

PLANNING BOARD  
TOWN OF BRIGHTON  
MEETING OF MAY 17, 2023  
Brighton Town Hall  
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.

FINAL AGENDA

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members.

CHAIRPERSON: Approval of the April 19, 2023 meeting minutes.

CHAIRPERSON: Announce that the public hearings as advertised for the PLANNING BOARD in the Daily Record of May 11, 2023 will now be held.

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[4P-03-23](#) **POSTPONED AT APPLICANT'S REQUEST.** Application of Stephen Artim and Tricia Shalka, owners, and Jerry Serafine, agent, for EPOD (watercourse) Permit Approval to allow for the construction of a building addition within zone AE of the 100 year floodplain on property located at 55 Stonybrook Drive. All as described on application and plans on file. **TABLED AT THE APRIL 19, 2023 MEETING - PUBLIC HEARING REMAINS OPEN**

[5P-01-23](#) Application of Cortese Cycle Sales, owner, for renewal and expansion of a Conditional Use Permit (2P-01-22) allowing for motorcycle sales and service on property located at 2771-2775 West Henrietta Road. All as described on application and plans on file.

[5P-02-23](#) 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. All as described on application and plans on file.

*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.*

[5P-03-23](#) Application James Smith, agent, and Tasty Hut LLC, owner, for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 252 +/- sf building addition and operate a Pizza Hut Restaurant with drive-thru service on property located at 1760 Monroe Avenue. All as described on application and plans on file.

#### NEW BUSINESS:

[5P-NB2-22](#) [Mar Resubmittal](#) Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC, contract vendee for Preliminary 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. All as described on application and plans on file. **TABLED AT THE MAY 18, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

*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.*

[4P-NB1-23](#) **POSTPONED AT APPLICANT'S REQUEST.** Application of Westmarsh Properties, LLC, owner, for Preliminary Site Plan Approval and Preliminary EPOD (woodlot) Permit Approval to construct a 2,562 df two story single family home with a 634 sf attached garage on property located at 57 Eldridge Avenue. All as described on application and plans on file. **TABLED AT THE APRIL 19, 2023 - PUBLIC HEARING REMAINS OPEN**

[4P-NB2-23](#) **POSTPONED AT APPLICANT'S REQUEST.** Application of 1950-1966 Monroe Avenue, LLC, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary Conditional Use Permit Approval and Demolition Review and Approval to raze two commercial buildings, combine two lots into one, and construct a 2,667 +/- sf convenience store with gasoline sales under a 2,160 +/- sf gas pump canopy, with extended hours of operation on property located at 1950 and 1966 Monroe Avenue. All as described on application and plans on file. **TABLED AT THE APRIL 19, 2023 - PUBLIC HEARING REMAINS OPEN**

[5P-NB1-23](#) Application of Nunzio Salafia, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary EPOD (steepslope) Permit Approval and Demolition Review and Approval to raze a single family dwelling, subdivide one lot into two, and construct a 4,054 +/- sf single family home with a 877 +/- sf

attached garage on property located at 125 Old Mill Road. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

OLD BUSINESS:

NONE

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PRESENTATIONS: NONE

COMMUNICATIONS: NONE

PETITIONS: NONE

SIGNS: NONE

## PLANNING BOARD REPORT

**HEARING DATE:** 5-17-2023

**APPLICATION NO:** 5P-01-23

**LOCATION:** 2771-2775 West Henrietta Road

**APPLICATION SUMMARY:** Application of Cortese Cycle Sales, owner, for renewal and expansion of a Conditional Use Permit (2P-01-22) allowing for motorcycle sales and service on property located at 2771-2775 West Henrietta Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 2771-2775 West Henrietta Road currently contains a single story commercial building.
2. The subject property is zoned General Commercial (BF-2)
3. Floor plans have been submitted.
4. Conditional Use Permit Findings. The following findings are recommended for the Planning Board's consideration.
  - a. The Planning Board finds that the continued and expanded use, motorcycle sales and service, complies with the standards of the General Commercial (BF-2) district.
  - b. The Planning Board finds that the continued and expanded 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 motorcycle sales and service, the intensity (hours of operation), size of the site and access have all been considered in the Board's review.
  - c. The Planning Board finds that the continued operation and expansion of motorcycle sales and service 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.
  - d. The motorcycle sales and service will be expanded 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.
  - e. The Planning Board finds that the continued and expanded use of motorcycle sales and service will not create excessive additional requirements for public facilities

and services and will not be detrimental to the economic welfare of the community.

- f. The Planning Board finds that the continued and expanded use of motorcycle sales and service will be adequately served by essential public facilities.
- g. The Planning Board finds that the continued and expanded use of motorcycle sales and service will not result in the loss or damage to trees.
- h. The proposed finds that the continued and expanded use of motorcycle sales and service conforms to the Town Master Plan: Envision Brighton 2028.

## **ENVIRONMENTAL REVIEW/SEQR**

The environmental review from the original Conditional Use Permit approval remains valid. 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 expansion within an existing commercial 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.

## **BOARD ACTION/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.
  - a. Applicant shall respond in writing to all comments of the Planning Board, Town Engineer, Sewer Department, Building and Planning Department, and Fire Marshal.
2. All Monroe County comments, if any, shall be addressed.
3. The dumpster shall be enclosed with materials that are compatible with the building. A building permit is required for the dumpster enclosure.
4. The entire building shall comply with the most current New York State Fire Prevention and Building Code. The proposed building shall be sprinklered in accordance with Town of Brighton sprinkler requirements.
5. Any storage of bulk petroleum products or any other flammable or hazardous products/materials shall be reviewed by the Town Fire Marshal.
6. All Town codes shall be met that relate directly or indirectly to the applicant's request.

