

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
JUNE 2, 2021

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, until June 2, 2021 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 April 7, 2021 meeting.  
Approve the minutes of the May 5, 2021 meeting. **To be done at the July 7, 2021 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Brighton Pittsford Post of May 27, 2021 will now be held.

\*\*\*\*\*

5A-01-21 Application of Best Construction of Wayne County, agent, and Ellen McCauley, owner of property located at 1129 Highland Avenue, for an Area Variance from Section 205-2 to allow an enclosed entryway addition to extend 8 ft. into the existing 39.5 ft. front setback (Cobb Terrace) where a 60 ft. front setback is required by code. All as described on application and plans on file. **ADJOURNED FROM THE MAY 5, 2021 MEETING**

6A-01-21 Application of Shelly Strachen, property manager, and The Park at Allens Creek LLC, owner of property located at 100-160 Allens Creek Road, for renewal of a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow a food truck to be on site up to three (3) times per summer for the years 2021 and 2022 where not allowed by code. All as described on application and plans on file.

6A-02-21 Application of Save Monroe Ave., Inc. (2900 Monroe Avenue LLC, Cliffords of Pittsford L.P., Elexco Land Services, Inc., Julia Kopp, Mike Boylan, Anne Boylan and Steven DePerrior) appealing the issuance of a building permit (building #2) by the Town of Brighton Building Inspector 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.

- 6A-03-21 Application of Thomas Fantauzzo, owner of property located at 2041 South Clinton Avenue, for an Area Variance from Section 205-12 to allow for 10 on site parking spaces in lieu of the minimum 16 parking spaces (after construction of a 600 +/- sf addition) required by code. All as described on application and plans on file.  
**POSTPONED AT APPLICANTS REQUEST**
- 6A-04-21 Application of Jason Mahar, owner of property located at 289 Penhurst Road, for an Area Variance from Section 205-2 to allow a side setback to be 11.2 ft in lieu of the minimum 18 ft. required by code. All for the purpose of resubdivison approval. All as described on application and plans on file.
- 6A-05-21 Application of Robert G. Harding and Jason Harding, owners of property located on Northern Drive, known as Tax ID# 148.20-2-1, for Area Variances from Sections 205-7 and 205-8 to allow a resubdivided lot (with portion from 120 Northern Drive) to have 68% impervious lot coverage in lieu of the maximum 65% allowed by code, and 2) allow said resubdivided lot to have pavement up to the western lot line where a 10 ft. setback is required by code. All as described on application and plans on file.
- 6A-06-21 Application of Amaehrken LLC, owner of property located at 120 Norther Drive, for Area Variances from Section 205-7 to allow a resubdivided lot to 1) have impervious lot coverage of 100% in lieu of the maximum 65% allowed by code, 2) allow lot width to be 42 ft. in lieu of the minimum 150 ft. required by code, and 3) allow building density to be 13,460 sf/acre in lieu of the maximum 10,000 sf/acre allowed by code. All as described on application and plans on file.
- 6A-07-21 Application of Brielle Messina, agent, and Ralph Ditucci, Castle Office Group LLC, owner of property located at 180 Sawgrass Drive, for a Temporary and revocable Use Permit pursuant to Section 219-4 to allow a food truck on site once per week through the summer of 2021 where not allowed by code. All as described on application and plans on file.
- 6A-08-21 Application of Katherine Turner Jacus, owner of property located at 255 Fairhaven Road, for an Area Variance from Section 207-2A to allow a portion of a 6 ft. high fence to extend into a front yard where the maximum fence height is 3.5 ft. as allowed by code. All as described on application and plans on file.
- 6A-09-21 Application of Jack and Kaitlin Keenan, owners of property located at 55 Elmore Road, for an Area Variance from Section 205-2 to allow a covered front porch to extend 5 ft. into the 40 ft. front setback required by code. All as described on application and plans on file.
- 6A-10-21 Application of Not a Wrap LLC, lessee, and 570 Delaware II, LLC, owner of property located at 2830 West Henrietta Road, for modification of approved Sign Variances (1A-03-17) allowing for new tenant signage on an approved second building face and relocation of two approved menu boards. All as described on application and plans on file.
- 6A-11-21 Application of Brighton Twelve Corners Associates LLC, owner of property located at 1881 Monroe Avenue (2602 Elmwood Avenue) for 1) modification of an approved sign variance (8A-03-98) allowing for a business identification sign on a second

building face (west elevation); and 2) a Sign Variance from Section 207-26D to allow two logo only signs to be located at the southwestern portion of the building, one on each side, where not allowed by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

