

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
MAY 4, 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](mailto: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 March 2, 2022 meeting.  
Approve the minutes of the April 4, 2022 meeting. **To be done at the June 1, 2022 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of April 28, 2022 will now be held.

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5A-01-22 Application of Reza Hourmanesh, architect, and Guiyan Li, owner of property located at 2720 West Henrietta Road, for an Area Variance from Section 205-12 to allow for 45 parking spaces in conjunction with a new grocery store in lieu of the minimum 55 parking spaces required by code. All as described on application and plans on file.

5A-02-22 Application of Reza Hourmanesh, architect, and Guiyan Li, owner of property located at 2720 West Henrietta Road, for an Area Variance from Section 205-7 to allow for impervious surface area to increase, after site modifications, from 83.2% to 84.9% in lieu of the maximum 65% allowed by code. All as described on application and plans on file.

5A-03-22 Application of Fidelity Investments, LLC, lessee, and Daniele Family Companies, owner of property located at 2750 Monroe Avenue, for a Sign Variance from Section 207-32B(1) to allow for a sign on a second building face where not allowed by code. All as described on application and plans on file.

5A-04-22

Application of Ari and Victoria Chodos, owners of property located at 35 Whitestone Lane, for Area Variances from Section 205-2 to 1) allow a building addition to extend 10.4 ft. into the existing 53.9 ft. rear setback where a 60 ft. rear setback is required by code, and 2) allow livable floor area, after construction of the addition to increase from 5,281 sf to 5,926 sf where a maximum 4,129 sf is allowed by code. All as described on application and plans on file.

5A-05-22

Application of Randall Peacock, architect, and Debra Rogers, owner of property located at 24 Hemingway Drive, for 1) an Area Variance from Section 205-2 to allow a garage expansion to extend 6.7 ft. into the existing 11.7 ft. side setback where a 13.27 ft. side setback is required by code.; 2) an Area Variance from Section 205-2 to allow a building addition to extend 15 +/- ft. into the existing 55 ft. rear setback where a 60 ft. rear setback is required by code; and 3) an Area Variance from Section 207-10E to allow a driveway expansion up to the side lot line where a minimum 4 ft. setback is required by code. All as described on application and plans on file.

5A-07-22

Application of William Fox and Christi Alessi Fox, owners of property located at 111 Brightwoods Lane, for an Area Variance from Section 207-10E(5) to allow front yard pavement, after a driveway expansion, to be 35.8% of the front yard area in lieu of the maximum 30% allowed by code. All as described on application and plans on file.

5A-08-22

Application of Neil and Laura Frood, owners of property located at 1575 Highland Avenue (Tax ID #137.05-3-7) for an Area Variance from Section 203-2.1B(2) and 203-9A(4) to allow a pool house to be 527 sf in size in lieu of the maximum 250 sf allowed by code. All as described on application and plans on file.

5A-09-22

Application of Jon Dangelo, agent, and Elliot Foo, owner of property located at 30 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.

5A-10-22

Application of Timothy and Ellen Maher, owners of property located at 407 Brooklawn Drive, for an Area Variance from Section 205-2 to allow a covered porch to extend 10 +/- ft. into the 40 ft. front setback required by code. All as described on application and plans on file.

5A-11-22

Application of Erica and Jon Stanat, owners of property located at 2 Marvin Park, for an Area Variance from Section 207-2A to allow a 6.5 ft. stockade fence to extend 80 +/- 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.

5A-12-22

Application of Bell Atlantic Mobile, lessee, and Venue Fee LLC, owner of property located at 2500 East Avenue, for an Area Variance from Section 207-42C(1)(b) to allow for cellular support equipment to be located on the roof in lieu of housed in the building or in an approved addition as 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 Mike Hustleby, 34 Hemingway Drive, dated May 3, 2022, in support of the requested variances for 24 Hemingway Drive (5A-05-22).

PETITIONS:

NONE



State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** 5A-01-22 / 5A-02-22

**Date:** May 3, 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:** 2720 West Henrietta Road Grocery Store

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Application of Reza Hourmanesh, architect, and Guiyan Li, owner of property located at 2720 West Henrietta Road, for an Area Variance from Section 205-12 to allow for 45 parking spaces in conjunction with a new grocery store in lieu of the minimum 55 parking spaces required by code. And, for an Area Variance from Section 205-7 to allow for impervious surface area to increase, after site modifications, from 83.2% to 84.9% in lieu of the maximum 65% allowed by code.

**Location:** 2720 West Henrietta Road (Tax ID #148.20-2-64,2), 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 Project will not result in any significant adverse traffic impacts.
7. 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      Rick DiStefano, Environmental Review Liaison Officer  
Building and Planning Department, Town of Brighton,  
2300 Elmwood Avenue, Rochester, New York 14618,  
(585) 784-5228

Project: 5A-01-22

Date: 5/3/2022

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Project: 5A-01-22

Date: 5/3/2022

### *Short Environmental Assessment Form*

#### *Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

No Part 2 questions lead to 'moderate to large impacts may occur.'