7. No outdoor storage or display of goods, materials, or equipment shall be permitted without town approval.
8. Any permits required from Monroe County Pure Waters shall be obtained.
9. All requirements of Chapter 149, Sewer Use Law of the Town of Brighton, shall be met.
10. An operational permit shall be obtained from the Town Fire Marshal (Chris Roth, 784-5220).
11. Any signs shall require separate review and approval.
12. An oil separator shall be installed in the service area if there are floor drains.
13. All uses, including but not limited to, the sale and service of motorcycles shall take place within an enclosed building with the door shut. Noise and fumes shall be controlled so that they don't create a nuisance for the surrounding neighborhood.
14. All activities will comply with the Town's noise ordinance in chapter 102 of the Town Code.
15. Maintenance and repair services shall take place only as accessory services to sales operations located on the same premises.
16. There shall be no test driving of motorcycles on Town Highways.

## 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](mailto: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](mailto:rick.distefano@townofbrighton.org)  
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Architecture  
Graphic Design  
Interior Design  
Landscape Architecture  
Structural Engineering

## Memo

Date: May 9, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: 5P-02-23

3108 East Avenue – Quicklee's Gas Station and Convenient Store

Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC, contract vendee 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.

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. The comments below were provided in response to the April 27, 2023 application package. Responses in writing to the comments below must be provided to this Department:

### General:

The applicant has acknowledged the General comments but has not provided the requested information. These comments will be removed from this memo once satisfactory information has been provided.

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All easements must be shown on the plans along with the appropriate liber and page. Texts, maps and descriptions for proposed easements shall be prepared and submitted for review. Upon satisfactory completion of these documents, the proposed easements shall be filed at the Monroe County Clerk's Office and shown on the plan with the appropriate liber and page. Copies of the filed easements must be provided to the Town for their records. All easements must be filed at the MCCO prior to obtaining Town signatures.
2. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: improvements within the NYSDOT right of way, sanitary sewer, water service, utility improvements, stormwater management facilities, restoration, landscaping and sediment and erosion control. A letter of credit estimate should be submitted to the Town for review and approval. The letter of credit estimate must be approved by the Town and an Original Letter of Credit must be received before the Town signs the plans.
3. The project will require multiple jurisdictional approvals, including but not limited to: NYSDOT, MCPW, BCSD, and MCWA. All approvals must be obtained and submitted prior to the Town endorsing the final plans.

4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
5. 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>.

### **Sustainability:**

1. Regional materials should be used to construct the proposed project. A list of regional suppliers and vendors should be provided. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream. A copy of the waste reduction plan should be submitted to the Town.
2. It appears that the applicant is utilizing a Vegetated Swale to treat the stormwater discharged from the site. We support this treatment practice. Calculations demonstrating that the proposed practice adheres to the New York State Stormwater Management Design Manual guidelines must be submitted.

### **Roadway and Traffic:**

1. The NYSDOT indicated that the existing driveway is much wider than necessary and asked that the driveway width be revised to 30 feet with the radii/tapers based on the design vehicle. There is not sufficient information on the plans to determine whether the proposed driveway satisfies the NYSDOT request.
2. The traffic data for East Ave shown in the SRF table represents the section of East Ave from NYS Rte. 441 to Rte. 65. The traffic on East Avenue from Rte. 31F to NYS Rte. 441 is significantly higher and better represents the traffic impacting the project site. The table should consider this section of highway.
3. A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles and tanker trucks must be provided. The location of the tank fill ports must be shown on the plans.

### **Engineer's Report:**

1. The Engineer's report indicates that the proposed plan will result in the removal of 1,260 sf of asphalt. However, the plans indicate that 1,719 sf of asphalt will be removed. This discrepancy must be resolved and either the plans or report should be revised accordingly.
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. The Engineer's Report indicates that the daily water demand is expected to be 200 gpd. Supporting documentation must be provided. In addition, the average day and peak hour demands should be provided. The Engineer's report must also provide the anticipated fire flow and sprinkler demands along with the appropriate supporting calculations. Finally, the report must demonstrate that the



existing sanitary sewer lateral, water service and water distribution system have sufficient capacity to accommodate the project demands. Please revise and resubmit.

4. The drainage calculations must include an existing and proposed map that illustrate the watershed boundary, the areas designated as impervious and open space, the flow path and the point of analysis.
5. Calculations must be provided that demonstrate that the design of the vegetated swale is consistent with the New York State Stormwater Design Manual guidelines. A map showing the contributing area must be provided. Additionally, calculations for the level spreader must be provided. These calculations must include a discharge-storage table. Our review of the proposed SWMF/vegetated swale cannot be completed until this information is provided.
6. The applicant has responded that they have assumed the worst case for the fill soils in the vicinity of the vegetated swale. Does this imply that there will be no infiltration and the swale will continually hold stormwater? This is not acceptable. Underdrains may be required. Please clarify your response. A subsurface investigation will determine the infiltration capacity of the soil and determine whether an underdrain system is warranted.
7. The stormwater calculations must include a detail of the proposed level spreader.
8. 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.
9. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the domestic and fire protection demands associated with this project must be provided.

