

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

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August 3, 2016
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

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

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

Reported By:

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

1 MR. MIETZ: So I would like to call to order the
2 August session of the Brighton Zoning Board of Appeals.

3 Rick, was the meeting properly advertised?

4 MR. DI STEFANO: Yes, it was advertised in the
5 Brighton-Pittsford Post on July 28, 2016.

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

8 MR. DI STEFANO: Please let the record show that
9 Ms. Schwartz is not present.

10 CHAIRPERSON MIETZ: Rick, whenever you're ready, go
11 ahead with the first application.

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

17 MR. DI STEFANO: Anyone here representing 7A-01-16?
18 That would be 2601 Lac de Ville Boulevard? Is there anyone
19 representing 7A-01-16? Okay.

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1 Application 7A-11-16. 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. SHARCO: My name is Chris Sharco, and I'm
7 representing Sealand Contractors. Basically, we want to use
8 this lot temporarily to store equipment and materials.
9 We're currently doing the work on 590, and we also have
10 improvements to do on Monroe Avenue in Brighton. It's
11 adjacent to that property.

12 MS. MIETZ: Can you just describe for us because we
13 -- I think we have a map that was given. I mean, is there
14 anything different about where this equipment is stored as
15 it relates to what was shown?

16 MR. SHARCO: No.

17 MR. DI STEFANO: For the record, can you describe
18 what would be stored there? How much and --

19 MR. SHARCO: Materials, mostly, probably would be
20 like concrete, pallets, most equipment should be relatively
21 small, and rubber tires, back hoes, small excavators might
22 be in a storage container there, and that's about it.

23 MR. DI STEFANO: Any portable light fixtures?

24 MR. SHARCO: No, I'm currently moving them out of
25 there.

1 MS. MIETZ: All right. There is not going to be
2 any kind of an office trailer there or anything?

3 MR. SHARCO: Yeah, I need it for about two months.
4 And like I said, we have the sidewalk work and curb work to
5 do on Monroe Avenue in front of that stretch on Monroe
6 Avenue.

7 MS. TOMPKINS WRIGHT: The application said to
8 November, or do you still need it through the end of
9 November?

10 MR. SHARCO: No, I only need to have it through the
11 end of October.

12 MR. DI STEFANO: Are you sure about that?

13 MR. SHARCO: My contract ends the beginning of
14 November. So I should be out of there, yes. I better be
15 out of there.

16 MS. MIETZ: Unless you're donating your services;
17 right?

18 MR. SHARCO: That's right. Yes.

19 MS. TOMPKINS WRIGHT: And the materials, are they
20 going to be covered, these pallets?

21 MR. SHARCO: Yes, they'll have plastic over them.
22 I can't get them wet.

23 MS. TOMPKINS WRIGHT: And they will be stored in
24 some sort of orderly fashion on the property?

25 MR. SHARCO: Yes, we make a point to keep

1 everything neat, and lined up, and not a mess.

2 MS. TOMPKINS WRIGHT: And just so it's on the
3 record, the reason you're using this property is because the
4 properties around it are vacant, and it's in close proximity
5 to where the construction is taken place?

6 MR. SHARCO: Correct; and I don't have as much room
7 out there as it is now.

8 CHAIRPERSON MIETZ: Okay. Any other questions?
9 Once, twice. Okay. Thank you very much.

10 MR. SHARCO: Thank you.

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

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1 Application 8A-01-16. Application of Design Works Architecture,
2 agent, and Daniel and Melissa Marangola, owners of property
3 located at 76 Lynnwood Drive, for an Area Variance from Section
4 205-2 to allow a garage addition to extend 4 ft. 2 in. into the
5 10.5 ft. side setback required by code. All as described on
6 application and plans on file.

7 MR. TSVASMAN: Hi, I'm Serge Tsvasman. I work with
8 Design Works Architecture.

9 MR. MARANGOLA: And I am Dan Marangola, owner of
10 the property.

11 MR. DI STEFANO: Can you spell your last name?

12 MR. TSVASMAN: T-S-V-A-S-M-A-N.

13 CHAIRPERSON MIETZ: And just your name, sir?

14 MR. MARANGOLA: Dan Marangola.

15 CHAIRPERSON MIETZ: What is your address for the
16 record?

17 MR. MARANGOLA: 76 Lynnwood Drive.

18 MR. TSVASMAN: Okay. The client is proposing a
19 two-car garage addition. There is currently a single-car
20 garage on this property. And in order to make that
21 feasible, we need to encroach into the side yard setback
22 which is indicated in the 4 feet 2 inches into the 10 and a
23 half foot side yard setback.

24 CHAIRPERSON MIETZ: Okay. So were there any other
25 alternatives that you looked at as far as the design of

1 this, and how did you come to this decision?

2 MR. TSVASMAN: So the house as it's situated, it's
3 actually on the north side, side yard setback. So there is
4 no room on the other side of the house to add a garage. The
5 current garage that exists is on the south end of the house,
6 and that's the only logical place. That's where the current
7 flow and logistical space is where it works well. So that
8 was adding, you know, extending the driveway and having a
9 rear garage kind of didn't seem practical and would take up
10 valuable backyard space.

11 MS. TOMPKINS WRIGHT: Do you encroach the neighbor
12 to that side?

13 MR. SHARCO: Yes.

14 MS. TOMPKINS WRIGHT: Did they have any comments or
15 concerns?

16 MR. MARANGOLA: No, the only discussion we've had
17 is on some of the landscaping between us that both the
18 previous owners of our properties had kind of let lapse. So
19 it was more of a good opportunity to take care of that as
20 well.

21 MS. DALE: And the existing driveway won't need to
22 be widened?

23 MR. MARANGOLA: No, it's currently two car lengths
24 wide.

25 MS. MIETZ: As far as the addition materials-wise?

1 MR. TSVASMAN: As far as the framing, wood frame
2 garage.

3 MS. MIETZ: As far as the siding?

4 MR. TSVASMAN: Currently to match the existing
5 vinyl.

6 MS. MIETZ: So it's all going to be the same color,
7 same style?

8 MR. MARANGOLA: The siding may not be the same
9 color, but it will be in the same style.

10 MS. DALE: Would you redo the whole house you mean?

11 MR. MARANGOLA: Yeah. Yes.

12 CHAIRPERSON MIETZ: We are just looking for the
13 omni part of it, not what color it is.

14 MR. MARANGOLA: Yep, just wanted to make sure for
15 the record that when it comes to be a different color.

16 MS. MIETZ: Yeah, what's that doing here? We're
17 not that bad. Okay. So any other questions?

18 MS. BAKER LEIT: What year was your home built?

19 MR. MARANGOLA: 1955, I believe.

20 MS. BAKER LEIT: And at that time that was when the
21 whole neighborhood was developed and everything was
22 developed with the single-car small garages.

