

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
JUNE 7, 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 April 10, 2023 meeting. **To be done at the July 5, 2023 meeting.**
Approve the minutes of the May 3, 2023 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of June 1, 2023 will now be held.

4A-01-23 Application of Robert Piazza Palotto, owner of property located at 2500 Elmwood Avenue, for modification of an approved variance (9A-06-22) to allow construction of a second story above an attached garage addition which was granted a side setback variance of 8.2 ft. in lieu of the minimum 10.8 ft. required by code. All as described on application and plans on file. **TABLED AT THE APRIL 10, 2023 MEETING - PUBLIC HEARING REMAINS OPEN**

5A-01-23 Application (revised) 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 28 parking spaces (revised from 37 parking spaces) in conjunction with a grocery store in lieu of the minimum 55 parking spaces required by code. All as described on application and plans on file. **POSTPONED TO THE JULY 5, 2023 MEETING AT APPLICANTS REQUEST**

5A-02-23 Application (revised) 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 impervious lot coverage to be 80.3% (revised from 83.2%), after site modifications, in lieu of the maximum 65% allowed by code. All as described on application and plans on file. **POSTPONED TO THE JULY 5, 2023 MEETING AT APPLICANTS REQUEST**

6A-01-23 Application of Margaret Heminway, owner of property located at 25 Meadow Lane, for 1) an Area Variance from Section 205-2 to allow a rear building/garage addition to extend 20.7 ft. into the 60 ft. rear setback required by code, and 2) allow a driveway expansion to be .9 ft from a side lot line in the of the minimum 4 ft. required by code.

All as described on application and plans on file.

6A-02-23 Application of Advantage Federal Credit Union, owner of property located at 70 Metro Park, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a one day car sales event with a tent and food truck (June 24, 2023) where not allowed by code. All as described in application and plans on file.

6A-03-23 Application of Sign and Lighting Services, agent, and Daniele SPC, LLC, owner of property located at 2760 Monroe Avenue, for a Sign Variance from Section 207-32B to allow for non-business identification signage (adding "Allergy" to the existing "Wellnow Urgent Care" sign) where not allowed by code. All as described on application and plans on file.

6A-04-23 Application of Faith Bible Church, owner of property located at 1095 East Henrietta Road, for an Area Variance from Section 205-8 to allow a 1,200 +/- sf outdoor pavilion to be located 16 ft. from a side lot line in lieu of the minimum 50 ft. required by code. All as described on application and plans on file.

6A-05-23 Application of Jacquelyn Marchand, owner of property located at 2340 Elmwood Avenue, for Area Variances from Section 205-2 to allow 1) a front building addition to extend 5 ft. into the existing 38.9 ft front setback (Elmwood Avenue) where a 40 ft. front setback is required by code, and 2) allow a porch addition to extend 6.6 ft. into the excising 31.6 ft. front setback (Seminole Way) where a 40 ft. front setback is required by code. All as described on application and plans on file.

6A-06-23 Application of Megan Betteley Wang and Yves Wang, owners of property located at 249 Penfield Road, for an Area Variance from Sections 203-2.1B(2) and 203-9A(4) to allow a shed to be located in the front yard in lieu of the rear yard as required by code. All as described on application and plans on file.

6A-07-23 Application of Golisano Institute For Business and Entreprenuership, lessee, and Golisano Business COE, owner of property located at 150 Sawgrass Drive, for 1) an Area Variance from Section 207-2A to allow a front yard wall to be 6 ft. in height in lieu of the maximum 3.5 ft. allowed by code and allow for the display of a relocated freestanding sign on said wall; and 2) a Sign Variance from Section 207-32B to allow a building face business identification sign to be 25 +/- ft above grade in lieu of the maximum 20 ft. allowed by code. All as described on application and plans on file.

6A-08-23 Application of Heather Daly, owner of property located at 82 Southland Drive, for an Area Variance from Section 207-2A to allow a front yard fence (Sylvia Street) to be 6.5 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.

