

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
3 On JULY 6, 2016, COMMENCING AT APPROXIMATELY
4 7:19 P.M.

5

July 6, 2016
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

7

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

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DAVID DOLLINGER, ESQ.
Town Attorney

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RICK DISTEFANO
Secretary

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

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1 MR. MIETZ: So at this time, I would like to call
2 to order the July session of the Brighton Zoning Board of
3 Appeals.

4 Rick, was the meeting properly advertised?

5 MR. DI STEFANO: Yes, Chairman, it was advertised
6 in the Brighton-Pittsford Post on June 30, 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-05-16. Application of Mamsan's Monroe, LLC,
14 owner of property located at 2735 Monroe Avenue, for 1) an Area
15 Variance from Section 205-7 to allow impervious coverage to be
16 71.7%, after construction of a new restaurant, in lieu of the
17 maximum 65% impervious coverage allowed by code (withdrawn by
18 applicant); 2) an Area Variance from Section 207-2A to allow
19 front yard fence posts to be 6 ft. in height in lieu of the
20 maximum 3.5 ft allowed by code; and 3) an Area Variance from
21 Section 205-18B to allow pavement and parking to be 4.3 ft from
22 the north side property line (withdrawn by applicant), 4 ft.
23 from the south side property line (withdrawn by applicant) and 4
24 ft. (modified from 1 ft.) from the rear (west) property line in
25 lieu of the minimum 10 ft. required by code. All as described

1 on application and plans on file.

2 MR. MCMAHON: Good evening. My name is Greg
3 McMahon with McMahon LaRue Associates. I'm here tonight
4 representing the applicant Mamasan's Monroe, LLC. They're
5 proposing to renovate the former Pizza Hut and Rumi's
6 Restaurant at 2735 Monroe Avenue, somewhat across the street
7 from their present location, as the new location for
8 Mamasan's. As part of this renovation, we are requesting
9 two variances. One is to relocate the decorative fence that
10 they currently have around their patio to the new patio that
11 will be in front of the new building. I passed around some
12 photographs and some information on that decorative fence.
13 The second variance we are requesting is at the rear of the
14 property. We have one corner of the parking lot that is
15 four feet from the rear property line where 10 feet is
16 required. That rear property is currently NYSDOT right of
17 way as part of the 390 Expressway. So with that, I will
18 keep this short and answer any questions you might have.

19 MS. BAKER LEIT: Who is the original fabricator of
20 the fence?

21 MR. MCMAHON: Go ahead, Randy.

22 MR. PEACOCK: I'm Randy Peacock. I'm the architect
23 for the project. I believe it was Carlock -- Oblock
24 something like that.

25 MS. BAKER LEIT: Okay. She has a couple of benches

1 of his too, in the entrance there.

2 MS. CORRADO: Would the original fence across from
3 where it currently is -- was the variance sought for the
4 taller posts in the original?

5 MR. DI STEFANO: I don't believe so, no.

6 MR. PEACOCK: No, I think we contracted for that
7 after the fact, and nobody ever really thought about it when
8 he designed it. We had originally got it approved for a
9 regular height fence, and it's been there -- she has been
10 there since 2002, I believe. So it's been there for about
11 14 years, but yeah, we'd like to reuse it if we could.

12 MR. MIETZ: Just for the record, can you talk about
13 this four-foot issue here? I mean, was any other
14 configuration for the parking, or was anything else looked
15 at, or what's the --

16 MR. MCMAHON: We did. We looked at some other
17 options. We're trying to balance not having to ask for a
18 variance for the number of parking spots. We wanted to
19 provide the parking. We looked at different layouts, but
20 it's a narrow parcel. And it also -- it also fits in with,
21 what might possibly be, some future improvements at the rear
22 of the property. Again, we don't -- they aren't hard facts,
23 and we can't take those into consideration with this. But
24 we looked at what the options were. That seemed to be the
25 least impact with the DOT property. We were not impacting

1 other businesses or residences. And we were able to
2 maintain the rest of our parking where we're 95 percent,
3 90 percent of the parking is existing and will remain.
4 We're just adding a little bit of pavement on two sides in
5 order to make the parking lot more useful, and as I say to
6 provide the number of space we need to accommodate the
7 restaurant.

8 MR. MIETZ: So would it be fair to say that any
9 other layouts, you could not support the parking count?

10 MR. MCMAHON: We couldn't support the parking
11 count. So we could do away with this request for a
12 variance, but we would be standing here asking you for a
13 variance for a reduced number of parking spots.

14 MR. MIETZ: Okay.

15 MS. DALE: Did you say -- I thought you said it's
16 on two sides. Isn't it just in the back of the building?

17 MR. MCMAHON: We're also adding a little bit of
18 parking along the side of the hotel. It would be, I think
19 direction-wise, northeast. At the rear of the property on
20 the -- that one side adjacent to the hotel, we're bumping
21 that out just as it starts -- it's a triangular widening of
22 the parking lot right there, but we're maintaining that at
23 10 feet from the property line.

24 MS. DALE: Oh, gotcha. I see.

25 MR. MIETZ: Okay. All right. Any other questions?

1 MS. BAKER LEIT: Just one more question.
2 Additionally, do you think there would be much impact to
3 having that small sliver from the parking lot to Monroe
4 Avenue?

5 MR. MCMAHON: What do you mean?

6 MS. BAKER LEIT: Would there be any visual impact
7 to Monroe Avenue?

8 MR. MCMAHON: No, not noticeable.

9 MR. MIETZ: Good. Okay. Good. Thank you very
10 much.

11 MR. MCMAHON: Thank you.

12 MR. MIETZ: Is there anyone in the audience that
13 would like to speak regarding this application? Okay.
14 There being none, then the public hearing is closed.

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1 Application 7A-01-16. Application of 2601 Lac de Ville
2 Properties, owner of property located at 2601 Lac de Ville
3 Blvd., for modification of an approved free standing sign
4 variance (2A-02-97). All as described on application and plans
5 on file.

6 MR. FORNUTO: Good evening. I am new to all of
7 this, so I don't know what to do.

8 MR. DI STEFANO: State your name.

9 MR. FORNUTO: Ralph Fornuto. I'm the president of
10 USA Payroll.

11 MR. DI STEFANO: Can you spell that?

12 MR. FORNUTO: F-O-R-N-U-T-O.

13 MR. DI STEFANO: Thank you.

14 MR. MIETZ: Go ahead.

15 MR. FORNUTO: So we are requesting to replace a
16 sign that currently exists on our property with a sign -- a
17 new sign. It's made -- it will be made out of kind of a
18 vinyl, weight vinyl material. I believe you all have a
19 picture of it. We're going to enhance the printing of our
20 company name. It's going to be a little bit larger than the
21 other two companies that are there. If you know that
22 intersection off Lac de Ville Boulevard, we get two or three
23 folks that think they're going to the medical building
24 coming into our office, and these are generally more elderly
25 individuals. They have a hard time walking. And they have

1 to get out of their car, they come into our office, and they
2 should be in the medical building. So we are trying to make
3 it more distinguishable that the front building is USA
4 Payroll and not the medical building. And the current sign,
5 it's made of pressure-treated wood. It's becoming, you
6 know, unsightly.

7 MS. SCHWARTZ: Do you happen to have a color
8 rendition of that because we really can't tell?

9 MR. FORNUTO: On that -- so the star will be green,
10 the printing of the USA Payroll will be blue, and the
11 printing of the other company names will be black.

12 MS. SCHWARTZ: And what about the part located in
13 the back? What is that going to look like?

14 MR. FORNUTO: White background.

15 MS. SCHWARTZ: White background.

16 MS. BAKER LEIT: Yes. And the 2601 Lac de Ville
17 will also be in black?

18 MR. FORNUTO: Yes.

19 MS. SCHWARTZ: And how did you arrive at this
20 change in the equal portions?

21 MR. FORNUTO: Again, trying to distinguish our
22 company from -- that it's our building and not the medical
23 building.

24 MS. SCHWARTZ: And do you feel that by making the
25 other two company names quite a bit smaller than what they

1 are now, people are still going to be -- will be able to
2 easily find those other two buildings?

3 MR. FORNUTO: Oh, I think so. Yes.

4 MS. SCHWARTZ: Can you say why?

5 MR. FORNUTO: Well, I think they will recognize
6 that the USA Payroll is larger for the front building. And
7 the medical building and the other building is in the back.
8 I don't know how else to explain it other than that.

9 MS. BAKER LEIT: Okay. Do those buildings have
10 their own signage on the building?

11 MR. FORNUTO: Yes, they have their own numbers on
12 the buildings. And I believe the child care center has
13 child care center distinctly on their building when you go
14 back there.

15 MS. CORRADO: Can you remind me, is that 2541 back
16 there?

17 MR. FORNUTO: 2561?

18 MS. CORRADO: Well, 2561 I see is the medical
19 office building, and then there is an address directly
20 behind that 2541 in between --

21 MR. MIETZ: I think that's the second parcel of the
22 children's center.

23 MR. FORNUTO: Yeah, I think there are two parcels
24 there.

25 MR. MIETZ: So it will be those two together.

1 MS. CORRADO: There won't be any changes to squeeze
2 in another location?

3 MR. MIETZ: No, those are both of those.

4 MS. TOMPKINS WRIGHT: Has there been any
5 interaction with the property owners for the children's care
6 center and the medical building?

7 MR. FORNUTO: With us?

8 MS. TOMPKINS WRIGHT: Yes.

9 MR. FORNUTO: No, there has not.

10 MS. TOMPKINS WRIGHT: Do you know when the original
11 sign was approved? I know that was some time ago.

12 MR. FORNUTO: Yeah, I have no idea. When we bought
13 the building, I believe, five or six years ago, and we
14 changed -- it was Adams Communications that had the building
15 previously. So all we did was change that to ours.

16 MS. TOMPKINS WRIGHT: Okay.

17 MS. SCHWARTZ: And the setup, do you think that
18 this is more preferable than having equal sized panels?

19 MR. FORNUTO: I do.

20 MS. TOMPKINS WRIGHT: What is the relationship
21 between the properties? Is there an easement on this
22 property regarding the signage?

23 MR. FORNUTO: No, it's strictly because we own
24 that.

25 MS. TOMPKINS WRIGHT: Right.

1 MR. FORNUTO: So it's strictly out of courtesy for
2 the others, I believe. That was a requirement initially to
3 get the right to put that sign up, I believe.

4 MS. TOMPKINS WRIGHT: But there is -- they don't
5 have any private rights to that signage?

6 MR. FORNUTO: Not that I am aware of.

7 MR. DI STEFANO: No, basically, the original was
8 just for the same purpose that they have experienced with
9 people going into the wrong building. They had, I guess, a
10 lot of issues. They got into that building, went in, and
11 they had to go further down that access road. So that was
12 the original approval for that sign that everybody have an
13 equal share of the sign face itself.

14 MR. FORNUTO: And it's still occurring. And we
15 even went through the extent -- there is a smaller sign
16 coming directly into the entrance of ours, and it still
17 doesn't stop people.

18 MR. DI STEFANO: Where is your number displayed on
19 your building, your address number?

20 MR. FORNUTO: There was no number on the building.
21 Well, it might be under the front entrance, the canopy, or
22 whatever you want to call it.

23 MR. DI STEFANO: But nothing that's readily seen
24 from the road?

25 MR. FORNUTO: No.

1 MS. SCHWARTZ: I have another question. Could you
2 please give me the dimension of the smaller bandwidth of the
3 other two buildings, and then the size of the -- located in
4 the back portion of the building?

5 MR. FORNUTO: I'll have to look that up. Here it
6 is. It's 60 inches across that bandwidth.

7 MS. SCHWARTZ: And then how high is it?

8 MR. FORNUTO: That dimension is not on here.

9 MR. MIETZ: How high is what?

10 MS. SCHWARTZ: I want to know how high this portion
11 is and how high that is.

12 MR. MIETZ: It's not to scale. We have to probably
13 approximate it. It looks like maybe the bottom of the sign
14 to the top of the sign is 65 inches.

