

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
JULY 1, 2020

Due to the public gathering restrictions and executive orders in place because of COVID-19, this Zoning Board of Appeals meeting will be conducted remotely. Members of the public will be able to view the meeting via Zoom or online at The Town of Brighton's YouTube channel at <https://www.youtube.com/user/TownofBrighton>.

Written comments will be received by Rick DiStefano, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to rick.distefano@townofbrighton.org, until July 1, 2020 at 12:00 PM.

Applications subject to public hearings are available for review on the town's website.

The public may also join the Zoom meeting and share comments with the Board. For Zoom meeting information, please reference the town's website at <https://www.townofbrighton.org> prior to the meeting.

7:00 P.M.

CHAIRPERSON: Call the meeting to order.
Announce location of exits and that the building is equipped with an alarm.

SECRETARY: Call the roll.

CHAIRPERSON: Approve the minutes of the February 5, 2020 meeting.
Approve the minutes of the March 4, 2020 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Brighton Pittsford Post of June 25, 2020 will now be held.

4A-01-20 Application of F & H Development, owner of property located at 1338 Brighton Henrietta Town Line Road, for an Area Variance from Section 205-8 to allow a building addition to extend 2 ft. into the 50 ft. side setback required by code. All as described on application and plans on file.

4A-02-20 Application of F & H Development, owner of property located at 1338 Brighton Henrietta Town Line Road, for an Area Variance from Section 203-93C(5) to allow for outdoor storage of construction equipment in both side yards in lieu of the rear yard only as allowed by code. All as described on application and plans on file.

4A-03-20 Application of The University of Rochester, owner of property located at 250 East River Road, for renewal of a Temporary and Revocable Use Permit (4A-01-18) pursuant to erect a tent(s) and hold up to three (per year) outdoor special events for the years 2020 and 2021. All as described on application and plans on file.

4A-04-20 Application of Rochelle Tulik, owner of property located at 119 Westland Avenue, for an Area Variance from Section 205-2 to allow a building addition and deck to extend 1.5 inches into the existing 3.5 ft. side setback where a 7.5 ft. side setback is required by code. All as described on application and plans on file.

- 4A-05-20 Application of Mamasan's Monroe LLC, owner of property located at 2735 Monroe Avenue for an Area Variance from Section 207-2A to allow a front yard fence to be 49 inches in height with 86 inch posts where the maximum height of any portion of the fence can not exceed 3.5 ft. as allowed by code. All as described on application and plans on file. **POSTPONED BY APPLICANT**
- 4A-06-20 Application of Joe Alloco, owner of property located at 2700 Elmwood Avenue, for an Area Variance from Section 207-10E(5) to allow a parking lot expansion to be within 2 ft. of a side lot line in lieu of the minimum 4 ft. required by code, and up to the street line where a 15 ft. setback is required by code. All as described on application and plans on file.
- 4A-07-20 Application of Jose Casada and Carla Casulo, owners of property located at 49 Brookside Drive, for an Area Variance from Section 205-2 to allow building lot coverage to increase from 16% to 24%, after construction of a 484 sf detached garage, in lieu of the maximum 20% allowed by code. All as described on application and plans submitted.
- 4A-08-20 Application of Pete and Jenna Morgante - Tree Town Café, lessee, and 745 Penfield Road, LLC, owner of property located at 745 Penfield Road, for modification of conditions of approval (2A-06-19) to allow for an increase if indoor seating from 12 to 25 and an increase in hours of operation from 7:00 am to 9:00 pm Monday thru Saturday to 6 am to 9:00 pm Monday thru Sunday (adding Sunday hours). All as described on application and plans on file. **POSTPONED BY APPLICANT**
- 7A-01-20 Application of Pierrepont Visual Graphics, Inc., agent, and Keating Boulevard Associates, LLC, owner, of property located at 1065 Senator Keating Blvd., for a Sign Variance from Section 207-32B(4) to allow a building face business identification sign to project 37 ft. above grade in lieu of the maximum 20 ft. allowed by code. All as described on application and plans on file.
- 7A-02-20 Application of Andrew Sunberg, owner of property located at 494 North Landing Road, for renewal of a Temporary and Revocable Use Permit (1A-02-18) pursuant to Section 219-4 to allow for the sale of pizza, deli items and fried foods in conjunction with a pre-existing nonconforming grocery business in a RLB Residential District. All as described on application and plans on file.
- 7A-03-20 Application of Ignacio Franco, owner of property located at 37 Summit Drive, for an Area Variance from Section 207-2A to allow a front yard fence to be 4 ft. in height and incorporate a 5 ft. high driveway gate, where a maximum 3.5 ft high fence is allowed by code. All as described on application and plans on file.
- 7A-04-20 Application of Richard Aerni and Carolyn Dilcher-Stutz, owners of property located at 60 Helen Road, for an Area Variance from Sections 203-2.1B(3) and 203-9A(4) to allow for the construction of a 960 sf detached garage in lieu of the maximum 600 sf detached garage allowed by code. All as described on application and plans on file.
- 7A-05-20 Application of Richard Aerni and Carolyn Dilcher-Stutz, owners of property located at 60 Helen Road, for an Area Variance from Section 207-16A(4) to allow for a second driveway access to the property where only one is allowed by code. All as described on application and plans on file.

7A-06-20 Application of Shirah Cahill, SWBR, agent, and the Summit at Brighton, owner of property located at 2000 Summit Circle Drive, for an Area Variance from Sections 203-2.1B(2) and 203-30A(1) to allow a pergola structure to be 400 sf in size in lieu of the maximum 250 sf allowed by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jennifer Boehmer and Jay Anzellotti, 117 Westland Avenue, dated March 4, 2020, in support of application 7A-03-20.

