

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 Donals 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.

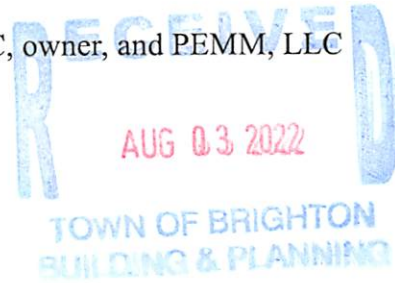
Letter from Katie Bryan, 2510 Elmwood Avenue, dated August 26, 2022, with comments and concerns regarding application 9A-06-22, 2500 Elmwood Avenue.

Letter from Linda Stevenson, 12 Creekdale Lane, with questions and objections to applications 8A-04-22, 8A-05-22 and 8A-06-22, 3108 East Avenue.

PETITIONS:

Petition from residents of the Brookside Neighborhood requesting the Brighton Planning Board Zoning Board and Historic Preservation Commission to deny any planned application, and specifically Area and Use applications, submitted by PEMM, LLC (contract vendee/applicant) and Bristol Valley Homes, LLC (owner) for the “complete renovation of an existing 1,278 sf building (3108 East Avenue) and associated site improvements into a modern Quicklee’s Convenience Store and Gas Station.”

**From:** Miranda Harris-Glocker <[mirandahglocker@yahoo.com](mailto:mirandahglocker@yahoo.com)>  
**To:** "rick.distefano@townofbrighton.org" <[rick.distefano@townofbrighton.org](mailto:rick.distefano@townofbrighton.org)>  
**Cc:** Roan Glocker <[roanglocker@gmail.com](mailto:roanglocker@gmail.com)>  
**Sent:** Tuesday, July 19, 2022, 12:39:57 PM EDT  
**Subject:** Fw: 5P-NB2-22 Application of Bristol Valley Homes, LLC, owner, and PEMM, LLC



Hello,

I am writing to re-share concerns regarding the plan for a Quiklees gas station to come into our neighborhood at 3108 East Ave. I have written a letter in the past as well, prior to a previous town board meeting.

We want to strongly request that this NOT BE ALLOWED in this residential area. We have 3 young children who attend Allen Creek school and who often walk or bike in the more temperate weather, to and from school, and to the school playground in the summer. We have already had several situations where cars are not entering this particular thru-way safely and have nearly hit walking children and their families on the way to school.

I have also-- as a runner in this area-- nearly been hit by cars on several occasions and I do not think adding in an additional business needing to enter and exit this location on an already very busy and congested street is safe or advisable for my, or any other children or pedestrians, in our neighborhood.

It is my understanding that this particular site was switched from a gas station zoning to an office/business type of zoning and this would be much preferable in this small, residential community. We would have no problem with a small business, perhaps a cafe or sandwich shop, something akin to the Tree Town Cafe in Penfield however a gas station seems completely wrong for the neighborhood given how many young families have now moved in, how busy a road East Ave already is (with significant and often UNSAFE congestion during peak school drop-off and pick-up times) and adding any more potential high frequency traffic into and out of this area seems to only heighten this unsafe conduit.

There are many gas stations within just a few miles of this area, so why choose this locale?

Here are several points to consider:

In general, cars entering and exiting gas stations often times make quick entrances and exits to get across a roadway before another car passes them by.

There will be the potential to park 14 cars on the at the proposed gas/convenience store.  
There will be large gas tankers delivering gasoline at any time of the day.  
There will be trucks delivering products sold in the convenience store on a weekly basis.  
There will be an increase in cars entering and exiting this type of business.  
This road is already VERY congested with drivers trying to reach 490 and Linden Rd access.

Because children are not full grown adults, there is a significant risk that a car driver will not notice them on the sidewalk or walking in front of the entrance and exit of the proposed gas/convenience store will be exponentially a threat.

\*\*\*\*\*There is no Crossing Guard provided by the Pittsford School District at Allens Creek/East Avenue intersection\*\*\*

We also do not need any additional light or sound pollution in this area which a gas station open late into the night (or 24 hours as I have heard in some reports) would certainly give off.

We beg of you to consider the concerns of the citizens living in the neighborhood most affected by your decisions. Our children are likely to be the ones most directly affected.

Thank you for your consideration,  
Drs. Roan and Miranda Glocker.

Miranda Harris-Glocker, MD, FACOG  
Managing Partner  
Women, Gynecology & Childbirth Associates, P.C.  
777 Canal View Blvd Suite 400  
Rochester, NY 14623

3861 Elmwood Avenue  
Rochester, NY 14610

July 18, 2022

To: Brighton Planning Board  
From: Lawrence A. Ray

This letter is in opposition to the proposed service station on 3108 East Avenue. I have serious environmental concerns about the impact the station will have on neighboring waterway, Allen's Creek. While historically there has been a station at that address, the establishment was made prior to a better understanding of the impact of hazardous chemicals being released into the environment. The operators of the station can not claim that they have all potential leaks, spills, or other discharges prevented, as their customers may not be as aware of the impacts of their carelessness. Downstream from the creek is Corbett's Glen, Ellison Park and wetland feeding into Irondequoit Bay. Much of this region is used by wildlife. The economic benefit for one is paid for by many.

Additionally, while there is a move to eliminate gasoline powered vehicles with electric vehicles, establishing a gasoline service station is moving in the wrong direction. We should be encouraging faster adoption of electric vehicles, not adding to the fossil fuel infrastructure. The town has been encouraging environmentally friendly actions and policies. This however seems quite counter to that direction.

There is no need for a service station to be reopened at this location, the community has done quite well without the previous station operating for years. More enlightened proposals should be made for the use of the space, and even removal of the building to something in keeping with the neighborhood and enhancing the community. The planning board should reject this proposal and work to find a better and environmentally beneficial use of the property. At the very minimum, a formal environmental impact study should be conducted.

Sincerely,



Lawrence A. Ray, PhD





Rick DiStefano <rick.distefano@townofbrighton.org>

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## Application of PEMM,LLC and Bristol Valley Homes LLC 3108 East Avenue, #8A-04-22,8A-05-22,8A-06-22

1 message

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Mary Corcoran <mpf280@gmail.com>  
To: rick.distefano@townofbrighton.org

Wed, Aug 3, 2022 at 6:50 AM

Dear Mr. DiStefano,

I am writing to oppose the proposed gas station and convenience store at 3108 East Avenue in Brighton. The proposed action is most certainly Not consistent with the predominant character of the existing built or natural landscape.

The Brookside neighborhood, as it is known, which borders East Avenue and Allens Creek Road, is across the street from the proposed site. Our neighborhood is a close knit, traditional grouping of cherished older homes, and a growing number of young families and children. It is just the sort of neighborhood that characterizes Brighton at its best, including children walking to a lovely neighborhood school. (where they cross is very near the proposed site) This character is not something to be taken for granted and most importantly deserves to be protected.

The thought of a commercial, 24 hour gas station and convenience store, brightly lit with a large canopy and additional parking, (all outside of current zoning), is utterly unnecessary and disturbing.

One of the reasons people chose Brighton as a place to live is because we believe in its commitment to slowing development and protecting older homes and neighborhoods.

I know this is a matter of great concern to all those near this site. I hope this little corner of Brighton and it's young children will receive the Town's support in maintaining it's cherished way of life.

Sincerely,  
Mary Corcoran  
141 Brookside Drive  
Sent from my iPhone





Rick DiStefano <rick.distefano@townofbrighton.org>

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## Fwd: Board of Appeals - Town of Brighton - Planning Board

1 message

Jennifer Roe <jroe13@gmail.com>

Wed, Aug 3, 2022 at 8:48 AM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>, Karen\_Bentley  
<Karen\_Bentley@urmc.rochester.edu>

Cc: Michael Roe <mroe1845@gmail.com>

Re: Application of Bristol Valley Homes, LLC/Quicklees Proposal

8A-04-22

8A-05-22

8A-06-22 (ZBA applications)

To the Zoning Board of Appeals:

We live at 15 Creekdale Lane with our 6 children and 2 dogs. We are writing to express our strong opposition to granting a use variance for the proposed Quicklees gas station at 3108 East Avenue.

For the neighborhood families that live, walk, and invest (greatly) in Brighton, for the safety and happiness of our children that attend and walk to our neighborhood school and for the beautiful creek, wildlife and environment that surround this area we oppose the use of this property as a gas station/convenience store that is not needed and not wanted in this area.

Please take into consideration that this plan is not in the best interest of our community. We request that any and all variances that would allow this to happen are NOT granted.

Sincerely,

Jen and Mike Roe  
15 Creekdale Lane



August 3, 2022

To: Town of Brighton Zoning Board of Appeals

Re: 8A-04-22, 8A-05-22, 8A-06-22 (ZBA Applications)

Dear Zoning Board,

I oppose the proposed Quicklee's gas station at 3108 East Ave Rochester, NY 14618. The zoning board should not grant any variances and should oppose the use of a gas station for this property. I'm concerned of the hours of operations, increased traffic in the residential neighborhoods with children crossing East Ave to attend Allen Creek School, and the noise/light/environmental issues with a gas station.

Sincerely,

Jeffrey Hartford

161 Brookside Drive

Rochester, NY 14618





141 Brookside Drive  
Rochester, NY 14618

August 3, 2022

Mr. Rick DiStefano  
Via: Hand Delivery

RE: Application of PEMM, LLC and Bristol Valley Homes LLC  
3108 East Avenue, #8A-04-22, 8A-05-22, 8A-06-22

Dear Mr. DiStefano,

I live in the Brookside neighborhood.

East Avenue is renowned as a street with handsome old homes and trees. The only other nonresidential property visible on the relevant portion of East Avenue is the firehouse and Allens Creek School on the north side and the golf course on the south side which is screened by bushes and trees.

As stated in the excellent letters to you from other neighbors, the proposed project would be glaringly incompatible with the surroundings.

In addition there are numerous gas stations and convenience stores very close to us.

Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Christopher H. Corcoran". The signature is written in a cursive, flowing style.

Christopher H. Corcoran

August 3, 2022

Zoning Board of Appeals  
Town of Brighton

Re: Applications 8A-04-22, 8A-05-22, 8A-06-22

Having grown up on Allens Creek Road, and having lived within 1.5 miles of the 3108 East Avenue property for 55 of my 64 years of life, I am very familiar with this location. I am writing to express my opposition to the variances requested for the operation of a Quicklee's gas station and minimart at 3108 East Avenue.

