

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
JUNE 4, 2025

Written comments may be submitted to Anthony Vallone, AICP, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to anthony.vallone@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 May 5, 2025 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of May 29, 2025 will now be held.

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 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. **ITEM TABLED - PUBLIC HEARING REMAINS OPEN**

6A-01-25 Application of Joseph O'Donnell, agent, and Stephanie White, owner of property located at 55 Furlong Rd. for an Area Variance from Sections 203-2.1B (2) and 203-9A(4) to allow for the construction of a 1200 sf. storage shed in lieu of the maximum 250 sf. allowed by code. All as described an application and plans on file.

6A-02-25 Application of BME Associates and Westfall Brighton SRE, LLC, agents, and Westfall Development, LLC, owner of property located south of Westfall Road, east of East Henrietta Road (CityGate), known as Tax ID parcels 149.06-1-3.11 and 149.06-1-3.12, for renewal of Variances 8A-05-24 and 8A-06-24 pursuant to Section 219-5F to allow a gravel access/maintenance drive to be 5 ft. from a side lot line in lieu of the minimum 10 ft. required by code and to allow a 345 +/- ft. retaining wall of varying height up to 12 ft. topped with a 48 inch railing where a maximum 6.5 ft. high wall is allowed by code. All as described an application and plans on file.

- 6A-03-25 Application of AnhTuan Bui, agent, and Matthew Weins, owner of property located at 1040 Allens Creek Rd, for an Area Variance from Section 205-2 to allow a building addition to exceed the Livable Floor Area by 265 ft. by converting an open porch to a four-season room. All as described an application and plans on file.
- 6A-04-25 Application of Alexis Leanza, owner of property located at 75 Embassy Dr, for an Area Variance from Section 207-2A to allow for a front yard 6 ft. vinyl fence in lieu of the 3.5 ft. maximum allowed by code. All as described an application and plans on file.
- 6A-05-25 Application of Heather McNulty owner of property located at 103 David Ave, for an Area Variance from Section 205-2 to allow a front porch to extend 5 ft. into the existing 30 ft. front setback where a 40-foot setback is required by code. All as described an application and plans on file.
- 6A-06-25 Application of Dave Swarthout, owner of property located at 90 Southland Dr, for an Area Variance from Section 207-2B to allow side and rear yard fencing ranging in height from 7 to 8 ft. in lieu of the maximum of 6 ft. 6 in. as allowed by code. All as described an application and plans on file.
- 6A-07-25 Application of Bryan White, agent, and Jason A Cronberger, Susan E Hollister-Cronberger, owners of property at 49 Southern Pkwy, for an Area Variance from Section 205-2, to 1) allow a new house to be constructed with a 9 ft. 2 in. south side setback in lieu of the 15 ft. setback required by code, and 2) an Area Variance from Section 205-2, to allow for a 1078 sf. attached garage in lieu of the 900 sf. maximum, as allowed by code. All as described an application and plans on file.
- 6A-08-25 Application of Amanda E. Costanza, AIA, LEED AP, agent, and Katelyn & Jeffrey Hartford, owners of property at 161 Brookside Dr, for 1; Area Variances seeking relief from Section 205-2 for a proposed Lot Coverage of 23.2%, in lieu of the maximum 20 % allowed, an addition to extend 4 ft into the existing 7 ft. side setback where a 10.5 ft. setback is required, and to allow a front porch overhang to extend 6.4 ft. into the existing 41.4 ft setback where a 60 ft. setback is required by code; 2; Area Variance from Section 209-10 to allow Livable Floor Area to be 3,039 sf. (after construction of the addition), in lieu of the 2898 sf. as allowed by code. All as described an application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Email from Joseph P. O'Donnell AIA, dated Tuesday, June 3, 2025, 10:06 AM to postpone case #6A-01-25 until July 2025.

Letter, from Ken Hurley, P.E. Town Engineer, dated May 19, 2025, regarding 49 Southern Parkway, case #6A-07-25.

Email of support from Owen Finnigan, dated Monday, June 2, 2025, 11:48 AM regarding case #6A-07-25.

Email of support from Rory Stark, dated Monday, June 2, 2025, 1:11 PM regarding case #6A-07-25.

Email of support from Sam Burge, dated Saturday, May 31, 2025, 7:43 PM regarding case #6A-07-25.

