

**A G E N D A**  
**BOARD OF APPEALS - TOWN OF BRIGHTON**  
**MAY 7, 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](mailto: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.  
Approve the minutes of the April 2, 2025 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of May 1, 2025 will now be held.

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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. **TABLED AT THE APRIL 2, 2025 MEETING - WITHDRAWN BY APPLICANT**

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. **TABLED AT THE APRIL 2, 2025 MEETING - PUBLIC HEARING REMAINS OPEN**

5A-01-25 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for a two year Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and hold up to six (6) outdoor weddings/special club events per year for years 2025 and 2026. All as described on application and plans on file.

5A-02-25 Application of Deborah Bower, owner of property located at 139 Glen Road, for an Area Variance from Sections 203-2.1B(2) and 203-9A(4) to allow for the construction of a 576 sf storage shed in lieu of the maximum 250 sf as allowed by code. All as described on application and plans on file.

5A-03-25 Application of Rebecca Barone, agent, and Christina Ingerson, owner of property located at 66 Avon Road, for an Area Variance from Section 205-2 to allow a building addition to extend 2 ft. into the existing 20.7 ft. rear setback where a 40 ft. rear setback is 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:

Letter from Richard Rebottini, Perkins Eastman, dated April 10, 2025, withdrawing application 4A-05-25.

Letter, with attachments, from Christopher Roth, Fire Marshal, dated May 6, 2025, regarding application 4A-06-25, 1625 Crittenden Road.

PETITIONS:

NONE

# PERKINS— EASTMAN

April 10, 2025

Rick DiStefano  
Senior Planner  
Town of Brighton  
2300 Elmwood Avenue  
Rochester, NY 14618

Re: Sprinkler Variance  
Project Name: Jewish Home Summit Expansion  
Project Number: 79081.00  
Subject: Withdrawal of ZBA application

Dear Mr. DiStefano:

Here is an update on our variance request.

1. I spoke with Patricia Hinckley. She confirmed that if we follow the recommendations of Daniel Farrelly (DOS) the garage building can be classified as U occupancy and would not require a sprinkler system in the Town of Brighton. We are in the process of modifying our documents to conform with Mr. Farrelly's comments.
2. The Owner has decided to install a sprinkler system in the maintenance building.

This should resolve any need for a variance on these buildings. Let me know if you have any questions.

Sincerely,

*Richard L. Rebottini*

Richard L. Rebottini  
Senior Associate

cc: File  
Scott Fitzgerald  
Carly Zecher  
Barry Ingalsbe

**R E C E I V E D**  
APR 14 2025

**TOWN OF BRIGHTON  
BUILDING & PLANNING**



Tuesday, May 6, 2025  
Town of Brighton Zoning Board  
2300 Elmwood Avenue  
Rochester, New York 14623

RE: Application 4A-06-25 – Maintenance Facility

Dear Chairperson:

I have reviewed the applicant's response letter (attached) for the construction of a 2,400 sq ft maintenance facility and have the following comment based on that review:

- 1a): The materials proposed for use and storage due meet the criteria for combustible materials, although some detailed things such as granite counter tops and dry wall could be categorized as limited. There still is proposed combustible materials and storage in the proposed maintenance facility.
- 1b) i) The figures provided reflect an overall cost, but there is no formal quote from a fire sprinkler contractor detailing cost per sq. ft. and other water supply tap fees or charges.

Was this the only contractor spoken to or was this the only "high bid" to be submitted?

*The average cost for installing a commercial fire sprinkler system ranges from \$1 to \$7 per square foot, depending on factors like building age, type of construction, and specific project requirements. New construction typically falls in the lower range (\$1-\$2), while retrofitting existing buildings, especially older or high-rise structures, can be more expensive.*

The bulk around estimate provided would put this project around (\$25,000 / 2400 sq ft) \$10.40 per sq ft for new construction. If we took a median cost of \$5 per sq ft the project would then equal around \$12,000.

ii) Regarding viable alternative:

The applicant has offered the installation of portable fire extinguishers which would already be a requirement of FCNYS Section 906.1 so this would not be an alternative above and beyond any minimum fire safety requirement.

The applicant did offer an additional door whereas one would only be required for this proposed occupancy.

The applicant proposed a fire alarm system, more information such as type, proposed coverage such as smoke detection for early detection and notification vs application of heat detectors which are not suggested for life safety devices. This could be an alternative level of safety, but not enough information is provided.