I have lived at 129 Brookside Drive for the past 25 years. On the lengthy span of East Avenue from its intersection with East Highland Drive to the Village of Pittsford there do not seem to be any commercial properties. With the exception of the Brighton Firehouse, there are only residential properties. Residential communities are enhanced through the consolidation of commercial properties in locations where zoning allows for the operation of such businesses. Making a change in the zoning of the 3108 East Avenue property will assuredly have negative impacts on the surrounding residential neighborhoods with no significant benefit to the residents of Brighton. The needs that the proposed gas station and minimart located at 3108 East Avenue intend to meet are sufficiently met by the businesses located in the commercial area only 1.5 miles away at Twelve Corners, at the intersections of Monroe Avenue and Clover Street, and at Allens Creek Road and Monroe Avenue. The proposed large canopy and exterior lighting will negatively impact the neighborhood and the increased traffic will increase safety concerns for pedestrian, most importantly for the neighborhood children who walk to and from Allen Creek Elementary School. Brighton has effectively supported the model of consolidating commercial operations over the years and I ask the current Zoning Board to continue to do so.

As the Zoning Committee looks into the not-so-distant future, one in which we transition away from transportation powered by fossil fuels, it will recognize that there will be a declining need for gas stations. Approval of yet another gas station in our community will adversely impact the currently operating gas stations in Brighton, as it will draw customers away from what will be a significantly decreasing customer base. The Town of Brighton has taken a strong stance on combating climate change. Denial of the requested variances for the Quicklee's project at 3108 East Avenue will further support the town's commitment to supporting efforts for a more sustainable future.



Sincerely,  
Laura Hayden  
129 Brookside Drive  
Rochester, NY. 14618



Rick DiStefano <rick.distefano@townofbrighton.org>

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## Quicklees gas station

1 message

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DAVID KHALIL <bantordan@aol.com>

Wed, Aug 3, 2022 at 12:24 PM

To: Rick.distefano@townofbrighton.org

Dear Mr Distefano.

I am writing on behalf of myself and my neighbors on Allens Creek Rd, to contest the sale, opening of a proposed gas station on East Avenue next to the Brighton Fire House #1.

I am distraught at the thought of said business being approved by BTB.

Allens Creek Rd thanks to the Brighton Town Board is being surrounded by businesses that will bring in unwanted customers to the neighborhood. The BTB has approved the Building of Whole Foods on Monroe Ave., which has already caused increased traffic on roads all around the site. But now you want to sandwich Allens Creek with yet another unnecessary business.

My husband, children and I are angry and disappointed at the thought that the Brighton Town Board is even considering the addition of this gas station on East Ave. Please stop the destruction of one of the most beautiful neighborhoods in the county.

Sincerely

Mary Lawrence-Khalil

Sent from my iPhone





Rick DiStefano <rick.distefano@townofbrighton.org>

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## 8A-04-22, 8A-05-22, 8A-06-22 (ZBA applications)

1 message

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Sarah Swan <sarahpotterswan@gmail.com>

Wed, Aug 3, 2022 at 12:42 PM

To: Rick.distefano@townofbrighton.org

To the Zoning Board of Appeals:

Re: 8A-04-22, 8A-05-22, 8A-06-22 (ZBA applications)

I recently learned (along with many other very concerned neighborhood members) of the plans to put in a gas station and convenience store in the currently vacant spot at 3108 East Ave by Elmwood.

My husband and I and our three children (I had a new baby just yesterday in fact) recently moved into 3873 Elmwood (a few houses from the corner). We moved from another beloved residential area - Wilshire Rd in Brighton. I can honestly say that we moved for the neighborhood and the walkability to Allen Creek School that all of our kids will attend.

To say that the plans for this style gas station and convenience mart in a beautifully historic and residential area is devastating and crushing is not an understatement. I'd go so far as to say... can anyone in their right mind honestly say that such an addition would bring anything remotely positive to the neighborhood, besides merely convenience? My husband, Jon Swan, owns 6 restaurants in the area, and he has commented multiple times that the vacant gas station lot could be so nicely served (if served by anything non-residential at all) by a small, quaint, family oriented coffee shop with daytime hours. We've always day-dreamt about making that a reality — it would add to the quality of life for residents in the area.

A Quicklees gas station on East Avenue???? How utterly tone deaf and entirely dismissive of the neighborhood of dedicated homeowners and taxpayers (many of whom have small children) who would be horrendously served by an allegedly 24 hour gas station of light pollution, air pollution, noise pollution, increased traffic, increased through traffic, and general eye sore on an otherwise charming and historic street. Further, given it's proximity to Allen's Creek, I'd also be concerned that after rain and wind, contaminants are more than likely to be transferred into the stream that impacts many of our backyards.

This proposal feels like a breach of contract in the sense that as a taxpayer, we agree to pay the Town of Brighton to keep up their side of the deal that we bought into. Ambience and safety are enormous parts of that. Please do not jeopardize that (as well as our very home values) with the addition of a quickie mart steps from our front yards and children's elementary school.

Please, please, please - I implore you to strongly consider the opinion of the community members and children (your constituents) that this impacts most.

Thank you for the time and consideration,  
Sarah and Jonathan Swan  
(Residents at 3873 Elmwood Avenue)



Ryan & Erin Ellis  
39 Brookside Drive  
Rochester, NY 14618

Zoning Board of Appeals  
2300 Elmwood Ave  
Rochester, NY 14618  
ATTN: Rick DiStefano

Dear Zoning Board of Appeals,

This letter is to express our opposition to application 5P-NB-22 (Quicklee's / PEMM, LLC) and the pursuant zoning board applications (8A-04-22, 8A-05-22, 8A-06-22)

- There are 4 gas stations within 2 miles of the proposed location, do we really need another? Particularly one in a residential area?
- This is in very close proximity to the Allen's Creek School. There are not presently adequate side walks or a crossing guard on what is an already dangerous road/intersection. More traffic, and large trucks delivering gas/product only further exacerbates the problem and needless endangers our children.
- The proposed Quickless's and it's 22x44ft canopy would be an eye sore, inclusive of the light blight it arrives with. Further why should a variance be granted today, when previous attempts have been denied?
- A business of this nature can only harm property values and attract unwanted attention to our peaceful neighborhood.

I respectfully ask that you preserve the current zoning for this property and deny the applications in question.

Regards,



Ryan Ellis



8/3/22

Re: 8A-04-22, 8A-05-22, 8A-06-22 (ZBA applications)

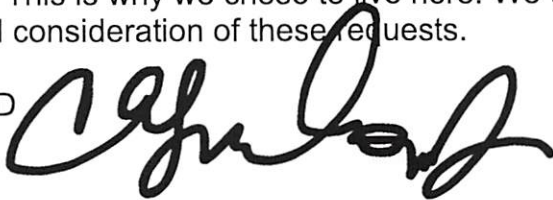
Dear Mr. DiStefano and Zoning Board of Appeals,

We are writing to express our STRONG OPPOSITION to approval of the use variance for the proposed Quicklees Gas Station on 3108 East Avenue. The supposed financial hardship created by Quicklees was self-created. Frank Romeo bought this property in October of 2018, well after the previous non-confirming use variance ran out. Mr. Romeo was well aware he was purchasing the building zoned as office space. To come to the ZBA almost four years later asking for a use variance stating the cost to renovate the building as office space is completely unacceptable. This use variance, if granted, is permanent and would cause significant detriment to our neighborhood. It would create unnecessary and burdensome traffic, create danger to schoolchildren walking to and from Allen Creek Elementary, contribute noise, light and environmental pollution, and importantly, is completely unnecessary given 3 other gas stations in very close proximity to our area (12 corners, village of Pittsford, and Clover/Monroe).

The Brookside neighborhood is a close knit residential community that has expressed serious concern about this project for some time. Mr. Romeo and Quicklees tried to quietly get this approved while providing inconsistent and incomplete site plans, and underestimating the risks and complications of underground fuel storage tanks, providing vague answers to board members questions and ignoring the neighbors (despite many board members urging them to engage with neighbors early on). Moreover it is incomprehensible that the sale of alcohol and tobacco is being proposed a mere 300 yards from an Elementary School.

The Brighton Zoning Board has an obligation to take seriously the concerns of homeowners in this area who have invested time, money and personal interest in keeping our community safe. This is why we chose to live here. We thank you very much in advance for your time and consideration of these requests.

Carla Casulo, MD



Jose Casado



49 Brookside Drive  
Rochester, NY 14618





Rick DiStefano <rick.distefano@townofbrighton.org>

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**8A-04-22, 8A-05-22, 8A-06-22**

1 message

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**Michael Haben, MD, MSc.** <dr.michael.haben@gmail.com>

Wed, Aug 3, 2022 at 1:57 PM

To: Rick.distefano@townofbrighton.org

Mr. DiStefano,

Please accept this letter of strong opposition of the proposed PEMM/Quicklee's applications 8A-04-22, 8A-05-22, 8A-06-22. IN addition to the extensive list of valid reason proposed by my neighbors, as a member of the Brookside Neighborhood and parent of two school age children, I would like to point out that the proximity of the establishment within a two minute walk from our elementary school has a potentially severe negative demonstrable impact on the children of the school specifically, and our community at large. Please let me reiterate my strong opposition.

Your time and consideration are sincerely appreciated.

Michael Haben  
3915 Elmwood ave  
Rochester NY 14610

C. Michael Haben, M.D., M.Sc.  
Center for the Care of the Professional Voice  
Haben Practice for Voice & Laryngeal Laser Surgery, PLLC  
980 Westfall road, building 100, suite 127  
Rochester, NY 14618  
tel: (585) 442-1110  
fax: (585) 730-8151  
www.professionalvoice.org

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In the matter of Application 08-05-22 Area Variance for 207-6 Accessory Buildings, and Application 08-06-22 Area Variance for 203-46, 205-6 and 205-18 for parking in front yard and lot line

**[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

The applicants misstate any hint of acceptance of this project by the neighbors. They also overstate any effort made to meet with neighbors, including residents, Pittsford Board of Education and The Friendly Home to present the project and solicit feedback. They deliberately chose not to reach out to neighboring properties as stated in the meeting minutes of the Planning Board Meeting on March 16, 2022, on page 115, Mr. Ramsey asked, *"Do you guys' plan to do outreach to the surrounding neighbors?"* to which Mr. Jerry Goldman replied, *"It's not—it's not a – what I refer to as a coherent neighborhood at this point that we're dealing with. So, we didn't have any direct plans to deal with it"*.