12A-05-20 Application of Clover Park Properties, LLC, contract purchaser, and the Baptist Temple, Inc., owner of property located at 1075 Clover Street, for a Use Variance from Chapter 203, Article IA to allow for a church building (proposed 10,000 sf addition has been eliminated) to be converted into professional and medical office use in a residential RLA District where not permitted by code. All as described on application and plans on file. **WITHDRAWN BY APPLICANT**

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter, with attachments, from Ramsey Boehner, Town of Brighton Building Inspector, and John A. Mancuso, Esq., dated May 19, 2021, in response to application 6A-02-21. (For entire record <https://townofbrighton.org/DocumentCenter/View/11985/Administrative-Record-Bates-1-288-1> )

Letter from Jerry A. Goldman, Woods, Oviatt, Gilman, withdrawing application 12-05-21.

Letter from Chris Roth, Fire Marshal, dated June 2, 2021, regarding applications 6A-01-21 and 6A-07-21.

PETITIONS:

NONE

1900 Bausch and Lomb Place  
Rochester, New York 14604  
P 585-987-2800 F 585.454.3968



1900 Main Place Tower  
Buffalo, New York 14202  
P 716.248.3200 F 716-854-5100

[www.woodsoviatt.com](http://www.woodsoviatt.com)

Writer's Direct Dial Number: 585.987.2901

Writer's Direct Fax Number: 585.362.4602

Email: [jgoldman@woodsoviatt.com](mailto:jgoldman@woodsoviatt.com)

Mr. Rick DiStefano, Clerk  
Zoning Board of Appeals  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, New York 14618

Re: Clover Park Properties, LLC and Baptist Temple, Inc. – 1075 Clover Street  
Zoning Board of Appeals Applications 12A-05-20

Dear Rick:

Please be advised that Clover Park Properties, LLC withdraws the above referenced application. We appreciate the courtesy extended by the Town throughout this application process.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

Jerry A. Goldman

Please direct responses to Rochester Office



Town of Brighton  
Office of the Fire Marshal



Wednesday, June 2, 2021

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

Zoning Board of Appeals

Dear Chairperson:

I have review the variance application(s) and associated material with respect to the proposed use of a mobile food preparation vehicle within certain areas of the town of Brighton.

1. Application 6A-01-21 Application of Shelly Strachen, property manager, and The Park at Allens Creek LLC, to allow a food truck to be on site up to three (3) times per summer for the years 2021 and 2022 where not allowed by code.

***I would respectfully request any mobile food preparation vehicle be currently licensed and successfully completed the 2021 fire safety inspection by the City of Rochester Fire Department. Where said license will demonstrate full compliance with the 2020 Fire Code of New York State – Section 319 and the National Fire Protection Association – Chapter 96 (2017 Edition) Appendix B – Mobile Food Preparation Vehicle Safety.***

2. 6A-07-21 Application of Brielle Messina, agent, and Ralph Ditucci, Castle Office Group LLC, owner of property located at 180 Sawgrass Drive, for a Temporary and revocable Use Permit pursuant to Section 219-4 to allow a food truck on site once per week through the summer of 2021 where not allowed by code. All as described on application and plans on file.

***I would respectfully request any mobile food preparation vehicle be currently licensed and successfully completed the 2021 fire safety inspection by the City of Rochester Fire Department where said license will demonstrate full compliance with the 2020 Fire Code of New York State – Section 319 and the National Fire Protection Association – Chapter 96 (2017 Edition) Appendix B – Mobile Food Preparation Vehicle Safety.***

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