## Site Plan, Sheet 1 of 6

1. The plans show portions of the paved areas as shaded. What does this shading imply? A legend should be provided.
2. In general, the plans make it difficult to discern existing versus proposed features. All proposed features and notes should be distinctly different than existing conditions.
3. All proposed and existing easements must be shown.
4. The proposed canopy appears to conflict with the location of the overhead electric wire.
5. 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.
6. The plans show what appears to be a proposed pipe with an end section extending from a utility pole along the northern edge of the pavement. I assume that this is a guy wire for the pole and should be shown as such on the plans.
7. The proposed light pole note should reference the appropriate detail.
8. Is there sufficient clearance beneath the existing overhead wire to accommodate truck traffic?
9. A detail for the level spreader should be shown on the plans.
10. A detail for the proposed bike repair station with tools and air pump should be provided on the plans.
11. A detail for the 3.5 foot high fence along the edge of the concrete wall should be provided.

12. Additional dimensions should be provided for each entrance. If appropriate the NYSDOT driveway detail should be provided on the plans.
13. The location of the closest hydrant should be noted on the plans.
14. Additional tie distances must be provided to identify the location of the canopy.

### Existing Demo Plan, Sheet 2 of 6:

1. A legend illustrating the intent of the shaded areas should be provided.
2. Note 10 indicates that the contractor is to take precautions to prevent the discharge of petroleum and other pollutants. What are these precautions?
3. Erosion control, such as a silt sock, should be provided along the perimeter of the topsoil stockpile. When will the topsoil stock pile be removed?
4. The sequence of construction must be clearly noted on the plans.
5. There is a tree depicted within the limits of the disturbance in the SE corner of the site that is to remain. The proposed grading beneath the canopy of this tree will impact its health. An arborist should be consulted to determine whether this tree will survive.
6. How will the edge of pavement be determined in areas where the asphalt will be removed? Dimensions should be provided.

### Utility Plan, Sheet 3 of 6:

1. There are no combination sewers in this area of the Town of Brighton. The reference to combination sewers should be removed from the sewer use law notes.
2. Will a new curb box be provided for the water service. Is this existing service large enough to supply the sprinkler system?
3. How will electricity be provided to the canopy and islands?
4. 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.
5. The location of the underground fill ports should be shown on the plans.
6. Light fixtures proposed as part of the improvements should be fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins. Cut sheets of the proposed light fixtures should be provided. Lighting photometrics should be shown on the plans.
7. Will the sprinkler and backflow prevention system require improvements to the existing water service?
8. The roof leaders for the canopy must be shown. The outlet treatment for all the roof leaders must be shown. The velocity of the stormwater must be reduced before it is discharged over the steep slope.
9. The plans should indicate the number of pumps located at each island.
10. The outlet of the proposed 4" storm drain should include an energy dissipation practice. Also, a trench detail showing the installation of the 4" pipe should be provided.
11. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant. A note indicating this requirement should be provided on the plans.

## **Grading and Erosion Control Plan, Sheet 4 of 6:**

1. The vegetated swale should be extended to the west to capture the stormwater generated by the parking area and the overflow from the storm inlet drywell.
2. Spot elevations should be provided in the area adjacent to the level spreader.
3. Erosion fabric should be installed on the steep slope area.
4. Will there be additional grading in the areas where asphalt is proposed to be removed?
5. The outlet treatment for the roof leaders should be shown on the plans.
6. The stabilized construction entrance will interfere with the function of the storm inlet drywell.
7. A construction sequence must be noted on the plans.
8. Spot elevations should be shown at the bottom of the sidewalk.

## **Site Details, Sheet 5 of 6:**

1. The detail sheet includes a Typical Topcoat Section and a Typical Parking Section. The plans must indicate the installed location of these sections.
2. A cut sheet for the proposed lighting fixture must be provided. The plans should reference the lighting detail.
3. The sidewalk detail must be consistent with the Town of Brighton Sidewalk within NYS Right of Way detail.
4. The plans include a check dam detail. The location of check dams should be shown on the plans.
5. A detail of the proposed 3.5 foot high wall along the East Ave. right of way must be provided.
6. A detail for the proposed bike rack should be provided on the plans.
7. The dumpster detail should illustrate the gate.
8. A detail for the proposed crosswalk striping should be provided on the plans.
9. A detail showing the section for the concrete tank pad should be provided.

## **Landscape Plan, Sheet 6 of 6:**

1. No comments.

## **Notes:**

1. The word demolition in Note 1 on sheet 3 of 6 should be changed to construction.
2. Note 21 on sheet 3 of 6 should be modified to include the following language; the sewer department must be notified 2 days in advance of any sewer testing and videotaping. A copy of the test and/or video tape results shall be forwarded to the Town Sewer Department for review.

## PLANNING BOARD REPORT

**HEARING DATE:** 5-17-2023  
**APPLICATION NO:** 5P-03-23  
**LOCATION:** 1760 Monroe Avenue

**APPLICATION SUMMARY:** Application James Smith, agent, and Tasty Hut LLC, owner, for Preliminary/Final Site Plan Approval and Conditional Use Permit Approval to construct a 252 +/- sf building addition and operate a Pizza Hut Restaurant with drive-thru service on property located at 1760 Monroe Avenue.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 1760 Monroe Avenue is an approximately half acre parcel containing a 2,100 square foot commercial building.
2. The subject property is zoned Neighborhood Commercial (BF-1)
3. A demolition plan, site plan, grading plan, utility plan, and elevations and floor plans have been submitted.
4. The project was reviewed by the Architectural Review Board (ARB) and approved on 10-25-2022.
5. The proposal includes a drive up window at the rear of the building. While there are operational differences between a drive up window and a traditional drive through restaurant, the proposed project meets the Town of Brighton's definition of a drive through.
6. Conditional Use Permit Findings. The following findings are suggested for the Planning Board's consideration and discussion.
  - a. The Planning Board finds that the proposed use, a restaurant with drive through operation does not comply with the standards of the Neighborhood Commercial district.
  - b. The Planning Board finds that the proposed use, is not in harmony with the purpose and intent of [Code Sections 217-3 through 217-7.2](#) (Conditional Uses). The location and size of the restaurant with drive through operation, the intensity (hours of operation), size of the site and access have all been considered in the Board's review.

