

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
SEPTEMBER 2, 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.

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](mailto:rick.distefano@townofbrighton.org), until September 2, 2020 at 12:00 PM.

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

The public may 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.

SECRETARY: Call the roll.

CHAIRPERSON: Approve the minutes of the August 5, 2020 meeting. **To be done at the October 7, 2020 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Brighton Pittsford Post of August 27, 2020 will now be held.

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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. **TABLED AT THE JULY 1, 2020 MEETING - PUBLIC HEARING REMAINS OPEN**

8A-07-20 Application of Pardi Partnership Architects, agent, and George's Family Restaurants, owner of property located at 2171 West Henrietta Road, for a variance from Section 73-29 (Structures Required to Have an Automatic Fire Sprinkler System) in accordance with Section 73-34 to allow for the remodeling of a restaurant building without the installation of an automatic sprinkler system as required by code. All as described on application and plans on file. **POSTPONED FROM THE AUGUST 5, 2020 MEETING**

9A-01-20 Application of Passero Associates, agent, and New Monroe Real Estate, LLC, owner of property located at 2816 Monroe Avenue, for Area Variances from Section 205-16A to 1) allow for parallel parking stalls to be 8 ft. wide in lieu of the minimum 9 ft. As required by code, and 2) allow a one-way drive aisle to be 12 ft. wide in lieu of the minimum 15 ft. wide as required by code. All as described on application and plans on file.

- 9A-02-20 Application of Passero Associates, agent, and New Monroe Real Estate, LLC, owner of property located at 2816 Monroe Avenue, for 1) an Area Variance from Section 205-18B to allow paving and parking up to a lot line in lieu of having a 10 ft. setback as required by code; and 2) an Area Variance from Section 205-7 to allow impervious lot coverage to increase from 73% to 77% where a maximum 65% is allowed by code. All as described on application and plans on file.
- 9A-03-20 Application of RFM Morgan Properties, owner of property located at 2125 Monroe Avenue (Brighton Garden Apartments) for an Area Variance from Section 205-12 allowing for the demolition of two carports (40 stalls) leaving the property with no covered parking spaces where 40 covered parking spaces are required by code. All as described on application and plans on file.
- 9A-04-20 Application of Save Monroe Ave., Inc. (2900 Monroe Avenue, LLC, Cliffords of Pittsford, L.P., Elexco Land Services, Inc., Julia D. Kopp, Mark Boylan, Ann Boylan and Steven M. Deperrior), appealing the issuance of a building permit (Starbucks Coffee) by the Town of Brighton Building Inspector (pursuant to Section 219-3) to the Daniele Family Companies, developer of the Whole Foods project located at 2740 / 2750 Monroe Avenue. All as described on application and plans on file.
- 9A-05-20 Application of George E. Baist, owner of property located at 82 Fairhaven Road, for an Area Variance from Section 207-11A to allow a portion of an in-ground swimming pool to be constructed in a side yard where not allowed by code. All as described on application and plans on file.
- 9A-06-20 Application of Julie Ann Bromberg, owner of property located at 226 Norman Road, for an Area Variance from Section 205-2 to allow an addition to extend 2 ft. into the 9 ft. side setback required by code. All as described on application and plans on file.
- 9A-07-20 Application of Jason and Cara Acker, owners of property located at 118 Commodore Parkway, for an Area Variance from Section 209-10E(2) to allow front yard pavement coverage to be 32.6%, after expansion of the driveway, in lieu of the maximum 30% allowed by code. All as described on application and plans on file.
- 9A-08-20 Application of DiPasquale Construction, contractor, and Teamsters Local #118, owner of property located at 130 Metro Park, for an Area Variance from Section 205-18A to allow a parking lot expansion to be 0.2 ft from a lot line in lieu of the minimum 10 ft. required by code. All as described on application and plans on file.
- 9A-09-20 Application of DiPasquale Construction, contractor, and Teamsters Local #118, owner of property located at 130 Metro Park, for an Area Variance from Section 205-8 to allow impervious lot coverage, after site improvements, to be 69% in lieu of the maximum 65% allowed by code. All as described on application and plans on file.
- 9A-10-20 Application of Philip Pecora, owner of property located at 435 Ambassador Drive, for 1) an Area Variance from Section 203-2.1B(3) to allow for the construction of an 844 sf detached garage (784 sf garage area, 60 sf covered entry) in lieu of the maximum 600 sf detached garage allowed by code; and 2) an Area Variance from Section 207-6A(1) to allow said garage to be 24 ft. in height in lieu of the maximum 16 ft. allowed by code. All as described on application and plans on file.

