site Plan Approval

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Final Site Plan Approval to construct a 968+/- sf gas pump canopy, renovate an existing 1,278 sf building, install two gas pump islands, and make additional site improvements for the purpose of operating a Quicklee's gas station and convenience store on property located at 3108 East Avenue.

Location: 3108 East Avenue

Findings and Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant (Part I) and Town Staff (Parts II & III) and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town of Brighton Planning Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance.

The proposed Project is taking place on a previously disturbed site with most areas of disturbance taking place in previously disturbed areas. The site is relatively flat and the proposal does not significantly alter grade or drainage on the site. The proposed use is a gas station and convenience store, and in itself will not disturb the site beyond the work done during the site improvement. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan. The storm water drainage system will be

designed and will be constructed in accordance with all applicable Town requirements. The proposed use as a gas station with convenience store will not create a substantial increase in solid waste production.

The proposed 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 drainage problems.

2. Noise, Visual, and Neighborhood Character.

The Project will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. The Project is reestablishing a gas station and adding a convenience store to a site that had been used for a gas station and auto repair facility for many years. The project will use and maintain the current historically designated vacant building which is located in a BE-1 Office and Office Park District. The project will improve the overall look of the property by adding landscaping, reducing impervious surface, improving the building while maintaining its historic significance, and constructing an accessory structure which will complement the architectural style of the historic building. Noise generated will be from vehicle traffic and minimal truck deliveries.

The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the area of the proposed use and will not be detrimental or injurious to property and improvements in the area or to the general welfare of the Town.

3. Agriculture, Archeology, Historic, Natural, or Cultural Resources.

The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The EAF Mapper Summary Report indicates that the project area is located near archaeologically sensitive areas. Proposed improvements are taking place on a previously disturbed site. There are no known archaeological resources within project site.

The project is reusing and maintaining a Town of Brighton historically designated structure and will meet all requirements of the Town of Brighton 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. The Project is not located within a flood plain and there are no wetlands on the project site.

5. Community Plans, Use of Land, and Natural Resources.

The Project is located in a BE-1 Office and Office Park District and was granted an area variances for pavement setbacks and for construction of an accessory structure (gas pump canopy) in a front yard. The project was also granted a use variance to allow for a gas station with convenience store where one is not allowed by code. The Town's Comprehensive Plan recommends the redevelopment of underutilized commercial areas (Volume 2, Page 10, #25) and

notes the preservation of historic properties is a priority (Volume 2, Page 14, #9). The Project changes will be installed on already disturbed areas and will have no adverse impacts on the natural resources found on the site.

6. Critical Environmental Area.

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

7. Traffic.

The proposed Project will generate more vehicle trips to or from the project site but is located on a significant road and will not significantly increase traffic on the road. The Project will not have a significant adverse impact on vehicular, bicycle, or pedestrian traffic. Thus, the Project will not result in any significant adverse traffic impacts.

8. Public Health and 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: 5-17-2023

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