Letter from Pete and Jenna Morgante, Tree Town Café, dated June 12, 2020 postponing application 4A-08-20.

Letter from Greg McMahon, P.E., McMahon LaRue Associates, dated June 25, 2020 requesting to postpone application 4A-05-20 until the August 5, 2020 meeting.

Letter from Julie Linden, 80 Helen Road, dated June 29, 2020, with comments and concerns regarding applications 7A-04-20 and 7A-05-20 (60 Helen Road).

PETITIONS:

NONE

March 4, 2020

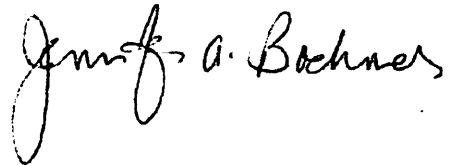
To Whom It May Concern:

This letter is in regards to a construction plan for 119 Westland Avenue. The plan involves building back from an existing structure that encroaches on the legal setback by an inch relative to our property on 117 Westland Avenue. Myself and my husband have looked at the plans and are in support of the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer A. Boehmer", written in a cursive style.

Jennifer A. Boehmer

A handwritten signature in black ink, appearing to read "Jay F. Anzellotti", written in a cursive style.

Jay F. Anzellotti



Rick DiStefano <rick.distefano@townofbrighton.org>

Postpone

1 message

Tree Town Cafe <treetowncafe@gmail.com>

Fri, Jun 12, 2020 at 11:11 AM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

Hi Rick,

We would like to remove our current application from the agenda for the zoning board meeting in July.

Regards,

Pete & Jenna
Tree Town Cafe



Engineers & Surveyors

June 25, 2020

Town of Brighton
2300 Elmwood Ave.
Rochester, N.Y. 14618

Attn: Town Zoning Board of Appeals

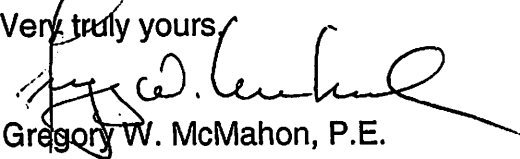
Re: Mamasan's Monroe LLC
2735 Monroe Ave.
Zoning Board Application 4A-05-20

Dear Mr. Chairman and Members of the Board;

On behalf of our Client we would request that the captioned application be postponed until the August 5, 2020 meeting.

Should you have any questions or require any additional information, please call.

Very truly yours,



Gregory W. McMahon, P.E.

xc: R. Peacock
A. Knauf



Rick DiStefano <rick.distefano@townofbrighton.org>

7/1 Zoning Board - App # 7A-04-20 & 7A-05-20 for 60 Helen Road.

1 message

Julie Linden <jalinden3@gmail.com>

Mon, Jun 29, 2020 at 7:44 AM

To: rick.distefano@townofbrighton.org, trasey.major@townofbrighton.org

Hello, my name is Julie Linden. I am the property owner at 80 Helen Road. My property is adjacent to 60 Helen Road. I am very concerned and strongly opposed to the proposed size, location and use of the building to be built by the new owners of 60 Helen Road.

The proposed size of the building is too large for a workshop / garage and will have an impact on the property values of the other houses in the neighborhood. The proposed size is almost as large as the existing house and will have no living space. Since the building will be used primarily as a workshop, it should only be allowed to be built in the rear of the property behind the existing house, as noted in the town code, where there are no standing water and poor drainage issues. The owners of 60 Helen Road had a two car garage when they purchased the property in 2019 but decided to convert the space into an inlaw apartment / two family dwelling even though the original house is only 1012 square feet.

There is also a current issue in regards to standing water and poor drainage in the side yard of 60 Helen Road due to heavy rain and melting snow. This is a serious concern in this neighborhood since it affects the proper leaching of septic systems. A prior property owner of 60 Helen Road considered installing drainage tiles in the side yard of the property because it is a serious problem. A prior property owner of 115 Norman Road (which is near 60 Helen Road) dug a moat around his back yard because of the standing water and poor drainage issues. The standing water from the side yard of 60 Helen Road encroaches 10 feet into my back yard now. A new oversized building in the side yard of 60 Helen Road will only create a bigger problem, especially with the proper leaching of my septic system. What measures will be taken to protect adjacent yards and septic systems now and in the future? Will a berm be installed to protect the adjacent yards? Just because this past year has been a drought year does not mean that there is not a standing water and poor drainage issue in the side yard of 60 Helen Road that has affected the adjacent yards for years.

I am also concerned about the noise the neighborhood will be forced to endure again. This is a residential neighborhood, not a commercial neighborhood. The commercial woodshop at 90 Helen Road caused enough problems. Thankfully that issue has been resolved when the commercial woodshop was removed from the neighborhood. We are now able to enjoy a peaceful neighborhood again and hopefully continued peace in the future. What measures will be taken to ensure the workshop noise will not become a nuisance to the neighborhood as the woodshop was? Will there be additional sound proving materials added to the walls of the building to absorb any noise from the workshop? Will there be a privacy fence or hedge installed without damaging the existing trees in adjacent yards to absorb any noise from the workshop?

I am aware of a few neighbors that support the new building, but keep in mind that their properties are across the road or on Norman Road and are not adjacent to 60 Helen Road. They will not be as directly impacted in a negative way as my property will be. Please only allow a proper sized building to be built in a proper location that will not have a negative impact to the adjacent properties and the neighborhood.

Thank you in advance for your attention to this matter.

Sincerely,
Julie Linden
80 Helen Road
tel# (585) 245-2184

Please provide a copy of this email with all the members of the Zoning Board prior to the next meeting.