

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
3 On JUNE 1, 2016, COMMENCING AT APPROXIMATELY
4 7:15 P.M.

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June 1, 2016
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN
CHRISTINE CORRADO
JEANNE DALE
ANDREA TOMPKINS WRIGHT
JUDY SCHWARTZ
CANDICE BAKER LEIT, ESQ.

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

Reported By:

BRIANA L. JEFFORDS
Edith Forbes Court Reporting
21 Woodcrest Drive
Batavia, New York 14020

1 CHAIRPERSON MIETZ: Okay. At this time I would
2 like to call to order the May meeting of the Brighton Zoning
3 Board of Appeals.

4 Rick, was the meeting properly advertised?

5 MR. DI STEFANO: Yes, Chairman, it was advertised
6 in the Brighton-Pittsford Post on May 26, 2016.

7 CHAIRPERSON MIETZ: Okay. Can you please call the
8 roll?

9 MR. DI STEFANO: Please let the record show all
10 members are present.

11 CHAIRPERSON MIETZ: Rick, go ahead with the first
12 application.

13 Application 5A-10-16. Application of Brighton Twelve Corners
14 Associates, LLC, owner of property located at 1881 Monroe
15 Avenue, for 1) a Sign Variance from Section 207-32B(1) to allow
16 a business identification sign on a second building face
17 (Elmwood Avenue facade) where not allowed by code; 2) a Sign
18 Variance from Section 207-26D to allow a pictorial design to be
19 separated from a business identification sign (Winton Road South
20 facade) and be larger than 25 percent of the total permitted
21 sign face area where not allowed by code; and 3) a sign variance
22 from Section 207-32B(1) to allow total sign area (business
23 identification sign and graphic design) to be 69 sf in lieu of
24 the maximum 63 sf allowed by code. All as described on
25 application and plans on file. Part I - Approved with

1 conditions at the May 4, 2016, meeting, Parts II and III -
2 tabled at the May 4, 2016 - Public hearing remains open.

3 MR. RAINALDI: Sorry about that. Normally I have a
4 hand at these meetings. Good evening, my name is Fred
5 Rainaldi. I'm the managing partner of Brighton Twelve
6 Corners Associates, LLC. I'm here tonight as follow-up to
7 our last meeting to discuss the artwork as part of the sign
8 application for Qdoba. We are very excited, as I had
9 testified to, to have them come to the project and start the
10 final phase of taking over what was the balance of the Rite
11 Aid space at the project. So far we have met with ARB and
12 the Planning Board both of which we had received our
13 requested approvals from. And all of the approvals were
14 granted with conditions at the last Zoning Board meeting for
15 the sign package except for the topic tonight which is the
16 art panel located just to the left of the main entrance to
17 the space.

18 The task that was bestowed upon me at the last
19 meeting was to request that Qdoba find an opportunity to
20 reduce the sign artwork as proposed, and also provide some
21 back-up as to the importance and relevance with regards to
22 the artwork, and the brand's ability to create something
23 special with that living there that would allow the Board to
24 justify granting us approval for the existing project.

25 So tonight I was just going to speak briefly about

1 the conversation I had with Qdoba. We have submitted the
2 content that shows the sign -- the artwork portion of the
3 sign being reduced by approximately 30 percent. So it was
4 6x6 as originally proposed. Right now, what I have shown
5 you and what is on the artwork in front of you, it is a
6 square panel that's 5x5. So 30 percent reduction in the
7 size. The artwork that's in front of you reflects the
8 reduction. The artwork that sits beside me here is the
9 original that I presented at the last meeting.

10 One thing I really like about the changes that you
11 will see in the images that I have provided is that it
12 almost balances and matches the height of the window portion
13 that is directly next to it. It is actually fitting from an
14 architectural standpoint and a setting and balancing
15 standpoint. I have included in our response to the Town and
16 the administrative staff substantiation of the importance of
17 the artwork, but I would be happy to touch on it at length
18 if there are any questions. A really quick summary is that
19 the artwork is a derivative of an important sport in the
20 Mexican culture. It's the Mexican wrestler. The mask
21 specifically can be -- the origin starts about mid-19th
22 Century. Then it was an immediate takeaway from the Aztec
23 culture. And now it has become quite a phenom in Mexico.
24 The reason it is important in this type of nonrestaurant,
25 nontraditional type artwork is because it almost adds

1 legitimacy to the brand and the operation there. And the
2 true goal at the end of the day is to separate them from
3 every other option that exists, not only in their space
4 which would be in Mexican cuisine, but also in fast casual.
5 They want to almost breach what the definition of that is
6 with a little nicer offering.

7 This store, as I have testified, not only to this
8 Board, but to the ARB and Planning Board, will be very
9 different than the other location that exists in the
10 Rochester market both esthetically and also in the
11 operation. I am not an easy landlord to deal with on the
12 tenant-landlord interaction side, and we have heavy
13 requirements for the tenants. And we are very fortunate
14 that we have a brand here that has made some concessions
15 with regards to their traditional operation.

16 CHAIRPERSON MIETZ: Could you elaborate a little
17 bit?

18 MR. RAINALDI: Yes. From the outside in, physical
19 materials, a lot of times we'll receive a work letter or
20 specification that will come with materials that are already
21 pre-scoped with purveyors in respective parts of the
22 country. With this facility, all of the reclaimed wood will
23 be coming from Pioneer and Farmington which will allow us a
24 couple of things, (1) purchasing from local, and (2) I will
25 be able to qualify and make sure that because it is

1 reclaimed, that I will have consistency among the eaves and
2 consistency, as well, along the fencing. So I will have a
3 little more quality control from inside, everything from the
4 seating. And also the layout is a little more advanced than
5 you will find even in their standalones. An example would
6 be CityGate. More examples would be also the one to open
7 soon at Empire Bay, Webster, and Penfield. This format has
8 a little more attention that has been paid to it because it
9 wasn't a prototypical footprint that they were working with.
10 They were working with the back portion of the Rite Aid
11 space which proposed or created some challenges. A lot of
12 times when you have challenges like that, something cool
13 comes out of it. That was, in fact, the case here.

14 CHAIRPERSON MIETZ: Okay.

15 MR. RAINALDI: The other thing that is a little
16 different here, as you all know Brighton is a very, very
17 unique place, very special place. There is an incredibly
18 diverse foot traffic as well as vehicle traffic that
19 interfaces with the Twelve Corners. Because of the intense
20 and dense family environment, there will be things that
21 cater to the families that are a little different. And you
22 will see that from the beverage programming to the adults to
23 the way that the tables are assembled. Assuming that there
24 could be an opportunity for the family to go in as a unit,
25 and kids can leave early, and the parents can stay. It's

1 supposed to be an environment where that would be something
2 where you can still enjoy yourself, maybe a little bit more
3 once the kids leave. You can have a glass of wine or
4 another beverage. So that would be an example of the
5 differences in this one here.

6 CHAIRPERSON MIETZ: Okay.

7 MS. SCHWARTZ: How were the other stores able to or
8 not have the Qdoba artwork if it's supposedly part of their
9 marketing committee?

10 MR. RAINALDI: This store --

11 MS. SCHWARTZ: Like CityGate?

12 MR. RAINALDI: There are two answers to that. One,
13 we are actually coming inline with their new programming
14 which I am going to hand out an explanation here.

15 So it took us a long time to -- well, first of all,
16 in addition to having the challenge of leasing the space, I
17 also have the challenge of removing Rite Aid from the
18 project. So the deal making portion took longer. In that,
19 a cool thing happened. We got pushed out of the old format.
20 We are now part of the new format. So when CityGate and
21 Empire were papered, they were part of the old program.
22 This is the first Rochester unit that will be part of the
23 new programming. With that said, there are still unique
24 things that will exist with our store as compared to any
25 other new store that opens up. But purely from the

1 timestamp of when we effectuated this deal, we are now part
2 of the new programming. I can't tell you that I planned it
3 all, but I can tell you that I'm excited that we are going
4 to be a little different. Also, when they did the change,
5 they hired and introduced a new staff. So it has been a lot
6 more fun interacting with them because they are a lot more
7 hyper-local driven. So the conversation hasn't been, "Okay
8 Fred, when you complete the tenant or landlord scope, give
9 me my C of O, and we start." It's been, okay, we have done
10 a lot of traffic analysis. We have done a lot of foot
11 traffic analysis. Okay. So how can we -- if I'm facing
12 this southern elevation, what's going to happen with the
13 entry? What's going to happen when you walk inside? Should
14 we change orientation of the kitchen? Can we shrink the
15 kitchen because of the way that we feel the store is going
16 to be utilized? So those are a lot more fun conversations
17 to have. Although, I am the builder of a building, we enjoy
18 being able to impact a piece of that.

19 MS. TOMPKINS WRIGHT: You may not know this, but
20 are the other Qdoba restaurants going to be rebranded at
21 some point or is this going to be two branding schemes, the
22 new ones and the old ones?

23 MR. RAINALDI: There will be consistencies. There
24 will be consistencies in things like the color of the sign.
25 Those things, they don't change. Basically, what happens

1 when a company like this books a site, they have the capital
2 expenditure that can only be exhausted once. So for a lot
3 of these stores, they have capped out. And they can't
4 afford to make the change immediately. So I would say in
5 two, three years' time -- sometimes these deals will have --
6 they will recast a tenant approval allowance in say 5 years
7 if it's a 10 year deal, half the term. So in 5 years, they
8 will get a \$10 per square foot allowance to improve the
9 store. At that point, they will adopt the new branding.

10 The entity which is owned by Jack in the Box which
11 is one of the only investment accredited restaurants left.
12 They just nudged above Darden which owns Olive Garden and
13 lobster -- what's the lobster one?

14 MS. SCHWARTZ: Red Lobster.

15 MR. RAINALDI: Red Lobster. So they are highly
16 sophisticated. There is consistency. They are not going to
17 lose or compromise the integrity, but there's embellishments
18 that are totally unique to this site that we're going to
19 take advantage of. And obviously in public forum, I am not
20 shy about being proud of those.