15 MS. SCHWARTZ: Right. But they don't break it
16 down.

17 MR. DI STEFANO: Well, it looks like it's
18 one-third, about a third of the other sign. I mean, if you
19 square the USA payroll off, take the 2501 off, and square
20 that off the top, it looks like it's about a third of that
21 size.

22 MR. MIETZ: No bigger than that.

23 MR. DI STEFANO: No bigger than half that probably.

24 MR. MIETZ: Eighteen inches, two and a half feet,
25 something like that.

1 MS. SCHWARTZ: And then it's inside of that?

2 MR. MIETZ: Yeah, of course. Okay. Any other
3 questions at this time? Okay. Thank you.

4 MR. FORNUTO: Thank you.

5 MR. MIETZ: Is there anyone in the audience that would like to
6 speak in regards to this application? There being none, the
7 application is closed.

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1 Application 7A-02-16. Application of Dorell, Inc./Beam Mack
2 Sales and Service, owner of property located at 2674 West
3 Henrietta Road, (Tax ID#148.16-1-16) for a Temporary and
4 Revocable use Permit pursuant to Section 219-4 to allow for a
5 one day outdoor customer appreciation event (July 26, 2016) in a
6 BF-2 General Commercial District. All as described on
7 application and plans on file.

8 MR. ZORNOW: Good evening, Tim Zornow for Beam
9 Mack. I represent the company. Cheryl Carr is with me from
10 Shell Oil. Shell Oil has come to us asking for an open
11 house. Shell Oil is very -- they work with Mack trucks as
12 far as the new oils, the extent of the oil intervals, how
13 they're extended. We want to pass this on to our customers.
14 We've asked for your permission to run a four-hour open
15 house. Probably no more than 100 people would be invited to
16 it from 11:00 to 3:00 o'clock. We wanted to keep the hours
17 away from early morning and late afternoon traffic on West
18 Henrietta Road, which I'm sure you can understand that.
19 Basically, just tell them a little more about our product.
20 Shell Oil and I are asking for your permission. The Town of
21 Brighton will be invited. Since you use our product, you
22 will be invited also.

23 MS. DALE: Is it 10:00 to 3:00 or 11:00 to 3:00?

24 MR. ZORNOW: 11:00 to 3:00.

25 MS. TOMPKINS WRIGHT: And just to confirm the date,

1 it's Tuesday, July 26th?

2 MR. ZORNOW: That's correct.

3 MS. BAKER LEIT: Will there be time necessary for
4 set up?

5 MR. ZORNOW: We will start the set up, the
6 location, we're going to have that closed off the day
7 before. Just so there won't be any traffic there. Cheryl
8 has got a trailer coming into the east coast that only comes
9 here once every five years. So we have an opportunity. The
10 trailer unfolds, opens up, you can see more about what the
11 product does for your vehicles, how it has better fuel
12 economy, longer oil intervals, which we feel will be
13 beneficial to our customers. Yes, we will be there the date
14 prior. It will be closed off, roped off. There will not be
15 any traffic through there.

16 MS. DALE: Are you planning on music?

17 MR. ZORNOW: No music.

18 MS. TOMPKINS WRIGHT: How long will the tent be up?

19 MR. ZORNOW: That day.

20 MS. TOMPKINS WRIGHT: Just that day. It will be
21 taken down that night?

22 MR. ZORNOW: At the end of the evening.

23 MS. TOMPKINS WRIGHT: And what about the trailer
24 also?

25 MR. ZORNOW: The trailer will be gone that evening

1 also. The trailer will be there the day before, but it will
2 be gone that evening.

3 MS. TOMPKINS WRIGHT: And the trailer and the tent
4 are going in current parking areas?

5 MR. ZORNOW: It will be the south side of the Beam
6 Mack building. That whole parking lot is only going to be
7 used for this event.

8 MS. TOMPKINS WRIGHT: So are you adding additional
9 -- it's kind of hard to tell based on the map. Are you
10 adding additional parking areas to kind of meet customer
11 needs, or do you think there is plenty of parking?

12 MR. ZORNOW: There's plenty of parking. We had a
13 restaurant there that we took down last year. And now
14 it's --

15 MS. TOMPKINS WRIGHT: Yeah, I remember. Okay.
16 Okay.

17 MR. ZORNOW: The vehicles along the front of the
18 Beam and the Conway, we are going to open up that for any
19 additional parking, if needed. We will have employees out
20 there assisting with parking.

21 MR. MIETZ: You are going to serve food and take
22 care of that.

23 MR. ZORNOW: We're going to have hamburgs, hot
24 dogs, and water refreshments. We are not going to have food
25 truck vendors or anything large like that. We are just

1 going to keep it low key.

2 MR. MIETZ: Okay. Very good. Any other questions?

3 MR. ZORNOW: Thank you.

4 MR. MIETZ: Thanks. Anyone in the audience that would like to
5 speak on this application? There being none, the public hearing
6 is closed.

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1 Application 7A-03-16. Application of Sandra Smith, owner of
2 property located at 50 Middlebrook Lane, for an Area Variance
3 from Section 205-2 to allow a porch addition to extend 4 ft.
4 into the 40 ft. front setback required by code. All as
5 described on application and plans on file.

6 MR. SMITH: Good evening, Andrew Smith, with my
7 wife, Sandy Smith. We're interested in building a
8 substantial front porch on our colonial. I kind of owe that
9 to my wife after 32 years of marriage. I have been
10 promising her a front porch for many years. And the reason
11 we are asking for the variance, is because to put the kind
12 of front porch on our house that we want, it's going to
13 be -- it has to go past the four-foot that would be allowed
14 under the existing zoning. It's really -- basically because
15 if want to have seating on the front porch, which we do, you
16 need room to get around people who are seated, if there is
17 going to be more than one person on the porch. And we would
18 hope to have our family on the front porch, friends visiting
19 on the front porch, neighbors, of course.

20 MR. MIETZ: Okay. So as far as the -- what's it
21 going to look like, it looks like an open rail then?

22 MR. SMITH: Yes, sir.

23 MR. MIETZ: And there is no thought process about
24 enclosing this porch or anything?

25 MR. SMITH: No, sir. That would defeat our

1 purpose, I think.

2 MR. MIETZ: Okay. That's good.

3 MR. DI STEFANO: Have you been to the Architecture
4 Review Board yet?

5 MRS. SMITH: Yes, that was last Wednesday.

6 MR. DI STEFANO: And you got approvals?

7 MR. SMITH: Yes.

8 MR. MIETZ: And the lower section is going to be
9 like a lattice or something?

10 MR. SMITH: I believe in talking with Mallo
11 Construction, our builder, there is insufficient room really
12 to put a lattice on the lower area. So it will just be a
13 skirt board.

14 MR. MIETZ: But it will be closed?

15 MR. SMITH: Yes.

16 MRS. SMITH: It will be closed, yes.

17 MS. CORRADO: The roof shingles are going to match
18 the existing roof?

19 MR. SMITH: Actually, we're having our entire roof
20 done to match.

21 MRS. SMITH: It needs it.

22 MR. MIETZ: Okay. Any other questions? Okay.

23 Thank you.

24 MRS. SMITH: Thank you.

25 MR. SMITH: Thank you.

1 MR. MIETZ: Anyone in the audience that would like
2 to speak regarding this application?

3 Come on up. We let alumni speak too.

4 MR. LAWRENCE: Dave Lawrence, 156 Wintergreen Way.

5 MRS. LAWRENCE: Debbie Lawrence.

6 MR. LAWRENCE: The Smith's house is halfway on our
7 dog walking route. We are very familiar with it. The line
8 of sight would be perfect with a porch. And most
9 importantly, when our dog sits down, won't go any farther,
10 we can now sit on the porch with them and enjoy the
11 evenings. It's a perfect addition to this home which has a
12 flat facade now. It would add some relief. It will be a
13 great addition. Debbie, I know, wanted to say a lot about
14 it this application.

15 MRS. LAWRENCE: I think it's going to look great.
16 It will definitely be an asset to the house and
17 neighborhood.

18 MR. MIETZ: Okay.

19 MR. LAWRENCE: Nice to see you.

20 MR. MIETZ: Take care. Thank you very much. Is
21 there anyone else that would like to speak regarding this
22 application? Okay. There being none, then the public
23 hearing is closed.

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1 Application 7A-04-16. Application of Michael Aube, owner of
2 property located at 315 Ashley Drive, for an Area Variance from
3 Section 207-2A to allow a 4 ft. high fence to extend into a
4 front yard where a maximum 3.5 ft. high fence is allowed by
5 code. All as described on application and plans on file.

6 MRS. AUBE: Hi, my name is Jennifer Aube. This is
7 my husband Michael. We are asking for permission to install
8 a fence six inches higher than what is currently allowed.
9 We recently put a swimming pool in our backyard. So we need
10 a 48 inch fence for safety reasons and for code around the
11 swimming pool. We live on a corner lot. And the back yard
12 is quite small, but it fit the pool. There is not a lot of
13 room, kind of. Around the pool. So what we would like to
14 do is extend the fence outside of our house 13 feet to give
15 us more room. We are involved with our church. We have the
16 youth group over a lot. We had two neighborhood families
17 over. So it was kind of tight. So extending this out
18 13 feet would give us more room to enjoy the pool and have
19 people over. We chose an unobtrusive fence. I put a
20 picture in the application. Just an aluminum fence. It
21 would be located about four feet inside of the existing
22 hedge. We have an arborvitae hedge. So it wouldn't even
23 really be visible from the street. It's quite a distance
24 from the street. It would help us enjoy our pool and share
25 it with others.

1 MS. CORRADO: The fence, it will be the dark black
2 that is shown?

3 MRS. AUBE: Yes, the open one.

4 MR. DI STEFANO: Would there be any gates on that
5 side of the fence?

6 MRS. AUBE: There will be one gate that locks, yes.

7 MS. SCHWARTZ: Is it the same --

8 MR. MIETZ: Well, and the height --

9 MR. DI STEFANO: Yeah, the gate would have to match
10 the height which it probably will.

11 MS. TOMPKINS WRIGHT: And the fence won't really be
12 visible from Boniface Drive?

13 MRS. AUBE: No, it's not visible from the Boniface
14 because of hedge, and it's well within the hedge even. And
15 we have kind of a hedge this way and this way, so the whole
16 thing would be enclosed by the hedge.

17 MR. MIETZ: Great. Good. Okay. Thanks very much.

18 MRS. AUBE: Okay. Thank you.

19 MR. MIETZ: Is there anyone in the audience that
20 would like to speak regarding this application? There being
21 none, the application is closed.

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1 Application 7A-05-16. Application of Faith Temple, owner of
2 property located on Winton Road South, known as Tax ID
3 #150.05-01-1.2, for a Temporary and Revocable Use Permit
4 pursuant to Section 219-4 to allow for a one-day outdoor
5 community event (August 20, 2016) and a church congregation
6 picnic (August 21, 2016) in RLB-Residential District. All as
7 described on application and plans on file.

8 MR. JOHNSON: Good evening. My name is Eric
9 Johnson. I'm the business administer for Faith Temple
10 Church. And I believe we actually adjusted it to a two-day.

11 MR. DI STEFANO: Yeah, in the -- I just didn't read
12 the two days, but I got it in the legal notice for you.

13 MR. JOHNSON: Okay. Great. So what we are looking
14 to do on the first day, that Saturday, the 25th, what we
15 call a community event. We call it the big gift. It's our
16 fifth annual one that we are doing. The other four were on
17 our 1876 Elmwood property. This year we decided we want to
18 move it over to our open land on Winton Road to give us a
19 little more space. Doing this event we basically, it's a
20 big give away. We give away clothing, back to school
21 supplies, food, toys, household items. And it's our attempt
22 to try to give back to the community. So it's open to
23 everyone. Last year, we had over 700 people come and
24 participate at the event. So it's been a big success for
25 us. We have some company sponsors that actually supply a

1 lot of the monies to buy a lot of the new items, and we do
2 take in slightly used items from our donations. So it's a
3 good thing for us. It's been a good thing for the
4 community. So we are looking for permission to put up a
5 tent there. This year we're having a tent put up, some
6 porta potties, and what else is going over there.

