

**TOWN OF PENFIELD**  
 DEVELOPMENTAL SERVICES DEPARTMENT APPLICATION  
 340-8642

FOR OFFICE USE ONLY			
Application #	<u>21T-006</u>	Date Received	<u>3-19-21</u>
Prior #	<u>-</u>		
Application Type	<u>CUP</u>	Meeting Date	<u>5-5-21</u>
Jurisdiction	<u>TOWN BOARD</u>	Outcome	<u></u>
SEQR Classification	<u>TYPE II ACTION</u>		

PROJECT NAME: Brody's on the Bay, Inc.

PROJECT DESCRIPTION: Restaurant

LOCATION (Address, Distance & Direction From Nearest Intersection):

1400 Empire Blvd. Webster NY 14580

SBL#: \_\_\_\_\_ ZONING: \_\_\_\_\_

APPLICANT: Brandon Harris

Address: 12 County Fair Drive Henrietta NY 14467

Phone: 585-217-6685 Email: brandon@brodysonthebay.com

AGENT: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

PROPERTY OWNER: Rochester Waterfront Properties, LLC.

Address: 2851 Monroe Ave. Rochester NY 14618

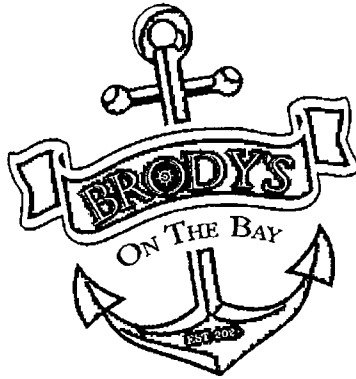
Phone: 585-271-1111 Email: djdodanitefamily.com

SIZE OF PROPERTY (in acres): \_\_\_\_\_ (7,708 SF)

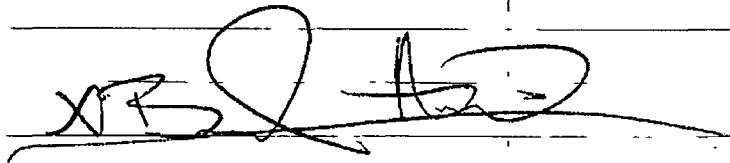
APPLICATION FOR	AMOUNT	CHECK #
<input type="checkbox"/> Administrative Review		
<input checked="" type="checkbox"/> Conditional Use Permit	<u>\$110.00</u>	<u>#1001</u>
<input type="checkbox"/> Incentive Zoning	_____	_____
<input type="checkbox"/> Site Plan	_____	_____
<input type="checkbox"/> Subdivision	_____	_____
<input type="checkbox"/> Special Permit for Historic Site	_____	_____
	Application Fee	
	Engineering Fees	
	Development Review Fee	
	Other	

DATE: 3.9.2021

APPLICANT'S SIGNATURE: 



My name is Brandon Harris this is my letter of intent, I am opening a restaurant in honor of my little brother called "Brody's on The Bay". My hours of operation will be 11:30 am - 12:00 am Monday - Sunday. I plan on having a total of 35-40 Employees. The menu is going to be an American Italian Seafood Cuisine along with Woodfire Pizza.



3/9/21

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

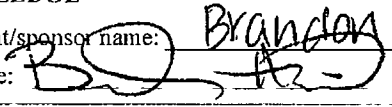
Part 1 - Project and Sponsor Information			
Name of Action or Project: <b>Brady's On The Bay, Inc.</b>			
Project Location (describe, and attach a location map): <b>1400 Empire Blvd. Webster NY 14580</b>			
Brief Description of Proposed Action: <b>to open restaurant offering American Italian seafood, also small outdoor patio seating. Hours will be Monday - Sunday 11:30am until 12:00am.</b>			
Name of Applicant or Sponsor: <b>Brandon Harris</b>		Telephone: <b>585-217-1685</b>	
Address: <b>12 County Fair Drive</b>		E-Mail: <b>brandon@bradysonthebay.com</b>	
City/PO: <b>Henrietta NY 14467</b>		State: <b>NY</b>	Zip Code: <b>14467</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?			NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply.				
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional				
<input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?			NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?			NO	YES
If Yes,		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES				
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?				
If Yes, briefly describe. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				
_____				
_____				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Brandan Harris Date: 3.9.2021

Signature: 