21 MS. TOMPKINS WRIGHT: And the ARB saw the sign as
22 it is now, and they have no problem with it?

23 MR. RAINALDI: They saw the larger sign.

24 MS. TOMPKINS WRIGHT: And they didn't have a
25 problem with it?

1 MR. RAINALDI: Correct. I brought these to show
2 you what was used. I use the same boards at every
3 presentation, and then what I put in front of you is the
4 reduction. The reduction is indicated on two documents in
5 front of you, (1) the color rendering, and then (2) the
6 scale black and white one conventional model just so you can
7 compare them.

8 MS. SCHWARTZ: So inline with Andrea's question,
9 they gave you an approval for these three barring the
10 condition of getting the variance? How did they leave it?

11 MR. RAINALDI: I'm sorry.

12 MS. SCHWARTZ: How did ARB leave their approval
13 with the variance? Was it based on a variance when they
14 approved all of this or what?

15 MR. RAINALDI: Correct. Correct.

16 MS. SCHWARTZ: Okay.

17 MR. DI STEFANO: I just want to make sure that we
18 have some numbers correct. So the 5x5 reduces the overall
19 square footage by 11 square feet, correct, 36 down to
20 35 square feet?

21 MR. RAINALDI: Correct.

22 MR. DI STEFANO: So you can make an argument that
23 part three is no longer required. That was the total square
24 footage was 69 square feet, and then it was 63. So now you
25 are looking at 58 square feet; correct?

1 MR. RAINALDI: Correct.

2 MR. DI STEFANO: Okay. So you can either, I mean,
3 it's a bookkeeping thing. You can withdraw that part of the
4 request, or you can leave it open and we could deny it
5 without prejudice. I mean they could still approve the 6x6.
6 I mean, the Board could make that approval tonight.

7 MR. RAINALDI: So one last thing, and I'm sorry
8 this is -- I have a new baby at home with a new babysitter.
9 So that's why my phone is ringing. That's what is causing
10 that. I apologize. In the spirit of interacting with the
11 Town and partnership, I met out onsite with Judy, and we
12 walked --

13 MS. SCHWARTZ: Landscaping.

14 MR. RAINALDI: And I committed to things. And you
15 know, regardless of whether or not I now am no longer
16 eligible for or no longer required for a variance, I went
17 through and had an intense conversation with the tenant, and
18 I wanted to report my findings, essentially. You know,
19 there's -- I would like very much for the Board to have
20 faith in me and my judgment that this is the right decision
21 for the building. I am very -- I will be happy. And they
22 would be very happy with the 5x5. So I will follow your
23 guidance with regards to the protocol. Irregardless of
24 what's required of me, I wanted to present the information,
25 and let you know why the change and why we believe in it.

1 CHAIRPERSON MIETZ: Another thing, we touched on it
2 last Monday because it was a question. Again, it comes up
3 in this little description packet you gave us here. There
4 are 18 of these different symbols, I guess. And we talked
5 about this being rotated. Would this remain? What is
6 really going to happen to that depiction?

7 MR. RAINALDI: So this is -- this is the unit that
8 will live throughout the duration of their existence with
9 us.

10 CHAIRPERSON MIETZ: That particular --

11 MS. TOMPKINS WRIGHT: Piece of art.

12 MR. RAINALDI: It will not be changed, right. And
13 a lot of the other ones are three panel units. This happens
14 to be one of the only square ones. Also, the Mexican
15 fighting mask Lucha Libre, who this depicts, it's probably
16 the strongest and most relevant historical depiction. Even
17 if I didn't have to choose, this is absolutely the most
18 appropriate because if the purpose is to identify a
19 uniqueness in the offerings, this is the most immediate and
20 in-depth derivative of Mexican heritage. So this will not
21 be replaced except for in wear and tear. It will be
22 replaced with the identical one. If they ever had to change
23 it, I would be in front of you again.

24 CHAIRPERSON MIETZ: Considering it's a sign.

25 MR. DI STEFANO: Yeah, exactly. If they were to

1 change, then they would have to go through the process.
2 What is the material?

3 MR. RAINALDI: It's wood. It's in an epoxy because
4 there are so many really beautiful and kind of fine line
5 colors in there. So the wood with the epoxy does add
6 longevity to the color. It's a UV epoxy. Also, it lets the
7 color be more brilliant. And the fabricator is pretty cool.
8 We had to go and talk to him and say look can we change the
9 stenciling and things. So when you go up, it's a material
10 that you want to touch which kind of neat about the building
11 now. When you walk around it, especially with the
12 improvements to things like the landscaping that I promised
13 would take effect immediately on our walk through, it's
14 going to be a far more interactive facade than what has
15 existed in the past.

16 MS. SCHWARTZ: And you feel the five feet square is
17 their bottom line? They wouldn't go to four?

18 MR. RAINALDI: I'm a very, very fair agent. I
19 played well by the Town, and I played well by the tenant. I
20 thought this was the best I could do.

21 CHAIRPERSON MIETZ: Okay. Any other questions by
22 the board members? None? Okay. Thank you very much.

23 MR. RAINALDI: Thank you.

24 CHAIRPERSON MIETZ: Is there anyone in the audience
25 that would like to speak regarding this application? Okay.

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There being none, the public hearing is closed.

1 Application 6A-01-16. Application of Chuck Chada, owner of
2 property located at 2525 East Avenue, for an Area Variance from
3 Section 207-6 to allow a detached garage to be constructed at a
4 height of 20.5 feet in lieu of the maximum 16ft. allowed by
5 code. All as described on application and plans on file.

6 MR. CHADA: Hi, I'm Chuck Chada. I'm the owner of
7 2525 East Avenue. And I believe Jim Bridges already
8 supplied a packet of information. The variance is as
9 stated. It's a height variance. I will mention that it is
10 a designated historical home. So last week we met with the
11 Preservation Board, went over the placement of the garage on
12 the lot, the overall materials, and design, and got approval
13 to move forward to this meeting this week. So what I would
14 like to do is, instead of talking more about the garage,
15 just open up for your questions and answer any questions
16 that you might have.

17 CHAIRPERSON MIETZ: So for the record then, the one
18 action you described was the main reason for the height
19 variance?

20 MR. CHADA: Okay. There are a couple of reasons.
21 The main architectural reason is it being a historic home,
22 we want the garage to match the existing home. And the
23 existing home has a very dominant 10/12 pitch on the gables
24 that will face the garage. So when you apply the 10/12
25 pitch to the garage, that's a lot of the reason why it's

1 where it's at in terms of height. It also has a storage
2 space for us. And quite frankly, the third reason is we
3 back into commercial property. It is a six-story apartment
4 building next to us. And that little extra height, while
5 matching the house, will also give us some much visual
6 shielding against the parking lot and garages. So there is
7 an architectural reason. There's a practical reason. And
8 quite frankly, just a visual reason to it.

9 CHAIRPERSON MIETZ: When you mention the storage,
10 our ears kind of pick up. So how would you actually use
11 this garage? Would it be -- why don't you explain how you
12 would use it.

13 MR. CHADA: The garage is a two-car garage. When
14 our neighbors at 2563 put in a garage, which is also a
15 historic home, they went for a three-car garage. We didn't
16 have the footprint. We also didn't want to have that big of
17 a structure. So by having a slightly higher elevation, if
18 we chose to in the future, we can put up a double rack car
19 storage. So instead of having a very large footprint for
20 two cars, we could do two cars vertical and that gives us an
21 option to have a two-car storage unit if we chose to in the
22 future.

23 CHAIRPERSON MIETZ: So at this time, there would be
24 no loft storage up there or any other kind -- it will just
25 be open to the gable and that's it?

1 MR. CHADA: Exactly.

2 CHAIRPERSON MIETZ: What have kind of utilities
3 will be in the garage?

4 MR. CHADA: Basically, there will be electric for
5 the lights and a garage door opener. I didn't realize until
6 I talked to other people, so I will put it this way, it's
7 unfinished space, uninsulated, no drywall, no water, no
8 sewage lines. It's simply electricity.

9 CHAIRPERSON MIETZ: Okay. That's good. Any other
10 questions?

11 MR. DI STEFANO: Can you estimate about the height
12 of the apartment garages right next door to you?

13 MR. CHADA: They are probably close to what we're
14 doing. I mean, if I just eyeballed them, they are within a
15 couple feet of what we're doing.

16 MR. DI STEFANO: Okay. Thanks.

17 MS. LEIT: Just for the record, how far back on
18 your property is the garage? I mean, you can see it's set
19 very far back from East Avenue, but can you just approximate
20 how many feet from East Avenue?

21 MR. CHADA: From East Avenue, it's probably 150
22 plus feet. The total lot is 300 feet deep, and the house
23 sits probably two-thirds of the way back from East Avenue on
24 the lot.

25 MS. TOMPKINS WRIGHT: It looks like 170 -- 170 and

1 some.

2 MS. LEIT: And in terms of visibility, you have a
3 lot of landscaping?

4 MR. CHADA: We purposely placed it so that it lines
5 with the wall and gate. And I don't have the pictures now
6 because I left them with the Preservation Board. But when
7 you are standing on the sidewalk of East Avenue, you won't
8 know the garage is there. When you walk up within 20 feet
9 of the garage, you will just pick up part of the corner
10 nearest East Avenue. So that's why it's set back in, and
11 that's why we went through the wall. So we wanted to
12 minimize the visual impact from the street of the garage.

13 MS. TOMPKINS WRIGHT: And the exterior will match
14 the house essentially?

15 MR. CHADA: The exterior will compliment the house.
16 When we did the original research on the property, the house
17 was built in 1912. So there had been changes in the 1930s.
18 If you look at the plat map for 1924, you will see a brick
19 structure, and you'll see two wooden structures on the
20 property. One was a garage which was torn down. One was an
21 outside storage shed that still exists on the other property
22 when it was subdivided. So by developing another wooden
23 detached garage, we're actually complimenting how the
24 property would have looked in the 1930s. We are using a
25 hearty wood shaved look because the texture and the

1 alignment of the shape will actually match the texture of
2 the brick a little. And the alignment of the shaved cut
3 will give you a feel for the alignment of the brick.

4 CHAIRPERSON MIETZ: Okay. Any questions, Rick?
5 Good. Okay. Thank you very much.

6 MR. CHADA: Thank you.

7 CHAIRPERSON MIETZ: Is there anyone in the audience
8 that would like to speak regarding this application? Okay.
9 There being none, the public hearing is closed.