7 The second day, that Sunday, the very next day, we
8 decided we were going to utilize the tent for a church
9 picnic. That picnic would be open only to our church
10 members, regular attenders, and their families. In addition
11 to the tent, and porta potties, and the parking area, we
12 would add a bounce house, some pony rides, and some grills
13 for barbecuing some hot dogs and hamburgers, that kind of
14 thing. That's pretty much it.

15 MS. SCHWARTZ: Would there be a need, and if so,
16 will there be any people directing traffic?

17 MR. JOHNSON: Yes, we're going to have people that
18 are going to do traffic control. Right now, I think you
19 have drawings, the parking is going to be like to the right.
20 If you're facing the property from Winton Road, it's over to
21 the right, a large area. It's like a 100 by 400 area to
22 park cars.

23 MS. CORRADO: With the big event the day before,
24 any left over items, is there any storage or security? What
25 will happen with all of that that doesn't go on Saturday?

1 MR. JOHNSON: Well, we utilized PODS. We will load
2 them back in the PODS and tow them away.

3 MS. CORRADO: The PODS will stay there overnight?

4 MR. JOHNSON: I believe, they get picked up Monday.

5 MS. CORRADO: And those lock securely?

6 MR. JOHNSON: Yes.

7 MS. TOMPKINS WRIGHT: The tent comes down on Monday
8 as well?

9 MR. JOHNSON: Yes.

10 MS. TOMPKINS WRIGHT: And it will go up on Friday?

11 MR. JOHNSON: Yes.

12 MS. TOMPKINS WRIGHT: And your application says no
13 amplified music for either event?

14 MR. JOHNSON: No. No, ma'am.

15 MR. DI STEFANO: Are there --

16 MS. TOMPKINS WRIGHT: Just acapella?

17 MR. DI STEFANO: Are there rain dates?

18 MR. JOHNSON: No, this is it. That's one of the
19 reasons for the tent.

20 MS. CORRADO: So we haven't seen much rain lately,
21 and it's very grassy and dry out there. With the grills,
22 barbecues, and all to have that, you will make provision for
23 fire safety --

24 MR. JOHNSON: Yes.

25 MS. CORRADO: -- and things?

1 MR. JOHNSON: Absolutely. The land is mowed. We
2 keep it mowed. We have a prayer trail out there and parking
3 area right now. So we go out there all the time.

4 MS. CORRADO: And what about sanitary facilities,
5 are you bringing in porta potties at all?

6 MR. JOHNSON: Yes.

7 MS. CORRADO: And those will also be there for the
8 duration of both events?

9 MR. JOHNSON: Yes.

10 MS. TOMPKINS WRIGHT: So Friday and Monday?

11 MR. JOHNSON: Yes.

12 MR. MIETZ: Okay. Any other questions? Nope.
13 Okay. Thank you.

14 MR. JOHNSON: All right. Thank you.

15 MR. MIETZ: Is there anyone in the audience that
16 would like to speak regarding this application? There being
17 none, this public hearing is closed.

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1 Application 7A-06-16. Application of James and Michelle Ingle,
2 owners of property located at 94 Westland Avenue, for an Area
3 Variance from Sections 203-2.1B(3) and 203-9A(4) to allow a
4 detached garage to be 818 sf in size, after construction of a
5 330 sf addition, where a maximum 600 sf detached garage is
6 allowed by code. All as described on application and plans on
7 file.

8 MR. INGLE: Good evening. My name is James Ingle,
9 and this is my wife Michelle. We're from 94 Westland.
10 Basically, we're looking to expand our garage off the back.
11 I think an extra -- or we're looking to exceed the maximum
12 by 218 square feet. The reason we would like to expand is
13 we have multiple vehicles in our family. We would like
14 extra parking space and extra storage so we can keep our
15 stuff off the street. This addition is, visually from the
16 road, you can't see anything. So there is no obstruction.
17 We're going to match the addition, if you approve it, we're
18 going to replace the siding on the garage which is currently
19 wooden shake and match the white vinyl siding on the house.
20 Well, that's -- I guess, basically, I have a drawing I'm
21 happy to put up.

22 MR. DI STEFANO: I think we all have them.

23 MS. BAKER LEIT: So what utilities will you have in
24 that addition? Any utilities?

25 MR. INGLE: There is power out to the existing

1 garage. So outside of lighting, maybe an outlet or two,
2 that's it.

3 MS. CORRADO: And I see you got a fence along the
4 property line there. How high is that fence? Will that
5 obscure some of the view of the longer building now?

6 MR. INGLE: I'm sorry.

7 MS. CORRADO: It looks like you have a fence along
8 the left-hand side of the property as you face the garage.

9 MR. INGLE: Right.

10 MS. CORRADO: How high is that, and will that
11 screen the view of the addition some?

12 MR. INGLE: I guess it's about a five-foot fence.
13 It's not our fence, but yes it would obscure the view
14 somewhat of at least the bottom.

15 MS. SCHWARTZ: There is a lot of vegetation between
16 you, too.

17 MS. INGLE: Yes, there is.

18 MR. INGLE: Yes, and we've talked to neighbors on
19 both sides, and they have no opposition.

20 MR. DI STEFANO: Are there any our structures in
21 the neighborhood that are similar in size?

22 MR. INGLE: Yes, I don't know about square footage,
23 but 90 -- is it 90 Westland.

24 MS. INGLE: 98?

25 MR. INGLE: I don't know. It's two doors down.

1 Anyway, someone has the exact same two-car detached garage.
2 I don't think they went off the same square footage, but
3 they did the exact same thing. They did it, I think, two
4 years ago or maybe last year.

5 MS. TOMPKINS WRIGHT: And the only entrance to this
6 is only through the existing doors?

7 MR. INGLE: That's all we planned.

8 MS. TOMPKINS WRIGHT: So stacked basically.

9 MR. INGLE: Well, it will be a garage door so we
10 can put an extra vehicle in the back, but I'd be happy to
11 put an exterior door on.

12 MS. TOMPKINS WRIGHT: I'm just confirming.

13 MR. INGLE: Yeah, I'm just trying to keep it neat
14 and simple.

15 MR. MIETZ: Okay. Good? Any other questions at
16 all? No. Okay. Thank you.

17 MR. INGLE: Thank you.

18 MR. MIETZ: Anyone in the audience that would like
19 to speak regarding this application? There being none, the
20 public hearing is closed.

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1 Application 7A-07-16. Application of A. Frank and Company, LLC,
2 contractor, and Brighton Monroe, LLC, owner of property located
3 at 2320 Monroe Avenue, for an Area Variance from Section 205-7
4 to allow building density to be 1,370 sf (max of 10,000
5 sf/acre), after construction of a 50+/- sf entry addition, in
6 lieu of a maximum 1331.5 sf allowed by code. All as described
7 on application and plans on file.

8 MR. FRANK: Hi, Adam Frank, contractor on the
9 project. Essentially, all we want to do is enclose the
10 front entrance of the building which is already -- it
11 already has a roof over it. We just want to enclose it and
12 heat it. Right now the steps are on the outside of the
13 building. So keeping them ice free in the winter is a pain
14 in the rear end. So they are trying to enclose it and make
15 it safer and easier to maintain.

16 MS. TOMPKINS WRIGHT: The plan is in the kids'
17 room. This is the men's room.

18 MR. FRANK: It used to be the men's room. It's
19 going to be kids' room.

20 MS. TOMPKINS WRIGHT: Got it.

21 MR. FRANK: Yep.

22 MR. DI STEFANO: Is that addition already enclosed?

23 MR. FRANK: It is not enclosed.

24 MR. DI STEFANO: Can you repeat that? I was there
25 today.

1 MR. FRANK: The walls are framed, but it is not
2 enclosed.

3 MR. DI STEFANO: There is a door on it.

4 MR. FRANK: There is no door on it.

5 MR. DI STEFANO: There is a roof on it.

6 MR. FRANK: There has always been a roof on it.

7 MR. DI STEFANO: There is a door on it.

8 MR. FRANK: There is no door on it.

9 MR. DI STEFANO: There was today. I was out there.
10 I would say I was out there at 11:00.

11 MR. FRANK: The door is sitting at my shop. So I
12 know there was no door on it. It was enclosed with plywood.

13 MR. DI STEFANO: But basically, the addition is on
14 there except for maybe not hanging the door.

15 MR. FRANK: The walls are up. We can either put
16 the door back, or we can put the door forward wherever you
17 guys want us to put it.

18 MR. DI STEFANO: I believe the building permit said
19 not to start that work.

20 MS. SCHWARTZ: There is a stucco finish now. Is
21 that going to be sided, or is that going to be the look?

22 MR. FRANK: That is the look that we had approved
23 with ARB.

24 MS. SCHWARTZ: And the rest of the building is
25 going to be what it is?

1 MR. FRANK: It will be the vinyl that will match
2 the stucco.

3 MS. SCHWARTZ: And is it the color it is now, or is
4 that just a primer?

5 MR. FRANK: That gray is going to be the color of
6 the building.

7 MS. TOMPKINS WRIGHT: Of the vinyl siding as well?

8 MR. FRANK: The vinyl siding will be a gray. I am
9 not sure if it's going to be the same gray, but it will be
10 the gray to match as well. I believe it was written with
11 ARB that it will complement the color of the stucco.

12 MR. MIETZ: Okay. What was the extent of the rest
13 of the building renovations that were done?

14 MR. FRANK: We essentially just opened it up and
15 updated it. We tore back -- there was a bunch of old
16 damaged drywall. And station-wise the layout is pretty much
17 the same as it was.

18 MR. MIETZ: It's just going to be a similar
19 business, but just for children.

20 MR. FRANK: Exactly, and they are just updating the
21 front of the building.

22 MR. DI STEFANO: And interior renovations.

23 MR. FRANK: As far as the outside, there was
24 nothing else really done. Doing this puts us over into
25 making the building handicap accessible, which we are doing.

1 We are putting a -- we can't fit a ramp without an extra
2 variance or taking up extra space for parking, but we are
3 putting a lift in the back. So as soon as I get your
4 approval today, we are excavating for that tomorrow.

5 MS. DALE: So the enclosed vestibule, this is not
6 going to be heated?

7 MR. FRANK: It is going heated. That's the whole
8 reason I'm here. Because if we don't heat it, it's not
9 condition based, I guess.

10 MR. DI STEFANO: It is. I mean, the way it used to
11 be was an open porch type of entryway. And they now want to
12 enclose it. Once they enclose it, it becomes gross square
13 footage. When it's open, it's not gross square footage.
14 Heated or not doesn't really matter. It's the enclosing of
15 the space that puts it over the density requirement. So if
16 they left it open, they wouldn't be in front of us, but they
17 wanted to upgrade so that it provides better protection for
18 people coming in and out of that facility. Because
19 actually, you walking in that doorway, you still go up
20 steps. That was the old front entry door, but now you are
21 just hitting an earlier door.

22 MR. FRANK: Your entry will be at grade rather than
23 three steps up.

24 MR. MIETZ: Okay. Any other questions? Okay.
25 Thank you.

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MR. FRANK: Thank you.

MR. MIETZ: Is there anyone in in the audience that would like to speak regarding this application? Okay. There being none the application is closed.

1 Application 7A-08-16. Application of 2861 BHTL RD, LLC,
2 contract vendee, and Bruce Coleman, owner of property located at
3 2861 West Henrietta Road, for 1) a Sign Variance from Section
4 207-32B to allow signage on three building faces/sides in lieu
5 of the maximum one allowed by code; 2) a Sign Variance from
6 Section 207-26D to allow for signs which are 100% logo in lieu
7 of the maximum 25% of sign area allowed by code; and 3) a Sign
8 Variance from Section 207-32B to allow for non-business
9 identification signage on multiple building faces/sides. All as
10 described on application and plans on file.