**Town of Penfield**  
**WATERFRONT ASSESSMENT FORM**

**A. INSTRUCTIONS (Please print or type all answers)**

1. Applicants, or in the case of direct actions, Town of Penfield agencies, shall complete this WAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a Town of Penfield agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town of Penfield Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

**B. DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Type of agency action (check appropriate response):
  - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) \_\_\_\_\_
  - (b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_
  - (c) Permit, approval, license, certification CONDITIONAL USE PERMIT
  - (d) Agency undertaking action: BROADY'S ON THE BAY, INC.
2. Describe nature and extent of action: RE-OPENING RESTAURANT  
FORMERLY KNOWN AS MURPHY'S LAW
3. Location of action (Street or Site Description): 1400 EMPIRE BLVD.,  
ROCHESTER, N.Y. 14609
4. Size of site: 32.07 ACRES
5. Present land use: COMMERCIAL



6. Present zoning classification: CASALLE'S LANDING
7. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):  
STEEP SLOPES ON SITE, BUT REMOTE OF RESTAURANT BUILDING AND PARKING AREA.
8. Percentage of site which contains slopes of 15% or greater: 35%
9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?  
 (a) Name: IRONSEQUOTT BAY - RE-1.  
 (b) Size (in acres): UNKNOWN.
10. If an application for the proposed action has been filed with the agency, the following information shall be provided:  
 (a) Name of applicant: BROY'S ON THE BAY, INC.  
 (b) Mailing address: 12 COUNTY FAIR DRIVE, NEWBETHA WY 14467  
 (c) Telephone number: Area Code ( ) 585-217-6685  
 (d) Application number, if any: 217-006.
11. Will the action be directly undertaken, require funding, or approval by a state or federal agency? Yes \_\_\_ No X  
 If yes, which State or federal agency? \_\_\_\_\_

**C. WATERFRONT ASSESSMENT**

(Check either "Yes" or "No" for each of the following questions)

- |  | YES  | NO       |
|--|------|----------|
| 1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the waterfront revitalization area map: |      |          |
| (a) Significant fish or wildlife habitats?   | ---- | <u>X</u> |
| (b) Scenic resources of local or statewide significance?   | ---- | <u>X</u> |
| (c) Important agricultural lands?  | ---- | <u>X</u> |
| (d) Natural protective features in an erosion hazard area  | ---- | <u>X</u> |
| <i>If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.</i>                                  |      |          |
| 2. Will the proposed action have a <u>significant effect</u> upon:   | YES  | NO       |
| (a) Commercial or recreational use of fish and wildlife resources?   | ---- | <u>X</u> |
| (b) Scenic quality of the waterfront environment?  | ---- | <u>X</u> |

	(c)	Development of future, or existing water dependent uses?	----	<del>X</del>
	(d)	Land or water uses within the harbor area?	----	<del>X</del>
	(e)	Stability of the shoreline?	----	<del>X</del>
	(f)	Surface or groundwater quality?	----	<del>X</del>
	(g)	Existing or potential public recreation opportunities?	----	<del>X</del>
	(h)	Structures, sites or districts of historic, archeological or cultural significance to the Town of Penfield, State or nation?	----	<del>X</del>
3.		Will the proposed action <u>involve</u> or <u>result</u> in any of the following:	<b>YES</b>	<b>NO</b>
	(a)	Physical alteration of land along the shoreline, land under water or the designated waterfront area?	----	<del>X</del>
	(b)	Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	----	<del>X</del>
	(c)	Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?	----	<del>X</del>
	(d)	Energy facility not subject to Article VII or VIII of the Public Service Law?	----	<del>X</del>
	(e)	Mining, excavation, filling or dredging in waterways?	----	<del>X</del>
	(f)	Reduction of existing or potential public access or along the shore?-----	----	<del>X</del>
	(g)	Sale or change in use of publicly-owned lands located on the shoreline or under water?	----	<del>X</del>
	(h)	Development within a designated flood or erosion hazard area?	----	<del>X</del>
	(i)	Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	----	<del>X</del>
	(j)	Construction or reconstruction of erosion protective structures?-----	----	<del>X</del>
	(k)	Diminished surface or groundwater quality?	----	<del>X</del>
	(l)	Removal of ground cover from the site?	----	<del>X</del>
4.		<b>PROJECT</b>	<b>YES</b>	<b>NO</b>
	(a)	If a project is to be located adjacent to shore:		
	(1)	Will water-related recreation be provided?	----	<del>X</del>
	(2)	Will public access to the foreshore be provided?	<del>X</del>	----
	(3)	Does the project require a waterfront site?	----	<del>X</del>
	(4)	Will it supplant a recreational or maritime use?	----	<del>X</del>
	(5)	Do essential public services and facilities presently exist at or near the site?	<del>X</del>	----
	(6)	Is it located in a flood prone area?	----	<del>X</del>