9A-11-20      Application of Torchia Structural Engineers and Design, agent, and Todd Ennis and Amanda McIntosh, owners of property located at 133 Summit Drive, for Area Variances form Section 205-2 to 1) allow an addition (garage, vestibule and porch) to extend 6.1 ft. into the existing 44.2 ft. front setback where a 60 ft. front setback is required by code, and 2) allow building lot coverage to be 22% in lieu of the maximum 20% 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 Scott and Christine Cottier, 409 Ambassador Drive, dated August 18, 2020, in support of application 9A-10-20 for 435 Ambassador Drive.

Letter, with attachments, from Scott Fiske, Pardi Partnership Architects, dated August 28, 2020, addressing comments from the Town of Brighton Fire Marshal regarding application 8A-07-20.

Letter from Julie Linden, 80 Helen Road, dated August 31, 2020, in opposition to application 7A-04-20, 60 Helen Road.

Letter from Howie Jacobson, dated September 2, 2020, with comments and concerns regarding the Whole Food Plaza project site.

Letter from Mary Goldenberg, 70 Newcrest Drive, dated September 2, 2020, with comments and concerns regarding application 9A-03-20, 2125 Monroe Avenue.

Letter from Philip and Judith Rose, 125 Summit Drive, dated September 2, 2020, with concerns regarding drainage and water runoff in conjunction with proposed improvements at 133 Summit Drive (9A-11-20).

PETITIONS:

NONE

August 18, 2020

Zoning Board of Appeals  
Town of Brighton  
23 Elmwood Ave.  
Rochester, NY 14618  
c/o Mr. Rick DiStefano

Re: Pecora Garage – 435 Ambassador Dr.

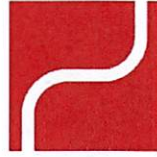
Dear Town of Brighton Zoning Board of Appeals:

Please accept this letter as an indication of our support of the construction of the proposed two car detached garage at the Pecora residence located at 435 Ambassador Dr. We have reviewed the ZBA application, architect renderings, exterior elevations and instrument survey that were submitted to the town and are comfortable with the location and appearance of the structure as it appears to be consistent with the character and quality of the existing house and neighborhood. Furthermore, the addition of the garage will permit the Pecoras to park their vehicles indoors and out of site from our neighboring property.

Sincerely,

Scott and Christine Cottier

409 Ambassador Dr.  
Rochester, NY 14610



## Pardi Partnership Architects

August 28, 2020

Zoning Board of Appeals  
Brighton, New York  
2300 Elmwood Avenue  
Rochester, NY 14618

Re: ZBA Application 88A-07-20  
Appeal from local sprinkler law

Dennis Meitz; Chairperson / ZBA Members:

For background, it should be noted that we have worked hand in hand with the Brighton Building / Planning and Fire Marshal's departments to assist the owner in navigating what is a very complex set of regulations concerning his proposed renovations to the existing restaurant. Once it was finally determined that Brighton's local sprinkler law requirements would be triggered, the owner sought an initial design and costs to do so. The results of those efforts indicated a sprinkler system that would be very costly due to a mix of factors. It was the Fire Marshal that indicated to the owner that a variance could be sought through this board for relief from the local sprinkler law in the first place.