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12 Application 7A-09-16. Application of 2861 BHTL RD, LLC,
13 contract vendee, and Bruce Coleman, owner of property located at
14 2861 West Henrietta Road, for a Sign Variance from Section
15 207-32B(1) to allow for two free-standing menu boards where not
16 allowed by code. All as described on application and plans on
17 file.

18

19 Application 7A-10-16. Application of 2861 BHTL RD, LLC,
20 contract vendee, and Bruce Coleman, owner of property located at
21 2861 West Henrietta Road, for an Area Variance from Section
22 207-6B to allow a canopy structure to be located in a front yard
23 in lieu of the rear yard as required by code. All as described
24 on application and plans on file.

25

MR. GOLDMAN: Good evening, Mr. Chairman and

1 Members of the Board. My name is Jerry Goldman. I am the
2 attorney and agent for 2861 BHTL RD, LLC, and principle,
3 Angelo Ingrassia. With me here on the application tonight
4 is Alex Amering, engineer for Costich Engineering, who is a
5 product engineer. We are here tonight, this evening, on
6 signage applications. And we're pleased to be before the
7 Board because as a resident of Brighton, I have been looking
8 at that Jiffy Lube that's been vacant on the gateway of town
9 for, I'd say, probably 15 years. I don't know exactly how
10 long, but it's been quite a long time. And finally there is
11 somebody who is going to come in and willing to take this on
12 and put this to good use.

13 One of the advantages that we have is that we're
14 able to utilize the existing building instead of ripping up
15 the property, creating a disturbance and the like, and
16 seeking more variances. We are able to stay within the
17 building itself which is great, but provides its own
18 challenges. Some of which are addressed with the signage
19 that we're talking about.

20 As Rick pointed out, there are three categories of
21 signage that we are talking about. The primary is on
22 building signage and variances necessary for that. The
23 second deals with order boards and preorder boards that we
24 are all familiar with and dealt with at the KFC next door
25 and other drive-thru locations. The third is the

1 order-point canopy. A canopy over the ordering area which
2 is necessary because the building is where it is and because
3 of the way the drive-thru works. So I'm going to try to
4 walk through this. You have been on a good roll and I'm
5 going to try to keep that going this evening.

6 The on-building signage, the town code allows for
7 116.13 square feet of signage. And that's calculated based
8 on the size of the building at the front elevation. Our
9 proposal is to basically split that up into some smaller
10 signs which total 92.63 percent. So we're in excess of a 20
11 percent less than what would be allowed by code if we had a
12 single sign. We worked very hard with Starbucks to reduce
13 the amount of signage before we started here. The original
14 Starbucks package had signage on all four elevations. This
15 one does not have any signage at all on the north elevation
16 of the site. There is no signage there. That's where the
17 drive-thru is. Also, in terms of what they normally put on
18 signs on elevations, they normally would put in addition to
19 the Starbucks wording, they would put the Starbucks Siren on
20 that particular site. So when they originally came to us
21 with their sign package, it was about 150 square feet on the
22 building. We said no, we're not coming here with that. It
23 just doesn't make any sense to do that. So we worked very
24 hard to pair down and come to what they felt was necessary
25 identification for the site. And I'm going to walk through

1 that on each of the elevations.

2 The south elevation, which is the one that faces
3 the corner, is the primary elevation that we have on the
4 site. On that particular side, what we have is Starbucks.
5 And we have what's referred to as a drive-thru chevron.
6 It's a black sign with white lettering that indicates where
7 the drive-thru is. This is something that Starbucks, in
8 recent years, has found to be very effective and necessary
9 to make sure people got to the right place in terms of the
10 drive-thrus on the site. The drive-thru chevrons are
11 7.94 square feet. They are a relatively small sign. Here
12 it does kind of jump out a little bit, but it does have a
13 tendency to blend in with the building in real life. One of
14 the benefits of dealing with Starbucks is that over the
15 years, Starbucks has obtained its own identification. We
16 don't have to say Starbucks coffee anymore. The signs get
17 smaller. The Starbucks Siren is actually something that
18 they have started to do internationally and almost
19 exclusively the word -- in some locations, the word
20 Starbucks doesn't even appear at all. So that
21 identification is located on the east and west elevations of
22 the building. The Starbucks Siren, again, with the
23 drive-thru indicating where you're supposed to go on the
24 particular site. So that represents all of the on-building
25 signage that we have. A total after to 92.63 square feet,

1 but in essence the actual sign area is a little bit less
2 because as we know when we calculate signage under our code,
3 we put a box around the outside. So the actual area of the
4 sign itself is probably closer to 80 square feet of actual
5 signage, but it's 92.63 square feet on the calculation per
6 code.

7 The free standing signage which is identified is
8 the order board and the preorder board which people look at
9 as they approach the drive-thru. We look at it -- we have a
10 preorder board and order board for KFC. We have a preorder
11 board and order boards in literally all the drive-thrus
12 going on. And that's to aid and keep traffic moving within
13 the site. The preorder board is a single panel. The order
14 board is typically three panels, and its size is located --
15 it's actually pretty small. The actual preorder board is
16 10.2 square feet, and the order board is 28.7 square feet.
17 And the message areas are like 6.72 square feet and
18 22.9 square feet. So they are necessary as a traffic
19 indicator on the site and also to move things along.

20 The order-point canopy, as I pointed out earlier,
21 hangs over the area for the drive-thru. And because we are
22 on a corner lot, literally anything is in the front yard
23 when it comes to that. So it's technically in the front
24 yard. It's an attachment to the building. So to that
25 extent, it's basically to protect anyone who is ordering or

1 picking up -- I should say picking up -- from the elements
2 as a they get their merchandise.

3 Originally, we had a lot more identification.
4 There was a clearance rod to make sure that the people don't
5 get caught with an oversized vehicle that used to have
6 Starbucks' name on that. We took that off. There was some
7 directional signage that had Starbucks' name on it. We took
8 that off. Our objective is really to provide a minimal sign
9 package for the site which provides for sufficient
10 identification at a high traffic corner. And for that
11 reason, we want to have people coming from Brighton
12 Henrietta Town Line Road and be able to see and be able to
13 come in this entrance, and not get to the intersection, and
14 not get confused there. In the same way, people coming in
15 this direction make a right turn coming this way and have
16 people coming from West Henrietta Road coming this direction
17 or West Henrietta Road in that direction to be able to see
18 and identify the Starbucks.

19 To date, we have gone through and met with the
20 Planning Board. And we are in the process of working
21 through our final site plan application. They normally
22 decide preliminary and final together. But the input we
23 received has been positive with regard to our layout and
24 drive-thru configuration. With regard to the signage, the
25 signage, as you know, also requires review by the

1 Architectural Review Board and a recommendation and final
2 approval by the Planning Board. Whether it needs a variance
3 or not, everything has to go through that review. We went
4 through the Architectural Review Board review on signage,
5 and they approved -- they approved the signage. They had a
6 comment relative to the drive-thru chevrons and saying they
7 wanted it centered on the -- on the Siren on those
8 particular locations, and we've made that change with regard
9 to it. Other than that, we have no -- we have no changes
10 that were required for the signage through the ARB, and we
11 have been recommended on to the Planning Board. With that,
12 I think, pretty much everything else I have is in our letter
13 of intent. I'm not going to go through the legal standards
14 of the variance and like, but Alex and I would like to
15 answer any questions that you may have.

16 MS. SCHWARTZ: I don't do drive-thrus or things of
17 that nature. So I am confused and need explanations on
18 things. Why do you need two boards, the order and then the
19 menu? Aren't the items the same?

20 MR. GOLDMAN: Not necessarily. The pre -- I'm
21 sorry. I should of waited until you --

22 MS. SCHWARTZ: So I need an explanation as to why
23 and how they differ.

24 MR. GOLDMAN: Yeah, the preorder board generally is
25 to feature newer items so people understand that there are

1 newer items on the menu. Again, it is about a 10 square
2 foot message or a 10 square foot sign so that way it's
3 highlighted for people so they spend less time at the order
4 board. The order board is the comprehensive list of all of
5 the menu items which are available. The preorder board does
6 allow someone to take a look at it and say, oh, you are now
7 doing iced tea, or you are doing something seasonal with
8 regard to this. And to that extent, it provides that
9 information. The menu board itself is the three panel board
10 that contains all of the menu offerings.

11 MS. SCHWARTZ: So there won't be a section on the
12 menu board that would say extra new items or something?

13 MR. GOLDMAN: You don't change the menu board that
14 often. That's the thing. Those are relatively static.
15 People get used to it. If you try to put new stuff on
16 there, it would confuse them and mess up getting people
17 through the line. And especially when we have coffee
18 vendors, people are half awake going through the line. We
19 don't want to confuse them more than necessary.

20 MS. CORRADO: I think I use drive-thrus only
21 marginally more than Judy does. So on the preorder board,
22 is there any audio back to the restaurant?

23 MR. GOLDMAN: No.

24 MS. CORRADO: So it's only on that second sign that
25 there is interaction with the restaurant inside. It's only

1 there that they are stopping and talking?

2 MR. GOLDMAN: That's correct.

3 MS. BAKER LEIT: Is there an audio video kind of
4 board or just audio?

5 MR. GOLDMAN: Let's see. I think this afternoon we
6 got -- I can give you a sense of what may be on the order
7 board or the preorder board. The order board is primarily
8 to identify newer and different product. Unfortunately, I
9 only saw it this afternoon. So I only have one sheet. And
10 I will hold it here, and then we can pass it along. This is
11 the preorder board. In this case, it shows shaken iced tea
12 on there. There are the menu boards which have the three
13 sets, and three boards on them. The one thing you will
14 note, and I talked about this a little earlier, the
15 clearance bar. It was supposed to say Starbucks Coffee. We
16 tried to eliminate any excess signage. And we are limiting
17 ourselves with that which the experienced Starbucks in
18 thousands of locations has found that it's most effective to
19 move people through the line and get it done. I share your
20 lack of drive-thrus. I don't do them either.

21 MS. BAKER LEIT: So it doesn't look -- from this
22 screen, it does not look like there is an audio-visual
23 component to the audio board. Which given this occasion, it
24 might be -- if this is what you wanted to do, I'm just
25 thinking about the proximity to RIT and the number of deaf

1 students that are there. And I would think that potentially
2 that might be an adaptation that you might consider.

3 MR. GOLDMAN: No, it's not. That's what I was
4 trying to point out.

5 MR. DI STEFANO: Jerry, just make sure you're
6 speaking up so she can take everything down.

7 MR. GOLDMAN: Yeah, I'm trying to speak loudly.
8 We've eliminated any Starbucks identification on any
9 unnecessary element. That's something that we
10 pre-negotiated, if you will, before we brought in the
11 application with Starbucks. So I'll just send that around.

12 MS. TOMPKINS WRIGHT: I'm just curious, is the
13 property being re-subdivided to change where the lot lines
14 are?

15 MR. GOLDMAN: Yeah. Let me explain how that works
16 right now. The Jiffy Lube parcel is kind of like this.

17 MS. TOMPKINS WRIGHT: Yeah.

18 MR. GOLDMAN: There is an easement for the benefit
19 -- this was all owned by the Runs family. You are way too
20 young to remember. Dennis isn't. There was a Runs'
21 restaurant over here. Okay. And the Runs family owned all
22 of this stuff. And what they did, they created a legal
23 nightmare for all of us. They created easements that went
24 here, there, and everywhere, and created lots of various
25 sizes and varieties. The Jiffy Lube lot that went over

1 there with an easement for this -- for the benefit of this
2 plaza and essentially for the benefit of us to have cross
3 access on the site itself. What that would have left us
4 with is parking which is not -- not to meet code. In order
5 to be able to address that, the property owner and developer
6 obtained the parcel property next door. Okay. And in --
7 and in order to keep code compliant move -- is moving the
8 property line to the west, so that way we have no
9 dimensional variances on the site. We have laid out
10 proposed future building on this site which we have been
11 able to layout as difficult as it is, meeting setbacks and
12 meeting code as well. I can never promise you that there is
13 not going to be a 2,600 square foot user that's going to say
14 that I need a little more square footage, or I may need a
15 variance on that. But our design provides for an
16 approximately 2,500 square foot building with sufficient
17 parking, setback lines, and everything else so that it is
18 totally code compliant. And that was part of our objective
19 to try to come in with the site and with the development
20 which didn't require those types of variances.