PETITIONS:

NONE



Public Works Department

Ken Hurley, P.E.
Town Engineer

May 19, 2025

McMahon LaRue Associates
Attention: Bryon White, L.S.
822 Holt Road
Webster, NY 14580

RE: Site Plan Review
49 Southern Parkway

Dear Mr. White,

The Engineering Department has reviewed the above referenced Site Plan and support data dated 4/22/25 for approval. We have compiled a list of comments from our review and have provided as follows:

Site Development Plan

- At the southeast corner of the property, the lawn area (south of the driveway) is being re-graded from the corner of the garage, along the existing driveway, and to the ROW line. A grass swale is proposed in this area. This swale would create a direct discharge point with concentrated flow onto the existing sidewalk, which is not acceptable. Since the driveway and the southwestern corner of the existing garage exist and will not change, it is recommended that this area remain undisturbed. This will not change the existing drainage flow in this area and the established lawn would not be subject to potential erosion as a newly disturbed area would be. Another option if this grading is desired is to provide a yard inlet and tie it into the new drainage piping.
- Please illustrate the limits of disturbance and area of disturbance on the plan.
- The Engineer's Report indicates that the erosion control fence and tree protection have been included on the plans. Please illustrate the location of these items on the plan.

This concludes the engineering comments for the materials submitted. Additional comments may be forthcoming based on review of the provided responses.

Please direct any questions or comments to my attention.

Sincerely,

Ken Hurley, P.E.

Department of Public Works

Cc: Anthony Vallone, Town of Brighton

Jason Haremza, Town of Brighton

Glen Layton, Town of Brighton

From: rick@richardjharrison.com on behalf of [Rick Harrison](#)
To: [Anthony Vallone](#)
Cc: [Jason Cronberger](#)
Subject: Application # 6A-07-25
Date: Tuesday, June 3, 2025 8:11:47 AM

CAUTION: This email originated from an external source. Use caution when replying, clicking links, or opening attachments.

Zoning Board of Appeals:

I write in strong support of the variances requested by the owners of 49 Southern Parkway. My wife and I have lived at 44 Southern for almost 40 years and have sadly watched the prior owners of 49 Southern allow the property to deteriorate into a "neighborhood eyesore". The new owners have removed overgrown brush and half-dead trees through individual hard work. The lawn is maintained even though they can't live in the house yet. The variances requested seem quite modest to me and the one regarding south side setback simply continues the setback that currently exists. Any neighbor who wants to improve their property and demonstrates a commitment by investing time, hard work and money, as Jason and Susan have, has earned our support and should be supported by all people who want Brighton to be a great place to live. I look forward to seeing the project completed as it will benefit all neighbors. Thanks for the opportunity to comment.

Rick Harrison
rick@richardjharrison.com
585-746-8891

From: [RORY STARK](#)
To: [Jason Haremza](#); [Anthony Vellone](#)
Cc: dkcs55@yahoo.com
Subject: Approval for Increase in Fence Hight between 94 & 90 Southland Dr.
Date: Monday, June 2, 2025 1:11:25 PM

CAUTION: This email originated from an external source. Use caution when replying, clicking links, or opening attachments.

Hello Town of Brighton.

I, Rory Stark, am the owner of 94 Southland Dr and I am writing with my approval for the height increase of the fence between 94 and 90 Southland Dr.

Please reply to this email if you require further communication on the matter.

Sincerely,

Rory Stark

From: [Joe O'Donnell](#)
To: [Anthony Vallone](#)
Subject: Case #6A-01-25
Date: Tuesday, June 3, 2025 10:06:37 AM
Attachments: [image001.png](#)

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Good morning Anthony,

We received your letter with the agenda for the June 4th ZBA meeting. Given that I will be out of town the owner has asked for a postponement of his case until the July meeting. Please confirm receipt of this email . Thank you!

Joseph P. O'Donnell AIA, NCARB
President



Greater Living Architecture, P.C.

3033 Brighton-Henrietta TL Rd

Rochester, NY 14623

www.greaterliving.com

Office: 585.272.9170

Cell: 585.370.4860

Fax: 585.292.1262

From: [Owen Finnigan](#)
To: [Anthony Vallone](#)
Cc: [Hollister_susan@hotmail.com](#); [jaycronnie@gmail.com](#); [Patty Finnigan](#)
Subject: Town of Brighton Board of Appeals item 6A-07-25, Application of B.White, agent for 49 Southern Pkwy.
Date: Monday, June 2, 2025 11:48:09 AM

CAUTION: This email originated from an external source. Use caution when replying, clicking links, or opening attachments.

Hi Mr. Vallone,

My wife Patty and I live at 36 Southern Parkway, diagonally across Southern Parkway from Susan and Jason's home at 49 Southern Parkway.

We would like to convey our support for the proposed variances described in the application on file for this property (6A-07-25). We have known Susan and Jason many years and know them to be good neighbors and conscientious homeowners.

The variances requested maintain the architectural character of the neighborhood and we believe the proposed design will be an improvement over the existing structure and be an overall enhancement to the street.

Sincerely,
Patty and Owen Finnigan
36 Southern Pkwy
Rochester, NY 14618