- (7) Is it located in an area of high erosion? ----- ~~X~~
- (b) If the project site is publicly owned: *N/A*
- (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? ----- -----
- (2) If located in the foreshore, will access to those and adjacent lands be provided? ----- -----
- (3) Will it involve the siting and construction of major energy facilities? ----- -----
- (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into waterways?----- -----
- (c) Is the project site presently used by the community as an open space or recreation area? ----- ~~X~~
- (d) Does the present site offer or include scenic views or vistas known to be important to the community? ~~X~~ -----
- (e) Is the project site presently used for commercial fishing or fish processing? ----- ~~X~~
- (f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal? ----- ~~X~~
- (g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project? ----- ~~X~~
- (h) Will the project involve any waste discharges into waterways? ----- ~~X~~
- (i) Does the project involve surface or subsurface liquid waste disposal? ~~X~~ -----
- (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? ----- ~~X~~
- (k) Does the project involve shipment or storage of petroleum products? ----- ~~X~~
- (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into waterways? ----- ~~X~~
- (m) Does the project involve or change existing ice management practices? ----- ~~X~~
- (n) Will the project affect any area designated as a tidal or freshwater wetland? ----- ~~X~~
- (o) Will the project alter drainage flow, patterns or surface water runoff on or from the site? ----- ~~X~~
- (p) Will best management practices be utilized to control storm water runoff into waterways? ~~X~~ -----
- (q) Will the project utilize or affect the quality or quantity of sole source or







Find address or place

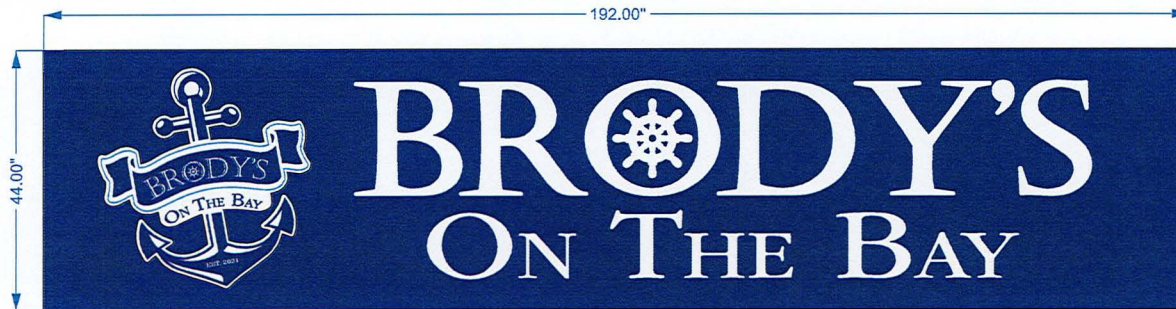


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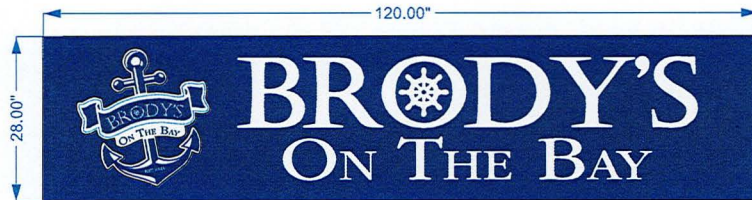
1384

-77.515506 43.175688 Degrees





Quantity 1  
 Aluminum Routed Face with Acrylic Backer  
 Existing sign Cabinet  
 South Elevation



Quantity 1  
 Aluminum Routed Face with Acrylic Backer  
 Existing Sign Cabinet  
 West Elevation



Quantity 2  
 Aluminum Routed Face with  
 Push Through Acrylic  
 Existing monolith cabinet  
 Roadside



