

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
JANUARY 3, 2024

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 December 6, 2023 meeting. **To be done at the February 7, 2024 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of December 28, 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. **TABLED AT THE NOVEMBER 1, 2023 MEETING - PUBLIC HEARING REMAINS OPEN. POSTPONED TO THE JANUARY 3, 2024 MEETING AT APPLICANTS REQUEST**

[12A-01-23](#) Application of Excelsior Communities, LLC, agent, and Brighton Village Apartments, owner of property located at 1625 Crittenden Road, for an Area Variance from Section 203-30A(1) and 203-2.1B(3) to allow a storage garage to be 2,400 sf in size in lieu of the maximum 600 sf allowed by code. All as described on application and plans on file. **TABLED AT THE DECEMBER 6, 2023 MEETING - PUBLIC HEARING REMAINS OPEN. POSTPONED TO THE JANUARY 3, 2024 MEETING AT APPLICANTS REQUEST**

[1A-01-24](#) Application of Rodney Buffington, agent, and Cameron Sands, owner of property located at 3601 Elmwood Avenue, for Area Variances from Section 205-2 to 1) allow a rear addition to extend 8.5 ft. into the existing 27 ft. rear setback where a 60 ft. rear setback is required by code, and 2) allow a second addition to extend 9 +/- ft. into the 39.1 ft side setback (west) required by code. All as described on application and plans on file.

[1A-02-24](#) Application of Rodney Buffington, agent, and Cameron Sands, owner of property located at 3601 Elmwood Avenue, for an Area Variance from Section 205-2 to allow for total size of attached garage(s) to be 1,114 sf in lieu of the maximum 900 sf allowed by code. All as described on application and plans on file.

- [1A-03-24](#) Application of Rodney Buffington, agent, and Cameron Sands, owner of property located at 3601 Elmwood Avenue, for Area Variances from Section 207-2 to 1) allow for a 5 ft. high front yard wall with a 6.5 ft. high gate in lieu of the maximum 3.5 ft. in height allowed by code, 2) allow for a side yard (east) wall to be 8 ft. in height in lieu of the maximum 6.5 ft. allowed by code, and 3) allow for sunken garden walls to be 10 ft. in height in lieu of the maximum 3.5 ft. and 12.75 ft. in height in lieu of the maximum 6.5 ft. allowed by code. All as described in application and plans on file.
- [1A-04-24](#) Application of Rodney Buffington, agent, and Cameron Sands, owner of property located at 3601 Elmwood Avenue, for an Area Variance from Section 203-2.1B(6) to allow a stand-by emergency generator to be located in a side yard (east) in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.
- [1A-05-24](#) Application of Rodney Buffington, agent, and Cameron Sands, owner of property located at 3601 Elmwood Avenue, for an Area Variance from Section 207-11A to allow an in-ground swimming pool to be located in a yard other than the rear yard as required by code. All as described on application and plans on file.
- [1A-06-24](#) Application of Thomas Fitzgerald, MRB Group, agent, Robert Hurlbut, owner of property located at 1919 Elmwood Avenue, for an Area Variance from Section 203-16B(2)(a) to allow an addition to a nursing home be 50 ft. from a lot line in lieu of the minimum 100 ft. required by code. All as described on application and plans on file.
- [1A-07-24](#) Application of Ryan Kelly, agent, and Golisano Business COE, Inc., 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 6.5 ft. in height in lieu of the maximum 3.5 ft. allowed by code; and 2) a Sign Variance from Section 207-32 B to allow for a second free-standing sign where no free-standing signs are allowed by code. All as described on application and plans on file. **POSTPONE TO THE FEBRUARY 7, 2024 MEETING AT APPLICANTS REQUEST**
- [1A-08-24](#) Application of Jon Tantillo, agent, and Salafia Nunzio, owner of property located at 125 Old Mill Road, appealing the Historic Preservation Commission's landmark designation of said property, pursuant to Section 224-3F of the 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 Rhonda Kay, 1534 Crittenden Road, dated December 20, 2023, requesting postponement of application to the February 7, 2024 meeting.

Letter from Ryan Kelly, RPK Landscape Architecture, PC, dated January 2, 2024 requesting postponement of application 1A-07-24 to the February 7, 2024 meeting.

PETITIONS:

NONE

Re: Postpone Planning board meeting

Rhonda Kay <rkay80@outlook.com>

Wed 12/20/2023 4:14 PM

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

Hi Rick,

I received your message. Thanks for returning my call. Please postpone the meeting once again to February meeting.

Have a great holiday.

Cheers,

Rhonda Kay

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

150 Sawgrass

Ryan Kelly <rkelly@rpkla.com>

Tue 1/2/2024 3:21 PM

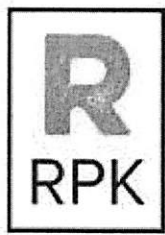
To: Rick DiStefano <rick.distefano@townofbrighton.org>

Good afternoon Rick,

I'd like to request postponement of our application to the February 7, 2024 meeting.

Let me know if you need anything further on my end.

Thank you,



Ryan Kelly, PLA

President

RPK Landscape Architecture, PC

O (585) 502-7529 | C (315) 730-0017 | Rkelly@rpkla.com

www.rpkla.com

50 University Ave, Suite #2, Rochester, NY 14605



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Please consider the environment before printing this e-mail!

Project: 1A-06-24

Date: 01-03-2024

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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 1A-06-24

Date: January 3, 2024

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: Application of Brightonian Nursing Home

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Thomas Fitzgerald, MRB Group, agent, Robert Hurlbut, owner of property located at 1919 Elmwood Avenue, for an Area Variance from Section 203-16B(2)(a) to allow an addition to a nursing home be 50 ft. from a lot line in lieu of the minimum 100 ft. required by code.

Location: 1919 Elmwood Avenue (Tax ID #136.12-3-89), 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.

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 proposed signage 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. The proposed action will not generate any additional vehicle trips to or from the project site. The proposed signage will not have a significant adverse impact on vehicular, bicycle, or pedestrian traffic. Thus, the Project will not result in any significant adverse traffic impacts.
8. 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, Secretary, Zoning Board of Appeals
Building and Planning Department, Town of Brighton,
2300 Elmwood Avenue, Rochester, New York 14618,
(585) 784-5228