21 MS. CORRADO: Can you back up through the
22 drive-thru site again?

23 MR. GOLDMAN: Yes.

24 MS. CORRADO: Can you show us what the traffic flow
25 is through there?

1 MR. GOLDMAN: The traffic flow is designed to move
2 in through this direction either coming in through the cross
3 access point or coming in this way, coming down through,
4 there is a by-pass line over here, and there is the
5 drive-thru lane over here. It is a single drive-thru with a
6 by-pass lane. The design is specific, and it is specific
7 for one reason. The Planning Board and I think everyone
8 logically would like to see the main flow of the traffic be
9 oriented toward Brighton Henrietta Town Line Road and not
10 put as much pressure on West Henrietta Road. So this is
11 really designed to come out this way. And there is going to
12 be an identification sign which does not need a variance to
13 indicate that this way out to Brighton Henrietta Town Line
14 Road. I don't know how they're doing that in two square
15 feet, but I think they are doing it in two square foot. But
16 nonetheless, the orientation of this is all designed to take
17 the pressure off of West Henrietta Road. With the cross
18 access, we could have had a use which created more going
19 north. That was our job.

20 MS. TOMPKINS WRIGHT: And Starbucks is normally --
21 their branding package, or whatever you call it, generally
22 requires signage on all four sides. Is that what you're
23 saying?

24 MR. GOLDMAN: Right.

25 MS. TOMPKINS WRIGHT: So they are mitigating that

1 by having it on three sides?

2 MR. GOLDMAN: That's correct. They eliminated the
3 north side signage. Yeah, I talked to them about it and
4 said, "Okay. Four sides? Four sides --" Judy, you made the
5 comment.

6 MS. SCHWARTZ: There is no need on the fourth side.

7 MR. GOLDMAN: Unless you are -- unless you are
8 people like Starbucks, you normally say we want it on all
9 four sides. And that's when we have to go back and beat
10 them up a little bit and say look it doesn't work. It
11 doesn't works for this reason. The building is angled.
12 Okay. If this building was straight to West Henrietta Road,
13 it may have some utility. But the site line takes you to
14 the parking lot. So I told them, what are you doing?

15 MS. SCHWARTZ: I'm not doing anything.

16 MR. GOLDMAN: No. No. No. I told them, what are
17 you doing. I told them, what are you doing. You are
18 putting signage on that side. It doesn't make any sense.
19 It won't be well received here. I don't like to over apply
20 on this stuff. I don't come in to try to negotiate and say
21 okay, I'm asking for 10 signs. I could settle for 8. I
22 want to make sure that the sign package makes sense to the
23 Board and make sense in terms of the site itself. The
24 signage, itself, for the most part is directional. There is
25 some identification signage. And the nature of it is just

1 to make sure that people get to where they have to go. And
2 it's more traffic and safety oriented.

3 MS. CORRADO: I'm curious. And this isn't part of
4 the application, but is it challenging to adapt a former
5 Jiffy Lube site for a restaurant use? Is there any
6 lingering environmental issues?

7 MR. GOLDMAN: Well, the environmental has all been
8 reviewed. There was a phase one. If there was any clean up
9 that had to be done, obviously, it would have required a
10 phase two. It's been a dormant site for many, many years.
11 Okay. So there hasn't been any activity there which would
12 cause environmental issues in quite a long time. So as
13 those that are involved in real estate know, you really have
14 to jump through those hoops. So will the building look
15 different, sure it will. I mean we aren't going to have all
16 of the overhead doors to get cars in and out and all of that
17 kind of stuff. It's really going to stay on the foundation
18 and be modified with regard to the site itself. But it does
19 provide us -- it fit their size parameters and to be honest,
20 allows us to reuse the building.

21 MS. CORRADO: I like to see something going in
22 there.

23 MS. SCHWARTZ: If cars are coming from the north
24 and enter that cross access --

25 MR. GOLDMAN: Up here?

1 MS. SCHWARTZ: Yes, and they are coming in to cross
2 so speak. There is no light coming in, is there?

3 MR. GOLDMAN: There was no traffic light. If you
4 are talking about a traffic signal, no.

5 MS. SCHWARTZ: Just a town line.

6 MR. GOLDMAN: Just the town line. There is no
7 traffic signal over here. That would be deemed to be too
8 close.

9 MS. SCHWARTZ: Yeah. True.

10 MR. GOLDMAN: From there to there. And there
11 really is no need for it. The net result and the traffic
12 patterns in there -- because I'm familiar with this plaza
13 very well -- if people are going north and they come out
14 this way and I think it is northern, I'm not sure if it's
15 Northern Drive, but you come out over here, and that gives
16 you a little more distance and creates more gaps if you are
17 looking to make a left. But as a practical matter coming
18 out of the site, if I am coming out of the site, and if I'm
19 going through -- assuming I'm going through the drive-thru
20 and otherwise, I would likely come in here, make the left
21 over here, and the left at the protected signalized
22 intersection. I think there is an arrow on that side. So
23 you have the ability to maneuver safely across and be able
24 to do deal with that.

25 MS. SCHWARTZ: Just curious, I mean how many cars

1 do they expect from 6:30 in the morning, if you are open
2 that early, to 9:00?

3 MR. GOLDMAN: I don't have that information. I
4 don't think Alex does either. We did some traffic analysis.
5 And we were required to do that for the Planning Board. I
6 didn't bring that part of the file with me.

7 MS. SCHWARTZ: Just curious.

8 MR. GOLDMAN: I'm sorry.

9 MS. SCHWARTZ: Just curious.

10 MR. GOLDMAN: Okay. We do expect that there will
11 be more traffic in the morning than in the evening.

12 MS. SCHWARTZ: Oh, yeah.

13 MR. GOLDMAN: Which actually benefits us in the
14 amount to have traffic on Brighton Henrietta Town Line Road.
15 Because in the afternoon, this does carry some traffic with
16 it in this direction. It doesn't carry that much in the
17 morning.

18 MR. MIETZ: Canopy.

19 MR. GOLDMAN: The order-point canopy is located
20 above the place where you -- excuse me -- above the place
21 where you order. Okay.

22 MR. MIETZ: Yeah, earlier you said picking up.

23 MR. DI STEFANO: Yeah. You mentioned pick up.

24 MR. GOLDMAN: I'm sorry. My mistake. Yeah, it's
25 tough when I say order-point canopy, and I don't know that

1 that is the point where you order. That was my -- that was
2 my mental issue over here. That -- there is a canopy over
3 here as well when you pick up, but that's not in the front
4 yard.

5 MR. DI STEFANO: And that's part of the building
6 too --

7 MR. GOLDMAN: Yeah.

8 MR. DI STEFANO: -- so it wouldn't matter.

9 MR. GOLDMAN: It's almost the only place that's not
10 in the front yard.

11 MR. MIETZ: So is this canopy lit?

12 MR. AMERING: I believe it has an LEDs on the
13 underside.

14 MR. GOLDMAN: So that lighting is down lit then?

15 MR. AMERING: Yep.

16 MR. MIETZ: And there is no other signage on it?

17 MR. GOLDMAN: No. We eliminated any
18 identification. As you saw in the picture, I don't know if
19 it's made it all the way around, that order-point canopy had
20 Starbucks on the side. And I said, no get it off.

21 MR. MIETZ: You don't feel the height is an issue,
22 that it needs to be higher?

23 MR. GOLDMAN: Well, there is a clearance bar. And
24 the clearance bar does not require a variance relief.

25 MR. MIETZ: Okay. I don't know if you eliminated

1 all of it or just --

2 MR. GOLDMAN: No. We eliminated the need for
3 variances on the signs. Directional signage are things that
4 don't come before the Board.

5 MR. MIETZ: If you put a low bar on it or for the
6 sign.

7 MR. GOLDMAN: Yeah.

8 MR. MIETZ: I'm glad to see it's there for that
9 issue.

10 MR. GOLDMAN: Yeah. We took a lot of stuff off
11 there that had little Starbucks here, and there, and all
12 that kind of stuff. I said, okay, they know you're here.
13 They don't need it on the directional signage.

14 MR. MIETZ: Okay. Any other questions?
15 Questions? Nope. Okay.

16 MR. MIETZ: Thank you.

17 MR. MIETZ: Okay. Is there anyone in the audience
18 that would like to speak regarding this application? Okay.
19 There being none, this public hearing is closed.

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1 Application 7A-11-16. Application of Sealand Contractors, Inc.,
2 lessee and Daniele SPC, LLC, owner of property located at 2750
3 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant
4 to Section 219-4 to allow for the outdoor storage of
5 construction equipment in a BF-2 General Commercial District.
6 All as described on application and plans on file.

7 MR. MIETZ: Is there anyone here for this
8 application?

9 MR. DI STEFANO: Okay. We will move on.

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1 Application 7A-12-16. Application of The Highlands of Brighton,
2 owner of property located at 5901 Lac De Ville Blvd., for
3 extension of an approved area variance (7A-13-15) pursuant to
4 Section 219-6F allowing for an 8 ft. high security fence in lieu
5 of the maximum 6.5 ft. high fence allowed by code. All as
6 described on application and plans on file.

7 MS. MEADE: Good evening. My name is Jonathan
8 Meade with Hunt Engineers. We are here, basically, just
9 asking for an extension of what you approved previously.
10 The property owner hasn't been able to get all of the
11 funding together. They have most of the funding together.
12 So they wanted to make sure they can get all of the funding
13 before they can start construction, obviously. So the
14 request is for a fence height variance for the eight-foot
15 high security fence. Plans are the same. Nothing else
16 really changed. Pretty straightforward and to the point.
17 Do you have any questions?

18 MS. TOMPKINS WRIGHT: Your application says it will
19 start end of summer or early spring?

20 MS. MEADE: They are attempting to build it this
21 year. They want to build it as soon as possible. They
22 believe that they will be able to get the rest of the
23 funding this year, but I'm asking for a year extension just
24 because the original approval was a year, and that will
25 definitely give them, if they're not able to get it this

1 fall, spring definitely. And it gives a nice chunk of time
2 over the winter to get the rest of the money.

3 MS. TOMPKINS WRIGHT: And how long will
4 construction take?

5 MS. MEADE: Not that long once they start because
6 it's just a concrete pad. Installing the fence, installing
7 some landscaping, a couple weeks tops probably.

8 MR. MIETZ: Okay. So nothing else has changed as
9 far as the layout?

10 MS. MEADE: Nope.

11 MR. MIETZ: Okay. Thank you.

12 MS. MEADE: Thank you.

13 MR. MIETZ: Any other questions? No. Okay. Thank
14 you. Anyone in the audience that would like to speak
15 regarding this application? There being none, the public
16 hearing is closed.

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1 Application 7A-13-16. Application of Richard and Katharine
2 Iuli, owners of property located at 150 Babcock Drive, for
3 an Area Variance from Section 207-2A to allow for a front
4 yard fence to be 6 ft. in height in lieu of the maximum 3.5
5 ft. allowed by code. All as described on application and
6 plans on file.

7 MR. IULI: Good evening. My name is Richard Iuli,
8 and this is my wife Katharine. And we come before you
9 seeking a variance so that we can extend a privacy fence
10 that -- I've heard corner lots a couple of times this
11 evening -- what we consider to be our side yard, the town
12 considers to be our primary front yard which fronts Clover
13 Street. And Clover Street sits at a higher elevation than
14 our actual yard and even the deck that comes off the back of
15 our house. So we would like some privacy screening from
16 traffic on Clover street. And then also on the north side
17 of our property, privacy screen between our yard and our
18 neighbor, Lisa Bunce. You have all of the details in the
19 application materials. So I'm happy to answer any of your
20 questions.

