

**TENTATIVE AGENDA
BOARD OF APPEALS - TOWN OF BRIGHTON
APRIL 2, 2025**

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.

Meeting location - 680 Westfall Road, Empire State University (temporary home of the Brighton Town Hall), Rochester, New York, 14620

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 February 5, 2025 meeting.
Approve the minutes of the March 5, 2025 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of March 27, 2025 will now be held.

[2A-06-25](#) Application of Paul Morabito, architect, and Ashley Amalfi, owner of property located at 2369 East Avenue, for Area Variances from Sections 203-2.1B(2) & (3) to 1) allow for the construction of a 1,232 sf detached garage in lieu of the maximum 600 sf allowed by code, 2) to allow said garage to extend into a front yard where not allowed by code, 3) construct a 410 sf pool cabana in lieu of the maximum 250 sf allowed by code, and 4) allow said cabana to extend into a front yard area where not allowed by code. All as described on application and plans on file. **TABLED AT THE FEBRUARY 5, 2025 MEETING - PUBLIC HEARING REMAINS OPEN**

[3A-04-25](#) Application of Betsy Brugg, Woods Oviatt Gilman LLP, agent, and 3108 East Avenue LLC, owner of property located at 3108 East Avenue, for a Use Variance from Section 203-44 to allow a gas station with convenience store to be located in a BE-1 Office and Office Park District where not allowed by code. All as described on application and plans on file. **TABLED AT THE MARCH 5, 2025 MEETING - PUBLIC HEARING REMAINS OPEN**

[3A-05-25](#) Application of Betsy Brugg, Woods Oviatt Gilman LLP, agent, and 3108 East Avenue LLC, owner of property located at 3108 East Avenue, for Area Variances from Section 205-18 to 1) allow parking of vehicles to within 2 ft. of a side lot line (north) where a 10 ft. setback is required by code, and 2) to allow paved areas / drive aisles up to the front lot line where a 20 ft. setback is required by code. All as described on application and plans on file. **TABLED AT THE MARCH 5, 2025 MEETING - PUBLIC HEARING REMAINS OPEN**

[3A-06-25](#) Application of Betsy Brugg, Woods Oviatt Gilman LLP, agent, and 3108 East Avenue LLC, owner of property located at 3108 East Avenue, for an Area Variance from Section 207-6B to allow an accessory structure (gas pump canopy) to be located in a front yard in lieu of the rear yard as required by code. All as described on application and plans on file. **TABLED AT THE MARCH 5, 2025 MEETING - PUBLIC HEARING REMAINS OPEN - POSTPONED TO THE APRIL 2, 2025 MEETING AT APPLICANTS REQUEST**

[4A-01-25](#) Application of Anthony Maksymiu, owner of property located at 92 South Landing Road, for an Area Variance from Section 207-10E(5) to allow a driveway expansion to be up to the side lot line in lieu of the minimum 4 ft. setback as required by code. All as described on application and plans on file.

[4A-02-25](#) Application of Syrica Newton, agent, and the University of Rochester, owner of property located at 180 Sawgrass Drive, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow a food truck on site once per week from May thru September and then occasionally throughout 2025. All as described on application and plans on file.

[4A-03-25](#) Application of Olivia Sciarabba, agent, and Creative Ability Development, Inc., owner of property located at 2077 South Clinton Avenue, for Area Variances from Section 205-6 to allow a building addition to 1) extend 15 ft. into the existing 40 ft. front setback where a 50 ft. front setback is required by code, and 2) extend 12.7 ft. (17 ft. without stairwell) into the 30 ft. side setback required by code. All as described on application and plans on file.

[4A-04-25](#) Application of Scott Zappia, agent, and Westfall Medical Realty, owner of property located at 2253 South Clinton Avenue, for a Sign Variance from Section 207-32B(1) to allow a business identification sign on a second building face where not allowed by code. All as described on application and plans on file.

[4A-05-25](#) Application of Richard Rebottini, agent, and Jewish Senior Life, owner of property located at 2000 Summit Circle Drive, for relief from Section 73-29 (Structures Requiring to Have Automatic Sprinkler Systems) in accordance with Section 73-34 to allow a 1,393 sf maintenance building and a 1,248 sf multi-bay garage to be constructed without an approved sprinkler system as required by code. All as described on application and plans on file.