The area variance of a canopy that is proposed as 968 square feet – almost as large as the building itself. The view of the building will look something like photos below of a smaller building with two gas pumps and a canopy of similar size and design. No one can deny that the building pictured below is dwarfed by the massive canopy. There is no need for 14 parking spaces on that small lot. Potentially with customers pumping gas and convenience store customers coming and going, the presence of 14 parking spaces just invites more traffic and the chance of accidents as cars back up and move around the building and pump island. Something that hasn't been formally addressed is that the most recent site plan shows 4 doors for entry/exit. This design also contributes to the potential for customers to be hit by cars backing up in such a small area. While this item is not up for consideration of this board, it warrants mentioning as it adds to the detriment of the neighborhood creating a safety hazard.

Therefore, a safety hazard in addition to an undesirable change to the character of the neighborhood will be produced by the approval of the area variances.



**[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.**

In almost four years of ownership, Mr. Romeo has not made a substantial effort to market the property in its current zoning. This is the zoning in effect when he purchased the property in 2018. These area variance applications all depend on the use variance approval, so in refuting the claims of financial hardship of the use variance application 08-04-22, I restate that this building could be used for a lot more than Mr. Romeo has pursued so these variances

Case in point: New Reuse excerpt from "The Preservation and Reuse of Historic Gas Stations" from the National Park Service website:

*Historic gas stations have shown in the past to be attractive properties for new uses unrelated to automobiles. The combination of clearly defined sales areas and larger, more open unfinished service bays make historic stations easily adaptable to a variety of functions. In many cases, their locations on intersections and along busy streets remain attractive for commercial use. They are often ideal, affordable sites for start-up businesses.*

*Successful rehabilitation projects have converted historic stations for use as restaurants, cafes, bakeries, medical supply stores, antique shops, visitor centers, and offices for local business organizations and non-profit groups. Service bays have been converted to art galleries, photo studios, seating areas for restaurants, and open office space. Some stations have even been rehabilitated for residential use.*

**[3] Whether the requested area variance is substantial.**

Betsy Brugg's letter and application on behalf of applicants PEMM and Bristol Valley Homes misrepresent any support from HPC or any other Brighton boards. In fact, many of the items that PEMM stated were part of the project have changed on the site plan. The most current plan dated 7-22-22 states the possibility of replacing building roof with asphalt. The stucco building walls, slate roof and canopy roof and canopy size and height are specific areas the Planning Board and/or HPC has addressed with PEMM.

Mr. Goodman stated on page 24 of the minutes from the 9/23/2021 Historic Preservation Board meeting, *"I just wanted to verify, it is your intent to maintain and repair the actual stucco"*

Mt. Terragnoli replied, *"I believe we will refurbish the existing stucco"*.

At the March 16, 2022, meeting of the Planning Board meeting Chairman Price stated on page 115, *"And again, the extent that you can minimize the elevation of the canopy with, you know minimizing structural steel sizes and the depth of the canopy up above. You know I will acquiesce to the Historic Preservation folks, but I would just say, you know, minimize the footprint, see if you can minimize it in elevation as well"*. The height and size of the canopy was a main concern of board member Ms. Altman as stated on page 111. There are no plans by PEMM to reduce the height or size of the canopy.

**[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The adverse effect of the proposed area variance for the canopy as well as parking produce blocked views of a historic building. This is the view of the building from our house. Imagine a huge canopy in front of it and fourteen cars parked/moving/coming/going. Not to mention the noise and light pollution from 5am to 10pm. There will be more gas emissions in the area due to increased car traffic and idling cars. There is always the potential for gas spills and runoff into the Allen Creek (main) watershed.



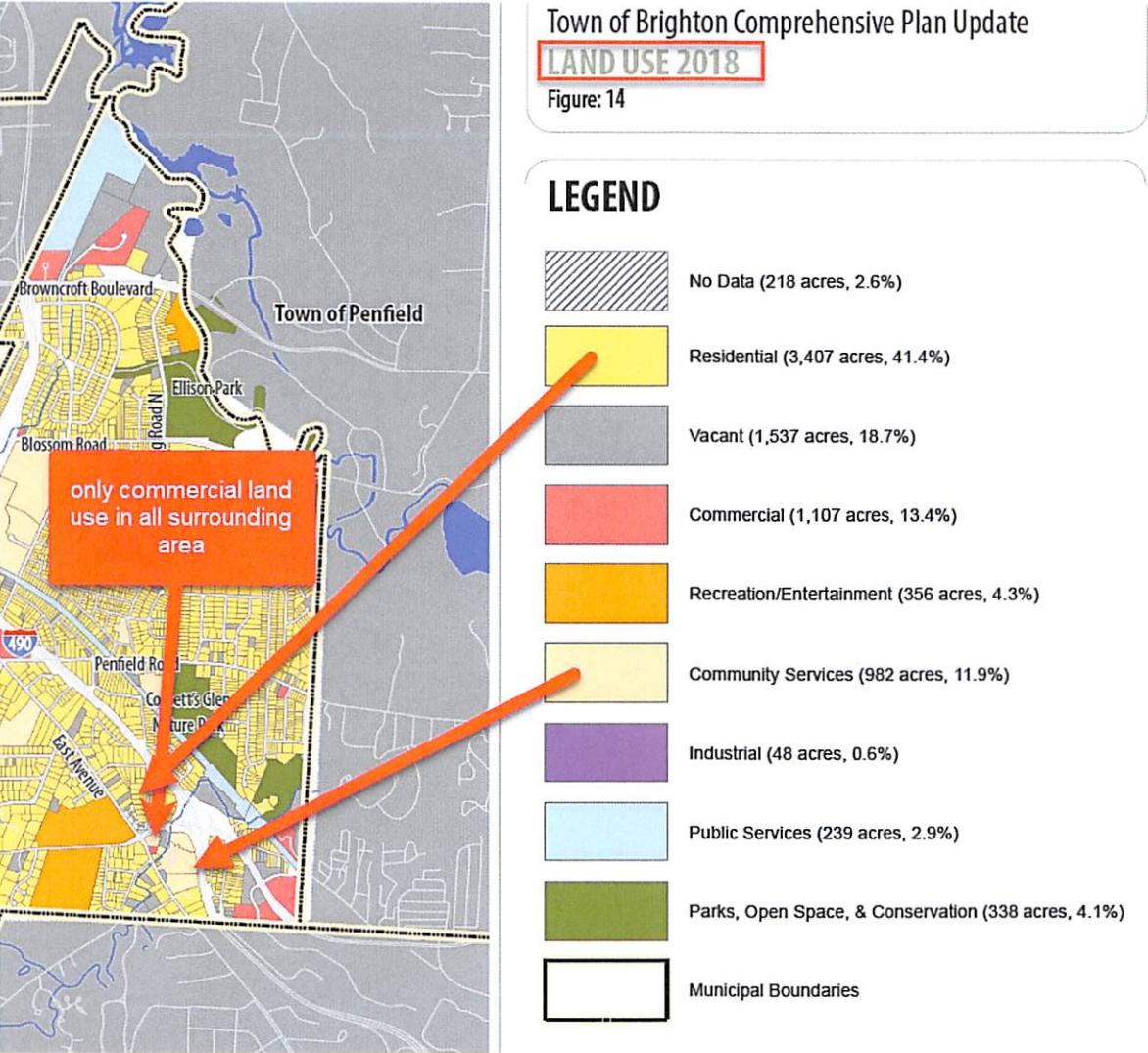
**[5] Whether the alleged difficulty was self-created.**

A hardship is considered self-imposed if the variance applicant purchased the property subject to the restrictions and was aware of the zoning restrictions at the time that it purchased the property. These alleged hardships are linked to the use variance, for without a use variance, these area variances would not apply. Mr. Romeo purchased 3108 East Avenue in October 2018 and being a self-proclaimed season real estate developer would have been aware of the

property zoning and landmark status. Mr. Romeo is bound by zoning restrictions, even without knowledge of them. He cannot request relief from restrictions which existed at time of sale.

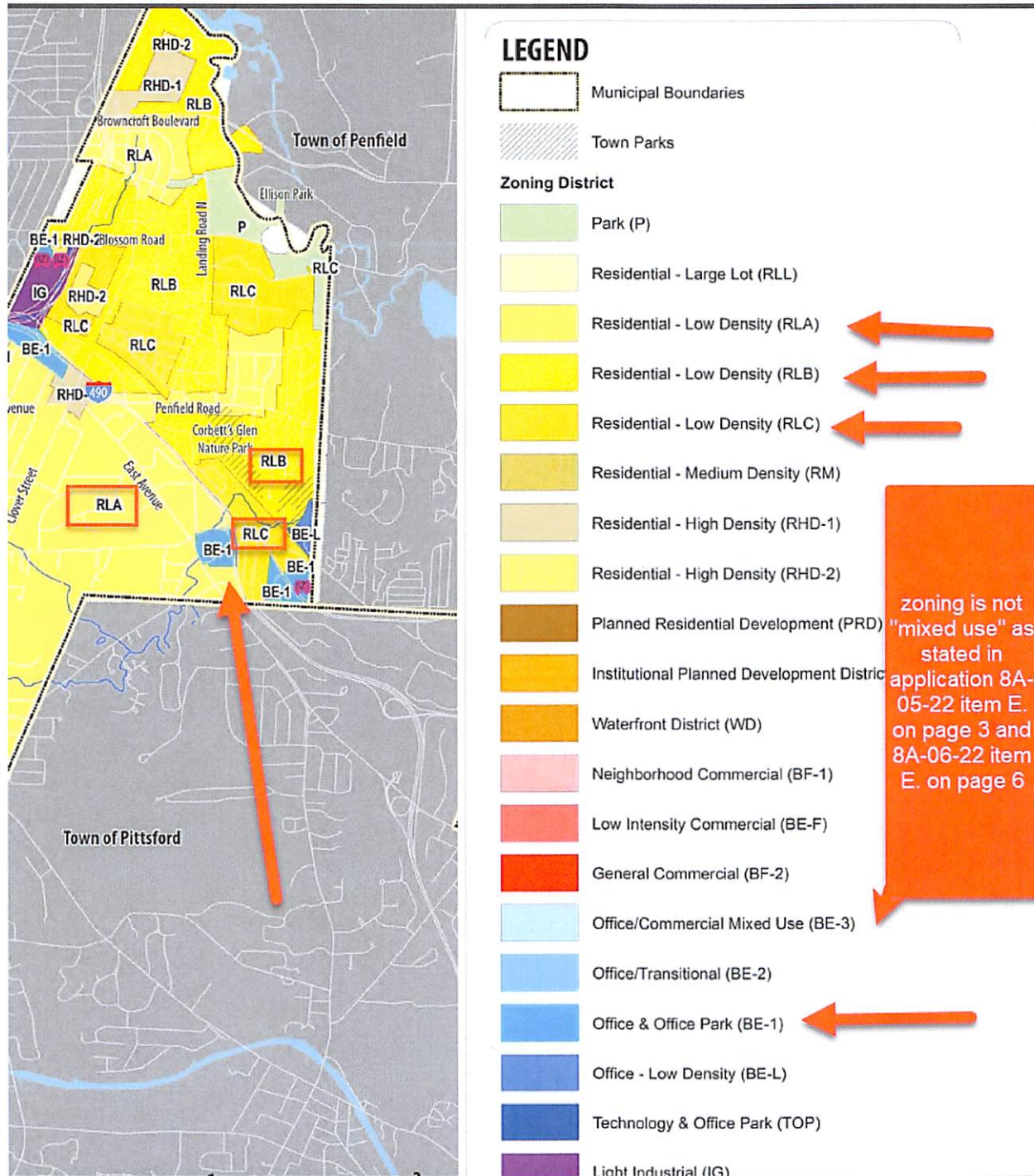
In summation I point to the Comprehensive Plan which strives to preserve the ability of residents to enjoy their properties.  
To keep this property as the intended use protects the neighboring properties which are overwhelmingly residential (see below)