This site has been previously disturbed and the proposed action, a variance, will not result in any additional disturbance of the site. Therefore there will be no impacts to any archeological sites or remediation sites potentially on the site.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Brighton Zoning Board of Appeals

5-4-2022

Name of Lead Agency

Date

Rick DiStefano

Secretary to the ZBA

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

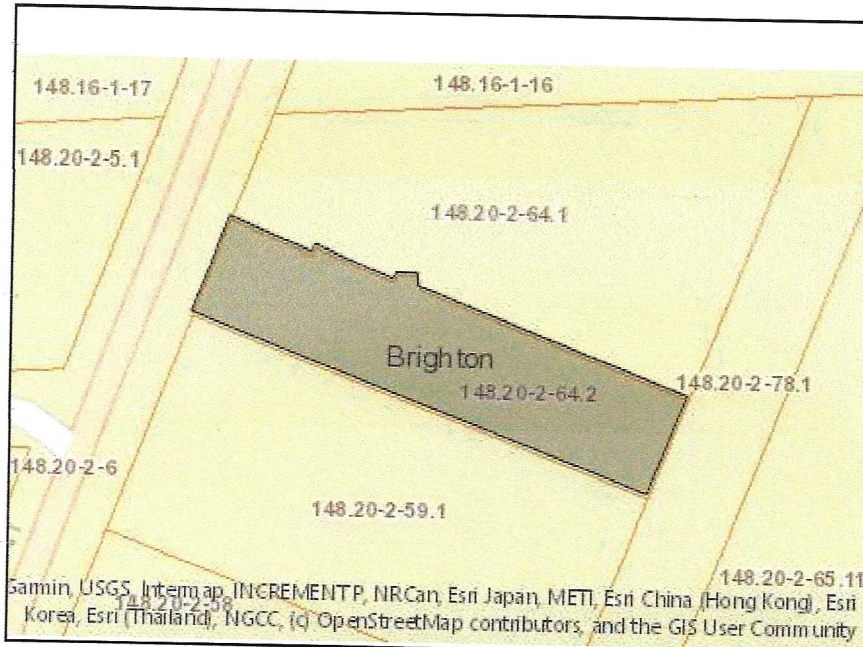
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

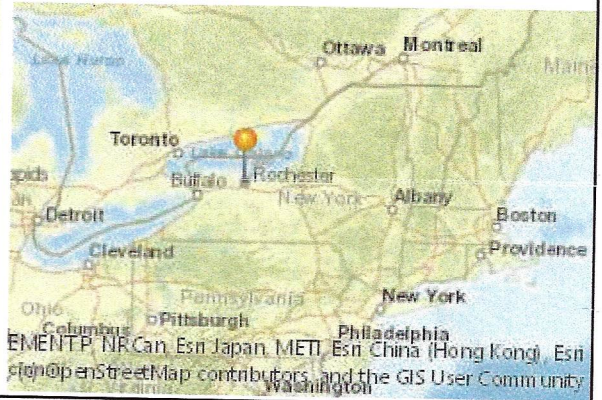
**PRINT FORM**

# EAF Mapper Summary Report

Tuesday, May 3, 2022 10:56 AM



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



Project:

5A-03-22

Date:

5/3/2022

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

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Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

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2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Project: 5A-03-22

Date: 5/3/2022

### Short Environmental Assessment Form

#### Part 3 Determination of Significance

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No Part 2 questions lead to 'moderate to large impacts may occur.'

This site has been previously disturbed and the proposed action, a variance for building mounted signage, will not result in any additional disturbance of the site. Therefore there will be no impacts to any archeological sites potentially on the site.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Brighton Zoning Board of Appeals

5-4-2022

Name of Lead Agency

Date

Rick DiStefano

Secretary to the ZBA

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



Project: 5A-12-22

Date: 5/3/2022

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

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## Short Environmental Assessment Form

### Part 3 Determination of Significance

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<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Brighton Zoning Board of Appeals		5-4-2022
Name of Lead Agency		Date
Rick DiStefano		Secretary to the ZBA
Print or Type Name of Responsible Officer in Lead Agency		Title of Responsible Officer
Signature of Responsible Officer in Lead Agency		Signature of Preparer (if different from Responsible Officer)



May 3, 2022

To Whom It May Concern,

I Mike Hustley live at 34 Hemingway  
Drive, Brighton NY.

My Neighbor Debra Rapus at 24 Hemingway Dr  
is Applying to enlarge her garage & possible ~~add~~  
an Addition.

I have no problem with her doing either  
of these additions.

If you want like to call me, my phone# is  
284-5070

Thank you,  
Mike