Since the adoption of the ICC codes format by NY State in 2000, there is one uniform set of fire protection and building codes for the entire state. As the Local Authority Having Jurisdiction (LAHJ) Brighton has final authority in administering these codes. Every locality is also allowed to have "more restrictive local law" additions to the state Fire Protection and Building Code as each may see fit. This is the basis of Brighton's local sprinkler law.

On the face of it, it would seem counter-intuitive to request what would outwardly appear to be a position to provide a less safe facility for public use by not providing suitable life safety features for the intended use of the structure. At the State level, that is NOT the case here: The facility as originally submitted for permit along with the proposed items outlined in this variance appeal will have the facility meet all NY State life safety code requirements without the need for a sprinkler system, provided the occupant load for the structure is less than 100. The design proposes indoor seating for 86 persons total. It is the more restrictive local law for sprinklers, based on a very broad method of monetary calculation that is requiring this higher than NY State level of compliance.

The information we presented in the appeal was supplied from the designers and vendors the property owner had chosen to design and install the sprinkler system. We have consulted with those entities to address the Fire Marshals' comments / concerns and offer the following responses to his comments and questions. They are presented as outtakes, in italics, taken from the original letter. The designer's responses are in red / underlined. Our responses, where required, follow after, in blue. The original fire marshal's full letter, in full, is incorporated at the end of this submittal.



*Did they evaluate heating/insulating the attic to change from a dry fire sprinkler to a wet fire sprinkler system? If the fire sprinkler system was a wet fire sprinkler system, would a fire pump still be required? At the time MBLB was hired to design the FP system, MBLB was told some areas above ceilings, where pipe routing was to be run were not going to be conditioned, therefore only a dry style system was calculated.*

Insulating the entire roof of the 2<sup>nd</sup> floor would have complicated the venting of the rafter cavities / added cost to the insulation / somewhat increased the conditioned air requirements. Minimizing insulation costs and the conditioned air envelope, which in-turn would help minimize the associated operational energy costs and construction costs was the goal.

*Why is an RPZ and not an RPDA or double check valve being considered? The installation of a RPZ results in a significant pressure reduction and also increases the cost of the system. The installation of an RPDA will result in a less pressure loss which would significantly impact the hydraulic calculations of the proposed fire sprinkler system. Additionally, the RPDA would reduce the cost of the project. A RPDA was used in the FP calculations. This is because MBLB figured a worse-case scenario. A DCDA device would likely be allowed as there is no useable water source located within 1700' of the building according to Google Maps. But would have to be approved by the NYS DOH and an Engineer prior to MBLB inputting this in the calculations.*

Why is a generator provided? A fire pump does not require one, if connected to a "reliable power" source. Rochester Gas and Electric has been considered a "reliable power" source and the generator is not necessary. The addition of a generator not only increases the capital cost of the project, but it also results in additional annual maintenance and inspection costs that would not be required for this type of fire sprinkler installation. MBLB has no comment on this, as this is outside their scope of work.

Chapter 913 of the Fire Code stipulates when a fire pump is required it be installed according to that chapter and to NFPA 20. What follows is an outtake from commentary on the current NYS UFPBC NFPA 20

National Fire Protection Association (NFPA) 20, Standard for the Installation of Stationary Pumps for Fire Protection, does not require that the normal power source be infallible. NFPA 20 provides the code official the following guidance for deciding whether the power source is reliable:

1. The power source has not experienced any shutdowns longer than 4 continuous hours in the year before the fire pump installation plans are submitted for approval. If the normal source powerplant has been intentionally shut down for longer than 4 hours in the past, it is reasonable to require a backup source of power. (Question for MP:
2. Power outages, other than those caused by natural disasters or electric grid management (regional blackout), have not been experienced in the area of the protected facility. If the normal source of power fails under these circumstances, the fire protection system could be supplied through the fire department connection. However, if the power grid is known to have had problems in the past (e.g., switch failures or substation shorting), it is reasonable to require a backup source of power.
3. The normal source of power is not supplied by overhead conductors immediately outside the protected facility. According to NFPA 20, many utility providers will disconnect power to the facility during an emergency by physically cutting the overhead conductors which could mistakenly cut the power supplying the fire pump. Additionally, fire departments will never operate aerial apparatus near live overhead power lines, so if the normal source of power must be shut off a backup source of power is required.