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1 Application 6A-02-16. Application of Gary Schreib, owner of
2 property located at 2600 West Henrietta Road, for a temporary
3 and Revocable Use Permit pursuant to Section 219-4 to allow for
4 a one day outdoor anniversary event (June 25, 2016) in a BF-2
5 General Commercial District. All as described on application
6 and plans on file.

7 MR. SCHREIB: Good evening, we are planning an
8 anniversary event.

9 MR. DI STEFANO: Can you just state your name and
10 address for the record?

11 MR. SCHREIB: Gary Schreib, owner of Cycle Stop at
12 2600 West Henrietta Road. We are planning an anniversary
13 event. This is our 35th year being here in Brighton and
14 20 years that we have been in the location where we are now
15 which is adjacent to our original one. And we are going to
16 have some outside vendors for the day. It is just a one-day
17 event, and that's it.

18 CHAIRPERSON MIETZ: You said in the application
19 food vendors. Is that pretty much what it's going to be?

20 MR. SCHREIB: We have a food vendor coming. We
21 have somebody that's going to be offering jewelry. We've
22 invited the Monroe County Sheriff's Motorcycle Division and
23 the Rochester PD Division. They come in, and they will do
24 some safety checks, and demonstrations, and stuff like that.
25 We have an individual coming in to do some pinstriping that

1 they can do on cars or on motorcycles.

2 CHAIRPERSON MIETZ: Okay. And talk about the
3 parking and what you think -- how that will work out and
4 what's available.

5 MR. SCHREIB: We have a pretty good size lot. And
6 when we had the 30th anniversary, we didn't have any problem
7 with parking because we also have the property next to us.
8 So we have all of that available for parking in the back and
9 in the front.

10 CHAIRPERSON MIETZ: So you feel you can manage
11 that?

12 MR. SCHREIB: Yep, we managed it last time.

13 CHAIRPERSON MIETZ: There is no parking on West
14 Henrietta Road anyway.

15 MS. DALE: Do you have an estimate for how many
16 people you might have?

17 MR. SCHREIB: During the course of the day because
18 it will be from 9:00 to 4:00, we expect some place between
19 800-1,000 people, but not everybody is there at one time.

20 MS. TOMPKINS WRIGHT: Was it the same set-up when
21 you did it five years ago? The same types of vendors? Same
22 size of the event?

23 MR. SCHREIB: Pretty much everything was the same.
24 The only difference is the last time we actually put up a
25 very large tent that took up a lot of space and found out

1 that nobody really wanted to sit under the tent. So it went
2 unused. So we are not doing the large tent this time.

3 MR. DI STEFANO: Is this rain or shine?

4 MR. SCHREIB: Yes.

5 CHAIRPERSON MIETZ: Long shot, huh? Music anything
6 like that?

7 MR. SCHREIB: No.

8 CHAIRPERSON MIETZ: Okay. Very good. Any other
9 questions? Okay. Thanks.

10 MR. SCHREIB: Thank you.

11 CHAIRPERSON MIETZ: Is there anyone in the audience
12 that would like to speak regarding this application? There
13 being none, this application is closed.

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1 Application 6A-03-16. Application of Thomas Galvin, Jr., owner
2 of property located at 2240 Monroe Avenue, for Area Variances
3 from Section 205-18A to 1) allow for expansion of
4 pavement/parking in the front yard along Monroe Avenue where not
5 allowed by code, and 2) allow for pavement/parking to extend
6 into the Sunset Drive front yard where not allowed by code, and
7 be 4 +/- ft. from a side lot line in lieu of the minimum 10 ft.
8 required by code. All as described on application and plans on
9 file.

10 MR. MC MAHON: Good evening, my name is Greg
11 McMahan. I am with McMahan and LaRue Engineers. I am here
12 tonight representing Tom Galvin, the property owner. The
13 improvements that the owner is wishing to make is
14 exclusively to the parking on this property. It was
15 formally the Max Pies store. It has now been subdivided
16 into several individual businesses. The parking on the site
17 is tight, and a couple of the issues are over here in the
18 front of the property. The parking in the front of the
19 store is angled parking. And if someone pulls in and parks,
20 the only way they can get out is by backing out past the
21 store so they can straighten out and then pull back out.
22 What we're proposing is to widen that slightly so we can put
23 in perpendicular parking and have a 24-foot aisle behind it.
24 So they can drive in, pull in conventionally, back out, and
25 pull out forward. There is existing parking in the front of

1 the building now. If we make this improvement, that was
2 part of the variance request to continue parking in front of
3 the building.

4 The second part of the variance has to do with the
5 rear of the building because there is some parking behind
6 the building. And the same issue here for people is they
7 park here, it's difficult to make a K-turn and pull back
8 out. He was wishing to put in somewhat of a small paved
9 area at the end facing Sunset where the cars can pull in,
10 back up, and pull back out going forward. And that also is
11 in the front yard of Sunset and is also less than 10 feet
12 from the side lot line. Those are the two improvements that
13 we're here tonight seeking variances for.

14 CHAIRPERSON MIETZ: Okay. Questions?

15 MS. SCHWARTZ: I just have to make a comment. We
16 went to and were customers of the Max Pies for many, many
17 years. I would pull in, back up, and go out without any
18 problem. When I went to the site, I did drive around to the
19 back. And again, I had no problem. I pulled in, backed up,
20 and pulled out. I didn't have to do anything fancy. So if
21 straightening out, you know, the parking spots in the front
22 is an issue and whatever, although, I think that two of the
23 businesses in there now, personally, aren't going to create
24 traffic jams, if you will. I think their customers are
25 different than the ones of the other businesses. But

1 straightening to me isn't horrible. And I can't quite
2 remember, how many feet are you taking from the front lawn?

3 MR. MC MAHON: Slightly less than five feet. And
4 again, we are not violating any setbacks with that. We are
5 widening the pavement.

6 MS. SCHWARTZ: Right. Right. Right.

7 MR. MC MAHON: What we're just saying is that the
8 code says that there is to be no parking forward of the
9 front facing the building. There is, in fact, parking
10 forward of the front facing the building. We just want to
11 continue the parking there and modify it.

12 MS. SCHWARTZ: And then what will the depth, if you
13 will, of the green grass be after you take that five feet to
14 the sidewalk?

15 MR. MC MAHON: We'll have 19 and a half feet from
16 the parking to the right-of-way line. There appears to be
17 about 3 feet from the right-of-way to the sidewalk. So
18 slightly over 20 feet from the back edge of the sidewalk to
19 the front edge of the parking.

20 MS. TOMPKINS WRIGHT: And I will say my son took
21 karate in the space that's now the dress shop. And those
22 angled parking spaces were, particularly at that 4:00 or
23 5:00 o'clock, very difficult, you know, and again the
24 customers have changed. You don't have as many little
25 children walking back and forth. I would have appreciated

1 straight parking spaces. It does a service to the parking
2 lot to be straight instead of angled.

3 MR. DOLLINGER: The Planning Board, also, did say
4 -- there was some consensus that this is a good idea on this
5 site with the angled parking here.

6 MS. LEIT: Has there been a history of any
7 accidents?

8 MR. MC MAHON: I'm not aware of that, no.

9 MS. TOMPKINS WRIGHT: I had a close call.

10 MS. CORRADO: Okay. Would you want to remove trees
11 from the lawn there in the front? Will any of the existing
12 trees be effected by that?

13 MR. MC MAHON: No, they won't. There is one light
14 pole that is a parking lot light pole that will have to be
15 relocated, but the trees are all outside the impact from
16 widening the parking lot.

17 CHAIRPERSON MIETZ: Can you describe how these rear
18 spaces, like who uses them? How are they used?

19 MR. MC MAHON: Are you talking behind the building?

20 CHAIRPERSON MIETZ: Yes. Yes.

21 MR. MC MAHON: From what I understand from the
22 landlord, employees will park back here. He's requested
23 that employees and business owners park back here. Leave
24 the spaces in the front and on the side for customers. So
25 largely, those would be employees or business owners who

1 would be parking there.

2 CHAIRPERSON MIETZ: So not as often of movements
3 there.

4 MS. DALE: And how many spaces are there in the
5 back? Is it 1, 2, 3, 4, 5? Is it just five?

6 MR. MC MAHON: There are five back there, yes.

7 MS. CORRADO: And those are not currently marked in
8 the back lot, but are there plans to actually mark them in
9 the lot?

10 MR. MC MAHON: They would all be remarked once, if
11 whatever improvements he is able to make here, when those
12 were completed, the lot would be restriped.

13 MR. DI STEFANO: And just for a history standpoint,
14 those were actually approved spaces with the original site
15 plan back in the -- I think it was the mid-80's when the
16 building was built or late 70's, early 80's. And they did
17 show up on the original site plan as parking spaces. They
18 also showed in that schematic too that they did or showed a
19 proposed Sunset exit which of course, obviously, was never
20 installed. And whether or not they actually got an approval
21 to do that or not, that's neither here nor there at this
22 time. But those parking spaces have been there and have
23 been used for the length of that building.

24 MS. DALE: The proposed new asphalt to allow the
25 turnaround, that will not be marked in any way?

1 MR. MC MAHON: No, it would just be asphalt
2 pavement.

3 MS. CORRADO: And the intention is to maintain the
4 screening? There is very dense planting there right now.

5 MR. MC MAHON: Well, if this were permitted, the
6 screening that currently runs from the building corner to
7 the property line would have to be removed. And there would
8 have to be new screening put around the new paved area.
9 That would have to be screened, but they would lose what
10 would end up going from the corner of the building to the
11 property line.

12 MS. CORRADO: But the intention is to replace it?

13 MR. MC MAHON: Yes.

14 CHAIRPERSON MIETZ: Six foot provided hedge.

15 MR. MC MAHON: At least. I think we will -- we
16 can -- again, if a variance were to be granted, we would
17 work with the Conservation Board and Planning Board to make
18 --

19 MS. SCHWARTZ: So my question is, what is the real
20 hardship for five employees who are pretty much going to
21 stay there all day? And they leave, maybe, around the same
22 time. There is only five of them. For them, what is the
23 real hardship for them to get out with the current
24 condition? I don't see why it warrants encroaching on a
25 neighborhood when these people are not coming and going and

1 customers are all over here in the front. Can you further
2 explain that hardship?