23 MR. MARANGOLA: Yeah, there are many homes in the
24 neighborhood that have had since two-car garages built on or
25 even some of them have had one car unattached that have been

1 attached.

2 MS. MIETZ: Okay.

3 MS. DALE: And having the new garage placed where
4 the existing garage had been, you'll maintain your entry
5 into the home?

6 MR. MARANGOLA: Yes.

7 MR. DI STEFANO: And just for the record and Serge,
8 maybe can you answer this. The second story addition, does
9 that also extend into the setback, or does that not encroach
10 into the setback?

11 MR. TSVASMAN: No, none of it does. Yeah.

12 MR. DI STEFANO: Okay.

13 MS. MIETZ: Okay. Any questions anybody else?
14 Okay. Thank you, gentlemen.

15 MR. TSVASMAN: Thank you.

16 CHAIRPERSON MIETZ: Okay. Is there anyone in the
17 audience that would like to speak regarding this
18 application? Please come on up, sir.

19 MR. EBERLY: Let me just introduce myself --

20 CHAIRPERSON MIETZ: Please do.

21 MR. EBERLY: -- as one of the neighbors.

22 MS. MIETZ: Okay. Can we do better than that so we
23 have it for the record?

24 MR. EBERLY: Eberly, E-B-E-R-L-Y. First name,
25 Joseph.

1 CHAIRPERSON MIETZ: Okay.

2 MR. EBERLY: Okay. We live directly across the
3 street, directly across the street --

4 CHAIRPERSON MIETZ: Okay. Great.

5 MR. EBERLY: -- and have a clear view of the
6 property, and have a two-car garage, and a two-car driveway,
7 ourselves, built onto our property that was originally,
8 practically the same. This has been there 50 years. We've
9 been there that long and haven't had any problem with any
10 neighbors objecting to this kind of addition. So generally,
11 it enhances the property in value. So we support this very
12 strongly.

13 CHAIRPERSON MIETZ: Wonderful. Okay.

14 MR. EBERLY: Okay.

15 MR. DI STEFANO: Just one quick question.

16 CHAIRPERSON MIETZ: Sure.

17 MR. DI STEFANO: So in your opinion, this will not
18 in any way change the character of the neighborhood?

19 MR. EBERLY: Oh, I'm sure not. Yeah, that's quite
20 clear. Yes.

21 MR. DI STEFANO: Okay.

22 CHAIRPERSON MIETZ: Okay. Thank you very much. Is
23 there anyone else that would like to speak? Okay. There
24 being none, then the public hearing is closed.

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1 Application 8A-02-16. Application of Chuck Smith, architect,
2 and Ira and Rhonda Korn, owners of property located at 32
3 Monterey Parkway, for 1) an Area Variance from Section 205-2 to
4 allow a garage addition to extend 9.25 ft. into the 40 ft. rear
5 setback required by code; and 2) an Area Variance from Section
6 207-10E(3) to allow rear yard pavement coverage to be 67% in
7 lieu of the maximum 35% allowed by code. All as described on
8 application and plans on file.

9 MR. TSVASMAN: Hi, my name is Serge. I work with
10 Design Works Architecture. Actually, my last name is
11 Tsvasman. I spelled it earlier. Should I spell it again?
12 T-S-V-A-S-M-A-N. I'm working with Ira and Rhonda Korn to
13 add an attached garage/breezeway to their house which
14 currently has a detached garage that is set back, basically,
15 closer to the neighbor's side yard property, in this case,
16 considered rear yard because it is a side yard and corner
17 lot.

18 So we got two things working against us. We got
19 the 40 foot rear yard setback which we need to encroach into
20 for the attached garage as well as we want to extend the
21 driveway so we can pull into the garage. That is about a
22 75 percent pavement for the rear yard which exceeds the
23 current allowable, but our rear yard becomes very -- I don't
24 know if you have the same map, but it becomes a very small
25 portion of the entire parcel which is actually quite large.

1 I did a calculation of the percentage of pavement of that --
2 -- for that entire yard, and it is something like 50 and a
3 half percent of the entire yard. So this -- this, you know,
4 removing the existing garage and attaching it to the house
5 will actually allow a larger buffer between the two homes
6 that are next door to each other. So in my point of view,
7 it's a positive move for the neighborhood.

8 CHAIRPERSON MIETZ: Would you speak to what other
9 conditions in the neighborhood are?

10 MR. TSVASMAN: Directly across the street, similar
11 to the Marangola's house with a two-car garage. And
12 obviously, there are homes with the single-car garages, but
13 I would say every other third home has a two-car garage that
14 are either detached or attached.

15 CHAIRPERSON MIETZ: Yeah, it seems to be both.

16 MR. TSVASMAN: I'm sorry.

17 MS. TOMPKINS WRIGHT: I just want to confirm the
18 numbers. The coverage is about 50.5, and the additional
19 garage will increase it to about 67 percent?

20 MR. TSVASMAN: Yes.

21 CHAIRPERSON MIETZ: That's just the rear yard we
22 are talking about?

23 MR. TSVASMAN: No, you're talking about the
24 entire -- you're talking about the entire footage, coverage,
25 or the rear yard?

1 MS. TOMPKINS WRIGHT: The rear yard coverage
2 pavement.

3 MR. TSVASMAN: Fifteen and a half of the total lot.
4 So if we're not talking about rear yard --

5 MS. TOMPKINS WRIGHT: Okay.

6 MR. DI STEFANO: Right.

7 CHAIRPERSON MIETZ: It wouldn't be what it is now.

8 MS. TOMPKINS WRIGHT: Right.

9 MR. DI STEFANO: Yeah, 67 percent of rear yard.

10 MR. TSVASMAN: Right.

11 MR. DI STEFANO: But 50 percent of the entire area
12 --

13 MR. TSVASMAN: Would be the driveway pavement. So
14 basically, we are almost doubling the length of the driveway
15 as it exists today.

16 MS. DALE: Could you talk a little bit about the
17 breezeway? Was there a consideration of just having the
18 garage attached to the house and not having the breezeway in
19 order to decrease the amount of area variance that we need?