Electric power to the bldg. is not by overhead wires but "Best Practices" suggested a fire pump emergency generator would still be needed due to the low pressures available at the site



4. Only the disconnect switches and overcurrent protection devices permitted by NFPA 20 are installed in the normal source of power. Power disconnection and activated overcurrent protection should only occur in the fire pump controller.

*Even though a non-required generator is estimated there was no estimate cost for installation of an electrical transfer switch for the quoted fire pump. Although this would add cost and maintenance for the project it provides a picture of how some costs are over estimated while essential equipment appears to be omitted.*

MBLB has no comment on this, as this is outside their scope of work.

*As 1<sup>st</sup> noted in this response, we relied on information provided to us by the owner's vendors. As the FM states, assuming the pump was needed, these would only be additional costs that would need to be added to the system*

*Please provide backup information as to the desired to use Flexible Fire Sprinkler drops? This method provides flexibility in an office or flex space environment where many tenant changes are possible with an increase or decrease in tenant square footage. These are a costly installations and impact higher hydraulic calculations, while a "center of tile" note for ascetics this proves to be even more costly. MBLB had a Dry Style System from the start and no flexible fire sprinkler drops were figured in the calculations, as it would require a much more expensive dry style flexible drop.*

*Why is the sprinkler system design to Ordinary Hazard Group 1? The attic would be light hazard and the seating area would also be light hazard. The only OH1 areas would be the kitchen and storage areas. This proposed hazard group results in a sprinkler density classification which requires more pressure and effects the hydraulic calculations. MBLB designed the system to NFPA 13 2016 Ed., which calls out commercial kitchen areas to be an Ordinary Group I Hazard, therefore the most demanding water calculation on the system would be this area.*

*Was an alternate pipe main size reviewed? The cost of increasing the pipe size would only affect the material costs while the cost of labor would be the similar regardless of the pipe size. Additionally, the reduction in head loss might negate the need to install a fire pump. Yes, MBLB reviewed the use of both 4" and 6" incoming water services. The issue is not the lack of water available from the street's main, it is the pressure available, or lack thereof. An increase in incoming pipe size did not change the outcome of the calculations.*

*"If any or all the suggestions provide only 1 pound of pressure to the hydraulic calculations each, then an adequate safety factor could be achieved without the installation of a fire pump and backup generator."*

It is true that NFPA does not call out any safety factor demand, and it is true that a 1 psi safety would be acceptable to code. But MBLB does not feel comfortable with this low a level of factor of safety: Throughout the age of the system, sludge building up within the pipes, and any additional fittings added at time of install that are changed from the original design that was calculated will result in a loss of that safety factor. This is why MBLB would not stand by a design and calculation of that low a factor of safety.

In reviewing this, we reached out to MBLB to ask for a cost estimate incorporating a wet system as per the Fire Marshal's review. We wanted to establish a best "least cost" scenario based on the input from the designers / vendors involved. In summary, even if all of the fire marshal's criteria were taken into consideration the sprinkler system costs would look like this:

<b>Base cost: wet pipe sprinkler system w/o fire pump</b>		
Engineering / Permits	Site / RPDA / Fire Protection / alarm	13,000
Water Service to bldg.	DDS Estimate (35,000 to 68,000) • Assumes no excavation issues	35,000
RPDA installation	Kennedy	6,300
Wet Sprinkler System	MBLB (Revised from original dry pipe)	19,500
Sub-Total		66,500
Min 5% contingency		3,325
<b>Base price cost total</b>		<b>69,825</b>
Based on sprinkler system design w/ fire pump as suggested by sprinkler system designer		
Add Fire Pump	LeFrois Estimate	+54,000
Assuming generator is required as per NFPA 20		
Add Emergency Generator	LeFrois Estimate (Incl transfer switch / connections)	+12,000
<b>If items were to be installed:</b>		<b>\$135,825</b>

As a second means of reviewing the Fire Marshal's comments, we reached out to another local mechanical contractor who specializes in sprinklers. Their review of the proposed system and their conclusions supporting the variance are attached as a separate letter at the end of this submission.

Additionally, as an alternate to the original spray on fire protection proposed for the basement area ceiling, we wish to clarify that any approved rated ceiling system that can achieve a 1 hour fire rating would by NY State Codes be acceptable.

Respectfully Submitted,



Scott L. Fiske / President  
Pardi Partnership Architects, Pc



August 13, 2020

Pardi Partnership Architects, PC  
25 Circle Street, Suite 101  
Rochester, New York 14607

Attn: Scott Fiske  
Re: Sunny's Family Diner

Dear Scott,

We have reviewed your variance application for the above referenced project and it is our professional opinion that you have outlined a very accurate and detailed request to the town zoning board if effort to receive such variance (per NYS code) to eliminate the local requirement to install a sprinkler system.

We have not found any inaccuracies or any missing information that should hinder your attempt in receiving this variance.

As advocates for fire sprinkler system protection we do agree that your request for a variance should be granted as requested in accordance to NYS code.

We have reviewed MBLB fire services hydraulic calculations and agree with their findings that the existing water service in conjunction with the local water supply pressures are in adequate to supply a sprinkler system without the use of a new water main along with a booster fire pump.

Should the owner decide to move forward with installing a sprinkler system we would welcome the opportunity to provide the most economical approach to satisfy the local ordinance.

Should you have any questions or require any further assistance please do not hesitate to contact our office.

Sincerely,

**KENNEDY MECHANICAL P&H, INC.**

*James Richardson*

James Richardson - Nicet Level III  
Senior Fire Protection Estimator



Town of Brighton  
Office of the Fire Marshal



August 5, 2020

Town of Brighton Planning Board  
2300 Elmwood Avenue  
Rochester, New York 14618

Sunny Diner – 2171 West Henrietta Road – Fire Sprinkler Variance Package

Dear Chairperson:

I have reviewed the variance application and associated material with respect to the proposed cost for installation of an automatic fire sprinkler system and have the following comment based on that review.

Prior to being issued a building construction permit or conducting a project plan review, significant demolition of the existing building was done by removing walls, exposing structural building members and the reconfiguring of spaces which now require many more minimum fire safety regulations as prescribed within the 2020 New York State Codes and Codes for the Town of Brighton.

The applicant has also expressed an interest in creating a party room on the second floor with an exterior deck assembly space, and if approved would require an automatic fire sprinkler system to be added to the entire building or structure to comply with the 2020 Fire Code of New York State – Section 903 or they would have to apply for a variance from the State of New York.

Group A occupancies are characterized by people who are not familiar with their surroundings. The requirement for a suppression system reflects the additional time needed for egress. The extent of protection for occupants of the assembly group is from unobserved fires in other building areas (kitchen or storage areas) located between the story containing the assembly occupancy and levels of exit discharge serving such occupancies.

I direct you to the submittal package titled Requested Fire Flow Data from Marc Beilicki dated 6/9/2020 - 08:40 AM where the fire sprinkler designer wrote in an email that he could get the fire sprinkler system to calculate with upsized piping but would have a small "safety factor" due to low pressures. Although this does meet the conventional look of an automatic fire sprinkler system this does meet the objective to provide minimum fire protection.