780 Ridge Rd • Webster, NY 14580  
 P: 585.787.4256 F: 585.347.4290  
 E: Info@vitalsignsroc.com  
 W: www.vitalsignsroc.com

**Client Name:**  
 Brody's on the bay

**Location:**  
 1400 Empire Blvd,  
 Webster, NY 14580

**Start Date:** 3-17-21  
**Last Revision:**  
**Job#:**  
**Drawing#:**  
**Page:** 1

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.....  
 Client Approval

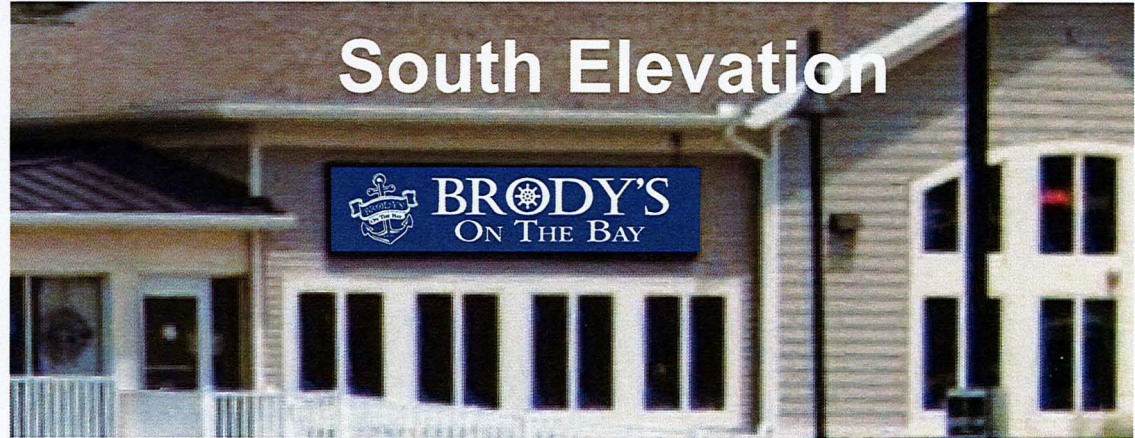
**Sales Rep:** JC  
**Designer:** JP



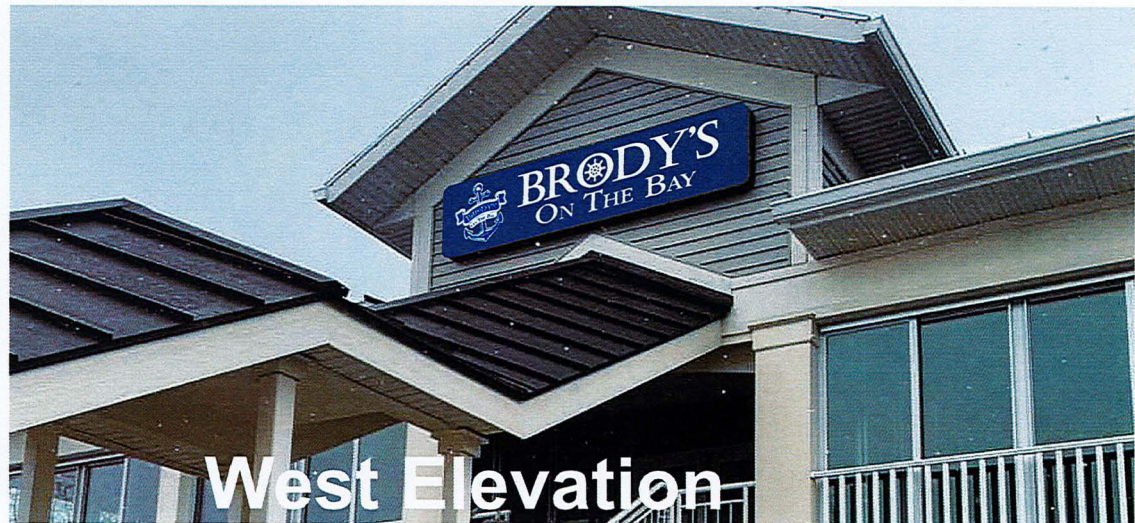




Road Side



South Elevation



West Elevation



780 Ridge Rd • Webster, NY 14580  
 P: 585.787.4256 F: 585.347.4290  
 E: Info@vitalsignsroc.com  
 W: www.vitalsignsroc.com

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