Page 85 Land Use 2018:



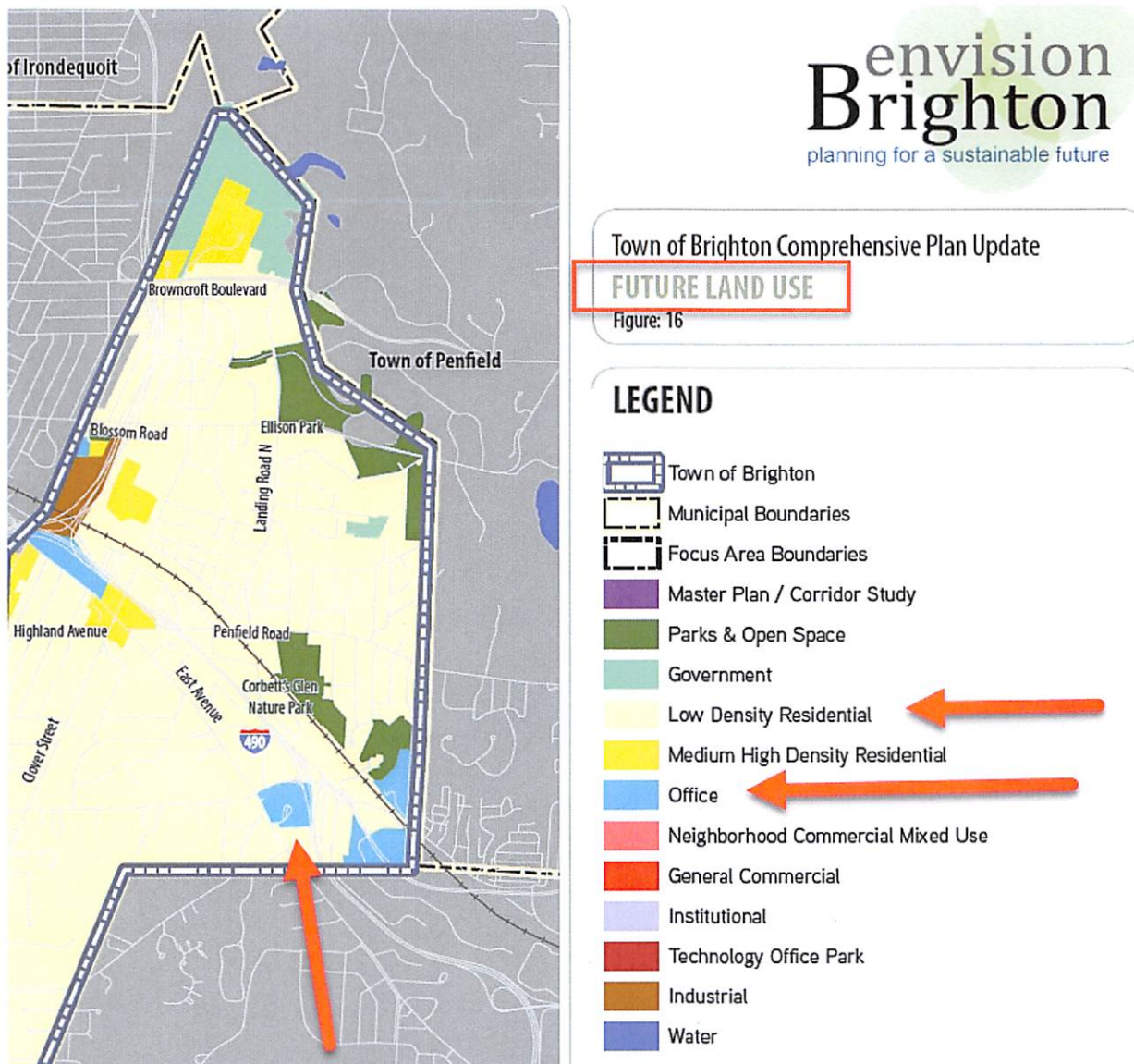
It also keeps the area zoning consistent with current residential zoning

Page 86 Zoning:



There is no plan for changing the residential nature of the surrounding area in the future land use plans as stated in the Envision Brighton document.

Page 87 Future Land Use:



I urge each and every board member to look at the facts and do what is right for Brighton current residents to ensure these properties will continue to be desirable for future generations.

Thank you for your consideration,  
Bridget Stone  
1110 Allens Creek Rd.



Rick DiStefano <rick.distefano@townofbrighton.org>

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## Opposed to 8A-04-22, 8A-05-22, 8A-06-22 (ZBA applications)

1 message

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Mary Boyd <mboyd4@rochester.rr.com>  
To: Rick.distefano@townofbrighton.org  
Cc: Mary C Boyd <mboyd4@rochester.rr.com>

Wed, Aug 3, 2022 at 2:30 PM

Dear Mr. DiStefano:

Re: Application of Bristol Valley Homes LLC and PEMM, LLC  
3108 East Avenue  
Application Nos.: 8A-04-22; 8A-05-22; 8A-06-22

As a home owner and neighbor affected by proposed changes to the building at 3108 East Avenue, my husband and I are strongly *opposed* to the zoning and use changes referenced in applications 8A-04-22, 8A-05-22, 8A-06-22.

The current owner of the property, Frank Romeo, claims "financial hardship" but this was self-created. Frank Romeo bought this property in October of 2018 well after the previous non confirming use variance ran out. He knew he was purchasing the building zoned as office space. To come to the ZBA almost four years later asking for a use variance stating the cost to renovate the building as office space would be too great (after providing one renovation estimate by a company he owns is a joke) If granted, a use variance is forever.

This project has been sketchy from the beginning and Romeo and Quicklees tried to quietly get this approved while providing inconsistent and incomplete site plans, playing dumb regarding the underground fuel storage tanks, providing vague answers board members questions and ignoring the neighbors (despite many board members urging them to engage with neighbors early on).

If Frank Romeo gets the use variance, PEMM will purchase the property and it will just be the beginning of the "bait and switch". The latest site plans now mentions replacing the slate roof with asphalt.

Operating as a 24/7 gas station and mini mart, the business will negatively affect surrounding homes on Elmwood Avenue, East Avenue, Brookside Drive, Creekdale, Meadow Lane, Allen's Creek Elementary School, and the Friendly Home residences.

Thank you for your attention to this matter.

Donald L. and Mary C. Boyd  
1 Meadow Lane  
Rochester, NY 14618-3431





Rick DiStefano <rick.distefano@townofbrighton.org>

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## RE: ZBA Applications for 2720 W Henrietta Rd

1 message

GRH <grh@rochester.rr.com>

Sun, Aug 14, 2022 at 10:02 PM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

Cc: Yan <kellyanli85@gmail.com>

Hi Rick

Thank you for the email.

As I mention in my voice message, Fisher Associates (Engineers) are working on the Traffic Report and will provide an Engineer Report. As of today, I have not received the Reports. I will contact them on 8/15/22 and ask regarding the status of the work. Additionally, the property to the North (2710 W. Henrietta Rd) has changed lawyer in accordance with the email I received from our attorney. The lawyers presenting 2720 & 2710 E Henrietta Rd are also trying to communicate to resolve the Ingress/Egress/Parking/Maintenance issues.

I would greatly appreciate if you can postpone the project till I receive the supporting documents required to be on the Board Agenda. I hope to receive the documents by September 2022.

I will additionally revise the project description and related Forms, since the Take-Out Kitchen and Bakery have been eliminated.

Please let me know if you need any additional information regarding this project.

Thanks you for all your help

Reza

**GRH** \_\_\_\_\_)

Architecture, Engineering & Construction



Reza Hourmanesh, RA, CE, CDT

333 Glen Haven Road

Rochester, NY 14609



Rick DiStefano <rick.distefano@townofbrighton.org>

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**Re: 3108 East Avenue- ZBA applications**

1 message

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**Brugg, Betsy D.** <bbrugg@woodsoviatt.com>  
To: Rick DiStefano <rick.distefano@townofbrighton.org>  
Cc: "Goldman, Jerry A." <jgoldman@woodsoviatt.com>


Thu, Aug 18, 2022 at 11:40 AM

Rick,

We realize the zoning board didn't get to hear a presentation from the applicant, or comment or ask questions. Accordingly, we propose to appear and present at the September 7 meeting but hold off on any response to comments or questions until after the September meeting, so we can respond to the comments and questions all at the same time. Please confirm that this is acceptable and that the applications will remain on the September agenda.