As a point of reference there is no code requirement to have a safety factor within the hydraulic calculations of an automatic fire sprinkler system but a common industry practice is to maintain a safety factor of around 5 pounds of pressure. The low safety factor could possibly be addressed and/or increased by considering the following questions:

- 1) Did they evaluate heating/insulating the attic to change from a dry fire sprinkler to a wet fire sprinkler system? If the fire sprinkler system was a wet fire sprinkler system, would a fire pump still be required?
- 2) Why is an RPZ and not an RPDA or double check valve being considered? The installation of a RPZ results in a significant pressure reduction and also increases the cost of the system. The installation of an RPDA will result in a less pressure loss which would significantly impact the hydraulic calculations of the proposed fire sprinkler system. Additionally, the RPDA would reduce the cost of the project.
- 3) Why is a generator provided? A fire pump does not require one, if connected to a "reliable power" source. Rochester Gas and Electric has been considered a "reliable power" source and the generator

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- 4) is not necessary. The addition of a generator not only increases the capital cost of the project but it also results in additional annual maintenance and inspection costs that would not be required for this type of fire sprinkler installation.
- 5) Even though a non-required generator is estimated there was no estimate cost for installation of an electrical transfer switch for the quoted fire pump. Although this would add cost and maintenance for the project it provides a picture of how some costs are over estimated while essential equipment appears to be omitted.
- 6) Please provide backup information as to the desired to use Flexible Fire Sprinkler drops? This method provides flexibility in an office or flex space environment where many tenant changes are possible with an increase or decrease in tenant square footage. These are a costly installations and impact higher hydraulic calculations, while a "center of tile" note for ascetics this proves to be even more costly.
- 7) Why is the sprinkler system design to Ordinary Hazard Group 1? The attic would be light hazard and the seating area would also be light hazard. The only OH1 areas would be the kitchen and storage areas. This proposed hazard group results in a sprinkler density classification which requires more pressure and effects the hydraulic calculations.
- 8) Was an alternate pipe main size reviewed? The cost of increasing the pipe size would only affect the material costs while the cost of labor would be the similar regardless of the pipe size. Additionally, the reduction in head loss might negate the need to install a fire pump.

If any or all the suggestions provide only 1 pound of pressure to the hydraulic calculations each, then an adequate safety factor could be achieved without the installation of a fire pump and backup generator.

I hereby, support the Town of Brighton Fire Sprinkler Law as written and fully adopted by the Town Board to have an automatic fire sprinkler system installed in building or structures which undergo an alternation of more than 50 percent of the replacement value of the building as on file with the Town of Brighton Assessor office.

The suggested use of any alternate fire suppression systems as a substitute for an automatic fire sprinkler system as proposed would be difficult to support at this time due to so many unanswered variables with respect to new proposed uses of the building. If the new proposed uses are approved and completed the proposed alternate fire suppression system may become a minimum requirement due to the new proposed occupancy variables.

If you have any further questions or wish to discuss this matter in greater detail, please feel free to contact me directly.

Christopher A. Roth  
Chief Fire Marshal

2300 Elmwood Avenue – Rochester, New York 14618  
(585) 784-5220 Office / (585) 784-5207 Fax

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Rick DiStefano <rick.distefano@townofbrighton.org>

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## Re: Zoning Board app# 7A-04-20 for 60 Helen Road

1 message

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Julie Linden <jalinden3@gmail.com>

Mon, Aug 31, 2020 at 10:42 PM

To: rick.distefano@townofbrighton.org, Trasey Major <trasey.major@townofbrighton.org>

Hello, my name is Julie Linden and I am the property owner of 80 Helen Road. I am strongly opposed to the proposed oversized outbuilding to be built in the side yard of 60 Helen Road. I would like to comment on the statements made by the property owner of 60 Helen Road at the July 1, 2020 meeting.

The property owner of 60 Helen Road did **not** make any attempts to telephone me or knock on my door to discuss this matter. His statements that I did not answer or return his calls are false. One late night posting "we should talk" on a group website is not the same as dialing a telephone.