- c. The Planning Board finds that the establishment a restaurant with drive through operation in this location, will be detrimental to persons, detrimental or injurious to the property and improvements in the neighborhood, or to the general welfare of the Town.
  - d. The restaurant with drive through operation 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.
  - e. The Planning Board finds that the establishment of a restaurant with drive through operation will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
  - f. The Planning Board finds that the establishment of a restaurant with drive through operation will be adequately served by essential public facilities.
  - g. The Planning Board finds that the establishment of a restaurant with drive through operation will not result in the loss or damage to trees.
  - h. The proposed finds that the establishment a restaurant with drive through operation in this location may be in conflict with the Town Master Plan: Envision Brighton 2028. Specifically Volume 2, Page 32, “Twelve Corners [which by the plan’s definition includes this property] should invoke a “village-like” atmosphere where pedestrians are encouraged to safely walk from destination to another.”
7. In 2007, the previous use at this location, a Dunkin Donuts, applied for a drive through operation. Several variances were required for that proposal:
- a. Area variance to allow a driveway entrance to be within 50 ft of an intersection
  - b. Area variance to allow a one travel lane to be 9 ft wide in lieu of the 15 ft required by code
  - c. Area variance to allow the drive-thru stacking lanes to be setback 9 ft. from a lot line in lieu of the minimum 10 ft. and to be 9 ft. wide in lieu of the minimum 12ft.
  - d. Sign variance for the proposed menu board.

While these variances will not apply to the current proposal, in part due to the operational differences between drive-through and “drive up”, the overall project was denied in 2007.

8. The Town of Brighton Code allows for two different methods to calculate parking requirements: 1 for each 2 patron seats, or 1 per 100 square feet of gross floor area plus 1 per employee on largest shift. The applicant may chose either method and should confirm that the parking calculation was done correctly. Regardless, staff believes there parking on site complies with the code requirements for this use. It should be noted that the six parking spaces behind the building are allocated to three properties within the special assessment district: 1738, 1760, and 1780 Monroe Avenue. 1760 Monroe only has rights to two of those six spaces.

9. The inclusion of a crosswalk through the parking lot and a small length of concrete sidewalk to connect the crosswalk to the public sidewalk is a small but welcome improvement to walkability and access to the site by means other than motor vehicle. To further that goal, the Board may wish to consider an even more enhanced pedestrian access, such as different paving for the crosswalk/sidewalk, in addition to striping. The Board may also wish to consider secure bicycle parking.

**TOWN ENGINEER:** See attached memo dated 5-15-2023. The following items from the memo are of particular importance:

1. The applicant should consider provisions to reduce stormwater runoff and impervious cover where possible
2. A traffic analysis should be prepared to identify potential impacts to traffic operations at the site, nearby intersections, and adjacent roadways. The traffic analysis must be submitted to authority having jurisdictions including the New York State DOT, and the Town of Brighton for review. The analysis should consider peak hour traffic and potential increases to trip generation due to the drive-through component of the development. In addition, the trip generation for the proposed development should be compared to the trips associated with the previous use of this site.
3. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant.
4. Is the existing building sprinklered? If so, is the existing water distribution system sufficient to meet the project demands? If not, hydrant flow test data along with the appropriate hydraulic calculations must be provided to confirm that the water distribution system, including the proposed service improvements have adequate capacity to supply the sprinkler, fire flow and domestic demands.

**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. Grease trap must be cleaned, inspected and adhere to NYS plumbing code and the Town Code

**CONSERVATION BOARD:**

*Advisory comments*

1. Discourage the pick-up window on this tight site. Traffic conflicts due to inadequate drive thru width and stacking lane length will add to traffic conflicts and unnecessary additional car idling having impacts on air quality.

**ENVIRONMENTAL REVIEW/SEQR**

An environmental determination is pending. Additional information, including but not limited to a traffic analysis is needed before an environmental determination can be made.

### **BOARD ACTION/DECISION**

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

1. 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, Sewer Department, Building and Planning Department, and Fire Marshal.
2. Confirm parking calculations
3. Provide traffic analysis
4. Address Monroe County comments



## Public Works Department

Commissioner of Public Works – Evert Garcia, P.E.

