

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
JANUARY 4, 2023

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 November 2, 2022 meeting. **To be done at the February 1, 2023 meeting.**
Approve the minutes of the December 7, 2022 meeting. **To be done at the February 1, 2023 meeting.**

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

12A-03-22 Application of Chuck Smith, architect, and Stahl Property Associates LLC, owner of property located at 12 Elmwood Hill Lane, for Area Variances from Section 205-2 to allow 1) a new home to be constructed with a 20.65 ft. side setback (east lot line) in lieu of the minimum 33.22 ft. required by code, and 2) allow liveable floor area to be 5,050 sf in lieu of the maximum 3,748 sf allowed by code. All as described on application and plans on file. **POSTPONED TO THE FEBRUARY 1, 2023 MEETING AT APPLICANTS REQUEST**

12A-04-22 Application of Chuck Smith, architect, and Stahl Property Associates LLC, owner of property located at 12 Elmwood Hill Lane, for an Area Variance from Section 207-11 to allow an inground swimming pool to be located partially in a side yard where only the rear yard is allowed by code. All as described on application and plans on file. **POSTPONED TO THE FEBRUARY 1, 2023 MEETING AT APPLICANTS REQUEST**

12A-06-22 Application of Mary Jo Jepson, owner of property located at 339 Hollywood Avenue, Response Letter for Area Variances from Sections 203-2.1B(2) and 203-9A(4) to 1) construct a detached garage with attached pergola 648 sf in size in lieu of the maximum 600sf allowed by code, and 2) allow said detached garage to be setback 3 feet from a side and the rear lot line where a minimum 5 ft setback from all lot lines is required by code. All as described on application and plans on file.

1A-01-23 Application of Daniele Family Companies, owner of property located at 2735 Monroe Avenue, for 1) an Area Variance from Section 207-14.3D(3) to allow a restaurant

drive-thru lane to be 3.47 ft. from a side (southeast) lot line in lieu of the minimum 10 ft. required by code; 2) an Area Variance from Section 205-18B to allow pavement and parking to be 3.6 ft from a side (northwest) lot line in lieu of the minimum 10 ft. required by code; and 3) an Area Variance from Section 205-7 to allow impervious lot coverage, after site redevelopment to be 72.6% in lieu of the maximum 65% allowed by code. All as described on application and plans on file.

1A-03-23 Application of David Waldarek, architect, and David and Holly Kluge, owners of property located at 619 North Landing Road, for an Area Variance from Section 205-2 to allow a building addition to extend 1 ft. into the existing 6.4 ft. side (north) setback where a 9.14 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:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Larry Heininger, P.E., requesting postponement of applications 12A-03-22 and 12A-04-22 to the February 1, 2023 meeting.

Letter from Joe O'Donnell, Greater Living Architecture, dated December 21, 2022, in response to the tabling of application 12A-06-22, 339 Hollywood Avenue.

Letter from Bill Watson, 321 Hollywood Avenue, dated December 7, 2022, with no objections to the variance request for 339 Hollywood Avenue, 12A-06-22.

Letter from Larry Heininger, P.E. dated January 3, 2023, reconfirming his request to postpone applications 12A-03-22 and 12A-04-22 to the February 1, 2023 meeting.

PETITIONS:

NONE



Rick DiStefano <rick.distefano@townofbrighton.org>

Planning Board Meeting 12/21/22

1 message

Larry Heining lehengin@rochester.rr.com

Mon, Dec 19, 2022 at 2:03 PM

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

Cc: Kim Bailey <kimbailey99@gmail.com>, Chuck Smith <chuck@newdesignworks.com>, teri@newdesignworks.com

Rick,

Thank you for your phone call. Consider this e-mail our official request to be tabled at the 12/21/22 Planning Board meeting.

Also, I understand we need to submit by this Wednesday for the 1/4/23 Zoning Board meeting. I don't think we will make it, but I'll run it by the team. From our conversation I understand you need:

1. Financial analysis
2. Eastern side of lot landscaping
3. Neighbor's objection to pool location.

Right now, I think it is best to submit no later than 1/18/23 for the 2/1/23 Zoning Board meeting. If we get the variances we need we would meet with the Planning Board at their 2/15 meeting for final approval.

Larry Heining





December 21, 2022

Rick Distefano
Secretary
Board of Appeals
Town of Brighton

2300 Elmwood Avenue
Rochester, NY 14618

Re: Board of Appeals
Applications 12A-06-22



Dear Rick,

In response to the decision of the board of appeals to table the above referenced application at the December 7th, 2022, meeting, please allow the following to be our formal response to the additional information requested.

- As to item #1 we hereby withdraw any modification to our original variance request as submitted at the December meeting.
- As to Item #2 given that a revised variance request is no longer part of our application, the neighboring properties were duly notified under the original request and therefore we do not believe any additional notification is required at this time.

Please let me know if you have any questions

Sincerely,

Joe

Joseph O'Donnell A.I.A NCARB
President
Greater Living Architecture, P.C.
Office: (585) 272-9170 | Cell: (585) 370-4860
joe@greaterliving.com

From: mjo800@frontiernet.net <mjo800@frontiernet.net>
Date: Wed, Dec 7, 2022 at 5:45 PM
Subject: Fw: Garage
To: Mary Jo Jepson <mjojepson@gmail.com>

Hello Rick,

Joe O'Donnell sent our response yesterday. Please include this email from my next door neighbor in support of my original request.

Please let me know if there is anything else we need to submit prior to the January meeting.

