

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
JULY 5, 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](mailto: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.  
Approve the minutes of the June 7, 2023 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of June 29, 2023 will now be held.

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5A-01-23 Application (revised) of Reza Hourmanesh, architect, and Guiyan Li, owner of Revised Plans 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 Revised Plans 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**

7A-01-23 Application of Joseph and Karen Rulison, owners of property located at 150 Pelham Road, for an Area Variance from Section 203-2.1B(1) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

7A-02-23 Application of Sign and Lighting Services, contractor, and 2735 Monroe LLC, owner of property located at 2735 Monroe Avenue, for a Sign Variance from Section 207-32B to allow a business identification sign on a second building face where not allowed by code. All as described in application and plans on file.

7A-03-23 Application of Sue Steele, landscape architect, and Our Lady of Lourdes Church of Brighton, owner of property located at 150 Varinna Drive, for Area Variances from Sections 203-2.1B(7) and 203-9A(4) to 1) allow air conditioning equipment to be

located in a front yard where not allowed by code, and 2) allow the noise level of said equipment to be 96 decibels in lieu of the maximum 78 decibels allowed by code. All as described on application and plans on file.

7A-04-23

Application of Sue Steele, landscape architect, agent and Our Lady of Lourdes Church of Brighton, owner of property located at 150 Varinna Drive, for 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. All as described on application and plans on file.

7A-05-23

Application of Patrick Morabito, architect, and Carla Giambrone, owner of property located at 370 Kimberly Drive, for Area Variances from Section 205-2 to 1) allow a building addition (garage and living space) to extend .6 ft. into the 15 ft. side setback required by code, and 2) allow an enclosed entryway to extend 10 +/- ft. into the existing 50 ft. front setback where a 60 ft. front setback is required by code. All as described on application and plans on file.

7A-06-23

Application of The University of Rochester, owner of property located at 220/250 East River Road, for renewal of a Temporary and Revocable Use Permit (10A-11-20, 7A-04-22) pursuant to Section 219-4 to allow a mobile MRI scanner (trailer) to be on site for an additional two years until July 2025. All as described on application and plans on file.

7A-07-23

Application of Todd Krenzer, agent, and Rochester Electrical Workers Building Corp., owner of property located at 2300 East River Road for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and hold a one day clam bake event in September 2023 and September 2024. 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:

NONE

PETITIONS:

NONE

State Environmental Quality Review

**NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**Project Number:** 5A-01-23 / 5A-02-23

**Date:** May 3, 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, as lead agency, 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:** 2720 West Henrietta Road Grocery Store

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** 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 37 parking spaces in conjunction with a grocery store in lieu of the minimum 55 parking spaces required by code. And, for an Area Variance from Section 205-7 to allow impervious lot coverage to be 83.2% of the lot area, after site modifications, in lieu of the maximum 65% allowed by code.

**Location:** 2720 West Henrietta Road (Tax ID #148.20-2-64.2), Brighton N.Y., Monroe County

**Reasons Supporting This Determination:**

Based on information submitted to the lead agency and after considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant, the Criteria for determining significance in the SEQR regulations and other supplemental information, documentation, testimony and correspondence, the Town Zoning Board Appeals finds that the proposed action will not have a significant impact on the environment based on the following findings:

1. The proposed action will have, no alteration of the earth surrounding, and there will no impact on any of water quality, watercourse flood-carrying capacities. The proposed action 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.
2. The proposed action will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. There are no additions or increase in building density proposed as part of this Project.

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

3. The proposed action will not adversely impact agricultural, archeological, historical, natural, or cultural resources. There are no known archaeological resources within project site.
4. The proposed action 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 proposed action will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the property, and the project is not within any designated floodway or floodplain. Therefore, the proposed action will have no significant adverse impact on any wetlands or floodplains.
5. The Town's Comprehensive Plan does not specifically address the property. The proposed action will have no adverse impacts on the natural resources found on the site.
6. The Project will not result in any significant adverse traffic impacts.
7. The proposed action will not have a significant adverse impact on public health or safety. The proposed action is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements.

### For Further Information:

**Contact** Rick DiStefano, Environmental Review Liaison Officer  
Building and Planning Department, Town of Brighton,  
2300 Elmwood Avenue, Rochester, New York 14618,  
(585) 784-5228

***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?"

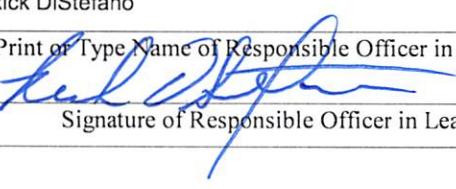
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity 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"/>

***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.

No Part 2 questions lead to 'moderate to large impacts may occur.'

This site has been previously disturbed and the placement of the sign on a second building face will result in no further disturbance 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 of Appeals	
Name of Lead Agency	
Rick DiStefano	
Print or Type Name of Responsible Officer in Lead Agency	
 Signature of Responsible Officer in Lead Agency	
7-3-2023	
Date	
Secretary to the ZBA	
Title of Responsible Officer	
Signature of Preparer (if different from Responsible Officer)	

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

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	No, or small impact may occur	Moderate to large impact may occur
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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"/>
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b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Agency Use Only [If applicable]	
Project:	7A-03-23 & 7A-04-23
Date:	7/5/2023

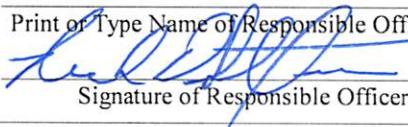
### ***Short Environmental Assessment Form***

#### ***Part 3 Determination of Significance***

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No Part 2 questions lead to 'moderate to large impacts may occur.'

This site has been previously disturbed and is occupied with a place of worship and school buildings. The placement of air conditioning unit(s) in the front yard and screening with a 6 ft. high wall will cause minimal disturbance to the site and will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. The proposed action will not be detrimental to the health, safety or general welfare of persons residing or working in the area of the proposed project or will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the Town.

<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 of Appeals	
Name of Lead Agency	
Rick DiStefano	
Print or Type Name of Responsible Officer in Lead Agency	
	
Signature of Responsible Officer in Lead Agency	
7-3-2023	
Date	
Secretary to the ZBA	
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