20 MR. TSVASMAN: Well, by doing that we would
21 increase the driveway length as well. So I don't believe
22 that would change. It would be less percentage of the rear
23 yard because the driveway would be closer to the house. But
24 esthetically and functionally, it wasn't going to work out
25 in the benefit of the homeowner. So I got some maps of

1 those. I don't know if that was submitted.

2 MR. DI STEFANO: This one?

3 MR. TSVASMAN: Yeah, and there was an elevation.

4 MR. DI STEFANO: Yeah, we got that too.

5 MR. TSVASMAN: Yeah, just patching it up against
6 the house just didn't seem like the right move esthetically.
7 And in keeping with the roof lines, it just didn't seem
8 feasible.

9 MS. DALE: If the garage had been pushed right up
10 against the house, would that have a detrimental effect on
11 the existing windows on the back of the house?

12 MR. TSVASMAN: It would have been right up against
13 the existing bathroom windows. And so that would have been
14 a negative on the implication for that for sure.

15 MS. CORRADO: Was there any consideration for
16 leaving the breezeway, truly a breezeway, open versus an
17 enclosed breezeway that's proposed?

18 MR. TSVASMAN: We looked at both. There is
19 valuable space to having that enclosed and having a
20 semi-formal entry off the side. There were, you know, this
21 house is the corner lot. So the front door is practically
22 never used. Their garage side is on the complete opposite
23 side of the house and currently detached. So that was the
24 thought to this. The square footage of the garage we
25 maintained based on what the maximum for detached garages

1 are. So 600 square feet is the same. It seemed ample. So
2 we're not asking for a larger, you know, three-car garage or
3 anything like that. It's just a need to make the house a
4 little more user friendly.

5 MS. CORRADO: Right. But also, back to the
6 driveway, I see there is the turnaround indicated in the
7 drawings. Is that absolutely necessary?

8 MR. TSVASMAN: I think to back out of this driveway
9 would be very difficult if they didn't have the turnaround.
10 So I think for -- for, you know, one car pulling in, I
11 think, probably not a problem. When you have two cars, I
12 mean, in the driveway or potentially someone parked in the
13 driveway and turning around, it would be very difficult.

14 MS. CORRADO: So it makes it safer entering and
15 leaving the driveway?

16 MR. TSVASMAN: Yeah, it felt practical in this
17 scenario for the way the garage is side loaded.

18 MS. CORRADO: Okay. Thank you.

19 CHAIRPERSON MIETZ: Okay.

20 MR. DI STEFANO: Just real quick, did you go to the
21 Architectural Review Board on this?

22 MR. TSVASMAN: Yes. They want us to add one window
23 to the garage on the Antlers Drive side which is not a
24 problem.

25 CHAIRPERSON MIETZ: All set? Anybody else any

1 questions? Okay. Thanks.

2 Is there anyone in the audience that would like to
3 speak regarding this application? There being none then the
4 public hearing is closed.

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1 Application 8A-03-16. Application of Chris Costanza, architect,
2 and Craig and Beth Gamble, owners of property located at 167
3 Commonwealth Road, for an Area Variance from Section 205-2 to
4 allow a screened porch to extend 7 ft. into the 40 ft. rear
5 setback required by code. All as described on application and
6 plans on file.

7 MR. COSTANZA: Hello, I'm Chris Costanza from 9x30
8 Design. Costanza, C-O-S-T-A-N-Z-A. The application is for
9 a screened porch that extends the maximum of seven feet into
10 the rear 40 yard setback. The need for the screened porch
11 is basically just having an outdoor space that would be
12 useful as both the dining space and as an outdoor living
13 space. So the size of the screened porch was based upon
14 having those two sets of furniture in the room.

15 We looked at different designs that stayed within
16 the setback. And the designs that stayed within the setback
17 would had to have gone over into the turnaround space or
18 back-up space for vehicles that would have parked in the
19 garage. And we shifted it over to the other side into the
20 rear or side yard setback. And that side yard setback was
21 less desirable to both the neighbors being closer to their
22 property. And from the view from the sun room that's on the
23 front of the house, you would be looking at the side wall of
24 the screened porch. So the location of the porch was the
25 most functional and esthetically pleasing for the overall

1 design of the house. There are a couple of elevations that
2 I brought today. I could hang them up on the board here, or
3 I can pass them around.

4 MR. DI STEFANO: You can pass it around here.
5 Thanks.

6 MS. TOMPKINS WRIGHT: Is there an entrance directly
7 from the garage, or is it -- you walk through the garage to
8 the screened in porch?

9 MR. COSTANZA: No, the entrance is from the
10 driveway area. So in-between the garage and the house
11 currently, there is a small breezeway. So you basically
12 would be walking around the other side of the garage, and it
13 would be a similar type entry.

14 MS. TOMPKINS WRIGHT: Gotcha.

15 CHAIRPERSON MIETZ: Can you talk about the size of
16 the porch? How you arrived at the square footage?

17 MR. COSTANZA: Yeah, I mean, the size of the porch
18 was originally, you know, a request of the owner, Craig, who
19 is in the audience here. And we looked at, you know, what
20 the purpose of that size was. And we looked at the
21 different space for a six-person dining table, circulating
22 the space around the table, and then to have outdoor lawn
23 furniture which would be a couch and a coffee table, and
24 again, having ample circulation space. One of the requests
25 was that the owner did not want to have a smaller porch that

1 when -- anytime it rains very hard, you have to pull
2 furniture in away from around the screen if it's tucked
3 right up against the screen wall. So we wanted to have a
4 little breather space around the furniture.

5 CHAIRPERSON MIETZ: And this is a three season
6 room?

7 MR. COSTANZA: Yes. And there is, you know, a
8 plan. You can see how the furniture lays out.

9 MS. CORRADO: And it's screened only? Is it
10 screens or windows and screens.

11 MR. COSTANZA: Just screens. In Brighton, there
12 are a lot of mosquitoes in the summertime. And it's hard
13 sometimes to enjoy the outdoor space as much as we'd all
14 like to. And this room is really a functional space for the
15 house.

16 CHAIRPERSON MIETZ: Okay. Any other questions?
17 Questions? No. Okay. Thanks.

18 MR. COSTANZA: Thank you.

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

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1 Application 8A-04-16. Application of Jewish Senior Life, owner
2 of property located at 2021 Winton Road South, for modification
3 of approved area variances (11A-06-15) from Sections 203-30A(1),
4 203-2.1B(2), and 207-6A allowing for a 2,668 +/- sf
5 storage/generator building at a height of 22.25 ft. (2,560 +/-
6 sf at a height of 19.5 ft. As originally approved) and a 531 +/-
7 sf generator building at a height of 22.25 ft. (405 +/- sf at a
8 height of 18 ft. as originally approved) where a maximum 250 sf
9 accessory building at a maximum height of 16 ft. is allowed by
10 code. All as described on application and plans on file.

