

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
JANUARY 5, 2022

Due to the public gathering restrictions because of COVID-19 and the adoption of Chapter 417 of the laws of 2021, this Zoning Board meeting will be conducted remotely beginning at 7:00 pm or as soon thereafter as possible. Members of the public will be able to view the meeting via Zoom.

Written comments may be submitted to 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.

Applications subject to public hearings are available for review on the town's website no later than twenty-four hours prior to the meeting.

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: Agenda Review with Staff and Members

CHAIRPERSON: Approve the minutes of the November 3, 2021 meeting.
Approve the minutes of the December 1, 2021 meeting. **To be done at the February 2, 2022 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the **BOARD OF APPEALS** in the Daily Record of December 28, 2021 will now be held.

12A-03-21 Application of Jerry Goldman, attorney, and Jagdish Kaur, owner of property located at 30 Jefferson Road, for a Use Variance from Section 203-93A to allow a retail liquor store to be located in an IG Light Industrial District where not allowed by code. All as described on application and plans on file. **POSTPONED TO THE FEBRUARY 2, 2022 MEETING AT APPLICANTS REQUEST**

12A-04-21 Application of Jerry Goldman, attorney, and Jagdish Kaur, owner of property located at 30 Jefferson Road, for an Area Variance from Section 205-18A to allow front yard parking where not allowed by code. All as described on application and plans on file. **POSTPONED TO THE FEBRUARY 2, 2022 MEETING AT APPLICANTS REQUEST**

12A-06-21 Application of Carini Engineering Design, agent and John and Karen Gallagher, owners of property located at 25 Northumberland Road, for an Area Variance from Section 205-2 to allow a covered porch to extend 10 +/- ft. into the existing 35 ft. front setback where a 40 ft. front setback is required by code. All as described on application and plans on file. **TABLED AT THE DECEMBER 1, 2021 MEETING - PUBLIC HEARING REMAINS OPEN**

- 1A-01-22 Application of Gary Lofaso, owner of property located at 166 Evandale Road, for an Area Variance from Section 205-2A to allow a 6 ft. high fence to extend 5.5 ft. into a front yard where a maximum 3.5 ft. high fence is allowed by code. All as described on application and plans on file.
- 1A-02-22 Application of John Texter, owner of property located at 265 Clover Street, for an Area Variance from Section 205-2 to allow a deck to extend 11.5 ft. into the existing 33 ft. rear setback where a 60 ft. rear setback is required by code. All as described on application and plans on file.
- 1A-03-22 Application of FSI Construction / Frank Imburgia, owner of property located at 3300 Brighton Henrietta Town Line Road, for an Area Variance from Section 205-8 to allow an office building to be constructed with a 42 ft. front setback (Brighton Henrietta Town Line Road frontage) in lieu of the minimum 75 ft. front setback required by code. All as described on application and plans on file. **POSTPONED AT APPLICANTS REQUEST**
- 1A-04-22 Application of FSI Construction / Frank Imburgia, owner of property located at 3300 Brighton Henrietta Town Line Road, for an Area Variance from Section 203-129B to allow a new office building and other site improvements (e.g. parking area) to encroach into the 100 ft. natural vegetative watercourse EPOD buffer where not allowed by code. All as described on application and plans on file. **POSTPONED AT APPLICANTS REQUEST**
- 1A-05-22 Application of Lindsay Agor, owner of property located at 387 Bonnie Brae Avenue, for an Area Variance from Section 209-10 to allow liveable floor area, after construction of an addition, to be 3,415 sf in lieu of the maximum 3024.8 sf allowed by code. All as described on application and plans on file.
- 1A-06-22 Application of Clinton Signs, Inc., agent and Dorell, Inc., owner of properties located at 2654 West Henrietta Road (Tax ID #148.16-1-15) and 2674 West Henrietta Road (Tax ID #(148.16-1-16), for Sign Variances from Section 207-32B to allow for the installation of nonbusiness identification signs on two (2) building's frontage where not allowed by code. All as described on application and plans on file.
- 1A-07-22 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 two building permits (4th building and 5th building) 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.
- 1A-08-22 Application of Brighton Grassroots, LLC, appealing the issuance of two building permits (4th building and 5th building) by the Town of Brighton Building Inspector (pursuant to Section 219-3) to the Daniele Family Companies, developer of the Whole Foods Plaza project located at 2740 / 2750 Monroe Avenue. 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, with attachments, from Ramsey Boehner, Town of Brighton Building Inspector, and John A. Mancuso, Esq., dated December 27, 2021, in response to applications 1A-07-22 and 1A-08-22. (For entire record)

Letter from Betsy Brugg, Esq., Woods Oviatt Gilman, dated January 4, 2022, requesting applications 12A-03-21 and 12A-04-21 be postponed to the February 2, 2022 meeting.