Brendan Ryan  
Assistant Engineer

Date: May 15, 2023

From: Brendan Ryan

To: Jason Harenza

Copy: File

Re: *Application No. 5P-03-23  
Application of Tasty Hut, LLC, owner, and James Smith, architect, for Preliminary/Final Site Plan  
Approval and Conditional Use Permit Approval to construct a 250 +/- sf building addition and allow for a  
Pizza Hut Restaurant with a pick-up window.  
1760 Monroe Avenue*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration:

### General:

1. A schedule of all easements (existing/proposed, public/private) shall be provided in conjunction with this project. All texts, maps and descriptions shall be prepared and submitted to this office for review of the proposed easements. Upon satisfactory completion of these documents, the easements shall be filed at the Monroe County Clerk's Office with the Town being provided copies of each Town easement with the liber and page of filing. All easements must be filed at the MCCO prior to obtaining Town signatures.
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, or other permits from the Town or other agencies prior to starting work.
4. 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.
5. The proposed building and site plan must comply with the New York State Fire 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>

### Sustainability:

1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. The applicant should consider provisions to promote alternative transportation such as bicycle parking.
3. The applicant should consider provisions to reduce stormwater runoff and impervious cover where possible



**Engineer's Report:**

1. The report must provide technical information regarding sanitary demand and traffic generation.
2. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the demands associated with this project must be provided.
3. Technical documentation should be provided for the sizing of the grease trap.

**Traffic and Roadways:**

1. A traffic analysis should be prepared to identify potential impacts to traffic operations at the site, nearby intersections, and adjacent roadways. The traffic analysis must be submitted to authority having jurisdictions including the New York State DOT, and the Town of Brighton for review. The analysis should consider peak hour traffic and potential increases to trip generation due to the drive-through component of the development. In addition, the trip generation for the proposed development should be compared to the trips associated with the previous use of this site.
2. Will the drive through lane include an overhang that could impede emergency vehicle traffic?
3. Is the drive through lane sufficiently wide enough to accommodate emergency vehicles? A turning radius analysis demonstrating that the proposed layout can accommodate the turning movements of emergency vehicles must be provided.

**Utility Plan:**

1. Inverts should be called out on the plans for the proposed cleanout and grease interceptor.
2. How would the stormwater from the proposed addition be handled (storm sewer, surface discharge, dry well, etc)?

**General Notes:**

1. As part of the redevelopment process, all existing sanitary and storm sewer utilities that are proposed to be used for serving this site shall be televised and tested in accordance with the Town of Brighton requirements to determine their condition and adequacy for doing so. If the utilities require any improvements to provide this service, or if the Sewer Department determines that there are deficiencies in the service lines that require corrective action, it shall be done so at the expense of the applicant.
2. If there are sanitary sewer cleanouts on site, they shall be protected by orange construction fencing during the site construction.
3. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.
4. Is the existing building sprinklered? If so, is the existing water distribution system sufficient to meet the project demands? If not, hydrant flow test data along with the appropriate hydraulic calculations must be provided to confirm that the water distribution system, including the proposed service improvements have adequate capacity to supply the sprinkler, fire flow and domestic demands.
5. An erosion and sediment control plan must be provided.
6. Areas designated for snow storage should be delineated on the plans.

**Notes- The following notes should be included with the formal set of design drawings**

1. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
2. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans, and shall be subject to the inspection and approval of the Town of Brighton.
3. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work

5. The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation
6. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
7. All trees to be saved shall be pruned, watered and fertilized prior to, during and after construction. Materials and equipment storage shall not be allowed in fenced areas.
8. Tree protection and erosion control measures shall be in place prior to clearing, demolition or construction.
9. The landscaping associated with the project shall be guaranteed for three years.
10. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
11. The contractor shall designate a member of his or her firm to be responsible to monitor erosion control, erosion control measures, tree protection and preservation throughout construction.
12. All utilities services serving the site shall be disconnected at the direction of the utility provider. The severance of utility services should be confirmed by the Sewer Department and other agencies prior to demolition.
13. Sanitary and/or storm sewer cleanouts on site or within the right of way, shall be protected by orange construction fencing during the demolition.
14. 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.
15. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
16. All inlets to the storm system shall be straw-baled on all sides to control siltation. The utility contractor shall be responsible to maintain the bales until ground cover is established.

## PLANNING BOARD REPORT

**HEARING DATE:** 5-17-2023  
**APPLICATION NO:** 5P-NB1-23  
**LOCATION:** 125 Old Mill Road

**APPLICATION SUMMARY:** Application of Nunzio Salafia, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary EPOD (steep slope) Permit Approval and Demolition Review and Approval to raze a single family dwelling, subdivide one lot into two, and construct a 4,054 +/- sf single family home with a 877+/- sf attached garage on property located at 125 Old Mill Road.

### COMMENTS

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

### BUILDING AND PLANNING:

1. 125 Old Mill Road currently contains a single family dwelling.
2. The subject property is zoned Residential – Low Density A (RLA)
3. The subject property is also within a Steep Slope Environmental Protection Overlay District (EPOD). The EPOD limits have been shown on the plans.
4. A demolition plan, site plan, grading plan, utility plan, grading and landscaping, and subdivision plan have been submitted.
5. The project was reviewed informally by the Historic Preservation Commission (HPC) on 1-26-2023. Upon submittal of a Site Plan Review and Demolition Review and Approval application, a formal referral was made to the HPC. The HPC deliberated on this property on 4-27-2023 and tabled the matter of scheduling a hearing to designate this property as a landmark, or declining to do so, thus allowing demolition review by the Planning Board to proceed. The HPC will revisit the matter on 5-25-2023.
6. The proposed new dwelling will require review and approval of the Architectural Review Board (ARB).

**TOWN ENGINEER:** See attached memo dated 5-11-2023 (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 plans must demonstrate that Lot 1 can accommodate a residential home. The plan should include a house foot print and provisions for access and utilities. Easements and covenants affecting the development must be shown on the plans
2. A search of the property suggests that there is a 60 foot wide easement along the front of

the property and our GIS mapping shows a watermain easement along the front of the property. The property also appears to be subject to covenants contained in deed Liber 6765 page 266. All easements and covenants shall be provided in conjunction with this project. The easements and covenants must be shown on the plans along with the appropriate liber and page.