I am very concerned about the fumes from the kilns that will be vented just outside my bedroom window, if the outbuilding is build in the side yard of 60 Helen Road. The fumes may be minor, but the property owner of 60 Helen Road has concerns and does not want the kilns to be vented into their living space. I have the same concerns in regards to my health as they have of theirs, especially since I am battling stage 4 cancer.

The upper right side of the property at 60 Helen Road **does** have a standing water / poor drainage issue. That is where the standing water / poor drainage issue begins. There is about a 95 x 60 foot area that has a standing water / poor drainage issue now, including the 10 feet that encroaches into my property. You can tell where the standing water / poor drainage issue is by the thick plush grass that grows in the affected area, including my property. It is like a plush carpet. This has been an issue for more than the 28 years that I have lived at 80 Helen Road. Some years it stays so wet in the spring, that it is impossible to mow the grass in the affected area until mid to late June, even then you may need to wear rubber boots.

The upper left side of the property at 60 Helen Road, behind the existing house, does **not** have a standing water / poor drainage issue. It stays bone dry all year. It is also a more suitable location for the outbuilding. This location would fit into the neighborhood in a more pleasing manner and would keep with the park like setting we all enjoy.

Similar to the other outbuildings and additions that have been built in the neighborhood, the outbuilding that was built at 53 Helen Road was built within the town building codes and located in the back of the property. It is about 600 square feet and is only used for storage and a hobby woodshop.

99 Norman Road is a small residential dwelling, not an outbuilding. It was once used as an office and storage space for a plumbing business for a few years, with very little activity, before being left vacant. It is once again being used as a residential dwelling.

Proper leaching of septic systems is a serious concern in this neighborhood. Will there be an escrow account set up by the property owner of 60 Helen Road to fund the replacement of septic systems in the adjacent properties, if needed due to the additional standing water / poor drainage issue that the new oversized outbuilding may cause? Or will there be a berm installed along the property lines of the adjacent properties?

Please keep in mind that the other property owners that have submitted letters to the zoning board will not be as negatively affected by the oversized outbuilding in the side yard of 60 Helen Road as my property will be.

Finally, please remember that this is a residential neighborhood and is not zoned commercial. The property owner of 60 Helen Road is still operating a **commercial** pottery business in The Hungerford Building.

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 and confirm the receipt of this email. Thank you.



Rick DiStefano <rick.distefano@townofbrighton.org>

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## MAJOR Safety hazard on building site

1 message

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**Howie Jacobson** <redrock1886@gmail.com>

Wed, Sep 2, 2020 at 9:55 AM

To: rick.distefano@townofbrighton.org

Cc: Daniel Aman <daniel.aman@townofbrighton.org>

To ZBA:

There is a major safety hazard on the construction site at the proposed shopping and retail plaza on Monroe Ave. NO barrier or fencing exists on the side of the site next to the old Mamasan's. Anyone can drive, walk, bike right into the construction site 24 hours a day! NO BARRIERS! I assume the permit requires protection for the community. This site is an accident waiting to happen.

Please have this corrected before someone in our community is badly hurt.

Thank you.

Howie Jacobson

Brighton Town resident

Sent from my iPhone

Red Rock 1886, LLC

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**From:** Goldenberg, Mary [mailto:[mgoldenb@UR.Rochester.edu](mailto:mgoldenb@UR.Rochester.edu)]  
**Sent:** Wednesday, September 2, 2020 11:43 AM  
**To:** Ramsey Boehner  
**Subject:** FW: Notice of Public Hearing/ Re: 9A-03-20  
**Importance:** High

Hi Ramsey, I know you sent my concerns to the Planning Board and Enforcement Dept and I do appreciate that however there have been no improvements done by RFM Morgan Properties so I stand my position on having an issue with moving forward with demolition of carports.