21 MS. CORRADO: The proposed fence, the photo you
22 showed, it would be a wooden fence?

23 MR. IULI: Yeah. So the bottom part, it's four
24 feet solid, and then the upper two feet are open. So it has
25 that open lattice. And it will look just like what you see

1 in the picture there. Where the ends of the fence are, the
2 bottoms taper out. So they actually become lower, again, to
3 look a little less severe and more esthetically appealing.

4 MRS. IULI: There are gardens that run through. We
5 thought about it for many years, many, many years. We are
6 trying to keep it an open feeling in general, but to give us
7 -- so when we come out onto our deck we have some privacy,
8 but it's not closed off. And it's a fairly far back from
9 Clover Street. There is a good distance. So we hope that
10 that, you know, would appeal to the esthetics of the area in
11 general.

12 MS. CORRADO: So it looks like are you not closing
13 it out completely. There is no gate going in there.

14 MR. IULI: Correct. There is 23 feet where there
15 is going to be no fence. And again, that is just so we can
16 maintain the flow of the gardens from what we consider our
17 backyard over to that side yard that fronts Clover Street.

18 MRS. IULI: Yeah. There is a couple little stone
19 walkways that actually go into Lisa's yard. We can go back
20 and forth. And we can get out into the side yard of ours
21 too. So that would all be open.

22 MS. SCHWARTZ: So in a way, the fence is going to
23 be a backdrop for your gardens?

24 MRS. IULI: Yes.

25 MS. SCHWARTZ: Yes, they're lovely.

1 MRS. IULI: And hopefully, I think, it's an
2 attractive natural looking fence that would blend in with
3 the setting.

4 MS. BAKER LEIT: So what would the finish be on the
5 fence?

6 MRS. IULI: Natural. It would just go natural.

7 MR. MIETZ: Okay. Any other questions? No.
8 Okay. Thank you.

9 MR. IULI: Thank you.

10 MR. MIETZ: Is there anyone in the audience that
11 would like to speak regarding this application?

12 MS. BUNCE: Hi, I'm Lise Bunce. I live at 1489
13 Clover Street which is the northern side of their property.
14 And I just want to say that I looked at the designs. I've
15 walked around. I have lived next to their beautiful
16 gardens. I think this is going to enhance the neighborhood
17 rather than be a visual blockage for the neighborhood.

18 MR. MIETZ: Okay. Very well. Is there anyone else
19 that would like to speak? There being none, then the public
20 hearing is closed.

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1 Application 7A-14-16. Application of Clover Lanes, Inc.,
2 lessee, and Daniele SPC, LLC, owner of property located at 2750
3 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant
4 to Section 219-4 to allow for the on-site parking of 13 storage
5 trailers in a BF-2 General Commercial District. All as
6 described on application and plans on file.

7 MR. MORGENSTERN: Good evening. I'm Dan
8 Morgenstern. I'm the owner of the former Clover Lanes 2715
9 Monroe Avenue, and our trailers that are in storage, and our
10 equipment that is in storage on the trailers on the site of
11 the former Clover Lane. We are asking today for permission
12 to allow them to remain for several months. I apologize my
13 voice is long lost. So I'm trying to speak up a little bit.
14 I apologize. We're hoping that -- we are asking for
15 permission and hoping that you approve the right for us to
16 leave our trailers on site for several more months while we
17 begin the construction phase at our new location, and have
18 the opportunity to move it only once rather than having to
19 haul the equipment around to various locations until we can
20 finalize the off-loading and putting into the new location
21 that we're building.

22 MS. DALE: So 13 is the maximum because you are
23 already finished filling them?

24 MR. MORGENSTERN: They're full. Yes.

25 MS. DALE: So there won't be more.

1 MR. MORGENSTERN: That's correct. Absolutely not.
2 That's correct. We never anticipated this would happen.
3 Unfortunately, negotiations for the new site had already
4 taken some twists and turns that were unplanned for and took
5 much longer than anticipated. We had commitments to the
6 Daniele's in regards to rent that required us to move
7 everything out of the building, and they were kind enough to
8 agree to allow us to remain there for a little bit of time.

9 MS. DALE: Do you foresee when you can move them
10 and all will go at once?

11 MR. MORGENSTERN: I just want -- while I don't have
12 a hard date for you at the moment, we intend to begin
13 demolition on the new site as early as next week, two weeks
14 out, and we have hopes -- our plan is that when all is done
15 within four to five months, that we have a soft opening in
16 November, sometime early November. So once we are at a
17 certain point, the off loading happens very quickly. It's
18 a matter of being able to prepare the interior of the new
19 facility and then lay the foundation work that the lay beds
20 go on. And once the foundation is in place, I mean it's
21 just a few weeks after that, that we can get it all in. So
22 it's just a time and function at this point, construction
23 timing, and the little bit. We're 99 percent finished with
24 our landlord -- future landlord. And we anticipate all that
25 to be cleared up in the next couple of weeks. We are

1 already in the design phase and construction drawings. So
2 we are ready to rip as soon as we can negotiate the last
3 piece of the financing that has to be done.

4 MS. DALE: So there will not be a need to enter the
5 trailers? They are there locked?

6 MR. MORGENSTERN: They are there locked up. We go
7 there daily to check on them. There are if a few things
8 left in the building that we intentionally left because they
9 would be very unsafe. It's equipment that would be subject
10 to the heat of being in a trailer in the summer months that
11 we couldn't afford to leave out there. Parts would actually
12 melt. So the Daniele's have allowed us to leave certain
13 amount of items inside the building. And the rest we took
14 out. Otherwise, we would be forced to to pay a fairly
15 substantial rent factor on the site. It turns out, this was
16 the best solution. We actually thought we were moving it up
17 and out of the way, but unfortunately the lease negotiations
18 had been more challenging than anticipated.

19 MS. SCHWARTZ: So in other words, you had a lease
20 agreement with them to stay to keep the equipment?

21 MR. MORGENSTERN: When we sold the property,
22 additionally, it was a sale -- it turned out to be a sale
23 and lease back. We thought we were from that year when the
24 sale was in 2014, back when we first had the first contract
25 before it went into the litigation and all of that, we knew

1 that we would be there until 2015, until the end of the
2 bowling season in 2015. But we would take that period of
3 time to plan if we were going to close entirely or relocate.
4 The Daniele's approached us and said it looks like we're not
5 able to get things done by that date. If you want to extend
6 the period and the only way I can extend is for a full
7 calendar year because I need commitments for the league
8 bowlers, and so we decided we would stay until April of this
9 year 2016. Again, they came to us and suggested that we
10 could stay a little longer if we wanted to, but it was too
11 late. We were deep into negotiations with the new site. We
12 spent nearly two years looking for another location. And we
13 made the decision of where we wanted to be. It's close to
14 Brighton to be able to somehow retain our customer base and
15 stay in the community that we had spent 59 years with. So
16 we were hoping that we would be able to ask to stay a little
17 longer.

18 MS. SCHWARTZ: So the move out, was because the end
19 of year came up?

20 MR. MORGENSTERN: Right, because the end of year
21 came up, and if I stayed one more day, the rent checks would
22 start. So I thought I would have to throw my trailers in
23 and leave the site. But again, because of their time
24 circumstances, they said that they would work with us. We
25 were developing a pretty friendly relationship towards the

1 end of that. What turned out to be a bit more grating,
2 turned into a different stream later on. And you know, we
3 had been assisting the best we can with understanding the
4 building and the functions of it while they have been in
5 that position so it doesn't just fall apart underneath them.
6 So we had a nice working relationship at this point, but
7 we've got a new location. We're going some place else.

8 MR. DOLLINGER: The contingency in the new
9 location, you don't have a completed signed lease?

10 MR. MORGENSTERN: Yeah, I have a signed lease.

11 MR. DOLLINGER: I wasn't sure.

12 MR. MORGENSTERN: What I was referring to was there
13 was a review process of the financing package. And it's in
14 their hands right now. And so that -- we don't anticipate,
15 neither they nor us anticipate, that although they have a
16 right to review, that that financing piece is going to be
17 something that's going to kill the deal. They can't afford
18 to lose the deal.

19 MR. DOLLINGER: Would you object to some time frame
20 in which you commit to us for that to be done?

21 MR. MORGENSTERN: I asked just for that extension
22 into October or November.

23 MR. DI STEFANO: November.

24 MR. DOLLINGER: No, I am saying in the next month.

25 MR. DI STEFANO: For what? He requested to

1 November.

2 MR. DOLLINGER: Right. I'm saying if the financing
3 package -- if this falls through.

4 MR. DI STEFANO: We have --

5 MR. DOLLINGER: You are already six months into it.

6 MR. MORGENSTERN: David, what I can tell you is if
7 this falls through, which it won't, but if this does fall
8 through, there is no -- I'm not going to rebuild. So
9 everything gets -- I literally move everything to a storage
10 unit and either other plans are going to be made, or I sell
11 off the equipment.

12 Now, we are not building the full size set that we
13 were building before. So we are going to put some things in
14 storage because we intend to change the business model. And
15 the business model in the new structure what we see is the
16 ability to replicate on a smaller scale in other places. So
17 we fully intend to take the balance of money. It's just
18 going to be 16 lanes at minimum that we are going to have.
19 And so that will afford us to do at least two more
20 facilities that we are going to do. So this is only the
21 beginning of a very different model that we are going to do.
22 So one way or another, in this time frame, it's not
23 extending beyond that. It's going to storage, or it's
24 going to be built. So I have no interest in extending this
25 and say I need another month. I mean I've got to be up and

1 built.

2 So we are already physically in the building, all
3 of our drawings are done, and ready to begin demolition in
4 another week or two. The landlord has everything in front of
5 him. I really, I can't answer that. There is no chance
6 that something blows up. There is always the opportunity.
7 I just -- we've all spent a year doing this. We've all come
8 too far, and the landlord has a piece of property that they
9 haven't been able to do anything with in four years. And
10 the City is also delighted to have us open up a facility and
11 bring some activity to the city of Rochester. You know, it
12 enters -- we cross over from the town of Brighton into the
13 city.

14 MS. DALE: Where is it? Where is the new location?

15 MR. MORGENSTERN: We haven't gone public. I mean,
16 I have no problem mentioning this to you.

17 MS. DALE: I'm just curious.

18 MR. MORGENSTERN: I just want -- we haven't done a
19 formal notice yet. We are reopening in Carlson Park. The
20 former Carlson Manufacturing Plant that was on Blossom in
21 the North Winton Village neighborhood. And we are taking a
22 bay there along with a couple of other people. I brought
23 along with me a local furniture maker, by the way, a company
24 called Stash will be coming in with us, and a brewery that
25 we intend to open there as well, a local craft brewery. So

1 you know we're -- we're rebranding Clover Lanes. I will be
2 the first to let you know it will be called Radio Social,
3 and that is our new facility. We have a whole different
4 business model. We're really excited about it. It's an
5 extremely different and entertaining location partially for
6 families, but predominantly for young adults. So it's going
7 to be fabulous with outdoor space, patios, and gardens, and
8 stuff. So it will be great. And you will love coming out
9 there. We will have great food and beverage.

10 MS. CORRADO: What's the name of it again?

11 MR. MORGENSTERN: Promise not to tell the world
12 yet? It's called Radio Social. It's a nod to the former
13 Carlson Manufacturing. And it provides us with some pretty
14 interesting iconography. We can have some fun with it.
15 We're excited about it. It just fell further and further
16 behind, unfortunately. We had originally intended that we
17 would be in construction in January and February. And by
18 the time the season ended, we would just be taking things
19 out and plug and play in the new location. But sometimes,
20 attorneys have different ideas. So we have to work our way
21 through those things. That wasn't intended towards you,
22 David.

23 MR. MIETZ: He knows he resembles that crowd.

24 MR. MORGENSTERN: Not going there.

25 MR. MIETZ: Okay. Thank you. Any other questions?

1 All set.

2 MR. MIETZ: Okay. Thank you very much. Anyone in
3 the audience that would like to speak regarding this
4 application? There being none, the public hearing is
5 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 JULY 6, 2016, COMMENCING AT APPROXIMATELY
4 9:00 P.M.