3. The Code of the Town of Brighton indicates that the boundaries of the steep slope protection district shall include all areas of 15% or greater slopes, and all areas within 50 feet of the toe or top of such slopes. The boundaries of the steep slope must be accurately shown on the site plan. Section 203-120 provides the development standards for work within the steep slope EPOD.
4. A restoration and erosion control plan for the property following demolition and/or redevelopment and an estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to ensure that restoration conforms to the approved plan and that landscaping survives in a healthy condition. The restoration plan must include final grading, erosion control and restoration. The Planning Board may require that a letter of credit be provided to ensure that the property is properly restored following demolition.
5. The demolition plan must show the existing trees and the trees to be removed and saved. The plans must include a tree protection detail.
6. The Town recently repaved Old Mill Road. Where practical the existing laterals and utilities should be used to serve the proposed home. This will minimize disturbance to the roadway. If new laterals and services are required “no dig” technologies such as directional drilling should be considered.

**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. Sewer permits
2. The Town does not maintain any storm or sanitary laterals as called out on the plans.

**CONSERVATION BOARD:**

*Advisory comments*

1. All roof stormwater runoff should be directed toward the rain garden keeping it away from steep slope areas.
2. Impacts to the steep slope should be kept to a minimum.
3. Consider the use of renewable energies.
4. Reuse/donation of existing fixtures from the current house should be considered.

**ENVIRONMENTAL REVIEW/SEQR**

Demolition is an unlisted action. Environmental Review and a determination is pending.

**BOARD ACTION/DECISION**

If the Planning Board entertains tabling, the following reasons are recommended by staff, along

with any others added by the Board:

1. 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, 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 show utilities are available to serve the proposed new lot and that an 1800 sf dwelling can be built on it
    - ii. show protective covenants and easements on project plans
    - iii. provide a demolition restoration plan
2. Obtain a decision by the Historic Preservation Commission (HPC) regarding scheduling a hearing to landmark the property to declining to do so and thus allowing demolition to be considered by the Planning Board.
3. Obtain ARB approval.
4. All Monroe County comments shall be addressed.

## Memo

Date: May 11, 2023

From: Michael E. Guyon

To: Evert Garcia

Copy: File

Re: 5P-NB1-23  
125 Old Mill

Application of Nunzio Salafia, owner, for Preliminary Subdivision Approval, Preliminary Site Plan Approval, Preliminary EPOD (steep slope) Permit, Approval to raze a single family dwelling, subdivide one lot into two lots, and construction of a 4,054 sf single family home with a 877 sf attached garage.

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. The comments below were provided in response to the April 27, 2023 application package. Responses to these comments must be provided in writing from the applicant:

### General:

1. The plans must demonstrate that Lot 1 can accommodate a residential home. The plan should include a house foot print and provisions for access and utilities. Easements and covenants affecting the development must be shown on the plans
2. A search of the property suggests that there is a 60 foot wide easement along the front of the property and our GIS mapping shows a watermain easement along the front of the property. The property also appears to be subject to covenants contained in deed Liber 6765 page 266. All easements and covenants shall be provided in conjunction with this project. The easements and covenants must be shown on the plans along with the appropriate liber and page.
3. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: improvements within the Town right of way, sanitary sewer, water service, utility improvements, stormwater management facilities, restoration, landscaping and sediment and erosion control. A letter of credit estimate should be submitted to the Town for review and approval. The letter of credit estimate must be approved by the Town and an Original Letter of Credit must be received before the Town signs the plans.
4. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work. All other approvals from jurisdictional agencies must be obtained prior to that of the DPW.
5. The location of the closest hydrant should be noted on the plans.

6. The Code of the Town of Brighton indicates that the boundaries of the steep slope protection district shall include all areas of 15% or greater slopes, and all areas within 50 feet of the toe or top of such slopes. The boundaries of the steep slope must be accurately shown on the site plan. Section 203-120 provides the development standards for work within the steep slope EPOD. These development standards require that development, along with additional standards, demonstrate the following:
- a. The stable angle of repose of the soil classes found on the site shall be used to determine the proper placement of structures and other development-related facilities within the plateau area. Site-specific calculations of the stable angle of repose for the site shall be determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the Soil Survey of Monroe County and obtained for the site by borings, as well as high-intensity soil survey data provided by the applicant.
  - b. The stability of soils must be maintained or increased to adequately support any construction thereon or to support any landscaping, agricultural or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer.
  - c. Plant life located on the slopes outside of the minimum area that need to be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful effects set forth above to maintain the natural scenic characteristics of any steep slope.
  - d. Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.
  - e. Access down steep slopes shall be provided with ramp slopes no greater than 1:6 and side slopes no greater than 1:3 if not terraced or otherwise structurally stabilized. Disturbed nonroadway areas shall be stabilized and adequately drained.

#### **Sustainability:**

1. Regional materials should be used to construct the proposed project. A list of regional suppliers and vendors should be provided. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream. A copy of the waste reduction plan should be submitted to the Town.

#### **SWPPP:**

1. The SWPPP indicates that the site contains regulated freshwater wetlands. These wetlands should be shown schematically on the plans.
2. The SWPPP references filter strips. The location of the filter strips must be shown on the plans.
3. The pre and post condition mapping is too small to confirm the information included in the calculations. Appropriate size maps should be provided. We will complete our review of the SWPPP upon receipt of legible maps.
4. The mapping must show the point of analysis.
5. The rain garden worksheet uses an infiltration rate of 0.5 in/hour. How was this infiltration rate determined?