3 MR. MC MAHON: I think the hardship, as I
4 understand from the owner and the applicant, is just for
5 safety. Having people backing out as opposed to being able
6 to pull out forward is just a safer movement to come out
7 forward. Have there been any accidents? I'm not aware of
8 any. He is not aware of any, but just trying to make the
9 necessary safety improvements to make sure there isn't
10 something that happens.

11 MS. SCHWARTZ: Because I think the building is at
12 least 30 years old.

13 MR. MC MAHON: Eighties at least.

14 MS. SCHWARTZ: And I don't understand why now.
15 It's five spaces. It's not like it's a huge parking lot. I
16 don't understand the real justification.

17 MR. MC MAHON: Well, this -- I don't know when he
18 bought the building. This is a -- in the history of the
19 building, this is a relatively new owner who is now taking a
20 building that was a single tenant occupancy and is trying to
21 keep a building filled with multiple tenants and multiple
22 spaces. And he is having to deal with different types of
23 traffic and different conflicting movements. It's just
24 several things that he sees and would like to improve on the
25 site. This was one of them. He would have preferred to put

1 an exit out onto Sunset Drive. I mean, that would have been
2 -- in the perfect world, that would have been really nice.
3 I mean, you will hear probably shortly that there is
4 opposition to what we are proposing here and to an exit
5 would be even more so when we are going out into a
6 residential neighborhood.

7 MS. CORRADO: To the point to the type of change in
8 the businesses, has there been a change in type of vehicles
9 behind there? Are there ever small truck deliveries larger
10 than a typical passenger car that is expected to make its
11 way back there?

12 MR. MC MAHON: No, I'm not aware of any. It's
13 not -- say there is a karate studio, they are typically
14 small businesses more along the lines of UPS trucks, Fed-Ex
15 trucks, the van type of deliveries that come in and out.
16 And I would imagine that a lot of those come in right
17 through the front doors.

18 MS. TOMPKINS WRIGHT: Because we did have some
19 communication, a cut-through between Sunset and this parking
20 lot is not proposed. And this is sort of a compromise to
21 get cars safely out of there without having to cut through?

22 MR. MC MAHON: Yes, I don't want to get off topic
23 with the variances. We had proposed a cut-through onto
24 Monroe Parkway. We're not here tonight asking for any
25 variances for that.

1 MS. TOMPKINS WRIGHT: I just wanted to make sure
2 that everyone is on the same page.

3 MR. MC MAHON: Yes, we are not proposing a
4 cut-through, and it was our decision that it was -- that is
5 definitely a residential neighborhood, and we are right now
6 opposite of several residents, and it was not even
7 considered.

8 MR. DI STEFANO: And just for clarification, if
9 they do move forward with a cut-through onto Monroe Parkway
10 that will require a variance from us also. At this time it
11 is not a part of this application. But if that does move
12 forward, they would have to come back.

13 MR. MC MAHON: But that's up in the air right now.

14 MS. TOMPKINS WRIGHT: Okay.

15 CHAIRPERSON MIETZ: All right. Any more questions?
16 Okay. Thank you very much.

17 All right. Is there anyone in the audience that
18 would like to speak regarding this application? Go ahead,
19 sir.

20 MR. CLARK: I'm Dan Clark. I live at 55 Sunset
21 Drive. I have a petition regarding two of the three
22 proposals that they have on the property. I'll read you the
23 petition so that you understand what was signed. "We the
24 undersign object to the part of this proposal for 2240
25 Monroe Avenue as to extend any parking or driving surface

1 towards Sunset Drive." A separate petition was written for
2 Monroe Parkway just so you know. It's exactly worded the
3 same just a different street. "We believe that this is a
4 residential neighborhood, and the development of this lot in
5 the direction of this street would detract from the cosmetic
6 appeal of the area. This lot is the forefront of the
7 neighborhood and clearly visible to all whom enter the area
8 that we call home. We, respectfully, request that this
9 specific part of the proposed change to this lot be denied
10 by the Board."

11 I have 109 signatures on each of the two petitions.
12 Once again specifically addressing the extension towards
13 Sunset Drive, and the other specifically addressing the
14 extension towards Monroe Parkway. There was no opposition
15 to the extension towards Monroe Avenue just to clarify. I
16 agree with you on that one. That is an issue. I think
17 their proposal addresses that. I had the same thing.

18 I do want to mention a couple of things because I
19 heard some inaccuracies in the presentation that was given.
20 One is that the building, when it was originally built in
21 the middle 70's, was not one tenant. It was multiple
22 tenants. It was Max Pies. It was Rowland's Pharmacy. And
23 it was MotoPhoto. Those were the three businesses. I was
24 -- I grew up on Hampshire Drive. And I remember the house
25 being taken out, and moved, and the building put in. The

1 five spaces across the back that the concern was adding a
2 turnaround space towards Sunset Drive. I would like to talk
3 about those five spaces.

4 The Brighton Town Code says -- it is 205-16A.
5 "Size of the spaces, each parking space shall be a minimum
6 of 9-feet wide by 18-feet long, and shall be served by an
7 aisle not less than 24-feet wide for two-way travel." This
8 is a two-way travel because when you drive in, you have to
9 be able to back out. So that's two-way travel. That's 24
10 feet plus nine feet for the spaces. That's 33 spaces plus 2
11 inches for the lines. That's 33 feet, 4 inches. If you
12 look at the actual dimensions of the spaces behind the
13 building, and we are talking about right here. If you
14 measure from the edge of the building to the edge of the
15 asphalt, it is 28 feet. If you measure from the edge of the
16 building to the edge of the asphalt at the other end of that
17 aisleway, it is 29 feet. And I'd also like to mention that
18 you should also notice along the edge of the building
19 sticking out from the building approximately 18 inches are
20 two gas mains and four electrical mains coming up out of the
21 ground at that dimension. So you really don't have 28 feet,
22 29 feet. You have to account for that as well. So the
23 space is already over five feet off in order to meet current
24 code.

25 I will mention one other thing. I walk by here all

1 the time because I live five doors down. There is a
2 dumpster in the first space. My understanding is that there
3 is not supposed to be a dumpster on the lot at all, but
4 there is. So that takes one space away. I typically see
5 one car parked here. That's it. Very occasionally, a
6 second car. So the need to move towards Sunset Drive is a
7 long standing issue for the landlord who has owned this
8 property. They did back in the 70's try to put a drive
9 through to Sunset, and that was opposed very heavily by the
10 neighborhood. So that's how we ended up with the situation
11 we got.

12 As far as the Monroe Parkway exit, am I able to
13 address that as well.

14 CHAIRPERSON MIETZ: It's really not relative at
15 this point.

16 MR. CLARK: Okay. Let me make sure I don't have
17 anything else to say about Sunset Drive. Yes, one other
18 thing I wanted to mention was this landlord took the time
19 and removed all of the trees and bushes along one side of
20 the building without notifying the proper authorities at the
21 Town Hall. There were a lot of bushes along -- bushes and
22 trees. The bushes were forsythia, and the trees were
23 maples, and ivy. They covered a majority of this side of
24 the building. They cut those to the ground, and ground the
25 stumps, and left them. And they now have weeds about this

1 tall and graffiti on the walls. So that's now what we see
2 when we enter our neighborhood. So we are not very happy
3 about that. And we haven't seen any action about that since
4 he ground the stumps and now has chips all over the place.
5 Trash that had collected over many years was left there for
6 several weeks until a neighbor finally took some garage bags
7 down and picked it up. So it's not representative of the
8 kind of neighbor we want to have. We hope this neighbor
9 will change for the better and do the right things for the
10 neighborhood that he is in.

11 MS. LEIT: May I ask a question?

12 CHAIRPERSON MIETZ: Yeah, go ahead.

13 MS. LEIT: In terms of the things that were
14 removed, was there any indication that they were diseased or
15 did they look relatively healthy when they were removed?

16 MR. CLARK: There was one tree that was laying over
17 at a very bad angle, and that tree definitely needed to go.
18 That was a maple, but the rest of the trees were tall, stood
19 a decent distance away from the building. The forsythia
20 bush was six feet high. It was a very large bush.
21 Actually, that covered most of the area, but they knocked
22 that right down to the ground and ground the stumps out.

23 CHAIRPERSON MIETZ: Just one final thing, has
24 anyone from the neighborhood talked to the landlord at all
25 about the situation, not this situation, but the situation

1 just mentioned just now?

2 MR. CLARK: My guess is that after the Planning
3 Board meeting that was back on May 18th --

4 CHAIRPERSON MIETZ: Right.

5 MR. CLARK: -- that the attorney that's present
6 here this evening as well, went back -- I did take the time
7 to talk to him about the scenario, the entire situation,
8 actually, after the meeting.

9 CHAIRPERSON MIETZ: That's good.

10 MR. CLARK: So hopefully he went back and filled in
11 his employer.

12 CHAIRPERSON MIETZ: Okay.

13 MR. CLARK: Any other questions?

14 MR. DI STEFANO: Dan, do you have a copy of that
15 petition for me?

16 MR. CLARK: I can make a copy of that, I think,
17 here. They made a copy of it for the Planning Board as
18 well.

19 MR. DI STEFANO: I can't do that.

20 MR. CLARK: I can get you a copy immediately.

21 MR. DI STEFANO: Okay. If you can get a copy of
22 that for the file so that we have it.

23 MR. CLARK: Absolutely, Rick.

24 MR. DI STEFANO: I mean, even if you want to drop
25 it off tomorrow or something just for our record.

1 MR. CLARK: I will bring that in. 109 neighbors,
2 and I did stick with folks that live on Sunset, live on
3 Monroe Parkway, or Meadow, only the area that's kind of
4 defined by that that would come up Monroe Parkway or Sunset.
5 I didn't go crazy.

6 MR. DI STEFANO: Can I take a look at it?

7 MR. CLARK: Absolutely. There are six pages
8 because there are three pages for each petition.

9 MR. DI STEFANO: Yeah, why don't you hang on to the
10 Monroe one.

11 MR. CLARK: Okay. I have the Monroe in my hand.
12 And they were all of voting age. I just want to make sure
13 that's on there.