Thank you.  
Betsy

SENT FROM MY IPAD

Betsy D. Brugg, Esq.  Company Logo  
Partner  
Direct Dial: 585-987-2905  
Direct Fax: 585-362-4623

bbrugg@woodsoviatt.com

Firm Phone: 585-987-2800  
Firm Fax: 585-454-3968  
woodsoviatt.com

PLEASE TAKE NOTE ABOVE THAT IN CONJUNCTION WITH OUR OFFICE MOVE, MY DIRECT DIAL PHONE NUMBER AND DIRECT DIAL FAX NUMBER HAVE CHANGED. PLEASE UPDATE YOUR CONTACTS/ADDRESS BOOK. THANK YOU  
*1900 Bausch & Lomb Place, Rochester, New York 14604*

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On Aug 17, 2022, at 3:52 PM, Rick DiStefano <rick.distefano@townofbrighton.org> wrote:

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**2500 Elmwood Ave**

1 message

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**Katie** <bryankatie225@gmail.com>  
To: rick.distefano@townofbrighton.org

Fri, Aug 26, 2022 at 3:05 PM

Hi Rick my name is Katie Bryan and I live at 2510 Elmwood Ave. I'm writing to you in regards to the garage update at 2500 Elmwood Ave. While I don't have a problem with the update my concern however is looking at the side of the garage out my porch windows. I think that the new garage is going to be brought out more towards the front of the house /and over towards my property line rather than back towards the backyard. I also have a concern with how far over the driveway will be to my property line.

I am all for people wanting to improve their properties!! I know I take pride in my yard and have neighbors sending me notes about my yard and how they admire it. So I am happy that Mr. Palotto has the same interest in his own property. So if you and the board agree with Mr. Palotto's blue prints on Sept 7th, 2022 for a larger garage I hope that we can maybe come to an agreement about some nice landscaping on the side of the garage that my family and I will look at out our side porch window.

Thanks for your time,  
Katie Bryan  
2510 Elmwood Ave  
585-703-6984

Sent from my iPhone



Rick,

I have lived at 12 Creekdale Lane for 35 years. This is the neighborhood across from the site under review for a the PEMM/Quicklee's & Bristol Valley Homes (Frank Romeo) applications for zoning variances.

This letter registers my questions and objections to the above-stated three applications for a zoning variance especially as it relates to the potential of an increase in traffic AND the accuracy of Quicklees' statements regarding traffic at the East Avenue location and our neighborhood.

In short, I believe that:

1. The Quicklee's representative, Louis Terragnoli, is creating a "false positive" when on several occasions, he neglected to provide the requested documents when he first promised that he would.
2. That Mr. Romeo's "hardship" is, at best, due to his insufficient performance in seeking financial documents, his inability to create, maintain, and succeed in his garnering of supporters, and the serious lack of knowledge he and Quicklee's' representatives all had evidenced by the lack and quality of the documents presented to the neighbors living in the potentially impacted neighborhood.
3. There is much "below the surface" that is occurring to try to force this petition through as evidenced by:
  - a. a Brighton Board Member calling Mr. Terragnoli, "ole buddy" in a very familiar manner during an earlier meeting,
  - b. the number of parking spaces requested by Quicklee's' along with their statement that "they expect people to "cash and carry", e.g., not to stay on the property, and;
  - c. their decision stating that they will *not* to be open longer than 5 AM - 10 PM. However, is 24 hours being contemplated after being opened?

My overriding questions to the Board are, "are we able to see the original application that was denied by the Board years ago? Was the potential increase in traffic (and the pollution it creates) discussed and resolved? Was the then-proposed gas station the same size/capabilities? Did traffic increases play a role in the prior Board's decision? What has changed from the earlier Board's refusal to grant the variance and now?". I am sorry to say that it feels as if it is already a "done deal" and we are just going through these paces to satisfy some arbitrary requirement. I think "the fix is in" ... that it is a "shell game" and unfortunately not all the shells are on the table.

The discussion follows.

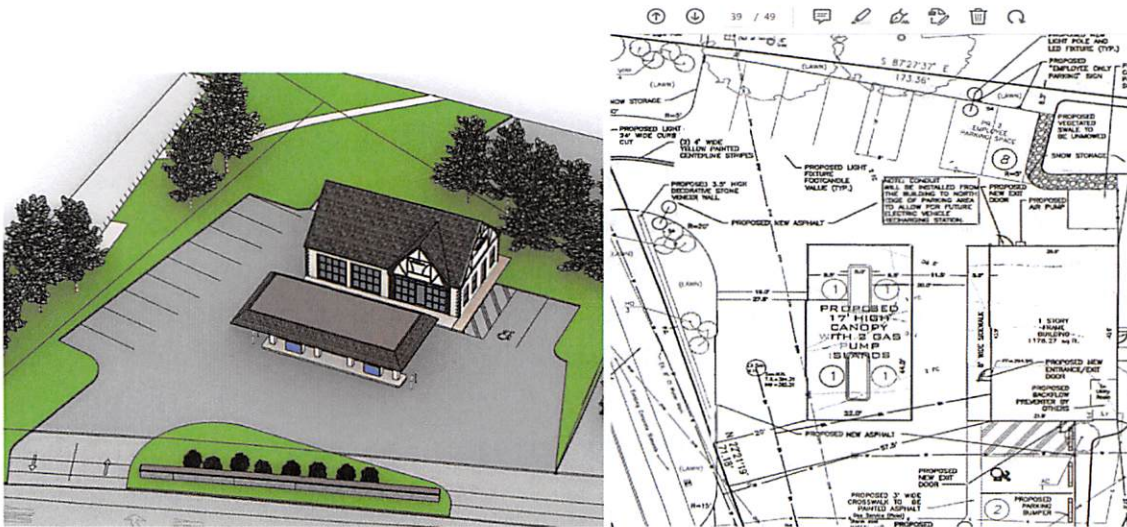


## QUICKLEES' REQUEST FOR ALLOWABLE NUMBER OF PARKING SPACES

In Quicklees' document, they are requesting 16 parking spaces comprised of:

- four (4) spaces for the two (2) gas pumps,
- one (1) space for accessible parking,
- two (2) spaces for employees, and;
- nine (9) spaces *proposed*, all of which totals 16 spaces.

Yet, their Concept Design document created by Centerline only shows 15 parking spaces including four at the pumps and not 16. Where is the last parking space? The engineering document depicts 14 parking spaces including the four at the pumps. How many parking spaces are planned?



The following discussion assumes that there are 16 parking spaces requested and not just the 15 nor 14 depicted in the above images.

The Quicklee's gas station located on Lehigh Station Road has a car wash, convenience store, diesel pumps, gas pumps, and Dunkin' Donuts. Excluding the gas pumps' car spaces and the space for accessible parking, the number of the remaining parking spaces total 16.

Five (5) are at the front corner next to the signage. Seven (7) are in front of the store. Facing the station from Lehigh, four (4) spaces are located. There is also room for parking (employees?) in the back of the building near the air pump.

There are three (3) gas pump stations able to handle simultaneously 12 customers.

	Quicklees' Lehigh Station	Quicklees' Proposed East Avenue Station
# Pump stations	3 gas pump stations	2 gas pump stations
# Gas Pumps at each station (each serving two customers simultaneously)	2 pumps each station 4 customers served at each pump	1 pump each station 4 customers served at each pump
# Total Customers served simultaneously	12	4

Therefore, a gas station that can only have four customers pumping gas requires nine (9) EXTRA or PROPOSED spaces, while a gas station that can have 12 customers pumping gas simultaneously has 16 spaces. There are more spaces per customer at the East Avenue proposed site than there are currently at the Lehigh Station site (2.25 spaces per East Ave customer versus 1.33 spaces per Lehigh Station Road customer). It appears that their expectations of increased traffic for the East Avenue site are valid given the number of spaces per customer.

It also appears that "cash and carry" might not be the actual anticipated state. Lehigh Station has far more traffic than does this section of East Avenue. It appears that Quicklees' is anticipating more traffic at the East Avenue site. How can this be?

One explanation can be the sales of alcoholic beverages. That is the one major difference between the very large Lehigh Station site and the East Avenue site. The East Avenue site is going to sell beer!

While Mr. Terragnoli states that there is currently no decision to be opened longer than the currently requested time, Monroe Country's alcohol laws state that alcohol can be sold in convenience stores 8 AM - 2 AM weekdays and Sundays! (Source: <https://sla.ny.gov/location/monroe-county>) People buying alcohol at 2 AM weekday mornings seriously impact the quality of life as it relates to the neighborhood's sleep during the work week.

While they say today, it is a cash/carry operation, how are they going to monitor/control people drinking in their cars?

Are their two employees going to intervene with people drinking in their cars? Is that going to be part of their job description? Are the employees going to call the police who could be driving with their lights flashing and perhaps alarms? Are there going to be gunshots if a customer is angry about being asked to leave? What are the qualifications of the two employees to manage inebriated customers? Is this scenario really the character of the current neighborhood? Does your attorney really think that when faced with a choice between the current state and the one described above, the neighbors (many with children, most with employment, and some retired) that they are going to choose the selling of beer?

In an earlier letter, the Woods Oviatt attorney opined that on page 2, 2<sup>nd</sup> paragraph, last sentence, "The nature of the business serves neighborhood and pay-by traffic such that it **is not a destination use OR NEW TRAFFIC GENERATOR**. (Emphasis mine; her exact words)

How can they possibly say that? It is proposed to be a convenience store selling beer for 18 hours a day - every day! In addition, just 0.7 miles up 31F is a new development of apartments with a forecast of 172 individuals with their cars. It is expected to be completed early 2023. Their statement is completely incorrect and misleading.

### VEHICLE POLLUTION IMPACT ON THE NEIGHBORHOOD

(Source: <https://tinyurl.com/2pkvyn3r>)

Geographic area: RT 31F to RT 441

Station 430647 NY96	
from RT 31F - EAST ROCHESTER to RT 441	
Direction:	Combined Total
Calculation Year:	2019
AADT Type:	Estimate
AADT:	13551
Truck AADT Type:	Actual
Truck AADT:	197
Truck Percentage:	1
NHS:	
Functional Class:	16
Route_ID	100760051
Average Speed (mph):	41
DHV:	1300
DDHV:	767
Morning Peak:	1022
Afternoon Peak:	772
Evening Peak:	1176

As can be seen by the 2019 report, going through our neighborhood, *vehicles annual average daily traffic* totaled 13,331 cars and 197 trucks traveling on the stretch of 31F (East Avenue to Rt. 441). The morning peak totaled 1022 vehicles and the evening peak totaled 1176 vehicles.

According to Bridget Stone's document, "FACTS: Gas Station & Convenience Store Potential Impacts", the following excerpt provide sobering statistics:

"As a rough rule of thumb:

- 1) Each proposed pump at a gas station generates about 100-130 trips per day...
- 2) ...The convenience store will generate 800-1200 trips per day per 1,000 sq. ft...
- 3) ...The typical fuel truck carries between 8700-9000 gallons. If you sold 100,000 gallons a month, you'd probably take 12 loads of gas a month or almost a load every couple of days..."
- 4) Will the large delivery trucks strike cars at the 2-pump fueling positions when attempting to navigate around the site?"

