

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
APRIL 6, 2022

Due to the public gathering restrictions because of COVID-19 and the adoption of Chapter 417 of the laws of 2022, 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 January 5, 2022 meeting.
Approve the minutes of the February 2, 2022 meeting.
Approve the minutes of the March 2, 2022 meeting. **To be done at the May 4, 2022 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of March 31, 2022 will now be held.

4A-01-22 Application of Anthony and Tosha Gutilla, owners of property located at 320 Warrington Drive, for an Area Variance from Sections 203-2.1B(3) and 203-9A(4) to allow for a detached garage to be constructed 2.4 ft. from a rear lot line and 2.4 ft. from a side lot line in lieu of the minimum 5 ft. setback from all lot lines as required by code. All as described on application and plans on file.

4A-02-22 Application of Evolve Additive Solutions, Inc., lessee, and Ahead Energy Corporation, owner of property located at 285 Metro Park, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a storage trailer on site for a period of 9 to 12 months where not allowed by code. All as described on application and plans on file.

4A-03-22 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and hold up to six (6) outdoor weddings/club special events for the year 2022. All as described on application and plans on file.

- 4A-04-22 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 from May through August 2022 where not allowed by code. All as described on application and plans on file.
- 4A-05-22 Application of Duane and Brenda Smullen, owners of property located at 55 Middlebrook Lane, for an Area Variance from Section 205-2 to allow a front porch to extend 5ft. into the 40 ft. front setback required by code. All as described on application and plans on file.
- 4A-06-22 Application of Jeffrey Gardiner, owner of property located at 45 Knolltop Drive, for extension of an approved Area Variance (4A-05-21) allowing for a garage addition to extend 6 +/- ft onto the 40 ft. front setback required by code. All as described on application and plans on file.
- 4A-07-22 Application of Vincent and Kimberly Nolan, owners of property located at 81 Indian Spring Lane, for an Area Variance from Section 203-2.1B(6) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.
- 4A-08-22 Application of James and Karen Coffey, owners of property located at 36 Midland Avenue, for an Area Variance from Section 203-1.1B(8) to allow a standby emergency generator to be located six (6) inches from a rear (east) lot line and 9+/- ft from a side (north) lot line in lieu of the minimum 10 ft setback required by code. All as described on application and plans on file.
- 4A-09-22 Application of Twelve Corners Presbyterian Church, owner of property located at 1200 Winton Road South, for an Area Variance from Section 203-2.1C(1)(a) to allow a church building setback of 57.9 ft. after a lot line (subdivision) adjustment, in lieu of the minimum 100 ft. required by code. All as described on application and plans on file.
- 4A-10-22 Application of Twelve Corners Presbyterian Church, owner of property located at 1200 Winton Road South, for an Area Variance from Section 207-10E(5) to allow pavement and parking, after a lot line (subdivision) adjustment, to be up to a side (north) lot line in lieu of a minimum setback of 4 ft. as required by code. All as described on application and plans on file.
- 4A-11-22 Application of Home Power Systems, contractor, and Monica Gilligan, owner of property located at 6 Kent Park, for an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to be located in a side yard, 5+/- ft. from the lot line in lieu of in the rear yard behind the house no closer than 10 ft. from a lot line as required by code. All as described on application and plans on file.
- 4A-12-22 Application of Meaghan Fee Spencer, owner of property located at 111 Hampshire Drive, for an Area Variance from Section 205-2 to allow a garage addition to extend 2.5 +/- ft. into the 7.5 ft. side setback required 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 Chris Roth, Fire Marshal, dated April 5, 2022, with comments regarding applications 4A-03-22 (2935 East Avenue) and 4A-04-22 (180 Sawgrass Drive).

PETITIONS:

NONE



Town of Brighton
Office of the Fire Marshal



Tuesday, April 5, 2022

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 have the following comments based on that review:

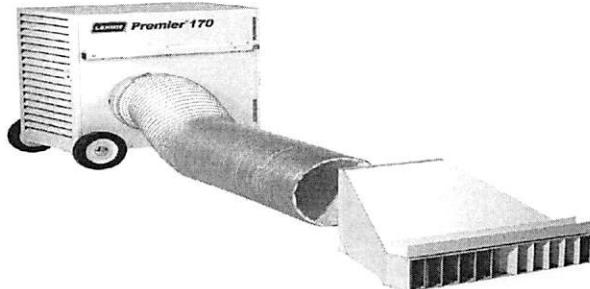
1. 4A-03-22 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and hold up to six (6) outdoor weddings/club special events for the year 2022. All as described on application and plans on file.

I respectfully request the applicant strictly follow the 2020 Fire Code of New York State - Chapter 31 Tents, Temporary Special Event Structures and other Membrane Structure. Past installations of temporary structures were erected too close to the permanent buildings resulting in the temporary structures creating a building egress and fire separation concern.

We have suggested several times to management, that we review a couple of basic set up plans and approve the location, anchoring and placement which they could then market to their membership when this type of requests is made for special events. This would also assist their staff as they will have a better understanding of approved placement of the temporary structure, anchoring methods, identification and location of posted EXITS.

If temporary heating is requested, only approved portable forced air heating units shall be provided. Portable LP gas fired pedestal style heaters or other propane appliances used under a temporary structure are strictly prohibited by the 2020 Fire Code of New York State and the manufacture product listing.

APPROVED



PROHIBITED



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

"Protecting People ♦ Preserve Property"



Town of Brighton
Office of the Fire Marshal



2. 4A-04-22 Application of Brielle Messing, 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 from May through August 2022 where not allowed by code. All as described on application and plans on file.

Any mobile food preparation vehicle chosen shall be currently licensed and owner/operators have successfully completed the 2022 fire safety inspection and training sponsored by the City of Rochester Fire Department. All provisions of 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 shall be followed.

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

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 4A-09-22 / 4A-10-22

Date: April 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 Twelve Corners Presbyterian Church

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Twelve Corners Presbyterian Church, owner of property located at 1200 Winton Road South, for an Area Variance from Section 203-2.1C(1)(a) to allow a church building setback of 57.9 ft. after a lot line (subdivision) adjustment, in lieu of the minimum 100 ft. required by code. And, for an Area Variance from Section 207-10E(5) to allow pavement and parking, after a lot line (subdivision) adjustment, to be up to a side (north) lot line in lieu of a minimum setback of 4 ft. as required by code.

Location: 1200 Winton Road South (Tax ID #137.14-1-86.11), 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. The proposed action will have, no alteration of the earth surrounding, and there will no impact on any of water quality, watercourse flood-carrying capacities. The proposed action 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. The proposed action will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. There are no additions or increase in building density proposed as part of this Project.

The proposed action 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. The proposed action will not adversely impact agricultural, archeological, historical, natural, or cultural resources. There are no known archaeological resources within project site.
4. The proposed action 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 action 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 action will have no significant adverse impact on any wetlands or floodplains.
5. The Town's Comprehensive Plan does not specifically address the property. The proposed action will have no adverse impacts on the natural resources found on the site.
6. 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. The proposed action 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. The proposed action will not have a significant adverse impact on public health or safety. The proposed action is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements.

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