11 MR. SPENCER: Good evening. My name is David
12 Spencer. I'm with DME Associates here representing Jewish
13 Senior Life. If you do recall back in November of this past
14 year, you approved a variance for the accessory structures
15 at the Jewish Senior Life parcel. We are here this evening
16 to request that amendment because during the design of the
17 -- the initial design of the size of the generators, they
18 were undersized initially. We looked at the loading
19 capacity that is required by those generators, and it truly
20 requires a little bit of a larger structure to house those.
21 If you recall the two generators located on the site, one to
22 the south here and one to the north here. This is the
23 storage and generator building, and this is a generator
24 building only.

25 We are looking for the increase of the size to

1 provide clearance above the generator for proper ventilation
2 as well as we are providing a fire suppression system in
3 both of those structures which requires a little bit more
4 headroom above both of those units. The increase of the
5 size of the structures we believe to be minimal. They do
6 not affect the overall site. Minor modifications to the
7 grading planning and utility plans have to be done, but it
8 is not a major offset from what was originally proposed and
9 originally approved by this Board.

10 We did provide a letter of intent that did answer
11 the criteria that the Board needs to consider while
12 considering this application. I'm more than happy to expand
13 upon some of those answers if you wish. Otherwise, I would
14 take any questions that the Board may have at this time.

15 CHAIRPERSON MIETZ: Just for clarification then,
16 the generators themselves are different or are not
17 different?

18 MR. SPENCER: They are the same generators. One
19 generator will power the north Green House area. This
20 generator will power these two generators.

21 CHAIRPERSON MIETZ: So the units, themselves, did
22 not change. It's just the design required of the structure
23 to properly operate them?

24 MR. SPENCER: The actual generators did increase in
25 size.

1 CHAIRPERSON MIETZ: They did?

2 MR. SPENCER: They did because when the mechanical
3 engineers and electrical engineers took a look at the
4 loading capacities, we needed to upgrade the generator size
5 to the next kilowatt size. And what that did was expand the
6 --

7 CHAIRPERSON MIETZ: That's what I wanted for the
8 record to make it clear.

9 MS. TOMPKINS WRIGHT: So the increase in height is
10 100 percent dictated by the height that's required to
11 operate these generators to have the proper clearance?

12 MR. SPENCER: It's to provide the proper
13 ventilation space above those generators with a roofed
14 structure. And then to also provide that extra space for a
15 fire suppression system which has to go into the rafter and
16 the truss system in the roof. Both of the buildings -- I
17 know that previously we had one building that was a little
18 taller than the others. For consistency purposes across the
19 site, I'm trying to keep all of the buildings the same
20 height. So those two accessory structures won't have the
21 offset. One will be 4.75 feet taller, and the other one
22 will be 2.75 feet taller, I believe.

23 MS. TOMPKINS WRIGHT: And the larger building is
24 not just a generator, it is storage too. Is there a plan to
25 decrease the storage by 150 square feet to make additional

1 room for the generator that goes in that building so that
2 way you wouldn't need an increase in the storage building as
3 well?

4 MR. SPENCER: Well, the increase in that building
5 was to the end of the structure. We did provide some
6 architectural plans to the Board. We did need some more
7 clearance in this area to preserve the amount of storage
8 space that they need. We didn't want to bring that
9 generator too far into the storage area.

10 MS. BAKER LEIT: Just for the record, for the
11 storage room requirements, what types of things are you
12 storing there?

13 MR. SPENCER: There will be furniture that may be
14 stored in there. There may be personal items from the
15 residents at the Green House that we will store there.
16 There will be an influx of regular beds and then nursing
17 home beds. There will be a switch in the changing. So the
18 storage area will actually be utilized, bringing pieces in
19 and piece out as they are needed.

20 CHAIRPERSON MIETZ: So to support the Green House
21 operations?

22 MR. SPENCER: That is correct.

23 CHAIRPERSON MIETZ: Okay.

24 MS. CORRADO: I'm sure we touched on it the last
25 time through, but is there landscaping? Is there any plan

1 to soften the view of the buildings?

2 MR. SPENCER: Yes, the landscape package has not
3 changed since the original site plan approval. We will have
4 screening. There is a major amount of screening all the way
5 along the two road frontages, Screening along the I-590
6 frontage, actual landscaping in the site itself to kind of
7 buffer and screen those structures.

8 MR. DI STEFANO: Just to question, not that I am
9 suggesting not to have the suppression system in those
10 structures, but how much height is required for the
11 suppression system?

12 MR. SPENCER: I don't know the exact answer to that
13 question because we did not design that suppression system.
14 I will have to leave it at that. I apologize. I don't have
15 that.

16 MR. DI STEFANO: So there is at least a foot, but
17 no more than two feet, or can't you even -- you don't know.

18 MR. SPENCER: I'm sorry. I can't answer that.

19 MR. DI STEFANO: And is the suppression system
20 required by code?

21 MR. SPENCER: The fire suppression system is
22 required in the storage generator building. It was not
23 required for the smaller generator building. But as a
24 functional piece for protection of the structure and
25 protection of the generator, it was decided to put it into

1 that structure as well.

2 MR. DI STEFANO: Thanks.

3 CHAIRPERSON MIETZ: Okay. All right. Any other
4 questions on this? Okay. Thank you.

5 MR. SPENCER: Thank you.

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

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1 Application 8A-05-16. Application of Alice Kanack, owner of
2 property located at 2077 South Clinton Avenue, for Area
3 Variances from Section 205-6 to allow a building addition to 1)
4 extend 25 ft. into the 50 ft. front setback required by code,
5 and 2) extend 17 ft. Into the 30 ft. side setback required by
6 code. All as described on application and plan on file.

7 MR. MARTIN: Hello, my name is Ed Martin. I'm an
8 engineer with LandTech. I'm here tonight representing
9 Kanack Music and their application for two area variances
10 before you. Also in attendance this evening is Alice
11 Kanack, owner and operator of the music school, and
12 hopefully, our project architect will be coming through that
13 door any second now. I will introduce you, briefly, to the
14 project and what brings us here. And then I am going to ask
15 Alice and Joe, the architect, to speak to the final item in
16 the application.

