

T E N T A T I V E A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
OCTOBER 6, 2022

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 and the documents to be considered by the Board will be available for review on the town's website no later than twenty-four hours prior to the meeting to the extent practicable.

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 August 3, 2022 meeting.
Approve the minutes of the September 7, 2022 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of September 29, 2022 will now be held.

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. **TABLED AT THE SEPTEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE NOVEMBER 2, 2022 MEETING AT APPLICANTS REQUEST**

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. **TABLED AT THE SEPTEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE NOVEMBER 2, 2022 MEETING AT APPLICANTS REQUEST**

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. **TABLED AT THE SEPTEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE NOVEMBER 2, 2022 MEETING AT APPLICANTS REQUEST**

10A-01-22 Application of Sign and Lighting Services, contractor, and Daniele SPC, LLC, owner of property located at 2750 Monroe Avenue, Building 5, for Sign Variances from Section 207-32B to 1) allow for business identification signs on three (3) building sides in lieu of only one as allowed by code, and 2) allow for the signs to range in height from 21.5 ft to 23.5 ft above grade where a maximum of 20 ft. is allowed by code. All as described on application and plans on file.

10A-02-22 Application of Daniel Hackett, landscape architect, and Tyler Wolk, owner of properties located at 3161 and 3165 East Avenue (to be combined) for 1) an Area Variance from Section 207-11A to allow an in-ground swimming pool to be located in a side yard in lieu of the rear yard as required by code; and 2) an Area Variance from Section 203-2.1B(2) to allow a pool cabana to be located in a side yard in lieu of the rear yard as required by code. All as described on application and plans on file.

10A-03-22 Application of Unified Maintenance and Construction, Inc., contractor, and 2861 BHTL Rd, LLC, owner of property located at 2861 West Henrietta Road, for an Area Variance from Section 207-2A to allow a front yard fence to be 6 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.

10A-04-22 Application of Melissa Fogle, owner of property located at 87 St Regis Drive, for an Area Variance from Section 207-2A to allow a front yard fence to be 5 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.

10A-05-22 Application of Anne Esposito and Robert Ganey, Jr., owners of property located at 9 Laconia Parkway, for an Area Variance from Sections 203-2.1B(2) and 203-9A(4) to allow a shed to be located in a front yard (Elmore Road frontage) in lieu of the rear yard as required by code. All as described on application and plans on file.

10A-06-22 Application of Mark and Mary Oldham, owners of property located at 25 Clover Hills Drive, for an Area Variance from Section 203-2.1B(2) 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.

10A-08-22 Application of Larry and Stacy Turowski, owners of property located at 141 St. Regis Drive South, for 1) an Area Variance from Sections 203-2.1B(3) and 203-9A(4) to allow for construction of a detached garage 3.03 ft. from the rear lot line and 4.7 ft. from the side lot line where a minimum 5 ft. setback from all lot lines is required by code; and 2) an Area Variance from Section 207-6A(1) to allow said garage to be 19.5 ft. in height in lieu of the maximum 16 ft. allowed by code. All as described on application and plans on file.

10A-09-22 Application of American Tower Corporation, owner of property located at 1 Pinnacle Hill Road, for 1) a Variance from section 203-2.1B(6) to allow for the installation of a diesel powered standby emergency generator where only an LP gas or natural gas powered generator is allowed by code; and 2) Area Variances from Section 207-2 to allow a 7.5 ft high fence which includes one foot of barbed wire, where a maximum 6.5 ft. high fence and no barbed wire is allowed by code. All as described on application and plans on file.

10A-10-22 Application of David Wadarek, architect, and Thomas and Marianne Walsh, owners of property located at 1 Westland Avenue, for an Area Variance from Sections 203-2.1B(3) and 203-9A(4) to allow a garage addition to be 3.07 ft. from a rear lot line in lieu of the minimum 5 ft. required by code. All as described on application and plans on file.

10A-11-22 Application of Andrew Gallina, applicant, and 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 allow for a fireworks display on the evening of October 22, 2022 in a RLA Residential District. 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 Dr. and Mrs. Lawrence Giangreco, dated September 7, 2022 in support of applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Mary Boyd, 1 Meadow Lane, dated September 8, 2022, regarding applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

Letter from Betsy Brugg, Woods Oviatt Gilman LLP, dated September 16, 2022 requesting adjournment of applications 8A-04-22, 8A-05-22 and 8A-06-22 (3108 East Avenue) to the November 2, 2022 meeting.

PETITIONS:

NONE