My follow-on question to number 4 above is, "or will the large delivery trucks come when the gas station is closed - between 10 PM and 5 AM - people's sleep time?" The associated noise and lights

would significantly degrade the neighbors' standard of living especially being experienced on a repetitive basis.

My fifth question is how much more traffic will occur with the beer sales? What is the number of beer sales over time?

I agree with Bridget Stone's conclusion. This issue does need to be addressed by the Planning Board.

### EMISSIONS - AUTOMOBILE CO<sub>2</sub>

The pollution these vehicles emit is quite high according to the EPA. Their report answers the following question - "What are the average annual carbon dioxide (CO<sub>2</sub>) emissions of a typical passenger vehicle?"

- A typical passenger vehicle emits about **4.6 metric tons** of carbon dioxide per year. \*\*
- This assumes the average gasoline vehicle on the road today has a fuel economy of about 22.0 miles per gallon and drives around 11,500 miles per year. Every gallon of gasoline burned creates about 8,887 grams of CO<sub>2</sub>.

(Source: EPA <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>)

\*\* 4.6 metric tons of CO<sub>2</sub> is the equivalent of **10141.26 pounds** (Source: <https://www.rapidtables.com/convert/weight/ton-to-pound.html>)

A rough estimate is obtained by taking the 13,551 cars and multiply that number by 4.6 metric tons. This yields 62,334 (rounded) metric tons *per year* for the cars traveling on RT 31F to RT 441. Dividing the 62,334 metric tons by 365 days in a year, results in 170 metric tons of CO<sub>2</sub> is the amount in our potential daily intake of CO<sub>2</sub>. This statistic, while chilling, is understated given that truck emissions aren't yet included.

### EMISSIONS - TRUCKS CO<sub>2</sub> 2020 Fuel Consumption

	Volume (billion gallons unless otherwise specified)	Energy (Tbtu)	CO <sub>2</sub> (Tg)
MOTOR GASOLINE	112.2	13,929.0	984.1
Transportation <sup>a</sup>			
Passenger Cars	68.3	8,490.0	599.9
Light-Duty Trucks	32.3	4,010.8	283.4
Medium- and Heavy-Duty Trucks	4.5	561.2	39.6
Motorcycles	0.4	45.7	3.2
Buses	0.1	12.0	0.8

It is important to note that only Carbon Dioxide is included in the above graphic. It isn't the entire story.

Greenhouse gas emissions from transportation sources include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and various hydrofluorocarbons (HFCs). CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O are all emitted via the combustion of fuels, while HFC emissions are the result of leaks and end-of-life

disposal from air conditioners used to cool people and/or freight. (Source: <https://tinyurl.com/yzs8v93w>)

### **EMISSIONS - AUTOMOBILE CO<sub>2</sub> and GREENHOUSE GAS EFFECTS ON HEALTH**

"...Health effects of climate change include an **increase in the prevalence of certain respiratory diseases**, exacerbations of chronic lung disease, premature mortality, allergic responses, and declines in lung function.

...Climate change, mediated by greenhouse gases, causes adverse health effects to the **most vulnerable patient populations-the elderly, children**, and those in distressed socioeconomic strata." (Source: PubMed <https://pubmed.ncbi.nlm.nih.gov/25285977/>)

The magazine, US News and World Reports, writes that emissions also can cause heart disease. A study followed patients for 16 years. Their findings were that people living in areas with higher levels of fine particulates were at greater risk for cardiovascular death."

Additionally, "A difference of 10 micrograms per cubic meter increased the risk of dying from ischemic heart disease (narrowed arteries) by 18 percent, arrhythmia by 13 percent, and cardiac arrest by 21 percent, the study revealed. It seems air pollutants incite processes that lead to high blood pressure, blood clotting, and electrical instability in the heart, which can translate into heart attack, stroke, and sudden cardiac death. Even short-term exposure can be hazardous. Research shows spikes in cardiac deaths, emergency room visits, and hospital admissions in the hours and days that follow a spike in cities' levels of particulate matter." (Source: <https://health.usnews.com/health-news/family-health/heart/articles/2010/02/26/air-pollution-its-not-just-your-lungs-that-suffer>)

### **NEW DEVELOPMENT SLATED FOR 2023 ONLY 0.7 MILES UP THE ROAD!**

There is a strong potential for significant traffic increase as just a mere 0.7 miles away on 31F in Pittsford, Kilbourn Apartments are to be completed in 2023.

The addresses for these units range from 3510-3596, Potentially there will be representing an estimated increase of **173 drivers (86 units)**. Additionally, the apartment complex and the gas station are on the same side of the road. From there, it is only 0.3 mile to reach the highway interchange on 441.

The nearest gas station for the apartment's residents heading East, is the Marathon gas station. It is 2.5 miles from the apartments.

The anticipated completion of the Kilbourn Apartments in 2023 event represents a significant increase in traffic, an increase in noise, an increase in gas emissions pollution, and an increased danger to our schoolchildren crossing the road to get to school. Where is the upside?

According to the Town of Brighton web site, one of the major responsibilities of the Zoning Board are "...the granting of variances". As an aside, I wish I had known that before purchasing our home. That direct quote implies that the more variances the Zoning Board grant, the more the Town regards/compensates them. That doesn't bode well for residents who want to maintain their lifestyle that they bought into when they purchased their home and agreed to the current and future tax bills.

For just Quicklees alone, we experience the same negative impacts on our lifestyle stated in the paragraph directly above AND now we would need to add the effects of beer sales! This is yet another way for Quicklees to introduce "beer bars" in neighborhoods. Our neighborhood has experienced crime with cars being ransacked. We truly don't need to have the level of crime increase due to inhibitions being decreased by the effects of drinking too much alcohol.

#### **TOWN ENGINEER - EVERT GARCIA**



**Evert Garcia** 3rd  
Town Engineer at Town of Brighton  
Brighton, New York, United States · [Contact info](#)  
252 connections

Evert Garcia is listed as Brighton's Town Engineer on his LinkedIn profile. According to his LinkedIn profile, "Mr. Garcia is a licensed PE who is an experienced Municipal Engineer with a demonstrated ability to efficiently implement projects that address community issues and improve the quality of community living." (Source: <https://www.linkedin.com/in/evert-garcia-93563328/>)

Given that one of his goals is *to improve the quality of community living*, has he addressed some of these issues in his reports? Are we able to see them?

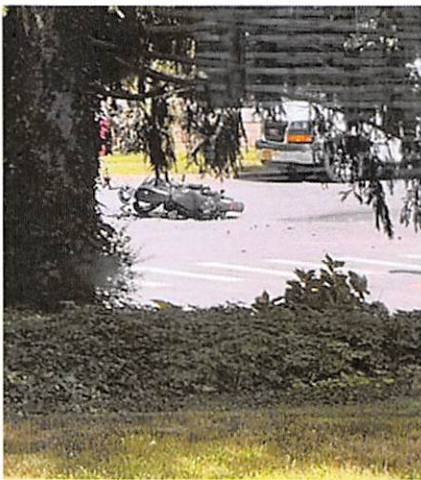
#### **FIREHOUSE ON THE CORNER OF EAST AVENUE AND RT 441**

I took some rough measurements given that we didn't receive the documents requested (see below section entitled DOCUMENTS REQUESTED/NOT RECEIVED). Based on these rough measurements and the forecast traffic of convenience stores/gas stations not selling beer, I have the following questions.

I would like to understand how "easy" it is for a fire truck to navigate around stopped cars at the traffic light. Given that the new development, previously discussed above, is to be completed in 2023, will be increasing traffic, what happens if there is a fire down Allens Creek Road and the fire trucks are unable to cross the 4+ lanes of traffic stopped at the light? What if cars are coming out from the gas station and edging in-between cars stopped at the light so there is nowhere to move? What if there is a fire in our neighborhood down at the corner of Brookside and Allens Creek? Will the delay in response time cause more damage to the property? What if

someone is in the home having difficulty leaving the premises? Will they suffer more because it took longer to get to them? Below is a recent example of a situation that required the firemen, paramedics and police.

This past August 24<sup>th</sup>, in the afternoon, there was a serious accident at the corner of Allens Creek and East Ave. At least one firetruck was there. The accident involved a motorcycle and a truck colliding. The motorcyclist was taken to the hospital in an ambulance. How might the time for the fire truck to get to the scene be compromised by an inability to cross four lanes of traffic assuming the increase of the new complex being completed in 2023 and the estimated numbers associated with operating a convenience store and a gas station with four pumps? The required time could be potentially increased given Quicklees also will be selling beer.



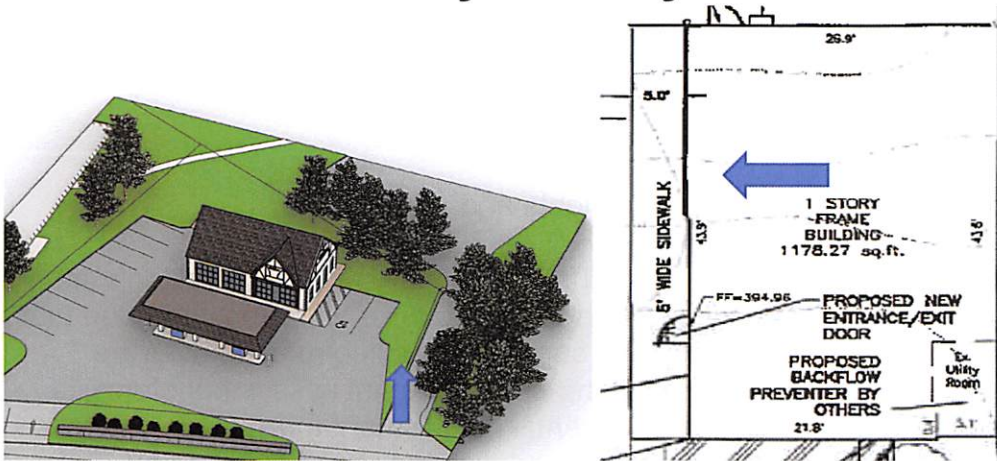
*Photos Courtesy of Bridget Stone*

### QUICKLEES' DIRECT NEIGHBORS



Although difficult to see, there is one home that shares the boundary with Quicklees on the left side of the driveway. My question is how will these two neighbors on the left and right side of the driveway be affected by the proposed increase in traffic?

Also, why are these two homes not depicted in Centerline's concept design document? Why isn't the house on the left shown in the engineer's drawing?