17 So Alice has been operating successfully at this
18 site for nearly 20 years. She has experienced continued
19 growth and success. So much so that about four or five
20 years ago, she purchased what is now the northern half of
21 her property. And you can see by the site plan that was
22 submitted that the expansion that she is pursuing now is
23 really limited to the southern third of it. In other words,
24 expanding onto the existing building that's out there. So
25 the logical place for parking is obviously north of that

1 building. And with the topography of the land, where we can
2 route storm water adjacent to that is where we're proposing
3 the storm water. I kind of lay that groundwork to
4 demonstrate to you that the southern third of the site is
5 the only area that we can expand the building.

6 As far as the burdens of proof for the 25 foot
7 front setback and the 17 foot variance for the side setback,
8 we're contending that there is no substantial change in the
9 neighborhood character. We are fortunate in that RG&E owns
10 the property to the west of us. It's rarely occupied, and
11 it's commercially operated. We're also in an area that
12 transitions between kind of an office/commercial area to
13 housing to the west.

14 The variances are not substantial in the sense that
15 you are not going to -- it's not going to stand out, this
16 encroachment, into the Havens Road setback or to the west
17 property setback. It will not affect operation of anybody's
18 property. And in fact, as of now, the removal of that
19 driveway will actually facilitate pedestrian traffic along
20 Havens Road.

21 The fact that it's self-created. Yeah, it is.
22 Shame on Alice for being a very successful business person.
23 So that leaves the minimum relief required, and it has a lot
24 to do with architectural requirements and the requirements
25 of operating the school itself. So what I'd like to do, if

1 it's okay with you, is I will invite Alice up to talk about
2 how the school operates, why she's proposing the classrooms
3 that she's proposing, and the concert hall, itself. It's
4 the concert hall that really results in the two requested
5 area variances.

6 MS. KANACK: Hi, I'm Alice Kanack. I'm happy to be
7 here tonight to talk to you about this.

8 CHAIRPERSON MIETZ: Alice, can you give us your
9 address, please?

10 MS. KANACK: Sure. I live at 145 Park Lane.

11 CHAIRPERSON MIETZ: Okay.

12 MS. KANACK: So I'm going to talk to you a little
13 bit about, I guess, the main thing we are looking at here is
14 the concert hall. I'm going to just use this drawing here
15 to talk a little bit about it. We have sort of the main
16 part right in here where our current concert hall exists.
17 When I first got this building, it was the idea that it
18 would be kind of a hang out area, and we would teach around
19 the periphery of it, and it could convert into a performance
20 space. In the beginning it actually worked out quite well,
21 but we've grown to the point where now our stage, which is
22 here, does not fit our orchestra. In fact, we rehearse our
23 orchestra in the main floor area. So when I asked Joe to do
24 this design for me, I said I need a space equal to this main
25 floor area to be my stage. He did exactly that. So this is

1 our main floor area, which becomes our stage, and it
2 actually does fit our orchestra. Anything smaller than
3 that, the kids are very crowded. And currently what we do
4 for our orchestra concerts is we use the Brighton Schools.
5 We rent their space, but we really would like to be in home.

6 The other issue that we have is that because that
7 is our central sort of meeting space and all of the rooms
8 either enter or exit off of it, anytime we have a
9 performance, people are going in and out of the rooms. It
10 also serves as our office, so people are on the phone. It's
11 really not ideal. It's really time for us to grow up and
12 have a real concert hall so that is what we have there. The
13 other things that we are adding on are studios for lessons,
14 but primarily that's what it is. And here's Joe.

15 MR. O'DONNELL: I have a handout that I'd like to
16 go --

17 MR. DI STEFANO: Can you give your name?

18 MR. O'DONNELL: My name is Joe O'Donnell. I am the
19 architect for the project. My address is 150 Versailles
20 Road, Rochester, New York. I apologize. I was running a
21 little late. I didn't expect the seven items to move that
22 fast on the agenda. This is a hand out. You may have
23 already seen these in your package. And I also did a little
24 quick summary of the project as well of some of the bullet
25 points that Alice had made on the project, but I wanted to

1 give them to you officially in writing. And we can just
2 kind of walk through them so you can understand how the
3 design evolved and some of the logic behind the placement of
4 the building functions or main functions on the site. So
5 with that, what I did was I generated this handheld package
6 showing a perspective rendering of the proposed expansion to
7 the school. And the other handout has a description on the
8 project, and the required variances, and what the needs are.

9 It's my understand that the Planning Board had made
10 a comment as to why the recital hall was located on the west
11 side of the property. One of the main reasons for that is
12 because, and you will see in my bullet points, the recital
13 hall is a space that does not require, nor do you really
14 want to have, a lot of windows and things like that for
15 acoustic reasons and for lighting and sound. So we decided
16 it would be better to place that on the west side of the
17 property.

18 The other thing I was charged with doing was
19 creating a public lobby space to organize the expansion and
20 the existing building spaces in the central location on the
21 entrance of the building which would be on the north side.

22 And the school now is also adding four new
23 rehearsal studios bringing the total up to 13 or 14
24 depending on if the green room is used for overflow
25 rehearsal space. If you look at bullet number two, you go

1 through the items of justification for having the recital
2 space on the west side of the property. I mentioned the
3 windows. Also, one of the most important things is that the
4 existing building will serve as a sound buffer to the
5 recital hall from the vehicular traffic on South Clinton
6 Avenue. It will also preserve the historic character of the
7 existing facade as well as the large amount of green space
8 on South Clinton Avenue that exists today. And locating it
9 on the west side of the property, it abuts RG&E Substation
10 which we don't feel has a large impact on the surrounding
11 neighborhood. I think Alice had mentioned the dimensions of
12 the recital hall. The width of it is about the minimum that
13 we can live with due to the size of the concerts that are
14 put on there a couple times of year and the number of
15 musicians and instruments that need to be accommodated on
16 the stage.

17 One of the other design elements, and really one of
18 the most important ones, is my last bullet which is a memory
19 garden that is proposed in the center of the property. One
20 of the things that Alice asked me to do was to try and
21 preserve the large expanse of windows on the existing north
22 facade of the building which is a two-story space which
23 occurs right in here. If you look at the rendering, it's
24 the vaulted space in the center of the building. And what I
25 was able to do was incorporate this memory garden. This

1 memory garden has a special meaning for the school. It
2 actually is dedicated to a former student who passed away.
3 It actually started the fundraising effort to make this
4 project a reality. So Alice wanted to pay tribute to that
5 student one way or another, and the memory garden, we felt,
6 was one of the best ways.