I should have raised concerns when it came to putting up the fence years ago as they can't seem to maintain their property as it is. But now that they have it and has encroached on my property. I am getting very little support on this issue. Also they have no office located at 2125 Monroe Avenue.

Thanks

**From:** Goldenberg, Mary  
**Sent:** Wednesday, August 19, 2020 1:00 PM  
**To:** [ramsey.boehner@townofbrighton.org](mailto:ramsey.boehner@townofbrighton.org)  
**Cc:** Goldenberg, Mary <[mgoldenb@UR.Rochester.edu](mailto:mgoldenb@UR.Rochester.edu)>  
**Subject:** Notice of Public Hearing/ Re: 8P-03-20  
**Importance:** High

Hello Ramsey, I am sorry I missed the 12 pm deadline and I would appreciate your consideration when reviewing this.

In reference to the above referenced matter, 8P-03-20, the application to demolish two 20 hall carports and replace them with surface parking at 2125 Monroe Avenue. I own the house at 70 Newcrest Dr that backs up to 2125 Monroe Avenue. I have a problem with the ownership as they do not maintain their property well, the fence they put in that separates our property is not maintained nor are the trees that have grown through the broken fence and onto my property and for this reason I am reluctant to question their taking down the carports and expecting that all the materials will be taken away and properly disposed of. Not to mention their willingness to pay the cost of doing that prior to the maintenance on the fence and the removal of the trees.

Also I was told that by the Town of Brighton that they were going to send a letter to the owner about their broken fence months ago. That being said there has been no action on the part of Morgan to rectify the problem. But now they want to put money into tearing down carports instead of cleaning up a 3 years old mess that is infringing on my property.

I request this be shared with Passero as their agent and/or Morgan Properties. I would also like to know what actions the Town is taking to get the fence repaired?

Thanks

Mary Goldenberg  
70 Newcrest Dr.  
Rochester, NY 14618



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**Application 9A-11-20**

1 message

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**Philip Rose** <pirose\_2@yahoo.com>

Wed, Sep 2, 2020 at 11:47 AM

To: Rick DiStefano &lt;rick.distefano@townofbrighton.org&gt;

Dear Mr. DiStefano:

We are the neighbors at 125 Summit Dr., located adjacent to the west boundary of the applicant property. We have no objection to the proposed garage extension, having lived (since 1976) with a similarly undersized garage at our present location. The aspect of the proposed modifications which causes us concern has to do with the enlargement of the front patio area and of the effect that possible roofing of such area will have on the amount of (and control of) water runoff normally produced.

Our concern has been caused by changes that have been made (by a previous owner) to the property at #133 which has reduced the capacity of said property to accommodate water runoff/drainage due to rain and snow melt. In other words, with our adjacent property being at a level several feet below that of #133, we are concerned with the very large proportion of paved area around the house which forces runoff towards our nearby house. Along the west property line the distance between our houses is only about 16 feet.

At #133 during the past 10 or 12 years there has already been construction of a paved patio area (lying near our shared boundary on the west side of their yard in the rear); that rear patio appears to comprise an area of roughly 400 sqft. Then, not long after the patio construction, a previous owner built a concrete walkway along the entire west side of the house; this concrete walk is approximately 4 ft wide and 30 feet in length. It eliminates most of the natural (soil percolation) drainage along the western side of the house at #133, causing precipitation to drain into our yard which is located at a level about 3 feet below the applicant property. Added to this is the fact that the septic system of #133 depends on percolation from a large seepage tank which was recently installed in the front yard immediately adjacent to the driveway and just beyond the present front patio area.

With these concerns stated, we hope that the Board will require the applicants to show that sufficient provisions have been made to assure that rain and snowmelt drainage can be contained/restricted from becoming a burden on our adjacent property.

Sincerely yours,

Philip &amp; Judith Rose

Philip Rose  
Judith Rose  
pirose\_2@yahoo.com