*In general, the commercial fire alarm system cost will follow these guidelines: Count on an average cost of \$1 to \$2 per square foot for a simple installation. For complex structures, such as in a multi-floor building, the price may increase to \$3 to \$5 per square foot or higher.*

If we took a median cost of \$3.00 per square foot for this project, we could be faced with a total installation cost of \$7,200. Plus, approximately \$350.00 annually for monitoring of the fire alarm system over the life of the system, we are approaching the costs of the automatic fire sprinkler installation.

2) Regarding control and enforcement, and subsequent sale of property:

Although the maintenance staff could provide some basic safeguards towards life and fire safety, they are not able to administer or enforce the Uniform Fire Prevention and Building Code which again places the burden back to the Town of Brighton for oversight into this project.

Suggestion for providing a sign would not be enforceable, the only true enforceable action would be to detail specific conditions within the Certificate of Compliance. If the storage or materials are found to be outside these conditions, then suspension or revocation could result, but this is placed back with the Town of Brighton.

In closing, based on the information provided within the package and response email, it is my recommendation to deny the application to allow the construction of a maintenance building without the installation of an automatic fire sprinkler system in compliance with the Town of Brighton Code.

If you have any specific questions, please feel free to contact me back directly.

Respectfully,

Christopher A. Roth  
Chief Fire Marshal

Hi Christopher,

As you may be aware, we went to Brighton Zoning last night to seek relief from sprinkler system requirement for the new storage barn soon to be constructed at 1625 Crittenden Road. The resolution was tabled until the next meeting pending discussion with the you to address your concerns. Unbeknownst to me at the time, there were two letters sent from Brighton and Henrietta Fire Departments indicating that more information was needed to make an informed decision. Please note our attached submittal to the board last night for references noted below.

Here are the points in your letter, and our responses to them (most of them also noted at the zoning board meeting last night):

1a) Regarding activities to be performed, and equipment or materials proposed to be stored and their quantities:

The purpose of the storage barn is to hold common maintenance and remodel materials. It will not be used as a workshop or vehicle storage area. Maintenance personnel will likely use the building on a daily basis, to enter, remove items they need, and leave, with 2-3 daily entries. Common maintenance/remodel items likely to be stored: non-flammable rock salt in winter (2-3 pallets at a time), copper or PVC plumbing parts (2-3 boxes), electrical wiring, window glass, snow plows (the plows themselves, not the vehicles), trim boards, hand and battery operated tools, light fixtures, cabinetry (2-3 pallets at a time, wrapped and banded), vinyl flooring material (3-4 pallets at a time), drywall (20-30 sheets a time), fiberglass tubs and shower surrounds (10-20 at a time), granite countertops (10-15 at a time).

Ultimately, the purpose of this barn is not for vehicle or equipment storage. It is to make up for the three residential units currently being utilized as storage.

1b) i) Regarding economic hardship:

Please see Exhibits A and B from the zoning board submittal last night (attached). The total value of the project without sprinklers is \$126k. Sprinklers would cost us 25K just for the system, then between 5 and 10k to bring water to the space. For the sake of discussion, if we used 30k for the sprinkler system budget, I think it goes without saying that, at 24% of the project total cost, this presents an economic hardship for the customer. The project will not be economically feasible for the customer if we do not receive this variance.

ii) Regarding viable alternative:

At last night's zoning meeting, I mentioned that we would be comfortable with installing an addressable fire alarm system, which would add a level of fire safety. There would also be fire extinguishers. With regards to spread distance, please see exhibit D, where we show the closest distances from the new structure to the existing residential structures is at least 20 feet. I am not sure why there is a discrepancy between your measurements and ours, but I am sure we can have our engineer come up with a precise measurement if needed. Finally, there are two man doors, one in the front, and one in the rear, as means of egress, as well as one window on each side of the building.

**2) Regarding control and enforcement, and subsequent sale of property:**

It would be incumbent on the maintenance personnel and property managers to ensure safety procedures are being followed on their property, just as they would in any situation where there is a potential possibility of fire or other hazard. The maintenance team and management at Brighton Village is highly capable, and follows procedure carefully. With regards to change of ownership, I would recommend we hang signage on the interior of the building indicating exactly what can and cannot be stored within.

**3) Regarding hydrants:**

As noted on the final page of the attached document, there are two hydrants near the storage barn. One is 318' away, and one is 461' feet away.