7 So with that, I guess, I would open it up to
8 questions. Also in your package, you'll see there is just a
9 Google Earth shot of the existing front of the building.
10 And if you can imagine the large recital hall with no
11 windows on that side of the building, I think it would
12 become an architecturally unpleasing streetscape along South
13 Clinton Avenue. And that is another reason why we decided
14 to move it to the west side of the building. Just for your
15 reference, I included the engineer's site plan. Again, the
16 yellow being the existing building, the green being the
17 proposed, and then a smaller portion of what you see on the
18 bulletin board now. So with that, I open up to the
19 questions from the Board if you guys don't have anything
20 else to add.

21 MS. TOMPKINS WRIGHT: I understand there are 16
22 parking spaces that are on the grass. Is that dictated by
23 code, or is that indicative for the use of recitals or
24 things like that?

25 MR. O'DONNELL: It's really dictated by an extended

1 use like a small concert or something like that. We had
2 determined that their average daily demand is 27 to 28
3 parking spaces, and we provide 31 hardscape spaces. We were
4 just thinking that in the event that they have a, what I'll
5 call, a small concert that they could have instructors
6 parking on the lawn, and that's something we've gone over
7 with the Planning Board on how we would reinforce that lawn
8 area. It would look and operate exactly like a lawn, but
9 provide support for vehicles to park on. So day-to-day use
10 would not happen. And the parking agreements that Alice has
11 with neighbors, it may never come into use.

12 CHAIRPERSON MIETZ: Sorry. Go ahead.

13 MS. TOMPKINS WRIGHT: So there are parking
14 arrangements. Are they like easements?

15 MR. O'DONNELL: They are just agreements with the
16 worship center.

17 MS. TOMPKINS WRIGHT: Jubilee Center?

18 MS. KANACK: Yes, and also the neighbor to the
19 left.

20 MR. O'DONNELL: So during her semi-annual concerts,
21 the parking will occur off-site.

22 MS. TOMPKINS WRIGHT: Does the property currently
23 meet all zoning setback requirements? It looks like it did,
24 but I just wasn't sure.

25 MR. DI STEFANO: Yeah, the only variance that they

1 have is a use variance specifically to allow a music school
2 in a residential -- excuse me -- an office district. And
3 also, they came back a number of years ago before they
4 purchased the property to the north to expand that use
5 variance. And by the fact that they readily subdivided it
6 into one lot, we allowed them to eventually expand the music
7 school. So those are the variances that are currently on
8 the property.

9 MS. TOMPKINS WRIGHT: Have you looked at what the
10 effect might be of taking out that Havens Road curb cut,
11 what the effect might be on South Clinton with a lot of
12 people trying to make a left turn out of that curb cut?

13 MR. MARTIN: Yeah, we have actually. The Planning
14 Board asked that we discuss with RG&E the possibility for a
15 cross-access easement, which I already started that process.
16 The reality is that it's very unlikely that RG&E will grant
17 that access because they want -- if they need to get to
18 their property, even if it's during a concert, they don't
19 want to compete with vehicles coming out. Yes, we have
20 considered that.

21 MS. CORRADO: Given that you have parking
22 arrangements with properties across South Clinton and now
23 you have traffic entering from the lot there as well, do you
24 have plans, and maybe this is a question for you Ms. Kanack,
25 plans to arrange for perhaps parking direction? Anybody

1 guiding traffic during your --

2 MS. KANACK: Absolutely, we have had a few larger
3 concerts where we've used larger spaces, and we have a
4 doorman with keys and even parking the cars. And so we have
5 lots of fathers, and mothers, and staff that can work out
6 there. We are very concerned with traffic on South Clinton.
7 It's the worst part of where we are. The rest is fabulous,
8 but that is a hard street to deal with.

9 CHAIRPERSON MIETZ: What time of day, or what time
10 of night are the concerts?

11 MS. KANACK: Our recitals, we have small recitals.
12 Those generally occur Friday night, Saturday night, or
13 Sunday afternoon and evening. If we have a larger like say
14 holiday concert, it might take place on a Thursday night or
15 Saturday night. Generally, we've been doing Thursday nights
16 because that's when Brighton is available. So we go out to
17 Brighton. If we were able to do it in our own building, we
18 could probably do it on a low traffic time like on Sunday
19 afternoon.

20 CHAIRPERSON MIETZ: But they won't occur during the
21 day in any case --

22 MS. KANACK: No.

23 CHAIRPERSON MIETZ: -- Other than maybe a Sunday?

24 MS. KANACK: Exactly because the school is running,
25 and we have lessons during those times.

1 CHAIRPERSON MIETZ: Okay.

2 MS. TOMPKINS WRIGHT: And just so that it's clear,
3 did you look at renovating any of the interior space to make
4 it into a concert hall, and you just couldn't get the size
5 of what you needed?

6 MS. KANACK: Yeah, there is no way. There is no
7 way for a concert hall, even for extra lesson spaces. We
8 did look a lot. Actually, we have done a lot creatively
9 inside the building just to make it work as we are now. We
10 are very, very crowded now. So we need our extra space.
11 And really, it will allow us -- I see it as a final end
12 product for us. Because once we go here, we have what we
13 need to continue on forever. It's a really nice space for
14 that.

15 MS. TOMPKINS WRIGHT: Any screening or plantings
16 planned for that west side?

17 MS. KANACK: There is a lot.

18 MR. MARTIN: So the landscape plan that we
19 submitted, the Planning Board informed me that the
20 Conservation Board is going to look for something more
21 substantial. So we actually have that. I'm drafting that
22 now, and we will be sharing that with the Conservation Board
23 two weeks from tonight, I think. Is it next Wednesday?
24 It's next Wednesday. So yeah, we will be buffering,
25 primarily, the north, but we will also provide buffering to

1 the west assuming that RG&E denies our cross-access request.

2 CHAIRPERSON MIETZ: The comment was more
3 substantial. Could you embellish a little?

4 MR. MARTIN: Sure. So we had 12 Wichita Blue
5 Junipers here along the line. The landscape architect
6 changed the species, and we have more than doubled the
7 plantings both there and throughout the rest of the project.
8 I don't have a copy with me.