6. Chapter 215 of the Code of the Town of Brighton indicates that the design of a drainage system for an area equal to or greater than 20,000 square feet should comply with section 215-4 of the Code. The project site discharges to Allens Creek, a primary water course, therefore, the discharge rate for the post construction stormwater runoff for the 100, 25, and 10 year storm must be limited to the 25, 10, and 2 year pre-development rate respectively. Calculations demonstrating such should be provided.

### Engineer's Report:

1. The Engineer's report uses a static pressure of 70 psi to complete the hydraulic analysis. The MCWA should confirm the static pressure used to complete the hydraulic calculations.

### Demolition/Restoration Plan, Sheet 1 of 6

1. A restoration and erosion control plan for the property following demolition and/or redevelopment and an estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to ensure that restoration conforms to the approved plan and that landscaping survives in a healthy condition. The restoration plan must include final grading, erosion control and restoration. The Planning Board may require that a letter of credit be provided to ensure that the property is properly restored following demolition.
2. The project shall 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 will 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 licensing requirements of Section 56-3, and the asbestos survey and removal requirements of Section 56-5.
3. The location of the staging area must be shown on the plans. Construction vehicles must park on the project site and must not obstruct Old Mill Road.
4. The location of the sanitary sewer lateral, water service, gas service, electrical service and communication lines must be shown on the plans.
5. Will the foundation of the existing home be removed and disposed?
6. The demolition plan must show the existing trees and the trees to be removed and saved. The plans must include a tree protection detail.
7. A Sequence of Demolition and Restoration Work must be provided on the plans. The sequence must address the installation of erosion control measures, seeding and mulching of disturbed areas, removal of erosion control devices and construction fencing, removal of demolition debris and restoration of the project site.
8. The plans must illustrate the sawcut between the town road and the existing driveway.
9. The existing gravel should be considered for use as base material for the proposed driveway.
10. The limits of disturbance must be shown on the plans. Orange construction fencing must be installed to ensure that the areas beyond the limits of disturbance remain undisturbed.
11. The following notes must be included on the demolition plan:
  - a. All disturbed areas within the right-of-way are to be restored to their original condition on a schedule to be approved by the Highway Superintendent. Absent satisfactory evidence from the applicant to the contrary, it shall be presumed that the facilities, in their undisturbed condition, were fully operable, safe for public travel and in good condition.



- b. If any environmental conditions or issues, not previously identified, are encountered during demolition, the owner and the contractor(s) shall immediately notify the Town, Monroe County Health Department and NYSDEC before continuing the demolition process.
- c. All utilities services serving the site shall be disconnected at the direction of the utility provider. The severance of utility services should be confirmed by the Sewer Department and other agencies prior to demolition.
- d. Note 7 should be revised as follows: The contractor shall be responsible for all damages and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation.
- e. A highway permit must be obtained before any work can begin within the highway right of way. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
- f. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
- g. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
- h. 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.
- i. Tree protection and erosion control measures shall be in place prior to clearing or demolition.
- j. Note 17 should be replaced with: "Prior to demolition a demolition permit from the Town of Brighton shall be obtained."
- k. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.

#### **Site Plan, Sheet 2 of 6:**

- 1. Isolated trees that are to remain following demolition must be shown.
- 2. Proposed outdoor lighting must be shown on the plans.

#### **Utility Plan, Sheet 3 of 6:**

- 1. The location of the staging area must be shown on the plans. Construction vehicles must park on the project site and must not obstruct Old Mill Road.
- 2. The location of the roof leaders must be shown on the plans.
- 3. The Town recently repaved Old Mill Road. Where practical the existing laterals and utilities should be used to serve the proposed home. This will minimize disturbance to the roadway. If new laterals and services are required "no dig" technologies such as directional drilling should be considered.
- 4. The proposed sanitary sewer lateral must include a clean-out on the highway right of way line.
- 5. The invert of the sanitary sewer lateral at the house should be provided. A minimum of 4 feet of cover must be maintained over the entire length of the sanitary sewer lateral.

6. As shown the water service installation will require an open cut across Old Mill Road. The pavement must be sawcut. The sawcut and width of the trench must be shown on the plans.
7. If feasible, directional drilling should be used to install the gas service, electrical service, communication lines and water service.
8. The rain garden dimensions must be shown on the plans. The plans must include sufficient information to construct the rain garden as described in the SWPPP.
9. Sanitary sewer lateral cleanouts must be installed every 75 feet.