In summary, given that the storage barn will not be utilized as a workshop with tools and equipment being used within, nor will there be any highly combustible storage, we believe that, given the relative proximity of hydrants, proximity adjacent structures, fire egress, and addressable fire alarm system, we should be able to qualify for relief from the sprinkler code. Combined with the fact that, if required, as sprinkler system would make the project fiscally infeasible, we believe this is additional reason to qualify for the variance.

Feel free to contact me with any questions or concerns.

Thank you,

Jake Goldstein  
Project Manager/Estimator  
(585) 713-5973  
[elevationbuildersny.com](http://elevationbuildersny.com)

# EXHIBIT A



12/13/24

2024-010 / Brighton Village Storage Building  
249 Crittenden Way  
Rochester, NY 14623

<u>Division 1 - General Requirements</u>	\$11,150.00
Project supervision	
Mobilization	
Dumpsters	
Equipment (Lifts, Lulls, Etc)	
Vehicle Fuel	
Job site safety items	
Daily clean up	
Final clean	
 <u>Division 2 - Site Construction</u>	 \$33,950.00
Install and maintain silt fence	
Strip topsoil and place in pile per plan	
Remove 4 trees per plan	
Provide sub-base and asphalt paving per engineered drawings	
Auger holes for pole footer sonotubes	
Provide crusher run and compact to prep for concrete slab and sidewalks	
Haul all dirt and spoils offsite	
Rockhound and seed all disturbed areas	
 <u>Division 3 - Concrete</u>	 \$21,088.00
Install new 60'x40'x4" concrete slab on grade	
Install new column footers per engineered building plans (specs TBD)	
Install new concrete sidewalks, curb cuts, and ADA mats per revised drawing	
 <u>Division 4 - Masonry</u>	 \$1,890.00
Install thin brick veneer on front of pole barn, from grade to 36" above grade	
 <u>Division 6 - Woods &amp; Plastics</u>	 \$43,000.00
Install new wood or steel pole barn, with metal roofing, horizontal siding, one OH door, two man doors, and four windows, per plan	
 <u>Division 7 - Thermal &amp; Moisture</u>	 \$0.00
<b>ADD ALTERNATE: If walls and ceilings are to be insulated, please add \$9,539 to total price</b>	
 <u>Division 26 - Electrical</u>	 \$6,357.50
Install new feed cable from adjacent building with new disconnect and MDP	
Install 8 high bay LED lights in pole barn	
 Subtotal	 \$117,435.50

O & P	\$8,220.49
<b>TOTAL</b>	<b>\$125,655.99</b>

**Assumptions**

Pricing based on the project being a capital improvement.

**Exclusions**

Building permit application

Building permit fee

Prevailing wage rates or similar wage rates

## EXHIBIT B

### **Jake Goldstein**

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**From:** Glenn Dow <sprinkdesign2@gmail.com>  
**Sent:** Wednesday, March 26, 2025 9:43 AM  
**To:** Jake Goldstein  
**Subject:** Re: Brighton Village Storage Building

25K which includes the fire backflow device, dry pipe valve & sprinklers. I assume a steel building with no ceiling. Keep in mind that they take forever in getting a sprinkler permit and you would need to do a backflow application as one of the 1st things you do.

Regards,  
Glenn

On Mon, Mar 24, 2025 at 9:50 PM Jake Goldstein <[jgoldstein@elevationbuildersny.com](mailto:jgoldstein@elevationbuildersny.com)> wrote:

Hi Glenn,

Would you be able to provide a budget for a storage building in Brighton? Steel barn-type construction, 1 floor, slab on grade, no heat - so would need dry system. 2400 SF (60x40), 18'H at apex of trusses. I have zoning board meeting the 2<sup>nd</sup> and need to have my sprinkler budget.

Thanks,



Glenn J Dow  
Colonial Fire Protection Systems, Inc.  
National Sales Manager  
860 Linden Ave, Suite B  
Rochester, New York 14625  
P-585.381.7362 ex106  
C-585.545.8962

# EXHIBIT C

## ***BRIGHTON TOWN CODE***

### **AUTOMATIC SPRINKLER SYSTEM**

A sprinkler system, for fire protection purposes, designed in accordance with fire protection engineering standards. Where provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system, fire sprinklers shall be installed throughout in accordance with the applicable NFPA standard as referenced in the Uniform Code.

