

T E N T A T I V E A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
DECEMBER 7, 2022

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 October 6, 2022 meeting.
 Approve the minutes of the November 2, 2022 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of October 27, 2022 will now be held.

[12A-01-22](#) Application of Terry Smith, contractor and Denise Platek, owner of property located at 35 Torrington Drive, for an area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

[12A-02-22](#) Application of John Betlem Heating and Cooling, contractor, and Darryl Tinney, owner of property located at 265 Bastian Road, for an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

[12A-03-22](#) Application of Chuck Smith, architect, and Stahl Property Associates LLC, owner of property located at 12 Elmwood Hill Lane, for Area Variances from Section 205-2 to allow 1) a new home to be constructed with a 20.65 ft. side setback (east lot line) in lieu of the minimum 33.22 ft. required by code, and 2) allow liveable floor area to be 5,050 sf in lieu of the maximum 3,748 sf allowed by code. All as described on application and plans on file.

[12A-04-22](#) Application of Chuck Smith, architect, and Stahl Property Associates LLC, owner of property located at 12 Elmwood Hill Lane, for an Area Variance from Section 207-11 to allow an inground swimming pool to be located partially in a side yard where only the rear yard is allowed by code. All as described on application and plans on file.

[12A-05-22](#) Application of Thomas and Lindsay Connelly, owner, of property located at 128 Eastland Avenue, for an Area Variance from Section 207-10E(2) to allow front yard

pavement to increase from 33% to 40% of the front yard area, after construction of a front addition, where a maximum 30% is allowed by code.

[12A-06-22](#) Application of Mary Jo Jepson, owner of property located at 339 Hollywood Avenue, for Area Variances from Sections 203-2.1B(2) and 203-9A(4) to 1) construct a detached garage with attached pergola 648 sf in size in lieu of the maximum 600sf allowed by code, and 2) allow said detached garage to be setback 3 feet from a side and the rear lot line where a minimum 5 ft setback from all lot lines is required by code. All as described on application and plans on file.

[12A-07-22](#) Application of Husniye Togay, owner of property located at 71 Branchwood Lane, for an Area Variance from Section 207-2A to allow a front yard (French Road) fence to be 4.5 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

[8A-04-22](#) [Additional Info](#) Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, 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 NOVEMBER 2, 2022 MEETING - PUBLIC HEARING CLOSED**

[8A-05-22](#) [Additional Info](#) Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, LLC, owner of property located at 3108 East Avenue, for an Area Variance from Section 207-6B to allow an accessory structure (gas 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 NOVEMBER 2, 2022 MEETING - PUBLIC HEARING CLOSED**

[8A-06-22](#) [Additional Info](#) Application of PEMM, LLC, contract vendee, and Bristol Valley Homes, 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. for a side lot line (north) where a 10 ft. setback is required by code, and 2) allow paved areas / 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 NOVEMBER 2, 2022 MEETING - PUBLIC HEARING CLOSED**

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Bridget and Michael Stone, 1110 Allens Creek Road, with continued opposition to applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Nancy Williams, 999 Allens Creek Road, dated November 15, 2022, with comments and concerns regarding applications 8A-04-22, 8A-05-22 & 8A-06-22, 3108 East Avenue.

Letter from Aron Reina, 62 poplar Way and Judy Massare, 126 Idlewood Road, dated November 15, 2022, questioning the right to have school dormitories in an RLB zoning district.

PETITIONS:

NONE