### **Grading & Landscaping Plan, Sheet 4 of 6:**

1. The basement excavation for the proposed home will generate a substantial volume of spoil material. Will this material be distributed across the project or removed from the site? The location of the spoil pile along with the appropriate erosion and control must be shown on the plans.
2. The proposed 461 contour should be reviewed.
3. Additional erosion control measures should be installed within the area proposed to be graded along the western property line of Lot 2. We suggest that silt fence be provided along the 460 contour to capture the stormwater before it reaches the slope.
4. The proposed erosion control fencing delineation is difficult to identify on the plans. The plans should be revised to clearly identify the location of the silt fence.
5. Sheet 5 of the SWPPP indicates that the bioretention facility will serve as a sedimentation basin. This practice will reduce the capacity of the existing soils to infiltrate stormwater and should be avoided. The rain garden area should be protected from sediment. The location of the sedimentation basins referenced on sheet 5 of the SWPPP should be shown on the plans.
6. The SWPPP references the use of filter strips. The location of the filter strips must be shown on the plans.
7. A concrete washout station must be shown on the plans. The appropriate detail must be provided.
8. The limits of disturbance must be shown on the plans and delineated using orange construction fencing.
9. The plans must show the discharge of roof and sump pump run-off and any practices to mitigate the velocity of this discharge.
10. The plan must show the trees to be protected and the measures proposed to protect these trees.
11. Additional contours and/or spot elevations should be provided to define the rain garden area.
12. Step 2 of the construction sequence indicates that the stormwater is to be diverted away from areas of disturbance. How will this stormwater be diverted. The plans should schematically show this diversion.
13. Note 2 references a conveyance system. What does this note reference?
14. The location of the topsoil stockpile must be shown on the plans along with the appropriate erosion control measures.

### **Details & Notes, Sheet 5&6 of 6:**

1. The sidewalk shown on the site plan should reference the sidewalk detail.
2. The typical sanitary lateral trench must be consistent with the information shown on the Sanitary Sewer Bedding Detail Flexible Pipe Systems included in the Town of Brighton Minimum Specifications for Dedication.

3. The trench restoration detail must be consistent with the information shown on the Pavement Restoration Detail included in the Town of Brighton Minimum Specifications for Dedication.
4. The sanitary lateral cleanout detail must be consistent with the information shown on the Sanitary Sewer Cleanout Detail included in the Town of Brighton Minimum Specifications for Dedication.
5. The rain garden detail should include elevation information.
6. The detail sheet must include the Sanitary Sewer Building Lateral Detail included in the Town of Brighton Minimum Specifications for Dedication.
7. A tree protection detail must be provided.
8. A detail illustrating the installation of the jute mesh must be provided.
9. A sedimentation basin detail must be provided.
10. A concrete washout detail must be provided.
11. A workzone/traffic control detail must be provided.
12. The following notes must be added to the plans:
  - a. Any contractor or individual involved in the planting, maintenance or removal of trees shall comply with the requirements of the Town's Comprehensive Development Regulations for Excavation and Clearing (Chapter 66), Trees (Chapter 175) and other pertinent regulations. The Contractor shall be a registered tree-service provider with the Town, and shall carry insurance as required by Chapter 175 of the Town's Comprehensive Development Regulations.
  - b. The final location of trees and other landscaping shall be determined in the field based on utility stakeout and shall not conflict with traffic signs and/or utilities.
  - c. All construction shall conform to Town of Brighton Standards unless specifically noted on the plans and shall be subject to the inspection and approval of the Town of Brighton.
  - d. The contractor is directed to obtain a current copy of the Town of Brighton Standards prior to beginning work.
  - e. The contractor shall obtain all necessary Highway Access, Sewer Construction, or other permits from the Town or other agencies prior to starting work.
  - f. The contractor shall locate, mark, safeguard, and preserve all survey control monuments in the areas of construction. For descriptive and survey data on the control monuments, call the Monroe County Geodetic Survey Office.
  - g. The landscaping associated with the project shall be guaranteed for three years.
  - h. Erosion control measures shall be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
  - i. All watermains shall have a minimum of five (5) feet of cover from the top of the main to the finished grade. The contractor shall check all cut stakes before trenching insuring that all watermains will have the required cover.
  - j. All water services shall be either copper or ductile iron pipe.
  - k. Minimum separation between water mains and sewer lines shall be 18" vertically measured from the outside of the pipe at the point of crossing. Minimum horizontal separation between parallel watermains and sewer pipes shall be 10' measured from the outside of the pipes. One full length of water main shall be centered under or over the sewer so that both joints will be as far from the sewer as possible. Adequate structural support (compacted #2 crusher run

stone) shall be provided for the sewers to prevent excessive deflection of the joints and settling on and breaking the watermains.

- l. The contractor shall furnish the Town of Brighton with a materials list and receive written approval before construction begins. One copy of all delivery slips shall be submitted to the Town Inspector.
- m. The contractor shall be responsible for all damage and repairs to all utilities, public and private roadways, sidewalks, and structures including signs, resulting from his operation. Sidewalks, driveways, gutters, curbs, and fences shall be replaced in kind.
- n. Floor drains, if installed, shall be connected to the sanitary sewer system. Floor drains do not include foundation or footer drains. Discharge from any floor drain must meet the effluent limits of the local and/or Monroe County Pure Waters Sewer use Law.
- o. All disturbed areas shall be protected from erosion either by mulch or temporary seeding within two weeks of disturbance.
- p. 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.
- q. Tree protection and erosion control measures shall be in place prior to clearing or construction.
- r. Provisions for access to site shall be maintained at all times for emergency vehicles. The Town of Brighton Dept. of Public Works shall be notified a minimum of 24 hrs. in advance of any road closing.

#### **Subdivision of Lot ARA-1, Sheet 1 of 1:**

1. A search of the property suggests that there is a 60 foot wide easement along the front of the property and our GIS mapping shows a watermain easement along the front of the property. The property also appears to be subject to covenants contained in deed Liber 6765 page 266. All easements and covenants shall be provided in conjunction with this project. The easements and covenants must be shown on the plans along with the appropriate liber and page.
2. The Lot requirements for Lot 1 should be provided.
3. Note 7 should indicate that the proposed subdivision shall be served by public water and sewer.
4. The location of the existing utility lines should be shown on the map.