

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
NOVEMBER 1, 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 October 4, 2023 meeting. **To be done at the December 6, 2023 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of October 26, 2023 will now be held.

[11A-01-23](#) Application of Rhonda Kay, owner of property located at 1534 Crittenden Road, for an Area Variance from Section 207-49 to allow for the installation of ground mounted solar panels in lieu of roof mounted panels as required by code. All as described on application and plans on file.

[11A-02-23](#) Application of Joshua Omuake, Blake Miller Group contractors, and Abigail Dan, owner of property located at 336 Warrington Drive, for an Area Variance from Section 205-2 to allow a front porch roof to extend 4.5 ft. into the 35.5 ft. front setback where a 40 ft. front setback is required by code. All as described on application and plans on file. **WITHDRAWN BY APPLICANT**

[11A-03-23](#) Application of Christopher Pacilio, agent, and Anne Wilder, owner of property located at 58 Superior Road, for an Area Variance from Section 207-11A to allow a hot tub to be located in a side yard in lieu of the rear yard as required by code. All as described on application and plans on file.

[11A-04-23](#) Application of Kenneth and Lauren Goodfellow, owners of property located at 7 Del Rio Drive, 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.

[11A-05-23](#) Application of Erik Bjorneby, agent, and Greece Landing Properties - Larry Chen, owner of property located at 2852 West Henrietta Road for an Area Variance from Section 205-12 to allow for 47 on-site parking spaces in lieu of the minimum 60 parking spaces required by code allowing for the establishment of a Papa John's take-out pizza restaurant. All as described in application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Communications from Josh Omuake, Blake Miller Group, dated October 30, 2023 withdrawing application 11A-02-23.

PETITIONS:

NONE

Message received about 336 Warrington Dr

Town of Brighton <noreply@opengov.com>

Mon 10/30/2023 9:49 AM

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



Town of Brighton

Blake Miller commented on Initial Staff Review:

"Hi Rick, Please remove us from the agenda for November 1st as the client does not wish to move forward with the project at this time. I left a voicemail for Trasey as well and heard nothing back and just got her out-of-office message. Thanks, Josh."

Where: 336 Warrington Dr

Type: Zoning Board Application (ZBA)

Number: ZB-23-21

[View Details](#)

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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? 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.

The proposed project deals only with a reduction in required number of parking spaces, having no short-term, long-term or cumulative environmental impacts.

| | |
|---|--|
| <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 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. |
| 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 | |
| October 4, 2023 | |
| Date | |
| Secretary - Zoning Board of Appeals | |
| Title of Responsible Officer | |
| Signature of Preparer (if different from Responsible Officer) | |