### **REPAIRS**

Replacement or renewal, excluding additions, of any part of a structure, with like or similar materials or parts, for the purpose of maintenance, preservation or restoration of such materials.

#### **§ 73-29 Structures required to have automatic fire sprinkler systems.**

##### **A.**

Any building or structure as classified by the New York State Building and Fire Prevention Code, **with the exception of one- and two-family dwellings and Utility and Miscellaneous Group U occupancies**, which require a certificate of occupancy, constructed after January 13, 1993, shall be required to have an automatic fire sprinkler system installed and operational prior to occupancy.

##### **B.**

Any alteration, addition, or repair of a structure, with the exception of a one- or two-family dwelling, existing on January 13, 1993, when the cost of the alteration, addition or repair made within any six-month period exceeds 50% of the value of replacement of any existing structure, shall be considered a "structure constructed after January 13, 1993" within the meaning of this section.

##### **C.**

The replacement value of the existing structure shall be determined by equalizing the assessed value of the existing structure based on the most current tax assessment roll in the Town of Brighton, and shall exclude the value of the proposed alteration, addition or repair.

## **NYSBC SECTION 312 Utility and Misc Group U**

### **312.1 General**

Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.4)
- Barns
- Carports
- Communication equipment structures with a *gross floor area* of less than 1,500 square feet (139 m<sup>2</sup>)
- Fences more than 6 feet (1829 mm) in height
- Grain silos, accessory to a residential occupancy



- Live fire training facilities*
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers

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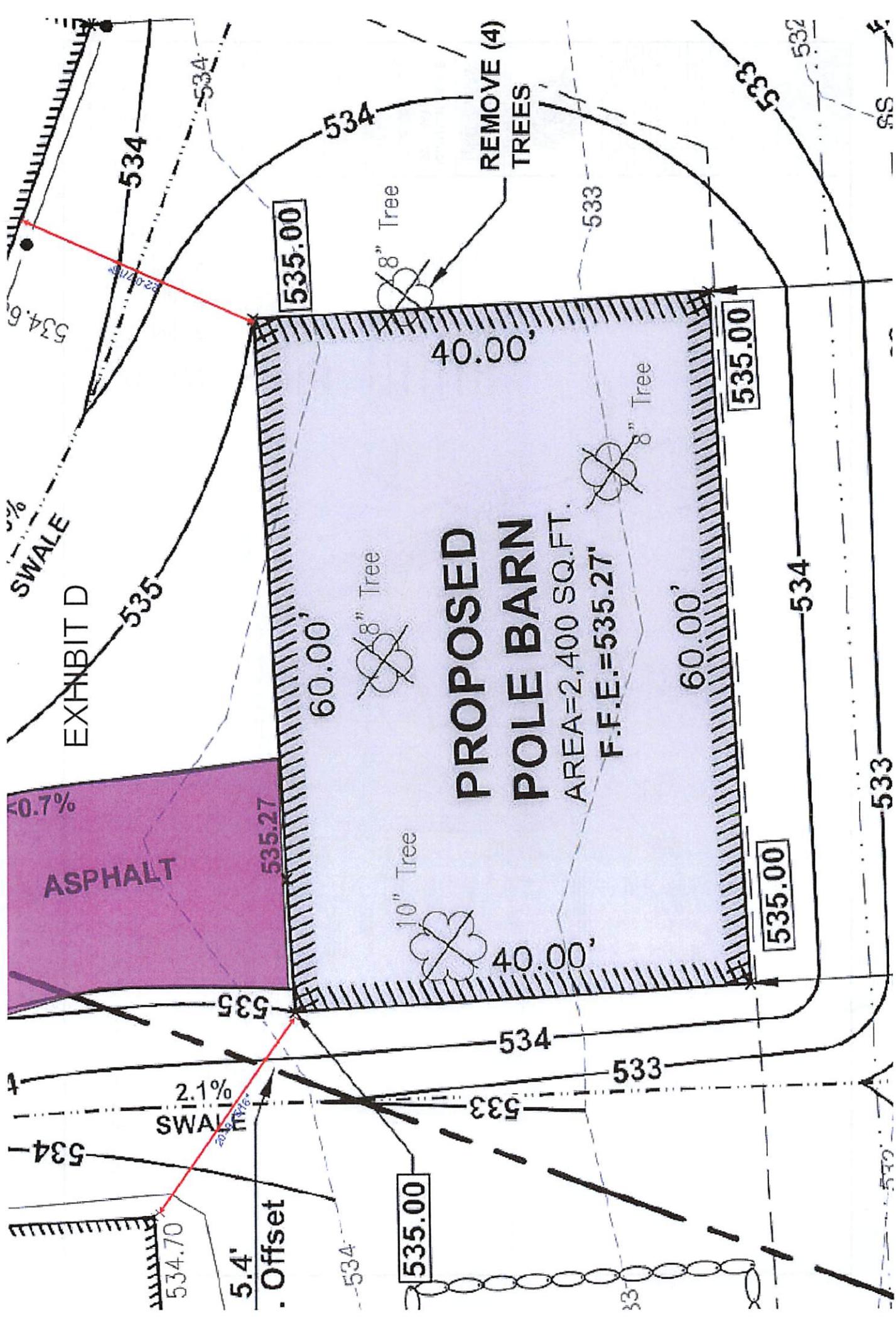
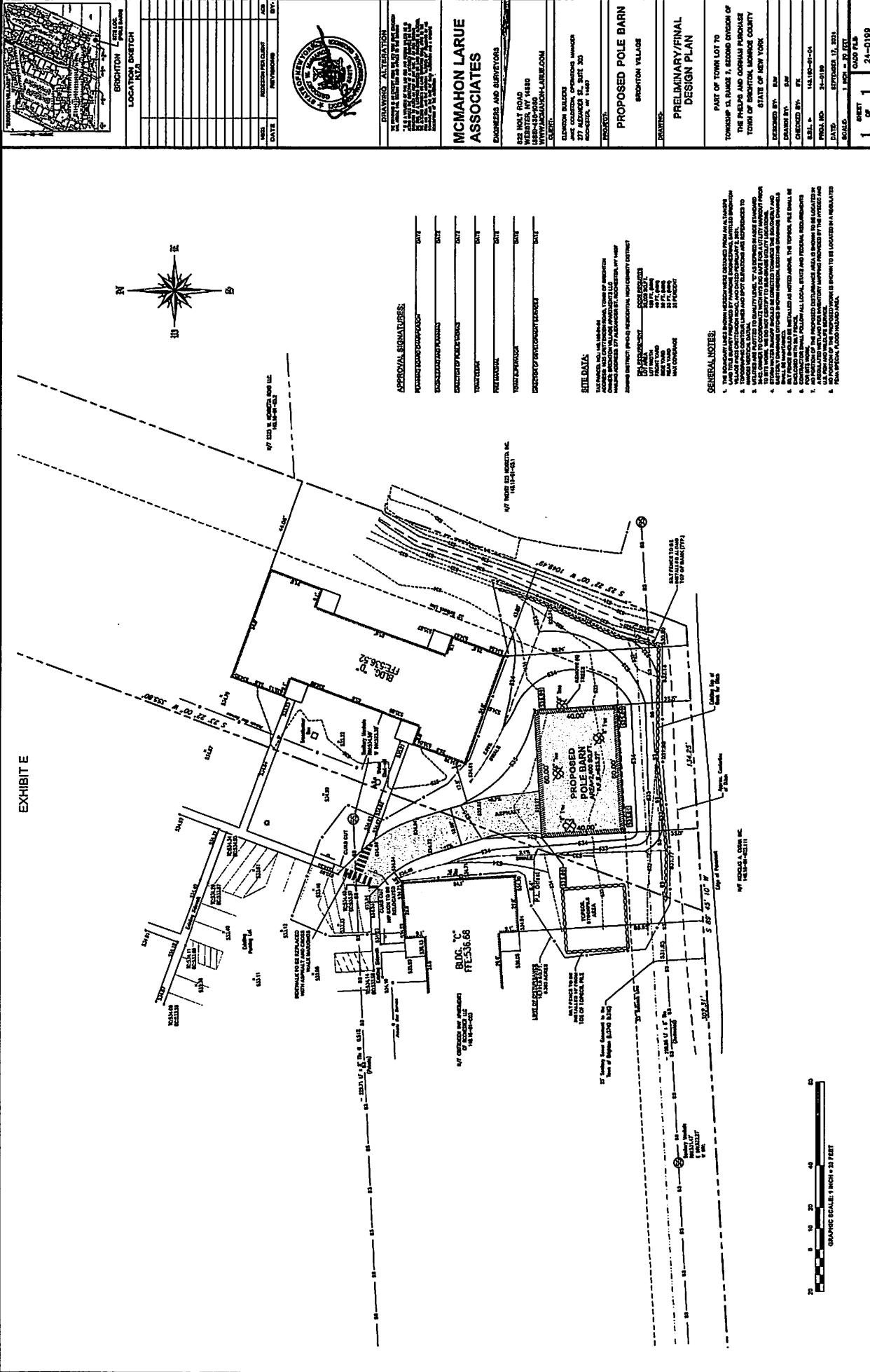
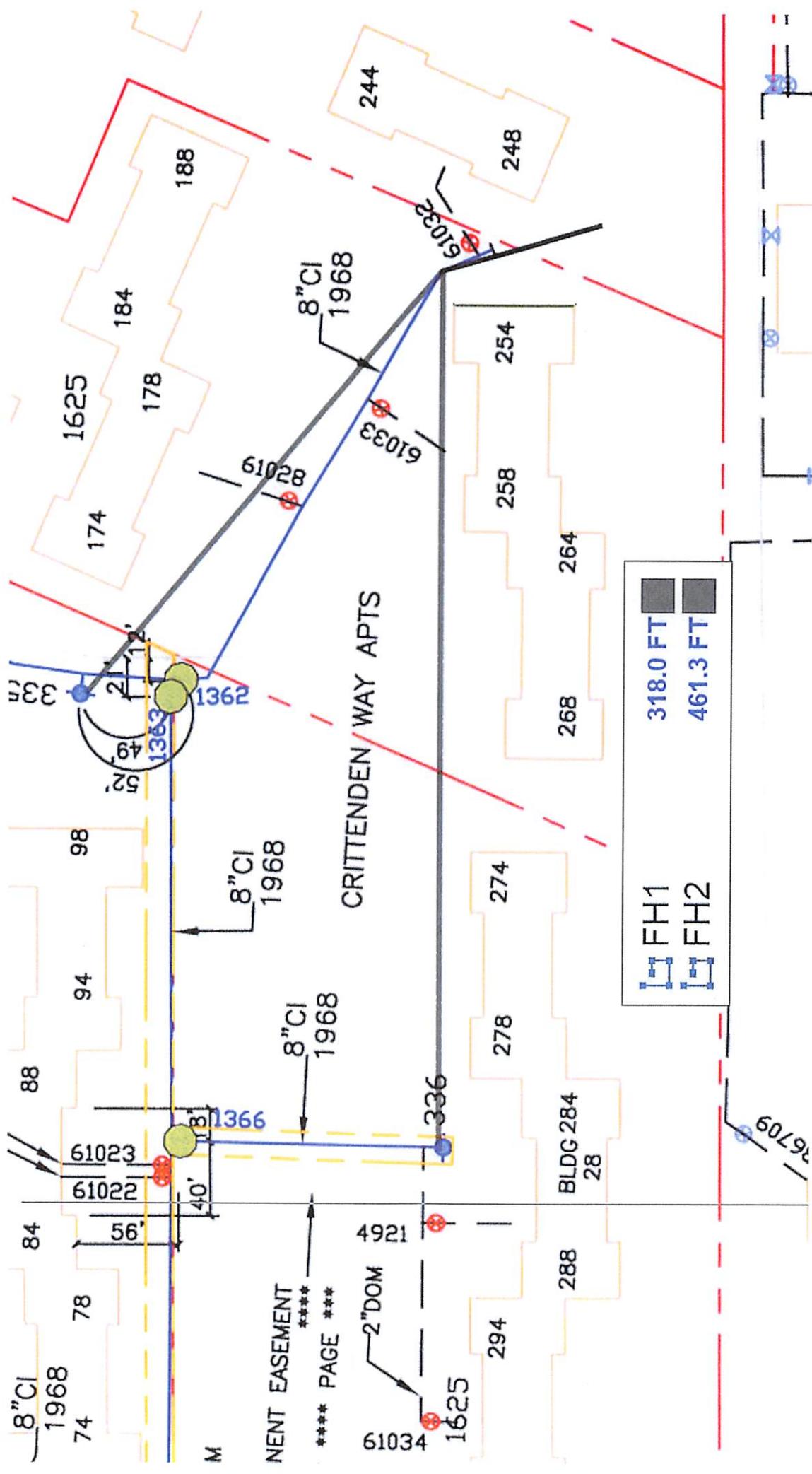


EXHIBIT E



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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

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