

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
APRIL 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 March 6, 2024 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of February 28, 2024 will now be held.

[4A-01-24](#) Application of Huseyin Sula, lessee, and Mark Teng, owner of property located at 2341 Monroe Avenue, for an Area Variance from Section 205-12 to allow a cafe/restaurant to operate with 7 parking spaces in lieu of the minimum 17 spaces required by code. All as described in application and plans on file.

[4A-02-24](#) Application of Huseyin Sula, lessee, and Mark Teng, owner of property located at 2341 Monroe Avenue, for an Area Variance from Section 203-64B(3)(i) to allow a cafe/restaurant to be 10 ft, from a residential lot line in lieu of the minimum 50 ft. required by code. All as described on application and plans on file.

[4A-03-24](#) Application of Corinne VanSchoick, agent, Bernard and Dr. Jamie Capal, contract vendee, and Mary Critikos, owner of property located at 1 Grosvenor Road, 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.

[4A-04-24](#) Application of Greg McMahon, agent, and Westmarsh Properties LLC, owner of property located at 57 Eldridge Avenue, requesting renewal of approved variances 5A-05-23 (setbacks) and 5A-06-23 (building lot coverage) pursuant to Section 219-6F. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

[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. **The Appeal is granted in part and denied in part, and the designation of the Property as a "Landmark" is modified to designate only the landscape architecture on the Property designed by Fletcher Steele as a "Landmark" (AT THE MARCH 6, 2024 MEETING). FINDINGS TO BE REVIEWED AND APPROVED**

PRESENTATIONS:

NONE

COMMUNICATIONS:

NONE

PETITIONS:

NONE

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"/>

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.

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<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	April 3, 2024
Name of Lead Agency	Date
Rick DiStefano	Secretary
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 4A-01-24 / 4A-02-24

Date: April 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: 2341 Monroe Avenue proposed Cafe/Restaurant

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Huseyin Sula, lessee, and Mark Teng, owner of property located at 2341 Monroe Avenue, for an Area Variance from Section 205-12 to allow a cafe/restaurant to operate with 7 parking spaces in lieu of the minimum 17 spaces required by code. And, for an Area Variance from Section 203-64B(3)(i) to allow a cafe/restaurant to be 10 ft, from a residential lot line in lieu of the minimum 50 ft. required by code.

Location: 2341 Monroe Avenue (Tax ID #137.14-3-22), 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