9 CHAIRPERSON MIETZ: That's fine.

10 MR. MARTIN: But I can tell you, it's quite
11 substantial.

12 CHAIRPERSON MIETZ: So it's going to increase the
13 buffer a little?

14 MR. MARTIN: Absolutely, Yes.

15 MS. TOMPKINS WRIGHT: And that's along the north
16 and the west, but nothing along the south which is kind of
17 either the front or the back of this?

18 MR. MARTIN: Yeah, I don't recall anything
19 substantial along the south. It's primarily along the north
20 and west.

21 CHAIRPERSON MIETZ: Okay.

22 MR. DI STEFANO: I have a few questions about the
23 floor plan.

24 CHAIRPERSON MIETZ: About the floor plan?

25 MR. DI STEFANO: Yes.

1 CHAIRPERSON MIETZ: Sure. Go ahead.

2 MR. DI STEFANO: Joe, looking at the handout that
3 you gave us and the dark green that you have for the
4 proposed addition, you have the proposed kind of wrapping or
5 enveloping the current building where the site plan is
6 cutting off and just ending at the actual concert hall.

7 MR. MARTIN: Yeah, this should -- you're talking
8 this piece here?

9 MR. DI STEFANO: Yes, because, basically, that's
10 what the variance is predicated on that site plan. So it's
11 not reflective of actually what it is.

12 MR. O'DONNELL: Well, it does.

13 MR. MARTIN: I know exactly what you're talking
14 about. The green room extends further here. If I were to
15 draw it on here, it just extends along the south base. It
16 doesn't encroach any closer to Havens Road.

17 MR. DI STEFANO: No, it doesn't encroach, but the
18 actual amount of building face that encroaches is greater
19 than what was shown on the site plan.

20 MR. O'DONNELL: The floor plan is the correct
21 drawing.

22 MR. DI STEFANO: Do you guys understand?

23 MR. O'DONNELL: So for those of you that may not,
24 my drawing -- this green room was added on. That didn't
25 reflect it in this plan, but it just goes right here. And

1 what Ed had pointed out, it doesn't extend any farther
2 towards Havens Road to Rick's point. It adds about 20 more
3 feet of frontage on Havens Road. So that's just a
4 clarification.

5 MS. TOMPKINS WRIGHT: So instead of being 31, it
6 will be 51 feet?

7 MR. O'DONNELL: Yes, of frontage on Havens Road.

8 MR. DI STEFANO: Was that made clear to the
9 Planning Board or not?

10 MS. BAKER LEIT: And can we just have a little more
11 testimony as to why the green room is necessary? What the
12 function is?

13 MS. KANACK: Sure. Absolutely, the green room has
14 kind of two functions. The term green room really means a
15 warm up room for musicians. Being that we're a school,
16 we're probably going to use it more to store chairs, stands,
17 and cases, and then before the little kids go out. But when
18 we have a little performer going out on stage, that's their
19 warm-up space. So that's why it's there. Otherwise, we
20 don't have that at all because any other access to that hall
21 is to the back of the auditorium which is really not
22 appropriate for a performance. So that's the purpose. And
23 I'd like to have enough space to store the music stands and
24 the chairs. So that's the size.

25 CHAIRPERSON MIETZ: So the question was also, that

1 Rick had, about the Planning Board. Was this change
2 indicated when you went there?

3 MS. KANACK: It was.

4 MR. MARTIN: So the plan that we presented to the
5 Planning Board does not show that green room. That being
6 said, the public hearing, I believe, was held open. So I
7 will absolutely change my site plan to reflect that. And
8 we're scheduled to go back to them the 16th; is that right?

9 MR. DI STEFANO: Yeah, if you are going to submit
10 still under the preliminary, then the 17th would be the next
11 Planning Board meeting.

12 MR. MARTIN: The 17th.

13 CHAIRPERSON MIETZ: What is the square footage?
14 There is a lot of things that changed.

15 MR. DI STEFANO: Well, I wouldn't say "a lot of
16 things," but there are a few things that are affected by
17 that change in the site plan. Another question is, and I
18 guess, if the green room is that important, if it wasn't
19 there -- and I'm just looking at the site plan that was
20 presented. I was going to ask -- I'll still ask the
21 question. There is a lot of dead space it seems like at the
22 back of this recital hall. What is that space? And if that
23 is really truly just space, why couldn't the whole thing be
24 shifted back so that your variance is reduced? I mean, you
25 are looking at a pretty large variance, a 50 percent

1 variance here. So my question is that dead space, why can't
2 everything just be pushed to the north and reduce that
3 encroachment to Havens Road?

4 MS. KANACK: Right. I understand the question. So
5 this space in this direction --

6 MR. DI STEFANO: No, I'm talking about the dead
7 space.

8 MS. KANACK: Yeah, I know. I do know. So this
9 dead place reflects the size of our orchestra. It's
10 actually going to move a little forward in reality because
11 it is not quite deep enough. And so it's going to be here,
12 and then this is going to fall back a little farther. And
13 it's also to kind of allow use of this space, as well, for
14 other things like we might have little fundraisers.

15 MR. DI STEFANO: So a gathering that you think is
16 necessary?

17 MS. KANACK: Right.

18 MR. MARTIN: Or overflow or standing space maybe
19 for a holiday concert where they expected more.

20 MR. DI STEFANO: Okay.

21 MS. KANACK: Or wheelchairs.

22 MR. MARTIN: So I wouldn't take the number of seats
23 literally other than when we go for permits. Rick, I will
24 obviously submit the occupancy load to the fire marshal.

25 MS. DALE: So those chairs, it is not like in the

1 auditorium where you can't remove them?

2 MR. MARTIN: No, they fold up and can be moved
3 around.

4 MS. KANACK: Right. Exactly.

5 MR. DI STEFANO: So in that regard, that number is
6 not a true reflection of the number of seats that are going
7 to be there. It is just an estimate or maybe an average
8 estimate that you do for concerts?

9 MS. KANACK: It's what we would typically get for a
10 concert of that size. We have smaller concerts. But if you
11 go for our larger concerts, we will go probably close to the
12 seating that we have there.

13 MR. DI STEFANO: And that number is...

14 MR. MARTIN: Well, I show 96 seats. Okay. But as
15 Alice mentioned, this stage could grow based on the size and
16 the number of musicians that are in the orchestra.

17 MS. DALE: Yeah, that's the problem. You just told
18 us the maximum number of seats that you have.

19 MS. KANACK: See they can move back. The stage, we
20 can make it larger. And they can move it back.

21 CHAIRPERSON MIETZ: Well, there is a safety and
22 loading component for us here.

23 MR. DI STEFANO: Yeah, and that's why I want for
24 the record that that area in the back why -- what's the
25 necessity? Why is it there?