6A-09-23 Application of Kyle and Daisy Geer, owners of property located at 153 Hollyvale Drive, for an Area Variance from Section 205-2 to allow a front porch to extend 7.6 ft. into the 40 ft. front setback 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 Reza Hourmanesh, dated May 28, 2023, requesting postponement of applications 5A-01-23 and 5A-02-23, 2720 West Henrietta Road to the July 5, 2023 meeting.

Letter from Christopher Roth, Fire Marshal, dated May 30, 2023 with comments in regards to application 6A-02-23, 70 Metro Park.

PETITIONS:

NONE

2720 W Henrietta Rd-Asian Grocery Store-ZBA Meeting

GRH <grh@rochester.rr.com>

Sun 5/28/2023 4:03 PM

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

Cc: 'Weishaar, Peter' <pweishaar@mccmlaw.com>;'Yan' <kellyanli85@gmail.com>

Good afternoon Rick

Based on my discussion with Owner's Attorney, Mr. Peter Weishaar, we would like to Postpone the June 7, 23 ZBA meeting to July 2023 so a legal interpretation of the existing Easement can be produced.

Please Table the project to month of July 2023.

Thanks

Reza

GRH _____)

Architecture, Engineering & Construction

Reza Hourmanesh, RA, CE, CDT

333 Glen Haven Road

Rochester, NY 14609

Tel: (585) 739-6000

Email: GRH@rochester.rr.com

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This communication may contain confidential and privileged material for the sole use of the intended recipient and receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication.



Town of Brighton
Office of the Fire Marshal



Tuesday, May 30, 2023

Town of Brighton Zoning Board of Appeals
2300 Elmwood Avenue
Rochester, New York 14618

Zoning Board of Appeals

Dear Chairperson:

I have review the variance application(s) and have the following comments based on that review:

1. 6A-02-23 Application of Advantage Federal Credit Union, owner of property located at 70 Metro Park, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a one-day car sales event with a tent and food truck (June 24, 2023) where not allowed by code.

Tents, stages and other membrane structures would need a fire code operational permit:

1. Tents with one or more sides over 400 square feet. (Single or combine sq. ft.)
2. Tents open on all sides over 700 square feet. (Single or combine sq. ft.)

Tents or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent.

Any mobile food preparation vehicle chosen shall be currently licensed and owner/operators have successfully completed the 2023 fire safety inspection and training sponsored by the City of Rochester Fire Department. All provisions of 2020 Fire Code of New York State – Section 319 and the National Fire Protection Association – Chapter 96 (2017 Edition) Appendix B – Mobile Food Preparation Vehicle Safety shall be followed.

If you have any further questions or wish to discuss this matter in greater detail, please feel free to contact me directly.

Christopher A. Roth
Chief Fire Marshal

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Agency Use Only [If applicable]

Project: 6A-03-23

Date: June 7, 2023

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The site has been previously disturbed and is an existing retail plaza, a variance for additional nonbusiness identification signage added to an existing sign will not result in any additional disturbance to the site.

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

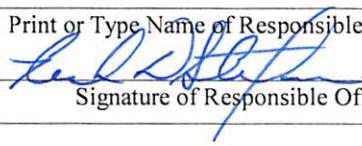
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Brighton Zoning Board

Name of Lead Agency

Rick DiStefano

Print or Type Name of Responsible Officer in Lead Agency


Signature of Responsible Officer in Lead Agency

June 7, 2023

Date

Secretary to the ZBA

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Page 2 of 2

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

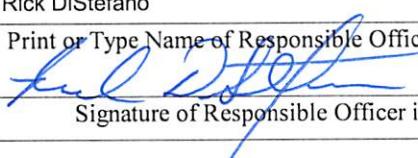
Agency Use Only [If applicable]	
Project:	6A-07-23
Date:	June 7, 2023

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The site has been previously disturbed and is an existing office building, a variance for height of a building face sign and relocation of an existing free standing sign will not result in very little disturbance to the site.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Brighton Zoning Board	
Name of Lead Agency	
Rick DiStefano	
Print or Type Name of Responsible Officer in Lead Agency	
 Signature of Responsible Officer in Lead Agency	
June 7, 2023	
Date	
Secretary to the ZBA	
Title of Responsible Officer	
Signature of Preparer (if different from Responsible Officer)	