

T E N T A T I V E   A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
SEPTEMBER 7, 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 July 6, 2022 meeting.  
                         Approve the minutes of the August 3, 2022 meeting.

CHAIRPERSON:     Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of September 1, 2022 will now be held.

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[8A-04-22](#)     Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner of property located at 3108 East Avenue, for a Use Variance from Section 203-44 to allow a gas station with convenience store to be located in a BE-1 Office and Office Park District where not allowed by code. All as described on application and plans on file.

[8A-05-22](#)     Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner of property located at 3108 East Avenue, for an Area Variance from Section 207-6B to allow an accessory structure (gas canopy) to be located in a front yard in lieu of the rear yard as required by code. All as described on application and plans on file.

[8A-06-22](#)     Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner of property located at 3108 East Avenue, for Area Variances from Section 205-18 to 1) allow parking of vehicles to within 2 ft. for a side lot line (north) where a 10 ft. setback is required by code, and 2) allow paved areas / aisles up to the front lot line where a 20 ft. setback is required by code. All as described on application and plans on file.

- [9A-01-22](#) Application of OAK Hill Terrace Apartments / KofP LLC, owner of property located at 2470 East Avenue, for an Area Variance from Section 207-2A to allow a front yard fence to be 4 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.
- [9A-02-22](#) Application of Jeff Zimmer, Bear Creek Landscapes, contractor, and Matthew and Min Hee DeRosa, owners of property located at 148 Dale Road, for an Area Variance from Section 207-2A to allow a front yard fence to be 4 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.
- [9A-03-22](#) Application of Patrick Langsworthy, owner of property located at 159 David Avenue, for an Area Variance from Section 205-2 to allow a front porch to extend 5.75 ft. into the 40 ft. front setback required by code. All as described on application and plans on file.
- [9A-04-22](#) Application of Sarah Colvin Van Heusen, owner of property located at 54 Brooklawn Drive, for an Area Variance from Section 205-2 to allow a rear addition (three season room) to extend 1.25 ft. into the 35.5 ft rear setback where a 40 ft. rear setback is required by code. All as described on application and plans on file.
- [9A-05-22](#) Application of Todd Ennis and Amanda McIntosh, owners of property located at 133 Summit Drive for extension of an approved variance (9A-11-20, 9A-05-21 - previous extension) pursuant to section 219-5F allowing for a reduced front setback and greater lot coverage. All as described on application and plans on file.
- [9A-06-22](#) Application of Robert Piazza Palotto, owner of property located at 2500 Elmwood Avenue, for an Area Variance from Section 205-2 to allow a garage addition to extend 3 ft. into the existing 8.2 ft. side setback where a 10.8 ft. side setback is required by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

- [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. **TABLED AT THE MAY 4, 2022 MEETING**
- [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. **TABLED AT THE MAY 4, 2022 MEETING**

PRESENTATIONS: NONE

## COMMUNICATIONS:

Letter from Miranda Harris-Glocker, dated July 18, 2022, with comments and concerns regarding applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Lawrence A. Ray, dated July 18, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Mary Corcoran, 141 Brookside Drive, dated August 3, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Jen and Mike Roe, 15 Creekdale Lane, dated August 3, 2022, with comments and concerns regarding applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Jeffrey Hartford, 171 Brookside Drive, dated August 3, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Christopher Corcoran, 141 Brookside Drive, dated August 3, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Laura Hayden, 129 Brookside Drive, dated August 3, 2022, with comments and concerns regarding applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Mary Lawrence-Khalil, dated August 3, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Sarah and Jonathan Swan, 3873 Elmsood Avenue, dated August 3, 2022, with comments and concerns regarding applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Ryan Ellis, 39 Brookside Drive, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Carla Casulo, MD and Jose Casado, 49 Brookside Drive, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Michael Haben, 3915 Elmwood Avenue, dated August 3, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter, with attachments, from Bridget Stone, 1110 Allens Creek Road, with comments and concerns regarding applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Donalds and Mary Boyd, 1 Meadow Lane, dated August 3, 2022, in opposition to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Reza Hourmanesh, architect, dated August 14, 2022, with status update regarding application 5A-01-22 and 5A-02-22, 2720 West Henrietta Road.

Letter from Betsy Brugg, Esq., Woods Oviatt Gilman LLP, dated August 18, 2022 in regards to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue

PETITIONS: NONE