Thank you
mary jo jepson
339 Hollywood Ave, Rochester, NY 14618
585-993-4134

Sent from Frontier Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, December 7, 2022, 5:43 PM, mjo800@frontiernet.net <mjo800@frontiernet.net> wrote:

Thank you.
Mjo

Sent from Frontier Yahoo Mail for iPhone

On Wednesday, December 7, 2022, 4:09 PM, Watson, William <William_Watson@URMC.Rochester.edu> wrote:

Hi Mary Jo,

After meeting this afternoon with your and your architect and seeing where you propose to put the new garage structure you wish to build, and seeing where the property line is and where the edge of the building would fall if placed 3 feet from the property line, rather than the Brighton-required 5 feet, I am writing to advise you that my wife and I have no objection to the variance you are requesting to put your garage 3 feet from our property line rather than 5 feet.

Sincerely,
Bill Watson
321 Hollywood Avenue
Rochester, NY 14618

William H. Watson, PhD
Associate Professor of Psychiatry (Psychology) and Neurology
University of Rochester Medical Center



Table 12 Elmwood Hill for the 1/4/23 ZBA meeting

1 message

Larry Heininger <lehengin@rochester.rr.com>

Tue, Jan 3, 2023 at 10:58 AM

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

Cc: Kim Bailey <kimbailey99@gmail.com>, chuck@newdesignworks.com, teri@newdesignworks.com

Rick,

Please consider this e-mail our formal request to be tabled for both the 1/4/23 ZBA meeting and the 1/18/23 Planning Board meeting.

We intend to submit on or before 1/18/23 for the 2/1/23 ZBA meeting.

We will then submit on 2/1/23 for the 2/15/23 Planning Board meeting.

Hope you had a nice holiday and all the best for the new year.

Larry Heininger, P.E., PMP

455-8855



State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 1A-01-23

Date: January 4, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Zoning Board of Appeals, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: 2735 Monroe Avenue - Area Variances

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Daniele Family Companies, owner of property located at 2735 Monroe Avenue, for 1) an Area Variance from Section 207-14.3D(3) to allow a restaurant drive-thru lane to be 3.47 ft. from a side (southeast) lot line in lieu of the minimum 10 ft. required by code; 2) an Area Variance from Section 205-18B to allow pavement and parking to be 3.6 ft from a side (northwest) lot line in lieu of the minimum 10 ft. required by code; and 3) an Area Variance from Section 205-7 to allow impervious lot coverage, after site redevelopment to be 72.6% in lieu of the maximum 65% allowed by code.

Location: 2835 Monroe Avenue, Town of Brighton

Reasons Supporting This Determination:

A very similar project was considered in January 2018 and The Brighton Planning Board, as lead agency, determined that the proposed action would not have a significant effect on the environment and a Draft Environmental Impact Statement was not be prepared. After considering the new action contemplated and reviewing the Environmental Assessment Form prepared by the applicant (Part I) and Town Staff (Parts II & III) and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town of Brighton Zoning Board of Appeals finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance.

Air, Water, Waste, Erosion, Drainage, and Site Disturbance. The Project will not create any significant adverse impact in the existing air quality or water quality, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project can be sufficiently served by existing utility infrastructure, including water and sanitary sewer facilities. Stormwater runoff from the Project will be adequately collected and treated on site through the stormwater management facility to be constructed on the Property and discharged in accordance with all applicable New York State standards.

2. Noise, Visual, and Neighborhood Character.

Noise and Visual Impacts. The Project will not create any adverse noise or visual impacts. Although the Project will be visible from neighboring properties, the nature of the improvements to be located at the Property are consistent with the existing uses within the surrounding neighborhood (i.e., office, retail, and restaurant) and thus will not result in any significant adverse noise or visual impacts.

The Project will not be detrimental to the health, safety or general welfare of persons residing or working in the area of the proposed use and will not be detrimental or injurious to property and improvements in the area or to the general welfare of the Town.

3. Agriculture, Archeology, Historic, Natural, or Cultural Resources.

Agriculture, Archeology, Historic, Natural, or Cultural Resources, Community or Neighborhood Character. The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The site is identified by the NYSDEC EAF Mapper as being within an archaeologically sensitive area. The site has been previously developed, so no significant cultural resources should be disturbed.

4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains.

Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains. The Project will not have a significant adverse impact on plant or animal life. The Property does not host any threatened or endangered species, and therefore the Project will have no impact on any threatened or endangered species. There

are no State or Federal wetlands on the Property, and the Property is not within any designated floodway or floodplain.

5. Community Plans, Use of Land, and Natural Resources.

Community Plans, Use of Land, and Natural Resources. The Project is consistent with and in furtherance of the goals set forth in the Town's Comprehensive Plan.

Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or subsequent development.

Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

6. Critical Environmental Area.

The Project will not have an impact on any designated Critical Environmental Area as set forth in 6 N.Y.C.R.R. Section 617.14(g).

7. Traffic.

The Project will not have a significant adverse impact on vehicular traffic. Recent traffic improvements supported by NYSDOT, made to Monroe Avenue (as part of the Whole Foods project) including limiting ingress to the site from Monroe Avenue to right in only and allowing ingress/egress from the site via a newly constructed access management drive with a signalized intersection will reduce traffic conflicts from the site.

8. Public Health and Safety.

The Project will not have a significant adverse impact on public health or safety. The Project is subject to all applicable Federal, State, and Local laws, regulations, and code requirements.

For further information:

Contact Person: Rick DiStefano, Environmental Review Liaison Officer

Address: Town of Brighton
2300 Elmwood Avenue
Rochester, N.Y. 14618