5 July 6, 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-05-16. Application of Mamsan's Monroe, LLC,
2 owner of property located at 2735 Monroe Avenue, for 1) an Area
3 Variance from Section 205-7 to allow impervious coverage to be
4 71.7%, after construction of a new restaurant, in lieu of the
5 maximum 65% impervious coverage allowed by code (withdrawn by
6 applicant); 2) an Area Variance from Section 207-2A to allow
7 front yard fence posts to be 6 ft. in height in lieu of the
8 maximum 3.5 ft allowed by code; and 3) an Area Variance from
9 Section 205-18B to allow pavement and parking to be 4.3 ft from
10 the north side property line (withdrawn by applicant), 4 ft.
11 from the south side property line (withdrawn by applicant) and 4
12 ft. (modified from 1 ft.) from the rear (west) property line in
13 lieu of the minimum 10 ft. required by code. All as described
14 on application and plans on file.

15 Motion made by Ms. Dale to approve
16 Application 5A-05-16 Part 2 as modified
17 by the applicant.

18 FINDINGS OF FACT:

19 1. The applicant would like to reuse an existing decorative
20 fence which currently surrounds the outdoor dining area of
21 Mamasan's 2800 Monroe Avenue and will relocate it to the new
22 premise.

23 2. The proposed variance is not substantial since the fence
24 itself meets code and just the posts between the sections are
25 six feet high.

1 3. As the applicant desires to reuse the decorative fence, this
2 variance is the minimum necessary since the fence is an artistic
3 creation cutting the posts down is not feasible.

4 4. The granting of this variance does not create an undesirable
5 change to the character of the neighborhood or be a detriment to
6 neighboring properties.

7 CONDITIONS:

8 1. The variance granted is per application submitted and
9 testimony given.

10 2. All necessary Planning Board approvals shall be obtained.

11 Motion made by Ms. Dale to approve

12 Application 5A-05-16 Part 3 as modified

13 by the applicant.

14 FINDINGS OF FACT:

15 1. To the rear of the property is the DOT right of way, and
16 there will be no visual impact from the front of the building.

17 2. The paved areas have been designed to the minimum dimensions
18 while still providing safe access in an effort to preserve green
19 space.

20 3. The granting of this variance would not be an undesirable
21 change to the character of the neighborhood or be a detriment to
22 nearby properties. There are other lots in the neighborhood
23 that currently have parking and pavement less than 10 feet from
24 the property lines.

25 4. The proposed variance is necessary to achieve productive use

1 of the property and is the minimum necessary to provide safe
2 access and adequate parking. The parking count could not be
3 achieved without the granting of this variance.

4 CONDITIONS:

5 1. The variance is granted per application submitted and
6 testimony given.

7 2. All other Planning Board approvals shall be obtained.

8 (Parts 2 and 3 seconded by Ms. Schwartz.)

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

12 (Open roll call, motion to approve parts 2 and 3
13 with conditions carries.)

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1 Application 7A-01-16. Application of 2601 Lac De Ville
2 Properties, owner of property located at 2601 Lac De Ville
3 Blvd., for modification of an approved free standing sign
4 variance (2A-02-97). All as described on application and plans
5 on file.

6 Motion made by Ms. Schwarz to table and
7 leave the public hearing open for
8 Application 7A-01-16.

9 FINDINGS OF FACT:

10 1. I move we table Application 7A-01-16 for the redesign of the
11 sign with more emphasis given to the buildings to the rear
12 achieving the same result as that was originally approved for
13 this sign.

14 2. Color rendering of the sign.

15 (Seconded by Ms. Tompkins Wright.)

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

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

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

19 (Open roll call, motion to table

20 and leave the public hearing open carries.)
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1 Application 7A-02-16. Application of Dorell, Inc./Beam Mack
2 Sales and Service, owner of property located at 2674 West
3 Henrietta Road, (Tax ID#148.16-1-16) for a Temporary and
4 Revocable use Permit pursuant to Section 219-4 to allow for a
5 one day outdoor customer appreciation event (July 26, 2016) in a
6 BF-2 General Commercial District. All as described on
7 application and plans on file.

8 Motion made by Ms. Tompkins Wright to approve
9 Application 7A-02-16.

10 FINDINGS OF FACT:

11 1. The granting of the requested temporary revocable use permit
12 is not substantial and will not produce an undesirable change in
13 the character of the neighborhood or be a detriment to nearby
14 properties. The one-day event will last only five hours and any
15 disturbances to nearby properties and businesses will be minimal
16 as the property is large and has adequate parking.

17 2. The benefits sought by the applicant cannot be reasonably
18 and readily achieved by any other method and is more than
19 necessary to grant relief from the applicant's difficulty. The
20 applicant seeks to celebrate over 65 years of business and
21 introduce customers to a specific product. The five-hour event
22 taking place during daylight hours in the least obtrusive way to
23 do so.

24 3. There is no evidence that the proposed temporary and
25 revocable use permit will have an adverse effect or impact on

1 the physical or environmental conditions in the neighborhood or
2 district.

3 CONDITIONS:

- 4 1. The temporary revocable use permit applies only to the event
5 and in particular tent and trailer display as described in the
6 plans submitted and the testimony given.
- 7 2. The event may only be for one day.
- 8 3. The tent and trailer may only be erected within 24 hours
9 prior to the event, and both must be removed within 24 hours
10 after the conclusion of the event.
- 11 4. That there will be no amplified music.
- 12 5. All necessary tent permits shall be obtained from the
13 Brighton Fire Marshall.

14 (Seconded by Ms. Baker Leit.)

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

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

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1 Application 7A-03-16. Application of Sandra Smith, owner of
2 property located at 50 Middlebrook Lane, for an Area Variance
3 from Section 205-2 to allow a porch addition to extend 4 ft.
4 into the 40 ft. front setback required by code. All as
5 described on application and plans on file.

6 Motion made by Ms. Corrado to approve

7 Application 7A-03-16.

8 FINDINGS OF FACT:

- 9 1. The requested variance is the minimum variance possible.
10 The proposed eight-foot depth creates an appropriate roof pitch
11 and allows sufficient space for passage around typical porch
12 furniture.
- 13 2. No other alternative can alleviate the difficulty and
14 produce the desired result, namely, protection from the elements
15 and outdoor amenities, and the main entry to the home.
- 16 3. No unacceptable change to the character of the neighborhood
17 and no substantial detriment to the nearby properties is
18 expected to result from the approval of this variance as the
19 proposed porch addition will be in character with other homes in
20 the neighborhood with covered entryways.
- 21 4. The alleged hardship is not self-create by the applicant.
- 22 5. The health, safety, and welfare of the community will not be
23 adversely effected by the approval of this variance.

24 CONDITIONS:

- 25 1. This variance will apply only to the structure that was

1 described in the application and the testimony given. In
2 particular, the variance does not apply to any further additions
3 that may be considered in the future that are not included in
4 the present application.

5 2. All necessary Architectural Review Boards approvals and
6 building permits shall be obtained.

7 (Seconded by Ms. Schwartz.)

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
12 with conditions carries.)

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1 Application 7A-04-16. Application of Michael Aube, owner of
2 property located at 315 Ashley Drive, for an Area Variance from
3 Section 207-2A to allow a 4 ft. high fence to extend into a
4 front yard where a maximum 3.5 ft. high fence is allowed by
5 code. All as described on application and plans on file.

6 Motion made by Ms. Dale to approve

7 Application 7A-04-16.

8 FINDINGS OF FACT:

- 9 1. The variance is the minimum necessary to grant relief from
10 difficulty.
- 11 2. The fence height requirement for pool surrounds is four
12 feet, and the house is on a corner lot. Therefore, the benefit
13 sought by the applicant cannot be achieved by any other method
14 other than a variance.
- 15 3. The fence will be blocked from view by the row of bushes.
- 16 4. The granting of the requested variance will not produce an
17 undesirable change in character of the neighborhood or be a
18 detriment to nearby properties.

19 CONDITIONS:

- 20 1. The variance is granted based on the plans submitted and the
21 testimony given.
- 22 2. All necessary building permits shall be obtained.

23 (Seconded by Ms. Schwartz.)

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

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

1 Ms. Schwartz, yes; Mr. Mietz, yes.)
2 (Open roll call, motion to approve
3 with conditions carries.)
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1 Application 7A-05-16. Application of Faith Temple, owner of
2 property located on Winton Road South, known as Tax ID
3 #150.05-01-1.2, for a Temporary and Revocable Use Permit
4 pursuant to Section 219-4 to allow for a one day outdoor
5 community event (August 20, 2016) and a church congregation
6 picnic (August 21, 2016) in RLB-Residential District. All as
7 described on application and plans on file.

8 Motion made by Mr. Mietz to approve
9 Application 7A-05-16.

10 FINDINGS OF FACT:

- 11 1. The applicant is planning a two-day outdoor event on their
12 vacant property on August 20th and August 21st.
- 13 2. Set up with temporary restroom facilities and a tent for the
14 event will be placed on 8/19 and removed on 8/22.
- 15 3. No negative effect on the neighborhood will result from this
16 temporary use since previous events have been well managed and
17 the subject area does not abut any residential property.

18 CONDITIONS:

- 19 1. No parking shall occur on Winton Road South.
- 20 2. Applicant shall contain all trash on site.
- 21 3. The hours for the event shall be 11:00 a.m. to 3:00 p.m. on
22 8/20, and 11:00 a.m. to 8:00 p.m. on 8/21.
- 23 4. All necessary fire marshall permits shall be obtained.
- 24 5. Complete restoration of the site shall be completed by 8/22
25 at 5:00 p.m.

1 6. No amplified music shall occur.

2 (Seconded by Ms. Schwartz.)

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

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

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

6 (Open roll call, motion to approve

7 with conditions carries.)

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1 Application 7A-06-16. Application of James and Michelle Ingle,
2 owners of property located at 94 Westland Avenue, for an Area
3 Variance from Sections 203-2.1B(3) and 203-9A(4) to allow a
4 detached garage to be 818 sf in size, after construction of a
5 330 sf addition, where a maximum 600 sf detached garage is
6 allowed by code. All as described on application and plans on
7 file.

8 Motion made by Ms. Schwartz to approve
9 Application 7A-06-16.

10 FINDINGS OF FACT:

- 11 1. This lot is rather narrow but very deep, and therefore, the
12 only possible location for this 330 square foot addition is
13 behind the existing garage, and will have no impact from the
14 street, and will only be the size of a single car garage and
15 therefore narrower than the existing garage and be completely
16 hidden from the street.
- 17 2. The entire area in question for this addition is heavily
18 vegetated and will barely be seen by the adjoining neighbors.
- 19 3. There are other similar structures of similar size and style
20 in the neighborhood.
- 21 4. This addition will allow large lawn equipment, bikes, and
22 cars to be stored in it. Therefore, the second half of the
23 existing garage will be freed up for all cars to be parked in it
24 and not on the driveway.

25 CONDITIONS:

- 1 1. This variance only applies to the garage addition as
2 described int the testimony given and written the application
3 submitted.
- 4 2. All necessary Planning Board approvals and building permits
5 shall be obtained.

6 (Secoded by Ms. Baker 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
11 with conditions carries.)
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1 Application 7A-07-16. Application of A. Frank and Company, LLC,
2 contractor, and Brighton Monroe, LLC, owner of property located
3 at 2320 Monroe Avenue, for an Area Variance from Section 205-7
4 to allow building density to be 1,370 sf (max of 10,000
5 sf/acre), after construction of a 50+/- sf entry addition, in
6 lieu of a maximum 1331.5 sf allowed by code. All as described
7 on application and plans on file.

8 Motion made by Ms. Tompkins Wright to approve
9 Application 7A-07-16.

10 FINDINGS OF FACT:

- 11 1. The granting of the requested variance will not produce an
12 undesirable change in character of the neighborhood or be a
13 detriment to nearby properties as applicant seeks to enclose an
14 already existing covered porch, and the footprint of the
15 property with will not change.
- 16 2. The requested variance is not substantial. The additional
17 square footage is only a three percent increase over the
18 allowable square footage.
- 19 3. The benefits sought by the applicant cannot readily or
20 easily be achieved by any other method and is the minimum
21 necessary to grant relief from Applicant's difficulty.
22 Applicant testified that it seeks to move the stairs inside for
23 the safety of patrons which cannot be done without enclosing the
24 stairs in the existing covered porch.
- 25 4. The difficulty is not self-created as the outdoor stairs

1 were a part of the building when the applicant purchased
2 property.