#### DOCUMENTS REQUESTED/NOT RECEIVED

I asked Mr. Terragnoli for more information than offered in the Concept Design he sent to us. There were no exterior measurements given. There was no full straight-on view with measurements of how it would all come together especially with the canopy. But he didn't do it.

Later, I asked Mr. Terragnoli to have Land Tech take the graphic they provided and delete some of the items so we could see exactly how the major components would be. The page we had was at best almost unreadable even with a magnifying glass! At the very least, they could have printed the document of a legal-size paper or spread it over two 8.5" x 11" pages. Again, we were told that couldn't be done by the engineering firm. As a former marketing person for a local design/build firm, I respectfully submit that it can be done with little difficulty.

We asked a question on the proposed lighting. Mr. Terragnoli's responses are in red. These were taken from an earlier email. "Explain the lighting plan. **Their will be three light poles, one on the north side, one on the south side and one on the east side of the property, the fixtures will be gooseneck lighting to match the building architecture. Lighting will be under the canopy. Light will be directed back into the site, their will be no light spillage off the site. This will be confirmed in a photometric plan prepared by a third party.**

Put in laymans' terms, please!

How bright is it? **Please see above."**

When asked how bright will the lights be, Mr. Terragnoli responded, "Please see above". He was referring to the photometric plan that was to be prepared by a third party. It is a fair question from the neighbors who will be most impacted by the lights.

To the best of my knowledge, no one has seen this plan. Has it been developed? Will it be sent to us? The impact of this gas station is not to adversely affect the neighborhood. If the lights don't

operate as they are intended to, then the neighbors could experience light while they are trying to sleep.

July 20<sup>th</sup>, Mr. Terragnoli was asked the following questions. "In the 6/14 we asked for detailed information on:

- proposed signage size and location,
- proposed canopy roof material,
- proposed hours of operation,
- proposed lighting plan - detail and placement of lights and
- inclusion of new underground storage tanks (UST's) in site plan. The DEC stated that this site was part of a spill remediation case when the gas pumps were removed and that the ends of the former tanks were left in place to support a gas line running over the northernmost tank. We question that a LEAF (long environmental assessment form) is not necessary instead of a SEAF (short environmental assessment form) given your site plan is inaccurate because it does not include the land disturbance of digging and installing new UST's.
- Since your plan includes the sale of tobacco and alcohol, we also asked that Pittsford Central Schools be contacted and notified of this proposal as the school is located approximately 300 yards from Allen Creek Elementary School (grades K-5).

I was copied on the above email. Mr. Terragnoli said in his July 20<sup>th</sup> email, "Bridget, Thank you for the email. My goal is to have the answers to the questions you pose below by the end of the week, and I will respond in an email back to you and those copied above." Although I was copied on this email, to date, I have not received any answers.

How can he disregard our valid questions? Isn't the purpose of these discussions to educate the neighbors on how their proposed plan will be a good one for the neighborhood? How can our valid requests be ignored?

As I wrote in an earlier document, "In conclusion, the health and safety of our families are threatened by the combination of services offered by this boutique gas station. Our standard of living is threatened by increased noise, traffic, pollution, and dangerous to our children walking to school.

While I understand the need for the town to generate more revenue, it should be an honest endeavor that doesn't knowingly put its residents, and especially their children in harms' way.

### **MISCELLANEOUS**

After reviewing the documents given to us, one section appears to be misleading. Rich Realty opined that *"this property cannot generate a reasonable return for an office use or other uses permitted by the zoning."* When setting a price for my first home in Rochester, the realtor gave

me "*comps*" or prices the similar homes to mine sold in my neighborhood. An office building on West Henrietta Road is not comparable to the area and building under consideration on East Avenue. Unfortunately, there is nothing comparable to this site under review listed below.



Recent sold properties:

1. 720 Westfall which was the office for invisible fence. 2,212 feet sold at \$169.52/foot
2. 2024 West Henrietta is an office building of 1,919 feet sold at \$114.64
3. 890 Westfall is an office building and sold for \$154.76.

Another way to look at that pricing is an owner would need to get \$25 per square foot in rent to simply break even without generating any return on investment. Still rental comps in the market are in the \$12 to \$18/ square ft. range for offices, with this building warranting a discounted valuation due to its, size and location. Any requirement to maintain the existing structure would further restrict the marketability both because of associated costs and the fact that many users in the market require their own new modern building.

1. 919 Westfall is being marketed for rent for \$18 per foot- at the corner of Westfall and S. Clinton, a central medical office area.
2. 3300 Monroe Avenue is being offered for rent at \$14 per foot- in a high traffic central location.
3. 2000 Winton road is for rent for \$17- near access to I590.
4. 1815 S Clinton is being offered for rent at \$12.50 to \$14.50 per foot- office park in central location.

In sum, it is my professional opinion that the property cannot generate a reasonable return for an office use or other uses permitted by the zoning.

Respectfully Submitted,

Linda Stevenson

## Mary Boyd

---

**From:** Mary Boyd <mboyd4@rochester.rr.com>  
**Sent:** Friday, September 2, 2022 10:28 AM  
**To:** rick.distefano@townofbrighton.org  
**Cc:** Mary C Boyd; 'Bentley, Karen'  
**Subject:** Brookside Neighborhood Petition Opposing PEMM, LLC and Bristol Valley Homes, LLC Application re 3108 East Avenue, Rochester, NY 14618  
**Attachments:** Petition 2022-09-02 Signed.pdf

Mr. Rick DiStefano  
Secretary, Board of Appeals  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, NY 14618



Dear Mr. DiStefano:

Attached is a petition from residents of the Brookside Neighborhood in *opposition* to the pending applications from PEMM, LLC and Bristol Valley Homes, LLC Application regarding 3108 East Avenue, Brighton, 14618. The applications pertain to the establishment of a Quicklee's gas station, convenience store, and gas canopy; to changed set-back codes, restored gas pumps and gas storage tanks (which were previously removed); and to extensive external lighting and signage. A Use Variance to the existing zoning (BE-1 Office and Office Park District) is also requested.

The applications are:

- Town Planning Board Application, 5P-NB2-22, May 18, 2022
- Zoning Board of Appeals, 8A-04-22, 8A-05-22, and 8A-06-22, August 3, 2022

The neighborhood is submitting this petition for inclusion and discussion at the next meeting, Wednesday, September 7, 2022, of the Brighton Zoning Board of Appeals. The Brookside Neighborhood is bounded on the north by Elmwood Avenue, on the east by East Avenue and Allen's Creek Road, and on the west and south by the Country Club of Rochester. It is in *immediate* proximity to the 3108 East Avenue site and would be seriously affected by the development proposed by PEMM, LLC and Bristol Valley Homes, LLC.

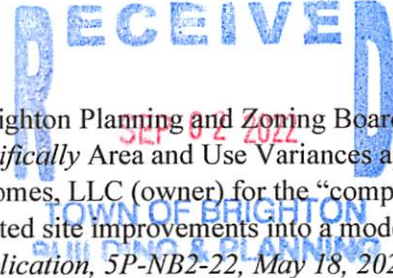
Thank you for your attention to this petition. I shall deliver the petition in hard copy to your office at the Town Hall today.

Yours truly,  
Mary C. Boyd

A handwritten signature in black ink that reads "Mary C. Boyd". The signature is written in a cursive, flowing style.

Mary C. Boyd  
1 Meadow Lane  
Rochester, NY 14618-3431  
585.248.0657 Home  
585.576.1694 Cell  
[mboyd4@rochester.rr.com](mailto:mboyd4@rochester.rr.com)

# Petition



The Brookside Neighborhood of The Town of Brighton, NY, petitions the Brighton Planning and Zoning Boards, and the Historic Preservation Commission, to *deny any* planned application, and *specifically* Area and Use Variances applications, submitted by PEMM, LLC (contract vendee/applicant) and Bristol Valley Homes, LLC (owner) for the “complete renovation of an existing 1,278 S.F. building [3108 East Avenue] and associated site improvements into a modern Quicklee’s Convenience Store and Gas Station.” (*Town Planning Board Application, 5P-NB2-22, May 18, 2022 and Zoning Board of Appeals, 8A-04-22, 8A-05-22, and 8A-06-22, August 3, 2022.*) Our reasons are listed in the following:

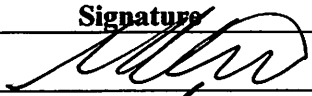
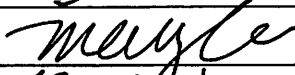
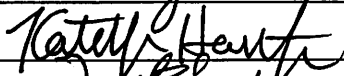

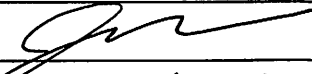
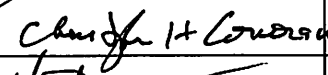
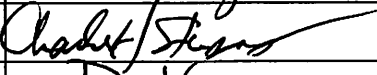
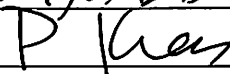
- When the gas station ceased operation in 2017, its non-conformance zoning reverted to BE-1, Office and Office Park, which is compatible with the zoning of the surrounding neighborhood: RLA, low-density residential.
- A convenience store having a gross floor area of less than 5,000 square feet, under Brighton Codes, General Provisions, Chapter 201-5, *may not* sell gasoline.
- When the building was built in 1931, it was specifically designed to blend visually with the neighborhood; thus, there was no canopy. It is a “Tudor-Revival gas station with a slate roof.” (*Paul Malo, Brighton Cultural Resources Survey, 1998*)
- Historically, two previous applications for a smaller canopy at the 3108 East Avenue were each denied: the first in 1989 +/- and the second in 1995.
- Parking of vehicles to within 2 ft. of the north-side lot line (a 10-ft. setback is required) and paved areas/aisles up to the front lot line (a 20-ft. setback is required) violate existing Brighton Codes, Section 205.
- It violates the building’s Brighton Historic Designation (December 17, 1998).
- The convenience store and gas station will alter the character of the neighborhood.
- A convenience store, which proposes to sell alcohol, is *not* beneficial to the neighborhood.
- There is the likelihood of substantial increase in the volume of traffic.
- It will be located approximately 1000 feet from Allen’s Creek Elementary School.
- It will be detrimental to pedestrian safety, especially small children walking to and from Allen’s Creek School.
- It will result in increased commercialization to the area; allowing a Quicklee’s opens the area to additional commerce.
- It will be source of significant light, glare, and noise, and environmental pollution to Allen’s Creek.
- *Required* external brand and price signage will cause significant visual blight. (*Laws of New York, Chapter 69, Article 16, Section 192: ...The signs and selling prices shall be posted so as to be clearly visible to the driver of an approaching motor vehicle or motorboat...*)
- There is *no* benefit to the neighborhood; the *only* benefit is to the applicant.