[4A-06-25](#) Application of Jake Goldstein, agent, and Brighton Village Apartment LLC, owner of property located at 1625 Crittenden Road, for relief from Section 73-29 (Structures Requiring to Have Automatic Sprinkler Systems) in accordance with Section 73-34 to allow for construction of a 2,400 sf maintenance building without an approved sprinkler system as 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:

NONE

PETITIONS:

NONE

At a meeting of the Zoning Board of Appeals of the Town of Brighton, held at the Temporary Brighton Town Hall, 680 Westfall Road, Brighton, N.Y. on the 2nd day of April, 2024, at approximately 7:00 p.m.

PRESENT:

ZONING BOARD OF APPEALS MEMBERS

Dennis Mietz, Chairperson
Andrea Tompkins Wright
Judy Schwartz
Kathleen Schmitt
Edward Premo
Heather McKay-Drury
Matthew D'Augustine

Rick DiStefano, Secretary
Lauren Baron of Mancuso Brightman PLLC, Attorney to the Town

WHEREAS, on or about July 12, 2022, PEMM, LLC, as contract vendee and Bristol Valley Homes, LLC, the then owner of the property located at 3108 East Avenue in the Town of Brighton (the "Property") filed with the Town of Brighton Zoning Board of Appeals (the "ZBA") certain applications associated with rehabilitation and redevelopment of the Property into a gas station with convenience store (the "Project") including Application 8A-04-22 for a use variance from Section 203-44 of the Brighton Town Code to allow a gas station with a convenience store to be located in a BE-1 Office and Office Park District, Application 8-05-22 for an area variance from Section 207-6B of the Town Code to allow an accessory structure in the form of a canopy to be located in a front yard in lieu of the rear yard, and Application 8A-06-22 for area variances from Section 205-18 of the Town Code to allow parking of vehicles within two feet of the side (north) lot line and to allow paved areas/driving aisles up to the front lot line (collectively the "2022 Applications"); and

WHEREAS, Town Code Section 203-44 does not allow a gas station or convenience store as either a permitted or conditional use in a BE-1 Office and Office Park District; and

WHEREAS, Town Code Section 207-6(B)(1) requires that accessory structures in non-residential districts be placed in the rear yard; and

WHEREAS, Town Code Section 205-18(B) prohibits parking areas within 10 feet of any lot line and further prohibits parking areas and driving aisles within 20 feet of the front lot line; and

WHEREAS, the ZBA held public hearings on each of the 2022 Applications, each of which was duly noticed and held on August 3, 2022 and September 7, 2022, and November 2,

2022; and

WHEREAS, thereafter on December 7, 2022, the ZBA granted the use and area variances for the Project; and

WHEREAS, the variances granted for the Project in 2022 have expired, and on February 10, 2025, 3108 East Avenue, LLC (the "Owner"), an affiliate of PEMM, LLC (collectively the "Applicants") submitted Application 3A-04-25 for a use variance from Section 203-44 of the Brighton Town Code to allow a gas station with a convenience store to be located in a BE-1 Office and Office Park District (the "Use Variance Application"), Application 3A-05-25 for area variances from Section 205-18 of the Town Code to allow parking of vehicles within two feet of the side (north) lot line and to allow paved areas/driving aisles up to the front lot line (the "Setback Variances Application"), and Application 3A-06-25 for an area variance from Section 207-6B of the Town Code to allow an accessory structure in the form of a canopy to be located in a front yard in lieu of the rear yard (the "Canopy Variance Application"); and

WHEREAS, the ZBA held public hearings on each of the above applications, each of which was duly noticed and held on March 5, 2025 and April 2, 2025; and

WHEREAS, the ZBA hereby brings each of the applications off the table to consider each of the same which are determined and decided as set forth below based on the testimony given, applications and documents provided and comments received from the public.

NOW, THEREFORE, on Motion of _____, seconded by _____, it is hereby

RESOLVED, each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein, and be it further

RESOLVED, that no changes have been proposed for the Project and therefore no additional environmental review is necessary pursuant to the State Environmental Quality Review Act; and be it further

RESOLVED, that the ZBA incorporates the previously approved Negative Declaration adopted on December 7, 2022 pursuant to the State Environmental Quality Review Act for the reasons and based upon the findings set forth therein which findings and determinations are made a part hereof, and be it further

RESOLVED, that after duly considering all the evidence before it, the ZBA in all respects accepts, approves, adopts, and confirms the following Use Variance Findings with respect to the Use Variance Application:

The Owner submitted credible evidence that applicable zoning regulations and restrictions have caused unnecessary hardship by demonstrating through testimony and

documentation submitted that:

1. As established by evidence submitted as part of the 2022 Applications, years were spent attempting to market the property and/or find a tenant for a permitted or conditionally permitted use including office uses expressly permitted under the Town Code for a property in the BE-1 Office and Office Park District. None of those efforts led to a successful sale or lease. Financial records supplied showed there has been no income from the subject property since 2018 and updated evidence provided by the Applicants as part of the 2025 Use Variance Application demonstrate that a significant amount of additional expenses have been spent on taxes, as well as to extend the purchase and sale contract since the prior approvals were issued. Prior testimony in 2022 established the small size of the building and its designation as a historic landmark impede both the practical use of the property for a permitted use and prohibit the expansion or substantial alteration of the building exterior. The existing building is only 1,188 square feet and has no interior bathroom. Based on new information provided by the Applicants, in order to convert the interior space to a permitted office use the cost has increased by approximately 18.77%, from \$220,000.00 in 2022 to approximately \$261,300.00 in 2025. Based on updated information provided by the Applicants as part of the Use Variance Application, to generate sufficient rent to recapture this investment in the property, the Owner would need to charge significantly higher in rent to generate a return on the Property if it was redeveloped as an office use and the Property is not marketable for any conditional use permitted in the BE-1 Office and Office Park District. Accordingly, under applicable zoning regulations the Owner is deprived of all economic use or benefit from the property in question, which deprivation has been established by competent financial evidence;
2. The subject building was designated as a historic landmark under the Brighton Historic Preservation Law many years ago. Even with the approval of the applied for Use Variance, under the Historic Preservation Law, the building cannot be demolished and any exterior alterations or improvements cannot proceed without approval from the Town's Historic Preservation Board after it considers whether such changes will be compatible with the historic character of the landmarked building, which approval was re-granted by the Historic Preservation Board on January 23, 2025. The historic designation prohibits the Owner from demolishing and rebuilding the structure into something more suitable for a permitted or conditionally permitted use. In fact, the Historic Preservation Board previously rejected a proposal by the Owner to renovate the exterior of the structure to be used as a professional office for a potential tenant that the Owner had identified as interested in placing offices in the building but only if an exterior addition was allowed. There is no other designated building like the subject premises in the Town. Accordingly, the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. The subject parcel and building was used as a gas station and service center since about 1930. It existed in harmony with the surrounding neighborhood for nearly 90 years. The prior gas station/service center was a prior non-conforming use which ultimately was discontinued in approximately 2017. The use proposed by the Owner, namely that of a gas station and convenience store, is in harmony with the neighborhood. The property is located on a major state road. It is already a heavily trafficked area and is

suitable for the location of the proposed use. The design of lighting, hours of operation and overall appearance of the proposed use is intended to and will have a nominal impact on the residences that are across the highway from the proposed use. There are no trees to be removed, and installation of underground storage tanks for fuel storage will be installed and operated in accordance with state and federal guidelines to prevent environmental impacts from the same. Accordingly, the requested use variance, if granted, will not alter the essential character of the neighborhood and will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, including natural features such as trees;

4. The Owner purchased the property at a point in time that the prior non-conforming use as a gas station had expired. As part of the 2022 Applications, documentary proof and oral testimony established the efforts expended in attempting to attract a conforming and permitted use to the property. As set forth above, the property has historically been used as gas station and is a protected historic landmark making it impossible to demolish and rebuilt the structure into something more suitable for a permitted or conditionally permitted use. In purchasing the Property, the Owner relied on the approvals of the 2022 Applications and the approvals received from the Historic Preservation Commission and Planning Board in 2022. Based on the testimony provided by the Owner's representatives, circumstances outside the Owner's control delayed the start of construction of the Project, leading to the expiration of the previously obtained variance approvals. The alleged hardship has therefore not been self-created.

The Zoning Board of Appeals hereby grants Application 3A-04-25 for the reasons set forth herein and in granting the use variance, recognizes that PEMM, LLC testified that its business model included the operation of a gas station in combination with a convenience store. There appears to be no proposals from any potential user to operate one without the other at this location. Accordingly, the Zoning Board of Appeals determines that the granting of the use variance for both the gas station and the convenience store is the minimum variance that is necessary and adequate to address the unnecessary hardship proven by the applicants.