PETITIONS:

NONE

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: ER-1-22

Date: January 5, 2022

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 Zoning Board of Appeals, as lead agency, 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: Application of Clinton Signs, Inc., agent and Dorell, Inc.

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application for a sign variances from Section 207-32B to allow for the installation of nonbusiness identification signs on two (2) building's frontage where not allowed by code.

Location: 2654 West Henrietta Road (Tax ID #148.16-1-15) and 2674 West Henrietta Road (Tax ID # (148.16-1-16), Brighton N.Y., Monroe County

Reasons Supporting This Determination:

Based on information submitted to the lead agency and after considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant, the Criteria for determining significance in the SEQR regulations and other supplemental information, documentation, testimony and correspondence, the Town Zoning Board Appeals finds that the proposed action will not have a significant impact on the environment based on the following findings:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance.

The proposed signage will be located on the building façade. There will be no ground penetration, no alteration of the earth surrounding, and there will no impact on any of water quality, watercourse flood-carrying capacities. 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 flooding or drainage problems.

2. Noise, Visual, and Neighborhood Character.

The proposed signage will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. The project is located in a commercial area which abuts West Henrietta Rd. There are no additions or increase in building density proposed as part of this Project.

The nature of the of the applicant's request is consistent with the existing uses within the surrounding commercial area.

The proposed signage will not be detrimental to the health, safety or general welfare of persons residing or working in the area of the proposed use or will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the Town.

3. Agriculture, Archeology, Historic, Natural, or Cultural Resources.

The proposed signage will be installed on an existing building(s). The proposed signage will not adversely impact agricultural, archeological, historical, natural, or cultural resources. There are no known archaeological resources within project site.

4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains.

The proposed signage 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 proposed signage will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the property, and the project is not within any designated floodway or floodplain. Therefore, the proposed signage will have no significant adverse impact on any wetlands or floodplains.

5. Community Plans, Use of Land, and Natural Resources.

The proposed signage will be located in a BF-2 General Commercial District and will need to obtain a sign area variance to allow for the installation of the signage. The Town's Comprehensive Plan does not specifically address the property. The proposed signage will be installed on an existing building(s) and will have no adverse impacts on the natural resources found on the site.

6. Critical Environmental Area.

The proposed signage 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 signage will not generate any additional vehicle trips to or from the project site. The proposed signage 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 proposed signage will not have a significant adverse impact on public health or safety. The proposed signage is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements.

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 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: January 5, 2022

For Further Information: Contact Ramsey A. Boehner, Environmental Review Liaison Officer, Building and Planning Department, Town of Brighton, 2300 Elmwood Avenue, Rochester, New York 14618, (585) 784-5229 or ramsey.boehner@townofbrighton.org



Rick DiStefano <rick.distefano@townofbrighton.org>

ZBA applications 12A-03-21 and 12A-04-21 for use and area variance for 30 Jefferson Road- Request adjournment to February 2022

1 message

Brugg, Betsy D. <bbrugg@woodsoviatt.com>

Tue, Jan 4, 2022 at 1:17 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Cc: Aman Singh <rochesterasingh@gmail.com>

Good afternoon Rick,

I am forwarding this email to request that the above-referenced applications be adjourned from tomorrow's ZBA agenda and rescheduled to the February Zoning Board meeting. As discussed, with the time involved in gathering information and holidays, we were unable to submit material in time for tomorrow's meeting and plan to forward information in advance of the February meeting. I would appreciate if you would please confirm the receipt of this email and adjournment at your earliest opportunity.

Thank you.

Betsy

Betsy D. Brugg, Esq.

Partner

Direct Dial: 585-987-2905

Direct Fax: 585-362-4623

Mobile: 585-739-0913

bbrugg@woodsoviatt.com



Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

woodsoviatt.com

Visit our Covid-19 Resource Page

1900 Bausch & Lomb Place, Rochester, New York 14604

A Member of **MERITAS** Firms Worldwide.