	Print Name	Signature	Address	Date
1	SANDRA ODENBACH		60 Brookside Drive	8/27/22
2	Fritz Odenbach		60 Brookside Drive	8/27/22
3	Amy Bennett		119 Brookside Drive	8/27/22
4	Steph Bennett		" "	8/27/22
5	Laura Hayden		129 Brookside Dr.	8/27/22
6	MARY C. BOYD		1 Meadow Lane	08.27.22
7	DONALD L. BOYD		1 MEADOW LANE	08.27.22
8	LAWRENCE RAY		3861 ELWOOD AVE	08/27/2022

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- When the gas station ceased operation in 2017, its non-conformance zoning reverted to BE-1, Office and Office Park, which is compatible with the zoning of the surrounding neighborhood: RLA, low-density residential.
- A convenience store having a gross floor area of less than 5,000 square feet, under Brighton Codes, General Provisions, Chapter 201-5, *may not* sell gasoline.
- When the building was built in 1931, it was specifically designed to blend visually with the neighborhood; thus, there was no canopy. It is a "Tudor-Revival gas station with a slate roof." (*Paul Malo, Brighton Cultural Resources Survey, 1998*)
- Historically, two previous applications for a smaller canopy at the 3108 East Avenue were each denied: the first in 1989 +/- and the second in 1995.
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- It violates the building's Brighton Historic Designation (December 17, 1998).
- The convenience store and gas station will alter the character of the neighborhood.
- A convenience store, which proposes to sell alcohol, is *not* beneficial to the neighborhood.
- There is the likelihood of substantial increase in the volume of traffic.
- It will be located approximately 1000 feet from Allen's Creek Elementary School.
- It will be detrimental to pedestrian safety, especially small children walking to and from Allen's Creek School.
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- There is *no* benefit to the neighborhood; the *only* benefit is to the applicant.

	Print Name	Signature	Address	Date
9	MICHAEL HABEN		3915 ELMWOOD	8/25/22
10	Mary Corcoran		141 Brookside Drive	8/27/22
11	Katie Hartford		161 Brookside Dr.	8/27/22
12	MEGAN HEAVY SMITH		980 Allens Creek Rd	8/27/22
13	Jeffrey Hartford		161 Brookside Dr	8/27/22
14	CHRISTOPHER CORCORAN		141 BROOKSIDE DR	8/27/22
15	CHARLES H. STUART		980 ALLANS CREEK RD	8/27/2022
16	Patricia Kres		1052 Allens Creek Rd.	8/27/2022

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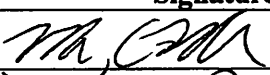
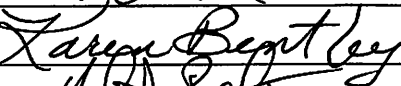
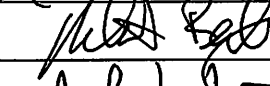
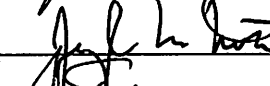
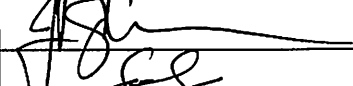
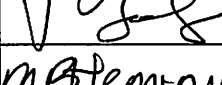
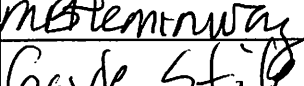
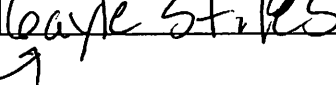
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- Historically, two previous applications for a smaller canopy at the 3108 East Avenue were each denied: the first in 1989 +/- and the second in 1995.
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- The convenience store and gas station will alter the character of the neighborhood.
- A convenience store, which proposes to sell alcohol, is *not* beneficial to the neighborhood.
- There is the likelihood of substantial increase in the volume of traffic.
- It will be located approximately 1000 feet from Allen's Creek Elementary School.
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- There is *no* benefit to the neighborhood; the *only* benefit is to the applicant.

	Print Name	Signature	Address	Date
17	JORDNE HENRY	Jeanne Henry	980 Queens Creek Rd	8/27/22
18	Erin Crowley Ellis	Erin C Ellis	39 Brookside Dr	8/27/22
19	Ellen Crowley	Ellen Crowley	59 Brookside Dr	8/27/22
20	Wylie Small	Wylie Small	10 Creekdale Ln.	8/28/22
21	STUART SMALL	Stuart Small	10 CREEKDALE LANE	8/28/22
22	Miranda Blocker	Miranda Blocker	944 Allens Creek Rd	8/28/22
23	NANCY WILLIAMS	Nancy Williams	999 ALLENS CREEK	8/30/22
24	Annette Fallon	Annette Fallon	7 Herdew Lane	8/30/22

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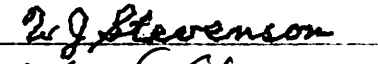




	Print Name	Signature	Address	Date
25	Madison Fallon		7 Meadow Lane 14618	8-30-22
26	Teren Bentley		3739 Elmwood Ave	8-30-22
27	Robert Bentley		3939 Elmwood Ave	8-30-22
28	Joseph Nato		960 Allens Creek Rd.	8-31-22
29	Jonathan Swan		3873 Elmwood ave	9-1-22
30	Sarah Swan		3873 Elmwood Ave	9/1/22
31	Pat Hemmway		25 Meadow Ln	9/1/22
32	Gayle Stiles		1010 Allens Creek	9/1/22

# Petition

5

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	Print Name	Signature	Address	Date
33	Helen R. William		1000 Allens Creek Rd.	8-30-22
34	Glenn William		1000 Allens Creek Rd.	8-30-20
35	Rob Stiles		1010 Allens Creek Rd.	9-1-22
36	Bill Stevenson		12 Creekdale Ln	9-1-22
37	Linda Stevenson		"	"
38	Carla Casulo		49 Brookside	9/1/22
39	Jose Casado		49 Brookside	9/1/22
40	Cristina Jackson		49 Brookside	9/1/22

# Petition

The Brookside Neighborhood of The Town of Brighton, NY, petitions the Brighton Planning and Zoning Boards, and the Historic Preservation Commission, to *deny any* planned application, and *specifically* Area and Use Variances applications, submitted by PEMM, LLC (contract vendee/applicant) and Bristol Valley Homes, LLC (owner) for the "complete renovation of an existing 1,278 S.F. building [3108 East Avenue] and associated site improvements into a modern Quicklee's Convenience Store and Gas Station." (*Town Planning Board Application, 5P-NB2-22, May 18, 2022 and Zoning Board of Appeals, 8A-04-22, 8A-05-22, and 8A-06-22, August 3, 2022.*) Our reasons are listed in the following:

- When the gas station ceased operation in 2017, its non-conformance zoning reverted to BE-1, Office and Office Park, which is compatible with the zoning of the surrounding neighborhood: RLA, low-density residential.
- A convenience store having a gross floor area of less than 5,000 square feet, under Brighton Codes, General Provisions, Chapter 201-5, *may not* sell gasoline.
- When the building was built in 1931, it was specifically designed to blend visually with the neighborhood; thus, there was no canopy. It is a "Tudor-Revival gas station with a slate roof." (*Paul Malo, Brighton Cultural Resources Survey, 1998*)
- Historically, two previous applications for a smaller canopy at the 3108 East Avenue were each denied: the first in 1989 +/- and the second in 1995.
- Parking of vehicles to within 2 ft. of the north-side lot line (a 10-ft. setback is required) and paved areas/aisles up to the front lot line (a 20-ft. setback is required) violate existing Brighton Codes, Section 205.
- It violates the building's Brighton Historic Designation (December 17, 1998).
- The convenience store and gas station will alter the character of the neighborhood.
- A convenience store, which proposes to sell alcohol, is *not* beneficial to the neighborhood.
- There is the likelihood of substantial increase in the volume of traffic.
- It will be located approximately 1000 feet from Allen's Creek Elementary School.
- It will be detrimental to pedestrian safety, especially small children walking to and from Allen's Creek School.
- It will result in increased commercialization to the area; allowing a Quicklee's opens the area to additional commerce.
- It will be source of significant light, glare, and noise, and environmental pollution to Allen's Creek.
- *Required external brand and price signage will cause significant visual blight. (Laws of New York, Chapter 69, Article 16, Section 192: ...The signs and selling prices shall be posted so as to be clearly visible to the driver of an approaching motor vehicle or motorboat...)*
- There is *no* benefit to the neighborhood; the *only* benefit is to the applicant.

	Print Name	Signature	Address	Date
41	Wanda Eaton	Wanda Eaton	3881 Elmwood Ave	27 Aug 2022
42	Julie Jackson-Ray	Julie Jackson-Ray	3861 Elmwood Ave	27 Aug. 2022
43	Michael C Crowley	Michael C Crowley	59 Brookside Dr	1 Sept 2022
44	Nora Glick	Nora Glick	65 Brookside	9/1/22
45	Hone Jeff	Hone Jeff	95 Brookside	9/1/22
46	Jennifer Roe	Jennifer Roe	15 Creekdale La. Roch.	9/1/22
47	Michael Roe	Michael Roe	15 Creekdale La Roch.	9/1/22
48	Bridget Stone	Bridget Stone	1116 Allens Creek Rd	9/1/22

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- A convenience store, which proposes to sell alcohol, is *not* beneficial to the neighborhood.
- There is the likelihood of substantial increase in the volume of traffic.
- It will be located approximately 1000 feet from Allen’s Creek Elementary School.
- It will be detrimental to pedestrian safety, especially small children walking to and from Allen’s Creek School.
- It will result in increased commercialization to the area; allowing a Quicklee’s opens the area to additional commerce.
- It will be source of significant light, glare, and noise, and environmental pollution to Allen’s Creek.
- *Required* external brand and price signage will cause significant visual blight. (*Laws of New York, Chapter 69, Article 16, Section 192: ...The signs and selling prices shall be posted so as to be clearly visible to the driver of an approaching motor vehicle or motorboat...*)
- There is *no* benefit to the neighborhood; the *only* benefit is to the applicant.

	Print Name	Signature	Address	Date
49	Michael Stone	Michael Stone	1116 Allens Creek Rd.	9/1/22
50	DANA Bennett	DBennett	30 McAdams Lane	9/1/22
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