Moreover, the Zoning Board of Appeals finds and determines that the historic use of the property has been that of a gas station and service center, not substantially different in the view of the Board from the present proposal for a gas station and convenience store. The Board notes the plans to minimize light spillage and other impacts on the residential properties across the state highway and the Board believes that the proposed use will have no impact on the Brighton Fire Station and Headquarters that is immediately adjacent to the subject property. It is understood that the Brighton Fire Station is lighted, active, and staffed 24 hours a day and 7 days a week. The Board also reviewed the traffic data and reports prepared by SRF Associates and dated October 2022 which were submitted and hereby finds and determines that the proposed use will not have any appreciable impact on traffic in the corridor and no evidence was provided that there has been a substantial change in traffic since the SRF Associates traffic study was prepared. Finally, the Board is aware that the subject property has been vacant for many years and maintenance has been deferred as a result of the lack of income and occupancy. Approving a use for the property in all of the circumstances given will be the best hope for preservation of this landmarked building and will help avoid having the property fall into disrepair and neglect. Accordingly, granting the use variance will preserve and protect the character of the

neighborhood and the health, safety and welfare of the community; and it is further hereby

RESOLVED that after duly considering all the evidence before it, the ZBA in all respects accepts, approves, adopts, and confirms the following Setback Variances Findings with respect to the Setback Variances Application:

The Owner has submitted credible evidence that taking into consideration the benefit to the applicant if the Setback Variances are granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board has considered the following and made the findings set forth below:

1. The Applicants and their professionals testified that the need for the setback variances to allow parking of vehicles within two feet of the side (north) lot line and to allow paved areas/driving aisles up to the front lot line is a function of the location of the building on the lot. Because the building is landmarked, it cannot be demolished or relocated and there is simply no room for parking, paving and drive lanes anywhere else on the property. In order for there to be adequate parking and clearances, the setback variances are required. Parking, pavement, and driving aisles proposed will not intrude upon or impinge upon any other nearby properties other than the Brighton Fire Station which itself has pavement up to the property line. Moreover, the setback of the pavement at zero feet is an existing condition which will remain unchanged while the overall pavement area will be brought below what the Code allows. Accordingly, the Board finds that the Setback Variances will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties;
2. The need for the Setback Variances results from the size and existing layout of the property including the location of the landmarked building. Accordingly, the Board determines that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the Setback Variances;
3. As noted above, the proposed pavement area on the property will be reduced. The requested Setback Variances are not substantial;
4. The proposed parking and pavement areas are properly placed to minimize impacts and allow for easy and safe interior traffic while meeting parking requirements of the Town Code. Approving the Setback Variances will actually allow for more green space and better pedestrian access to the property, all to the benefit of the neighborhood. The proposed Setback Variances are not expected to have any adverse effect or impact on the physical or environmental conditions in the neighborhood or district, nor on the residential properties across the state highway;
5. The alleged difficulty is not self-created, but rather results from the existing physical conditions of the property, the size of the property, the location of the landmarked building, and the lack of any usable rear yard;

6. The Board has determined based on all of the above including the reduction of paved area on the Property and the necessity of locating parking in the front yard and the physical limitations of the Property that the requested Setback Variances are the minimum variances necessary, and that granting the Setback Variances will at preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The Zoning Board of Appeals hereby grants Application 3A-05-25 based on the testimony given, documents presented, and the findings set forth above, and it is hereby further

RESOLVED that after duly considering all the evidence before it, the ZBA in all respects accepts, approves, adopts, and confirms the following Canopy Variance Findings with respect to the Canopy Variance Application:

The Owner has submitted credible evidence that taking into consideration the benefit to the applicant if the Canopy Variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board has considered the following and made the findings set forth below:

1. The Applicants testified that the canopy was needed for weather protection for customers while pumping gas in inclement weather. The Historic Preservation Commission has already approved the canopy as proposed, indicating the addition of the canopy is consistent with the historic character of the designated landmarked building and Property. The addition of this accessory structure is not intruding upon or impinging upon any other nearby properties and is consistent with the proposed use of a gas station. Accordingly, the Board finds that the Canopy Variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties;
2. According to the documents and testimony presented, the original proposed canopy was larger and the Applicants scaled down the size of the canopy to dimensions that will still accomplish the goal of providing shelter to customers filling their cars up at the gas island. Suggestions from the public that the Applicants adopt a practice of providing full service (i.e. employees to pump gas for customers) is not feasible and is inconsistent with their business model. Moreover, there is no room on the property for the canopy and fuel island to be placed in the rear yard and the building cannot be relocated because it is a designated landmark. Accordingly, the Board determines that the benefit sought by the Applicants cannot be achieved by some method, feasible for the Applicants to pursue, other than the Canopy Variance;
3. As noted above, the proposed canopy has been scaled down and is proportionate to the dimensions of the pump island and the existing building. The requested Canopy Variance is not substantial;
4. The Canopy Variance is consistent with the use of the property as a gas station. A gas station operated on the property for decades before it was abandoned. No adverse effect or impact on the neighborhood or district was noted during the many years that the gas station previously operated on the property. The addition of an accessory structure such as a canopy in the front yard of the property is not expected to have any adverse effect or

impact on the physical or environmental conditions in the neighborhood or district;