14 MR. DI STEFANO: Thanks. And if you could make a
15 copy, I would appreciate that. Thanks.

16 MR. CLARK: Thank you.

17 CHAIRPERSON MIETZ: Thank you very much. Is there
18 anyone else that would like to speak regarding this
19 application? Okay. There being none, the public hearing is
20 closed.

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1 Application 6A-04-16. Application of Anthony Associates, owner
2 of property located at 2305 Monroe Avenue, for Area Variances
3 from Section 205-7 to 1) allow maximum building square footages,
4 after construction of a 690 sf addition, to be 10,119 sf in lieu
5 of the maximum 7,000 sf allowed by code, and 2) allow first
6 floor building square footage to be 8,275 sf in lieu of the
7 maximum 3,500 sf allowed by code. All as described on
8 application and plans on file.

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10 Application 6A-05-16. Application of Anthony Associates, owner
11 of property located at 2305 Monroe Avenue, for 1) an Area
12 Variance from Section 205-7 to allow impervious lot coverage,
13 after construction of a 690 sf building addition, to be 67.9% in
14 lieu of the maximum 65% allowed by code, and 2) allow a covered
15 porch to extend 5 ft. into the 30 ft. front setback (Roosevelt
16 Road) required by code. All as described on application and
17 plans on file.

18 MR. MC MAHON: Good evening, my name is Greg
19 McMahan. I am with McMahan and LaRue. I'm here
20 representing the Anthony Funeral Chapel and Mark Anthony,
21 the applicant. Also here is Jeff Ashline with Mossien
22 Associates. They are the architects for the project. The
23 Anthony Funeral Chapel which is a long-standing resident and
24 business in the town of Brighton occupies a little over an
25 acre of land located on the corner of Roosevelt Boulevard

1 and Monroe Avenue. It's a growing business, unfortunately,
2 I guess. They are pressed for space and are requesting an
3 approval for a 690 square foot one story addition in the
4 corner of the property. It basically fits in and fills a
5 corner of that property. As a result of that addition, we
6 exceed -- we already exceed the gross square footage and the
7 first floor square footage per code. A code, I believe,
8 which came into place many years -- or several years ago at
9 the point when this building had already exceeded that code.

10 And the first variance we're requesting is for
11 approval for the 690 square feet, and again, which will
12 bring us more out of compliance with the gross square
13 footage and the first floor square footage. This space,
14 single story first floor, is going to be used for
15 administrative purposes. It is not part of their community
16 space. It does not increase the seats in their chapels and
17 the number of chapels. It's strictly office and other space
18 needed for the business. And do you want me to go through
19 both?

20 MR. DI STEFANO: Yeah, might as well.

21 MR. MC MAHON: Okay. The second two variances we
22 are requesting is first for a setback variance to allow a
23 canopy over the door on Roosevelt Boulevard. And this
24 canopy, you can see in this plan, will be similar to the
25 canopy over the front entrance in the bottom picture. The

1 reason for that is that the Roosevelt Boulevard entrance is
2 used a lot by families that want to enter the business by
3 its side door. It provides some architecture relief to the
4 side of the building and gives it a more residential look.
5 We are allowed to come into the setback by two feet with
6 that, but due to the size of the building and the size of
7 the canopy, we are requesting this variance.

8 The second part of the variance is due to the 690
9 square feet of addition. We will exceed the coverage -- the
10 existing coverage which already exceeds the 65 percent. We
11 are increasing that by 1.3 percent. So we are requesting a
12 variance for coverage above the code mandated 65 percent,
13 and those are the two items in this type of variance.

14 MS. TOMPKINS WRIGHT: What's the time of
15 construction? How long, just because it abuts a residential
16 neighborhood?

17 MR. MC MAHON: Well, if we are successful tonight
18 for the variances, we are back before the Planning Board two
19 weeks from tonight. If approved by the Planning Board,
20 conceivably, they could be in a position, with architectural
21 drawings completed, to be in construction late July, August
22 sometime. Probably have an addition framed in before the
23 winter months. The construction would be limited to an area
24 around -- we're not -- we're not adding pavement. There
25 wouldn't be -- part of our plan calls for the workers'

1 parking to be in the existing parking lot and minimize the
2 amount of disruption on Roosevelt Boulevard.

3 MS. TOMPKINS WRIGHT: For the most part with the
4 exception of the awning, the extension won't be visible from
5 Monroe Avenue?

6 MR. MC MAHON: No, it's not. It really, you can
7 tell from the architectural plan, it blends in with the
8 existing structure. It will have the same residential
9 character that the existing structure has. The Anthony's
10 keep their grounds in very nice shape. And with this
11 addition, it would remain the same way. And we are not
12 taking any trees down as part of this addition, but I'm
13 certain there would be some of their own plantings, once
14 this was all complete, that would compliment the building.

15 CHAIRPERSON MIETZ: Is there any mitigation to be
16 offered then as it relates to the addition?

17 MR. MC MAHON: There will be additional foundation
18 plantings and bushes. We had hoped to leave that strictly
19 up to the applicant to do their own planting scheme. We
20 weren't going to propose any additional trees, but just
21 mainly foundational plantings.

22 MS. TOMPKINS WRIGHT: Do you know, and you may not,
23 about the size of the Towpath Motel that's next door and the
24 Nothnagel building? How, you know, much above the code
25 requirements are those two because they are certainly well

1 above the code requirements?

2 MR. MC MAHON: I don't know that, no.

3 CHAIRPERSON MIETZ: Currently?

4 MS. TOMPKINS WRIGHT: Well, currently, that's what
5 I mean.

6 CHAIRPERSON MIETZ: Okay. Any other questions at
7 this time? Okay. Thank you very much.

8 MR. MC MAHON: Thank you.

9 CHAIRPERSON MIETZ: Is there anyone in the audience
10 that would like to speak regarding this application? Okay.
11 There being none, the public hearing is closed.

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1 Application 6A-06-16. Application of Gordon Penniston, agent,
2 and Kathleen O'Brien, owner of property located at 30 Seminole
3 Way, for an Area Variance from Section 205-2 to allow a covered
4 porch to extend 7.5 ft. into the existing 30.8 ft. front setback
5 where a 40 ft. front setback is required by code. All as
6 described on application and plans on file.

7 MR. DI STEFANO: 6A-06-16 was withdrawn by the
8 applicant so we will go on to 6A-07-16.

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1 Application 6A-07-16. Application of Sustainable Energy
2 Development Inc., agent and Guiliana Basha, owner of
3 property located at 235 Shaftsbury Road, for an Area
4 Variance from Sections 20746 and 207-49 to allow for a
5 ground mounted solar panel array where only roof mounted
6 solar panels are allowed by code. All as described on
7 application and plans on file.

8 MR. VANDERBROOK: Good evening, my name is Matt
9 Vanderbrook, and this is Kathleen Connelly. We are with
10 Sustainable Energy Development, and we are the agent working
11 on behalf of Guiliana for the installation of this ground
12 mounted solar system located behind her house. Just a
13 little background, we did -- we initially had planned to
14 site the solar system on the roof and were approved by the
15 Architectural Review Board a month or so ago, couple months
16 ago. And due to some unforeseen complications, we were
17 unable to proceed on the roof. Then in speaking with
18 Guiliana, we decided that going behind the house on the
19 ground would be a potential option.

20 CHAIRPERSON MIETZ: Can I stop you for a second?

21 MR. VANDERBROOK: Yes.

22 CHAIRPERSON MIETZ: What type of problems did you
23 encounter?

24 MR. VANDERBROOK: So essentially, Guiliana was
25 getting a new roof. And it was the understanding --

1 everyone was on the same page that the roof was going to be
2 able to support the solar system as proposed. Then after
3 the roof was installed, we found out it was not a suitable
4 roof. And Kathleen can probably tell you about that.

5 MS. CONNELLY: Do you need more information on
6 that?

7 CHAIRPERSON MIETZ: Yeah, we have to.

8 MS. CONNELLY: Yes, so --

9 CHAIRPERSON MIETZ: Could we have your name for the
10 record?

11 MS. CONNELLY: Yep, my name is Kathleen Connelly.
12 So we were under the impression that it was going to be a
13 standing seam metal roof that was going to be installed
14 which was perfectly compatible with solar. What was
15 installed is a metal roof, but it is a stone coded shingle
16 metal roof which is not able to have solar on it. In order
17 to put any sort of penetrations in the roof, the entire roof
18 needs to be removed. The penetrations can be installed.
19 Then the entire roof needs to be reinstalled. That damages
20 the roof, and it's extremely costly. And even if you do get
21 the roof on there, there aren't any proper flashings to make
22 sure that there won't be any leaking at this time. So we
23 decided that would not be best for the customer or for the
24 installation.

25 CHAIRPERSON MIETZ: Okay.

1 MS. DALE: I had a question as far as the panels
2 being in the backyard and on the ground, and I understand it
3 was done to minimize visual impact for the area, is there --
4 I've never, like, seen them up close to touch them. Is
5 there any sort of safety anything as far as, like, could
6 anyone get hurt somehow by --

7 MR. VANDERBROOK: No, I mean, so there is sort
8 of -- it's not like there is any high voltage lines that are
9 going to be exposed to anyone. They are sort of a --

10 MS. DALE: Like if a little kid were to get back
11 there and climb up on it, and slide down, and everything,
12 you know, I just didn't know if they can get hurt.

13 MS. CONNELLY: No.

14 MR. VANDERBROOK: No, there is not any sort of
15 fencing around the system or anything like that. I mean,
16 it's about eight feet tall to the very top of it. So it
17 would be difficult for anyone to really climb up and slide
18 down it. So there's not anything built in for that kind of
19 thing.

20 MS. DALE: I just didn't want anyone to get hurt.

21 MS. CONNELLY: Also too, just since you brought up
22 the safety aspect. There is wiring on the back of modules.
23 Our requirement from the SEIA is to have netting on that.
24 So it's not accessible to any child, person, stranger who
25 did go in the backyard.

1 MS. DALE: And how sharp will the titling be? I
2 couldn't tell from the application if it's --

3 MS. CONNELLY: 30 degrees.

4 MS. DALE: Okay. And it's just one big panel.
5 It's not two separate ones?

6 MR. VANDERBROOK: So it's multiple panels sort of
7 arrayed together similar to a roof array. There are no gaps
8 between the modules.