3 5. There's no evidence that the proposed variance will have an
4 adverse effect or impact on the physical or environmental
5 conditions in neighborhood or district.

6 CONDITIONS:

7 1. The variance applies only to the additional vestibule as
8 described in the plans submitted and the testimony given.

9 2. All building permits and Architectural Review Board
10 approvals must be obtained.

11 (Seconded by Ms. Leit.)

12 (Ms. Corrado, yes; Ms. Baker Leit, yes;
13 Ms. Dale, yes; Ms. Tompkins Wright, yes;
14 Ms. Schwartz, no; Mr. Mietz, yes.)

15 (Open roll call, motion to approve with
16 conditions carries.)

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1 Application 7A-08-16. Application of 2861 BHTL RD, LLC,
2 contract vendee, and Bruce Coleman, owner of property located at
3 2861 West Henrietta Road, for 1) a Sign Variance from Section
4 207-32B to allow signage on three building faces/sides in lieu
5 of the maximum one allowed by code; 2) a Sign Variance from
6 Section 207-26D to allow for signs which are 100% logo in lieu
7 of the maximum 25% of sign area allowed by code; and 3) a Sign
8 Variance from Section 207-32B to allow for non-business
9 identification signage on multiple building faces/sides. All as
10 described on application and plans on file.

11 Motion made by Ms. Corrado to approve
12 Application 7A-08-16.

13 FINDINGS OF FACT:

- 14 1. The requested variances are not substantial in total.
15 Although this will allow signage on two additional facades where
16 only one is currently allowed, but total combined proposed
17 signage of 92.63 square feet is less than 116.13 square feet
18 maximum allowed by code for a single sign, and the logo
19 representation is universally recognized in lieu of text.
- 20 2. No other alterative can alleviate the difficulty and produce
21 the desired result as the building is sited at an angle on a
22 corner lot at a busy high-traffic speed intersection. Thus
23 necessitating highly visible easily recognized signage that can
24 be seen from all three primary directions of approach and
25 provides directional guidance once on the lot.

1 3. No unacceptable change in the character of the neighborhood
2 and no substantial detriment to nearby properties is expected to
3 result in the approval of these variances as the neighborhood is
4 exclusively commercial.

5 4. The alleged hardship was not self-created by the applicant
6 because the applicant seeks to repurpose an existing and long
7 vacant building that, in previous use, had very different
8 business identification needs.

9 5. The health, safety, and welfare of the community will not be
10 adversely affect by the approval of the variance request. In
11 fact, visible recognizable signage for drivers seeking this
12 establishment will have little difficulty navigating toward it.

13 CONDITIONS:

14 1. This variance will only apply to the signs that were
15 described in the application and the testimony given.

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

18 (Seconded by Ms. Tompkins Wright.)

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

22 (Open roll call, motion to approve with
23 conditions carries.)
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1 Application 7A-09-16. Application of 2861 BHTL RD, LLC,
2 contract vendee, and Bruce Coleman, owner of property located at
3 2861 West Henrietta Road, for a Sign Variance from Section
4 207-32B(1) to allow for two free standing menu boards where not
5 allowed by code. All as described on application and plans on
6 file.

7 Motion made by Ms. Dale to approve

8 Application 7A-09-16.

9 FINDINGS OF FACT:

- 10 1. The applicant has testified that the free standing menu
11 boards for the proposed drive-thru are necessary for the
12 effective operation of the drive-thru and are consistent with
13 other drive-thrus in the area.
- 14 2. The property is located in a busy commercial area and
15 granting of the variance will not produce an undesirable change
16 to the character of the neighborhood or be a detriment to
17 surrounding properties.
- 18 3. The benefits sought by the applicant cannot be achieved by
19 another method as the requested two freestanding menu boards are
20 typical and in line with all modern drive-thrus.
- 21 4. The requested variance is not substantial as they are the
22 minimum necessary in size and number for the size of operation
23 and are modest in size to the industry.

24 CONDITIONS:

- 25 1. This variance is granted only for the two order boards to

1 the sizes and locations described in the application and the
2 testimony given.

3 2. All necessary Planning Board and Architectural Review Board
4 approvals will be obtained.

5 (Seconded by Ms. Baker Leit.)

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

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

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

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

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1 Application 7A-10-16. Application of 2861 BHTL RD, LLC,
2 contract vendee, and Bruce Coleman, owner of property located at
3 2861 West Henrietta Road, for an Area Variance from Section
4 207-6B to allow a canopy structure to be located in a front yard
5 in lieu of the rear yard as required by code. All as described
6 on application and plans on file.

7 Motion made by Mr. Mietz to approve

8 Application 7A-10-16.

9 FINDINGS OF FACT:

- 10 1. Accessibility is located on the corner of two major
11 roadways. The proposed location for the order canopy is
12 technically in the front yard.
- 13 2. Due to the configuration of the site and the need for a
14 drive-thru operation, no other location for the order board and
15 protective canopy would meet the needs of the applicant
- 16 3. No negative effect on the character of the neighborhood will
17 result from the approval of this request since it projects as a
18 structure from the building and contains only clearance signage
19 providing protection from the elements.
- 20 4. The variance request is not substantial in the sense that it
21 is the minimum relief necessary to achieve the desired result
22 and support the site plan.

23 CONDITIONS:

- 24 1. This approval is based on drawings submitted and as to the
25 specific canopy and location of the same on the site and

1 testimony given by the applicant.

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

3 3. There shall be no advertising or name identification on the
4 canopy.

5 4. The lighting of the canopy shall be down lighting only.

6 (Seconded by Ms. Baker 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 7A-11-16. Application of Sealand Contractors, Inc.,
2 lessee and Daniele SPC, LLC, owner of property located at 2750
3 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant
4 to Section 219-4 to allow for the outdoor storage of
5 construction equipment in a BF-2 General Commercial District.
6 All as described on application and plans on file.

7 Motion made by Ms. Schwartz to table
8 Application 7A-11-16.

9 FINDINGS OF FACT:

10 1. I move to table 7A-11-16 for lack of representation due to
11 lack of representation.

12 (Seconded by Ms. Tompkins Wright.)

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

16 (Open roll call, motion to table carries.)

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1 Application 7A-12-16. Application of The Highlands of Brighton,
2 owner of property located at 5901 Lac De Ville Blvd., for
3 extension of an approved area variance (7A-13-15) pursuant to
4 Section 219-6F allowing for an 8 ft. high security fence in lieu
5 of the maximum 6.5 ft. high fence allowed by code. All as
6 described on application and plans on file.

7 Motion made by Ms. Tompkins Wright to approve
8 Application 7A-12-16.

9 FINDINGS OF FACT:

- 10 1. The extension is not substantial and the patio and fence as
11 originally approved is not substantial and will not produce a
12 change in the character of neighborhood or be a detriment to
13 nearby properties. The location is well within the property
14 line and the type of fence is consistent with the fences in the
15 area.
- 16 2. Applicant cannot achieve benefits sought without the
17 extension as it has not obtained sufficient funds and the
18 extension is the minimum necessary to ensure completion prior to
19 the outset approval date.
- 20 3. The difficulty is not self-created, but caused by a lack of
21 funds to construct the originally approved improvements.
- 22 4. There is no evidence that the proposed variance or one year
23 extension will have an adverse effect or impact in the physical
24 or environmental conditions in the neighborhood or district.

25 CONDITIONS:

1 1. This approval is subject to the conditions contained in the
2 Brighton Zoning Board Approval No. 7A-14-15.

3 (Seconded by Ms. Corrado.)

4 (Ms. Corrado, yes; Ms. Baker Leit, yes;
5 Ms. Dale, yes; Ms. Tompkins Wright, yes;
6 Ms. Schwartz, yes; Mr. Mietz, yes.)

7 (Open roll call, motion to approve with
8 conditions carries.)

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1 Application 7A-13-16. Application of Richard and Katharine
2 Iuli, owners of property located at 150 Babcock Drive, for an
3 Area Variance from Section 207-2A to allow for a front yard
4 fence to be 6 ft. in height in lieu of the maximum 3.5 ft.
5 allowed by code. All as described on application and plans on
6 file.

7 Motion made by Ms. Corrado to approve
8 Application 7A-13-16.

9 FINDINGS OF FACT:

- 10 1. The requested variance is not substantial. Although the
11 proposed site for the fence is considered a front yard by code,
12 as the house is on a corner lot, the proposed location is
13 actually the applicant's side yard.
- 14 2. No other alternative can alleviate the difficulty and
15 produce the desired result in screening the applicant's yard and
16 deck from traffic and passersby on Clover Street, a busy
17 adjacent thoroughfare.
- 18 3. No unacceptable change to the character of the
19 neighborhood, and no substantial detriment to the nearby
20 properties is expected to result from the approval of this
21 variance because the proposed fence replaces a hedgerow that was
22 overgrown, yet was still inadequate in screening the applicant's
23 yard from view.
- 24 3. Further, the proposed fence's design is esthetically
25 appealing, incorporating a solid based for privacy and the

1 lattice panel at the top to minimize an opposing appearance.
2 Additionally, the fence is set back 42 feet from the Clover
3 Street right of way which is a substantial distance from the
4 roadway.

5 4. The alleged hardship is not self-created by the applicant.
6 In fact, if not the corner orientation of the lot, the fence
7 would be in compliance with the code.

8 5. The health, safety, and welfare to the community will not be
9 adversely effected by the approval of this variance request.

10 CONDITIONS:

11 1. This variance will apply only to the fence that was
12 described in the application and testimony given.

13 2. All necessary town approvals and building permits shall be
14 obtained.

15 (Seconded by Ms. Schwartz.)

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

19 (Open roll call, motion to approve with
20 conditions carries.)
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1 Application 7A-14-16. Application of Clover Lanes, Inc.,
2 lessee, and Daniele SPC, LLC, owner of property located at 2750
3 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant
4 to Section 219-4 to allow for the on-site parking of 13 storage
5 trailers in a BF-2 General Commercial District. All as
6 described on application and plans on file.

7 Motion made by Ms. Dale to approve
8 Application 7A-14-16.

9 FINDINGS OF FACT:

- 10 1. The applicant attempted to avoid the need for a temporary
11 permit, but the lease negotiation did not conclude until June
12 which forced the applicant to trailer the equipment which
13 otherwise would have been moved to the new location.
- 14 2. The applicant has stated their willingness and desire to
15 conclude the required reconstruction as fast as possible and is
16 financially incented to do so. The denial of the variance will
17 result in the removal of the trailers which will be costly for
18 the applicant.
- 19 3. The requested time duration until October 31st is the
20 minimum amount necessary to provide relief and the applicant
21 will move the trailers sooner, if possible.
- 22 4. The property is vacant other than Salvatore's Pizza and
23 granting of the permit will not endanger the health, safety, and
24 welfare of the community. The trailers are fixed and parked, and
25 the contents are bowling fixtures and bowling equipment, and

1 totally none hazardous and pose no injury to the occupants of
2 the plaza.

3 5. Although the trailers are visible from Monroe Avenue, the
4 residential properties behind the plaza are substantially
5 blocked from view of the trailers. The site is currently in
6 development and the granting of this permit will not create a
7 substantial change or detriment to nearby properties. The
8 permit is for a relatively short period of time.

9 CONDITIONS:

10 1. This variance is granted only for the 13 storage trailers in
11 their current location as stated.

12 2. This variance is only granted until October 31st of 2016.

13 3. The trailers shall remained fixed and locked at all times.

14 4. The trailers shall house bowling equipment materials and
15 fixtures, and furniture as described in the application.

16 (Seconded by Ms. Baker Leit.)

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

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

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

20 (Open roll call, motion to approve

21 with 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