5. The alleged difficulty is not self-created as the gas island must be located in the front yard as the building cannot be moved or demolished because it is a designated landmark. Accordingly, the canopy needed to protect customers from inclement weather while pumping gas must also be placed in the front yard rather than the rear yard as required by Town Code;
6. The Board has determined based on all of the above including the reduction in the dimensions of the canopy and the necessity of locating it in the front yard to cover the gas island that the requested Canopy Variance is the minimum variance that is necessary and adequate that granting the Canopy Variance will at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The Zoning Board of Appeals hereby grants Application 3A-06-25 based on the testimony given, documents presented and the findings set forth above, and it is hereby further

RESOLVED, that pursuant to Town Code Section 219-2(B)(2)(d), the Zoning Board of Appeals hereby imposes the following conditions and restrictions with respect to each of the above referenced variance applications which have herein been granted:

1. Approval of each variance is based on and shall be limited to the plans and specifications submitted by the Applicants to the Board;
2. Approval of each variance is subject to site plan approval by the Planning Board and any conditions it may impose and the issuance of all building permits by the Building and Planning Department;
3. Hours of operation shall be limited from 6:00 am to 10:00 pm.
4. Every effort shall be made to limit deliveries to during hours of operation.

UPON ROLL CALL VOTE, the vote was as follows:

Dennis Mietz, Chairperson	Voting _____
Andrea Thompkins Wright, Board Member	Voting _____
Judy Schwartz, Board Member	Voting _____
Kathleen Schmitt, Board Member	Voting _____
Edward Premo, Board Member	Voting <u>RECUSED</u>
Heather McKay-Drury, Board Member	Voting _____
Matthew D'Augustine, Board Member	Voting _____

This Resolution was thereupon declared adopted.

Dated: April 2, 2025

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 4A-03-25

Date: April 2, 2025

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: 2077 South Clinton Avenue Building Addition

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Olivia Sciarabba, agent, and Creative Ability Development, Inc., owner of property located at 2077 South Clinton Avenue, for Area Variances from Section 205-6 to allow a building addition to 1) extend 15 ft. into the existing 40 ft. front setback where a 50 ft. front setback is required by code, and 2) extend 12.7 ft. (17 ft. without stairwell) into the 30 ft. side setback required by code.

Location: 2077 South Clinton Avenue, 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 be no impact on water quality and 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 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, Secretary - Zoning Board of Appeals
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"/>

Agency Use Only [If applicable]	
Project:	4A-03-25
Date:	April 2, 2025

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 the request for a business identification sign on a second building face 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 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	April 2, 2025
Rick DiStefano	Date
Print or Type Name of Responsible Officer in Lead Agency	Secretary
Signature of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Preparer (if different from Responsible Officer)	

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 4A-05-25

Date: April 2, 2025

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 Town Board, 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: 2000 Summit Circle Drive relief of Sprinkler Ordinance

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Richard Rebottini, agent, and Jewish Senior Life, owner of property located at 2000 Summit Circle Drive, for relief from Section 73-29 (Structures Requiring to Have Automatic Sprinkler Systems) in accordance with Section 73-34 to allow a 1,393 sf maintenance building and a 1,248 sf multi-bay garage to be constructed without an approved sprinkler system as required by code.

Location: 2000 Summit Circle Drive

Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. There will be no significant adverse environmental impacts from the proposed action.
3. There will be no resources of value irreversibly lost.

For Further Information:

Contact Person: Rick DiStefano, Secretary - Zoning Board of Appeals

Address: Town of Brighton Telephone: (585) 784-5250
2300 Elmwood Avenue
Rochester, N.Y. 14618

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 4A-06-25

Date: April 2, 2025

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 Town Board, 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: 1625 Crittenden Road relief of Sprinkler Ordinance

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Application of Jake Goldstein, agent, and Brighton Village Apartment LLC, owner of property located at 1625 Crittenden Road, for relief from Section 73-29 (Structures Requiring to Have Automatic Sprinkler Systems) in accordance with Section 73-34 to allow for construction of a 2,400 sf maintenance building without an approved sprinkler system as required by code.

Location: 1625 Crittenden Road

Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.
2. There will be no significant adverse environmental impacts from the proposed action.
3. There will be no resources of value irreversibly lost.

For Further Information:

Contact Person: Rick DiStefano, Secretary - Zoning Board of Appeals