9 MS. DALE: Okay. That's what I was --

10 MR. VANDERBROOK: I think it was mentioned that a
11 pole mount system had been approved as well. It's not --
12 it's sort of one racking unit with all of the modules placed
13 together on that single racking unit.

14 CHAIRPERSON MIETZ: Okay. Why don't you go ahead
15 and finish here. Do you have more you want to add?

16 MR. VANDERBROOK: I don't think we have anything
17 more to add. I think just there is -- there is not a lot
18 of, you know, locations within Brighton where you can site a
19 ground mounted PV system just due to a variety of issues,
20 but we do have sort of a good southern exposure here. So
21 it's a good location to site a system that will be
22 beneficial to Guiliana.

23 MR. DI STEFANO: Can you just explain the immediate
24 neighbors and what's around this property?

25 MR. VANDERBROOK: So there are two neighbors, and

1 then I believe the expressway is right around the corner as
2 well. Guiliana has spoken to two of the neighbors on both
3 sides.

4 MS. BASHA: One is here with me. I do have to cut
5 some trees down.

6 MR. VANDERBROOK: And generally, I don't think
7 there are any sort of major visibility issues or anything
8 along those lines for this project.

9 MR. DOLLINGER: How much electricity does it
10 produce on a good month or week?

11 MR. VANDERBROOK: Well, it depends on the week and
12 the month. This is a four kilowatt system. Over a year,
13 it's probably going to produce five and a half to
14 6,000 kilowatt hours a year which just about 100 percent of,
15 you know, a typical home's usage and very close to what
16 Guiliana uses over a period of the year. Our goal with most
17 of these systems is to do as close to 100 percent of their
18 consumption as possible.

19 CHAIRPERSON MIETZ: Okay. Any other questions
20 about this installation? Okay.

21 MS. TOMPKINS WRIGHT: I do. Are their plantings
22 around it or you can't because you might block --

23 MR. VANDERBROOK: There are no plantings planned to
24 go around it. And you know, you could potentially plant
25 stuff behind it if you wanted to screen it for whatever

1 reason, but I believe from the pictures there is already
2 some screening from the property line.

3 MS. LEIT: But it won't be visible at all from the
4 street?

5 MR. VANDERBROOK: No. No, it's essentially
6 directly behind the house, and we did that for that very
7 reason.

8 MS. CORRADO: Is there potential for using this as
9 a storage shed or a customer to tuck lawn equipment under
10 there, anything like that?

11 MR. VANDERBROOK: I mean, not typically. Most of
12 the ground mounts that we have, most people -- I assume they
13 could, but in most cases we haven't had people go that
14 route. But I guess there is no reason -- I guess, there is
15 no reason they couldn't place some equipment under there if
16 they really chose to.

17 MS. CORRADO: Turn it into a bit of a collect all
18 for equipment.

19 MR. VANDERBROOK: I hope not.

20 CHAIRPERSON MIETZ: Okay. Are we set? Okay.
21 Thank you.

22 MR. DI STEFANO: May I just have your last name
23 again?

24 MR. VANDERBROOK: Vanderbrook.

25 CHAIRPERSON MIETZ: Is there anyone in the audience

1 that would like to speak regarding this application?

2 MR. ENGLEHARDT: The only thing I say is the
3 decision should be in favor of Guiliana. She's a nice girl,
4 great neighbor, but careful on the precedents you set. I
5 wouldn't want to see the town of Brighton loaded with these
6 solar panels in everybody's backyard, but I don't think it
7 will happen, but you got to keep that in mind.

8 CHAIRPERSON MIETZ: Okay. Great. Thank you. Is
9 there anyone else that would like to speak regarding this
10 application? Okay. Then the public hearing is closed.

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1 Application 6A-08-16. Application of McQuaid Jesuit High
2 School, owner of property located at 1800 South Clinton Avenue,
3 for an Area Variance from Sections 203-2.1C(1)(a) and 203-9B to
4 allow a two-story classroom addition to be constructed 77 ft.
5 from a side lot line in lieu of the minimum 100 ft. required by
6 code. All as described on application and plans on file.

7 MR. GEFFELL: Good evening, my name is Evan Gefell.
8 I am with Costich Engineering. With me is Mark Costich from
9 Costich Engineering and Eric Holmquist from SWBR Architects.
10 We are here for the McQuaid S.T.E.A.M. addition. S.T.E.A.M.
11 is for the science, technology, engineer, arts, and
12 mathematics. The project is to remove the existing under
13 utilized four-story residence building that you can see on
14 your first page. They will replace that with a two-story
15 science and technology building. The building will contain
16 science labs and classrooms, along with having student
17 activities, campus administries, and access to a terrace
18 plaza to the east side of it. The site is currently zoned
19 residential, low density, and requires 100-foot setback.
20 Our proposed building is at 70 feet, and we are looking for
21 a variance for the setback.

22 One big main thing is that we are going from a
23 four-story building to a two-story modern building. And the
24 existing building to the west of the property is set back at
25 48.7 feet currently. The location of the proposed building

1 that's in the similar location to the existing building is
2 along the vehicle turnaround or the cul-de-sac. We are not
3 promoting new egress to the building. We are not
4 anticipating a change in traffic in that area. I think
5 that's the main --

6 MS. TOMPKINS WRIGHT: The current residential
7 building that's on there, how much does that encroach on the
8 setback line? What's the net difference between what's
9 currently there and what's proposed?

10 MR. GEFFELL: 23 feet. So this is currently set at
11 102.

12 CHAIRPERSON MIETZ: I couldn't hear you really
13 well.

14 MR. GEFFELL: 23 feet. The current setback of the
15 existing building is at 102, and the proposed building is at
16 77.

17 CHAIRPERSON MIETZ: Can you just describe the
18 thought process? There is a four-story building there now.
19 You got a two-story building proposed with a little bigger
20 footprint. So what was the thought process between not
21 necessarily replacing it with a four-story building or
22 three-story building? What was the thought process or the
23 issues for that there?

24 MR. GEFFELL: I will have our architect speak to
25 that.

1 CHAIRPERSON MIETZ: Okay. That's great.

2 MR. HOLMQUIST: I am Eric Holmquist from SWBR.

3 CHAIRPERSON MIETZ: You are the architect?

4 MR. HOLMQUIST: Yes. We did look at the residence
5 building as a remodel. It's got 8 foot 6-footer floors and
6 that's why our two-story building is only ten feet lower
7 than the four-story building, but we did look at it. The
8 only way we could look to make it work with lapse space was
9 to take out every other floor. So out of a 26,000 square
10 foot building you are only getting a net of 10,000 square
11 feet of usable space which meant that we had a 20,000 square
12 foot addition that we were putting on to it. The cost of
13 that and to the kind of less-than-ideal space resulting from
14 the residence building made us pursue the new addition
15 entirely.

16 CHAIRPERSON MIETZ: And again, you didn't look at
17 it as something greater than two stories with a smaller
18 footprint?

19 MR. HOLMQUIST: Yes, we did.

20 CHAIRPERSON MIETZ: So if you raised the building
21 --

22 MR. HOLMQUIST: Yes, we had a three-story scheme as
23 well.

24 CHAIRPERSON MIETZ: Okay. And what were the main
25 issues with that?

1 MR. HOLMQUIST: Well, there are several things.
2 There's -- I don't know how to -- there's soil conditions.
3 We were looking at having -- spreading out the building for
4 one, we were concerned about the site lines. Keeping the
5 building low, we thought would be a plus rather than a
6 negative. Right now our building is basically shielded by
7 the existing school. You won't be able to see it through
8 Elmwood. Well, you might be able to see it from the
9 baseball fields from Elmwood. You won't be able to see it
10 from Clinton. So we thought that was a positive.

11 Additionally, we are connecting to the existing
12 school. The existing school also has very, very low floors.
13 In order to get our building to work and be accessible, we
14 are actually having to ramp up and down from the existing
15 levels. Again, the ceiling height we need for the lab space
16 ideally is called foot clear. Is that third floor or the
17 second floor? It's third floor, you know, we have a
18 basement level as one floor. And then this next level would
19 put us beyond that kind of ease of ramping. So then we have
20 to have another elevator. So it had some practical problems
21 which we struggled with and decided that it wasn't -- the
22 idea was to have this easing between that and the school.

23 CHAIRPERSON MIETZ: The height of the current
24 structure is what?

25 MR. HOLMQUIST: The current school?

1 CHAIRPERSON MIETZ: No. Well, I guess that too but
2 --

3 MR. HOLMQUIST: I brought my cheat sheet because I
4 knew these questions would be coming. Our building is
5 28 feet above grade.

6 CHAIRPERSON MIETZ: The proposed building?

7 MR. HOLMQUIST: The proposed building, right. That
8 is 6 feet below the height of the adjacent school building.
9 Eight feet below the performing arts building which is
10 directly next to it. And 16 feet below the gymnasium which
11 is the next adjacent building.

12 CHAIRPERSON MIETZ: And do you happen to know the
13 height of the residence?

14 MR. HOLMQUIST: The residence is -- yes, I do. It
15 is 10 feet. We are 10 feet below the residence building.
16 The residence building is 2 feet above the proposed
17 building. They are all within 10 feet of each other. We
18 are 10 feet below the residence building. Eight feet below
19 the performing arts building. Six feet below the school.
20 Now, that's the roof. We do have light monitors on the roof
21 which project up another eight feet.

22 CHAIRPERSON MIETZ: Okay. All right. Thank you.
23 Any other questions?

24 MS. CORRADO: I know this isn't part of the
25 application. You are still within the total footprint

1 allowed for the building, but it does take up a little more
2 green space. Are there any thoughts to landscaping and
3 mitigating the fact that some of the lawn area will be taken
4 away?

5 MR. HOLMQUIST: Yeah, absolutely. Actually, a big
6 part of the scheme for them is -- they call it the commons,
7 but it's almost like a quad. The campus quad that they are
8 going to create that the school doesn't have right now. So
9 that's a big part.

10 And actually, the way our building is set up we are
11 connecting to the basement level which is six feet below
12 grade which is kind of the reason our building looks so low
13 is because we were starting below to connect to the basement
14 level which is where the cafeteria is. The idea is that the
15 cafeteria is going to be opened up, and we're stepping up to
16 it. And our building actually connects at two-foot
17 intervals as you a step up the hill. So we have kind of a
18 sunk-in quad on the east side of the building.

19 MR. GEFFELL: So the outdoor connection is very
20 important to this project.

21 MS. CORRADO: Okay. And then the greenest building
22 is the building that's already built. You are taking down a
23 portion of that building and starting again. Is there any
24 reuse of materials from the existing residence being
25 incorporated into the new?

1 MR. HOLMQUIST: There is not.

2 MS. CORRADO: No.

3 MR. HOLMQUIST: Yeah, it is -- we're not even doing
4 brick on this building which very unusual for McQuaid. This
5 is going to be a metal panel that's a complimentary color to
6 the brick. Otherwise, yeah, we could have salvaged some
7 brick. I think the intention is to be sustainable
8 throughout the project. We have all kinds of opportunities.
9 I mean, if we can figure out to -- the building is being
10 invaded and full of asbestos. So pulling out materials may
11 be a challenge as well.

12 MS. CORRADO: Understood. Thank you.

13 MS. TOMPKINS WRIGHT: Any input from the neighbors
14 about the lot? They are going to have the most impact.

15 CHAIRPERSON MIETZ: It's the apartments.

16 MS. TOMPKINS WRIGHT: Yeah, from the apartments.

17 MR. GEFFELL: We have not received any input from
18 them. We are planning on mitigating with some plantings and
19 evergreens there. They will have this modern building there
20 eventually.

21 CHAIRPERSON MIETZ: Okay. Any other questions?

22 No. Okay. Thank you, gentlemen.

23 Is there anyone in the audience that would like to speak
24 regarding this application? There being none, then the public
25 hearing is closed.

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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF MONROE:

I, BRIANA L. JEFFORDS, do hereby certify that I reported in machine shorthand the above-styled cause; and that the foregoing pages were typed by computer-assisted transcription under my personal supervision and constitute a true record of the testimony in this proceeding;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action;

WITNESS my hand in the town of Brighton, county of Monroe, state of New York.

Briana L. Jeffords
BRIANA L. JEFFORDS
Freelance Court Reporter and
Notary Public No. 01JE6325111
in and for Genesee County, New York

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
3 On JUNE 1, 2016, COMMENCING AT APPROXIMATELY
4 8:40 P.M.

5 June 1, 2016
6 Brighton Town Hall
7 2300 Elmwood Avenue
8 Rochester, New York 14618

9 PRESENT:

10 DENNIS MIETZ, CHAIRMAN
11 CHRISTINE CORRADO
12 JEANNE DALE
13 ANDREA TOMPKINS WRIGHT
14 JUDY SCHWARTZ
15 CANDICE BAKER LEIT, ESQ.

16 DAVID DOLLINGER, ESQ.
17 Town Attorney

18 RICK DISTEFANO
19 Secretary

20
21 Reported By: BRIANA L. JEFFORDS
22 Edith Forbes Court Reporting
23 21 Woodcrest Drive
24 Batavia, New York 14020
25

1 Application 5A-10-16. Application of Brighton Twelve Corners
2 Associates, LLC, owner of property located at 1881 Monroe
3 Avenue, for 1) a Sign Variance from Section 207-32B(1) to allow
4 a business identification sign on a second building face
5 (Elmwood Avenue facade) where not allowed by code; 2) a Sign
6 Variance from Section 207-26D to allow a pictorial design to be
7 separated from a business identification sign (Winton Road South
8 facade) and be larger than 25 percent of the total permitted
9 sign face area where not allowed by code; and 3) a sign variance
10 from Section 207-32B(1) to allow total sign area (business
11 identification sign and graphic design) to be 69 sf in lieu of
12 the maximum 63 sf allowed by code. All as described on
13 application and plans on file. Part I - Approved with
14 conditions at the May 4, 2016 meeting, parts II and III - tabled
15 at the May 4, 2016 - Public hearing remains open.

16 Motion made by Ms. Corrado to approve

17 Application 5A-10-16 part two.

18 FINDINGS OF FACT:

- 19 1. The requested variance is not substantial.
- 20 2. No other alternative can alleviate the difficulty and
21 produce the desired result, namely, ease of the identification
22 of the business through recognizable iconography, which is
23 situated at an unusually configured corner of a retail plaza, by
24 drivers approaching by Elmwood Avenue from the east as well as
25 the compliance with the franchise's branding plan.

1 3. No unacceptable change in the character of the neighborhood
2 and no substantial detriment to nearby properties is expected to
3 result from the approval of this variance as the artwork has
4 been selected to compliment the architectural character of the
5 building and the retail complex. Additionally, the total sign
6 area is below the 63 square foot maximum allowed by code, and it
7 is further mitigated by the fact that the completed sign package
8 is a balance of true business identification signage and an
9 ultrally appropriate artistic rendering.

10 4. The alleged hardship is self-created by the applicant in
11 that it is an element in the applicant's standard branding and
12 art program. However, it creates no hazard and is not
13 detrimental to neighbors, customers, or passersby.

14 5. The health, safety, and welfare of the community will not be
15 adversely effected by the approval of this variance.

16 CONDITIONS:

17 1. This variance will apply only to the mask graphic as
18 resubmitted to the Board at their 6/1/2016 meeting as described
19 in the application and the testimony given. In particular, it
20 will not apply to additional tenants in the complex or
21 subsequent tenants in this particular location in the complex
22 that are not included in the present application.

23 2. This graphic will apply only to a sign five-foot by
24 five-foot in dimension.

25 3. All necessary Planning Board and Architectural Board

1 approvals shall be obtained.

2 (Seconded by Ms. Leit.)

3 (Ms. Corrado, yes; Ms. Baker Leit, yes;
4 Ms. Dale, yes; Ms. Tompkins Wright, yes;
5 Ms. Schwartz, no; Mr. Mietz, yes.)

6 (Open roll call, motion to approve part two with
7 conditions carries.)

8 Motion made by Ms. Corrado to deny without
9 prejudice Application 5A-10-16 Part Three because the
10 revised application is does not require a variance.

11 (Seconded by Ms. Schwartz)

12 (Ms. Corrado, yes; Ms. Baker Leit, yes;
13 Ms. Dale, yes; Ms. Tompkins Wright, yes;
14 Ms. Schwartz, yes; Mr. Mietz, yes.)

15 (Open roll call, motion to deny without
16 prejudice carries.)

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1 Application 6A-01-16. Application of Chuck Chada, owner of
2 property located at 2525 East Avenue, for an Area Variance from
3 Section 207-6 to allow a detached garage to be constructed at a
4 height of 20.5 feet in lieu of the maximum 16ft. allowed by
5 code. All as described on application and plans on file.

6 Motion made by Ms. Dale to approve

7 Application 6A-01-16.

8 FINDINGS OF FACT:

9 1. The existing house is designated as a historic home, and the
10 Preservation Board has approved the design of the proposed
11 garage.

12 2. The size and scale of the proposed garage is consistent and
13 proportional with the existing residence. Therefore, the
14 requested area variance is not substantial.

15 3. The visual impact has been minimized, and the proposed
16 garage will not be visible from the street. The size and scale
17 of the proposed garage is also consistent with the neighboring
18 properties on East Avenue and will not produce an undesirable
19 change in the character of the neighborhood or be a detriment to
20 nearby properties.

21 4. The proposed garage is designed to match the existing
22 resident's architecture, and this design creates the need for
23 the variance request as the roof pitch of the proposed garage
24 matches the roof pitch of the historic home.

25 CONDITIONS:

- 1 1. This variance applies only to the structure as depicted in
2 the plans submitted and the testimony given.
- 3 2. There shall be no livable space, and utilities shall be only
4 electrical as provided in the testimony given.
- 5 3. All necessary building permits shall be obtained.

6 (Seconded by Ms. Leit.)

7 (Ms. Corrado, yes; Ms. Baker Leit, yes;
8 Ms. Dale, yes; Ms. Tompkins Wright, yes;
9 Ms. Schwartz, yes; Mr. Mietz, yes.)

10 (Open roll call, motion to approve with
11 conditions carries.)

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1 Application 6A-02-16. Application of Gary Schreib, owner of
2 property located at 2600 West Henrietta Road, for a temporary
3 and Revocable Use Permit pursuant to Section 219-4 to allow for
4 a one day outdoor anniversary event (June 25, 2016) in a BF-2
5 General Commercial District. All as described on application
6 and plans on file.

7 Motion made by Mr. Mietz to approve
8 Application 6A-02-16.

9 FINDINGS OF FACT:

- 10 1. Applicant is planning a 35-year anniversary that is to be
11 held on the property on June 25th, 2016.
- 12 2. The applicant will have food vendors and retail vendors set
13 up and tables in the parking lot. There will be no tent set up
14 at the location.
- 15 3. Adequate parking for the event is available on site and will
16 be managed by the applicant.

17 CONDITIONS:

- 18 1. The event shall be from 9:00 a.m. to 4:00 p.m. on June 25th,
19 2016.
- 20 2. The applicant shall be responsible for all trash removal and
21 controlling the parking on the site.
- 22 3. No amplified music shall occur on site.

23 (Seconded by Ms. Tompkins Wright.)

24 (Ms. Corrado, yes; Ms. Baker Leit, yes;

25 Ms. Dale, yes; Ms. Tompkins Wright, yes;

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Ms. Schwartz, yes; Mr. Mietz, yes.)
(Open roll call, motion to approve with
conditions carries.)

1 Application 6A-03-16. Application of Thomas Galvin, Jr., owner
2 of property located at 2240 Monroe Avenue, for Area Variances
3 from Section 205-18A to 1) allow for expansion of
4 pavement/parking in the front yard along Monroe Avenue where not
5 allowed by code, and 2) allow for pavement/parking to extend
6 into the Sunset Drive front yard where not allowed by code, and
7 be 4 +/- ft from a side lot line in lieu of the minimum 10 ft.
8 required by code. All as described on application and plans on
9 file.

10 Motion made by Ms. Schwartz to approve

11 Application 6A-03-16 Part I.

12 FINDINGS OF FACT:

- 13 1. The expansion of the pavement in front of the building
14 towards Monroe Avenue will allow drivers to enter parking spots
15 straighter rather than at an angle and will ease backing out.
- 16 2. There will be minimal encroachment into the existing Monroe
17 Avenue frontage and faces a commercial area.
- 18 3. No other alternative can alleviate the difficulty and
19 produce the desired result for the applicant.
- 20 4. The health, safety, and welfare of the community will not be
21 adversely effected by the approval of this variance.

22 CONDITIONS:

- 23 1. This variance only applies to the extension of those parking
24 spaces directly in front of the building on Monroe Avenue as
25 shown on the plans submitted.

1 2. There shall be no tree removals in association with this
2 parking expansion.

3 3. All necessary Planning Board approvals shall be obtained.

4 (Seconded by Ms. Tompkins Wright.)

5 (Ms. Corrado, yes; Ms. Baker Leit, yes;

6 Ms. Dale, yes; Ms. Tompkins Wright, yes;

7 Ms. Schwartz, yes; Mr. Mietz, yes.)

8 (Open roll call, motion to approve Part I with

9 conditions carries.)

10 Motion made by Ms. Schwartz to deny

11 Application 6A-03-16 Part II.

12 FINDINGS OF FACT:

13 1. The requested variance is very substantial and will be over
14 50 percent of the request for a 4-foot-by-one side lot line
15 where minimum of 10 feet is required.

16 2. The requested variance is very substantial and will have a
17 negative effect on the neighborhood as it will encroach into a
18 residential area and cause an increase in traffic, light, and
19 noise into the area.

20 3. This rear parking area has existed for over 30 years and
21 operated without incident.

22 4. There is sufficient room for cars to easily back out and
23 turn to exit this rear parking lot as it exists.

24 5. The detriment to the neighborhood far outweighs the possible
25 benefit for the owner of the property.

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(Seconded by Ms. Leit.)
(Ms. Corrado, yes; Ms. Baker Leit, yes;
Ms. Dale, yes; Ms. Tompkins Wright, yes;
Ms. Schwartz, yes; Mr. Mietz, yes.)
(Open roll call, motion to deny Part II carries.)

1 Application 6A-04-16. Application of Anthony Associates, owner
2 of property located at 2305 Monroe Avenue, for Area Variances
3 from Section 205-7 to 1) allow maximum building square footages,
4 after construction of a 690 sf addition, to be 10,119 sf in lieu
5 of the maximum 7,000 sf allowed by code, and 2) allow first
6 floor building square footage to be 8,275 sf in lieu of the
7 maximum 3,500 sf allowed by code. All as described on
8 application and plans on file.

9 Motion made by Ms. Tompkins Wright to approve
10 Application 6A-04-16.

11 FINDINGS OF FACT:

- 12 1. The granting of the requested variance will not produce
13 undesirable change in the character of the neighborhood or be a
14 detriment to nearby properties. Several of the neighboring
15 properties also greatly exceed the maximum square footage in
16 this zone and in this area.
- 17 2. The requested variance is not substantial. The additional
18 square feet will increase the overall square feet and first
19 floor square feet by less than ten percent. Further, their
20 addition will not be readily visible from Monroe Avenue.
- 21 3. The benefit sought by the applicant cannot be reasonably and
22 readily achieved by any other benefit and is the minimum
23 necessary to grant relief from the applicant's difficulty.
- 24 Applicant testified that all current square footage in the
25 building is already used, and the only way to continue to

1 operated is to expand the footprint. Further, while the
2 difficulty is self-created, the additional square footage is the
3 minimum needed to add necessary office and prep area to the
4 site.

5 4. There is a no evidence that the proposed variance will have
6 an adverse effect or impact on the physical or environmental
7 conditions in a neighborhood or district.

8 CONDITIONS:

9 1. The variance only applies to the addition as per plans
10 submitted and testimony given.

11 2. All necessary Architectural Review Board and Planning Board
12 approvals shall be obtained.

13 (Seconded by Ms. Schwartz.)

14 (Ms. Corrado, yes; Ms. Baker Leit, yes;
15 Ms. Dale, yes; Ms. Tompkins Wright, yes;
16 Ms. Schwartz, yes; Mr. Mietz, yes.)

17 (Open roll call, motion to approve with
18 conditions carries.)

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1 Application 6A-05-16. Application of Anthony Associates, owner
2 of property located at 2305 Monroe Avenue, for 1) an Area
3 Variance from Section 205-7 to allow impervious lot coverage,
4 after construction of a 690 sf building addition, to be 67.9% in
5 lieu of the maximum 65% allowed by code, and 2) allow a covered
6 porch to extend 5 ft. into the 30 ft. front setback (Roosevelt
7 Road) required by code. All as described on application and
8 plans on file.

9 Motion made by Ms. Leit to approve

10 Application 6A-05-16.

11 FINDINGS OF FACT:

12 1. The requested variances sought by the Anthony Funeral
13 Chapels are not substantial as the impervious lot coverage only
14 exceeds the maximum permitted by 2.9 percent and only increases
15 the impervious coverage another 1.3 percent from what is
16 currently in place. The covered porch will only extend 5 feet
17 into the 30-foot setback required by code.

18 2. No other alternatives can alleviate the difficulties and
19 produce the desired results which would allow both sufficient
20 parking and allow the creation of this building addition.

21 Furthermore, the second variance is necessary to provide a
22 covered porch for visitors to the funeral home from the side
23 entrance.

24 3. No unacceptable change in the character of the neighborhood
25 and no substantial detriment to nearby properties is expected as

1 a result in the approval of these variances because the porch
2 will not only add architectural interest to the side facade, but
3 will also give grieving family members cover as they enter from
4 the side entrance.

5 4. The alleged hardship is not self-created by the applicant as
6 the variances are necessary to accommodate the growing need for
7 their services.

8 5. The health, safety, and welfare of the community will not be
9 adversely effected by the approvals of these variances as the
10 proposed changes will blend with the existing structure.

11 CONDITIONS:

12 1. These variances will apply only to the impervious lot
13 coverage and structure that were described in the application
14 and testimony given.

15 2. All necessary Architectural Review Board and Planning Board
16 approvals shall be obtained.

17 (Seconded by Ms. Schwartz.)

18 (Ms. Corrado, yes; Ms. Baker Leit, yes;
19 Ms. Dale, yes; Ms. Tompkins Wright, yes;
20 Ms. Schwartz, yes; Mr. Mietz, yes.)

21 (Open roll call, motion to approve with
22 conditions carries.)
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1 Application 6A-07-16. Application of Sustainable Energy
2 Development Inc., agent and Guiliana Basha, owner of property
3 located at 235 Shaftsbury Road, for an Area Variance from
4 Sections 20746 and 207-49 to allow for a ground mounted solar
5 panel array where only roof mounted solar panels are allowed by
6 code. All as described on application and plans on file.

7 Motion made by Ms. Dale to approve

8 Application 6A-07-16

9 FINDINGS OF FACT:

- 10 1. The variance request is not substantial in scale as it is an
11 identical sized system as previously proposed as a roof mounted
12 system and is based on town building code. The only difference
13 is the system will be mounted on the ground as opposed to the
14 roof.
- 15 2. The ground mounted system is the only suitable method for
16 the existing site conditions as a roof mount would require a
17 costly and complex installation due to the recently installed
18 stone coded metal shingles.
- 19 3. The visibility of the equipment has been minimized to the
20 greatest extent possible. The proposed system will not be
21 visible from the front of the home. The rear yard is adjacent
22 to New York State 590. The view of the installation has been
23 further reduced by placing the installation on the ground in the
24 rear yard. Therefore, granting the variance will not result in
25 a substantial change in the character of the neighborhood or

1 detrimentally effect the surrounding properties.

2 CONDITIONS:

3 1. The placement of the solar panels, and their size, and
4 height must be as presented in the variance application as
5 submitted and the testimony given.

6 2. All necessary building permits shall be obtained.

7 (Seconded by Ms. Leit.)

8 (Ms. Corrado, yes; Ms. Baker Leit, yes;

9 Ms. Dale, yes; Ms. Tompkins Wright, yes;

10 Ms. Schwartz, yes; Mr. Mietz, yes.)

11 (Open roll call, motion to approve with

12 conditions carries.)

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1 Application 6A-08-16. Application of McQuaid Jesuit High
2 School, owner of property located at 1800 South Clinton Avenue,
3 for an Area Variance from Sections 203-2.1C(1)(a) and 203-9B to
4 allow a two-story classroom addition to be constructed 77 ft.
5 from a side lot line in lieu of the minimum 100 ft. required by
6 code. All as described on application and plans on file.

7 Motion made by Mr. Mietz to approve

8 Application 6A-08-16.

9 FINDINGS OF FACT:

- 10 1. The proposed addition is to the minimum square footage
11 required to meet the needs of the applicant.
- 12 2. The location on the site is the only location where the
13 building can connect to the existing school buildings and
14 support the vehicle turnaround to the south along with the
15 proposed outdoor quad area.
- 16 3. While the project is in an ROB district. Its neighbor to
17 the south is a multiple family apartment complex.
- 18 4. The proposed building is 77 feet and is substantially less
19 of an encroachment to the setback than the existing building to
20 the west at 48 feet.
- 21 5. No negative effect on the character of the neighborhood will
22 likely result from the approval of this variance as it replaces
23 a taller existing structure in a similar location.

24 CONDITIONS:

- 25 1. This variance is based on the building as described in the

1 testimony given and plans submitted.

2 2. All necessary Architecture Review Board approvals and
3 Planning Board approvals shall be obtained.

4 (Seconded by Ms. Tompkins Wright.)

5 (Ms. Corrado, yes; Ms. Baker Leit, yes;

6 Ms. Dale, yes; Ms. Tompkins Wright, yes;

7 Ms. Schwartz, yes; Mr. Mietz, yes.)

8 (Open roll call, motion to approve with

9 conditions carries.)

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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF MONROE:

I, BRIANA L. JEFFORDS, do hereby certify that I reported in machine shorthand the above-styled cause; and that the foregoing pages were typed by computer-assisted transcription under my personal supervision and constitute a true record of the testimony in this proceeding;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action;

WITNESS my hand in the town of Brighton, county of Monroe, state of New York.

Briana L. Jeffords
BRIANA L. JEFFORDS
Freelance Court Reporter and
Notary Public No. 01JE6325111
in and for Genesee County, New York