1 MS. KANACK: Why is that open? Yeah.

2 MR. DI STEFANO: Just kind of explain.

3 MS. KANACK: The other thing we do is contra
4 dancing which is fiddling, and people dance to it. So our
5 kids would be on the stage playing. Then families would be
6 dancing. So the ability to move those chairs out and
7 actually have the space to do that, that's part of the
8 training of what we do.

9 CHAIRPERSON MIETZ: Then the last part of this that
10 kind of goes in a circle, that excess space on the north
11 side, you don't see when you are doing the calculations that
12 indicate that there will be seating in the area that that
13 room would be filled with seating in the north?

14 MS. KANACK: I don't think we're going to see more
15 than 96 seats if that's the question you are asking.

16 CHAIRPERSON MIETZ: Yes.

17 MS. KANACK: Yes, I don't think so.

18 MS. DALE: So what's the dimension of the green
19 room? I get that you wanted to use it for storage, but
20 there is storage next to the coat closet so it seems kind of
21 big.

22 MR. MARTIN: Yeah, but the storage next to the coat
23 closet is simply for maintenance equipment, brooms. That's
24 really just --

25 MS. DALE: Okay. That's quite small.

1 MR. O'DONNELL: Yeah. And that's --

2 MS. KANACK: Yeah, we are talking about a big rack
3 of chairs and multiple black music stands. They don't
4 stack. They go side by side. And potentially, a piano
5 would go in there.

6 MS. DALE: So you need it that big.

7 MS. KANACK: Yes.

8 MR. O'DONNELL: I mean if it helps the Board, I
9 just quickly did a count here on this side. So it looks
10 like we have approximately 48 seats here. So you are
11 looking at just about double what you see in front of you
12 right now. So it's really not -- 96 may sound like a lot --

13 MS. DALE: No, that hurts you. You said you wanted
14 more than that.

15 MR. O'DONNELL: No, 96 is what we would have at
16 max.

17 MR. MARTIN: That's all I'm saying. What Alice is
18 saying is the actual configuration could shift back and
19 forth.

20 MS. CORRADO: So your seating would be arraigned to
21 meet code?

22 MR. O'DONNELL: To accommodate the performance.

23 MS. CORRADO: Right. Again, you'd have to design
24 it in such a way that gives you maximum flexibility for the
25 function.

1 MS. KANACK: Exactly.

2 MR. O'DONNELL: Right. Exactly. Right, but we
3 don't envision any more than 96.

4 MS. TOMPKINS WRIGHT: Was any thought -- instead of
5 just shrinking the concert hall, was there any thought of
6 just shifting it back to the parking lot and having it be a
7 little less symmetrical?

8 MS. KANACK: Well, that's a two-point question.
9 I'm just going to address it from a personal standpoint.
10 When we first talked about doing this expansion, we got all
11 of our families together, and had a meeting, and asked
12 people. It was very, very important to people that we keep
13 our integrity of the building and that what we add onto it
14 be surrounding it. For me too, this is a beautiful
15 architectural building. I don't know how many of you have
16 actually been out and seen it, but it was built as a
17 photography studio. It's very unusual architecture, and we
18 really want to preserve that and the feeling that we have in
19 that building. So the design like to put something -- we
20 actually talked about this. Putting the design over to the
21 side or putting the hall over to the side separates that and
22 the feeling of just being able to communicate and work
23 together. So that was a strong -- from the family's point,
24 that was a strong desire not to change the architecture and
25 to just surround it.

1 MS. TOMPKINS WRIGHT: Yeah, I -- and I'm not --
2 maybe you miss understood. I mean, just shifting, just
3 moving this.

4 MR. O'DONNELL: Yeah, shift it up, the whole thing,
5 up to the north.

6 MS. TOMPKINS WRIGHT: And just the concert hall
7 portion, it would still wrap around the current building?
8 It would just be --

9 CHAIRPERSON MIETZ: Rick asked that same question
10 basically.

11 MS. TOMPKINS WRIGHT: Well, he asked about making
12 it smaller.

13 MR. DI STEFANO: Yeah, I was making it narrower and
14 shorter reducing the impact on Havens Road. I think her
15 question is about the whole thing to shift it back but
16 keeping the same size.

17 MS. TOMPKINS WRIGHT: Yeah.

18 CHAIRPERSON MIETZ: It would affect the variance.

19 MR. O'DONNELL: It really starts to impact the
20 parking lot, the configuration of the parking lot. And
21 there is up in that northwest corner, I believe, there is
22 some wetlands we are trying to avoid.

23 MR. MARTIN: There are, yeah.

24 MR. O'DONNELL: So --

25 MS. CORRADO: Just to clarify then, I think we had

1 asked the question. What are the dimensions of the green
2 room?

3 MR. O'DONNELL: 15 by 20.

4 MS. CORRADO: I want to be certain we have that.

5 MR. O'DONNELL: 15 by 20.

6 CHAIRPERSON MIETZ: Okay. So any other questions
7 on any of this? Rick, good? Okay. Thank you very much.

8 MR. O'DONNELL: Thank you.

9 CHAIRPERSON MIETZ: Is there anyone in the audience
10 that would like to speak regarding this application? Please
11 come up.

12 MR. THURSTON: Hi, I'm George Thurston.

13 MRS. THURSTON: I'm Sally Thurston.

14 CHAIRPERSON MIETZ: Would you include your address,
15 please?

16 MR. THURSTON: We're in Pittsford, 34 Wild Berry
17 Lane.

18 CHAIRPERSON MIETZ: Okay.

19 MR. THURSTON: And we have been long term parents
20 of students that have gone through Alice's school. And we
21 have seen this process from the beginning of designing this
22 new space. And we feel strongly in support of it. And we
23 think that the design process has been very well thought
24 out.

25 MRS. THURSTON: And we'd also like to speak to the

1 need of expansion. I have seen it grown over the 12 years,
2 whatever, that we have had kids there. And it is very
3 crowded. And I think there really is a need for a separate
4 recital hall and not having people walk through or have
5 concerts be interrupted when people walk through for their
6 lessons and hearing the lessons going on. So we really
7 strongly support this recital hall and the green room next
8 to it which is important for the kids warming up beforehand.

9 CHAIRPERSON MIETZ: Okay. Thank you for your
10 comments.

11 MR. BARNHART: My name is Andrew Farnheart. I live
12 at 14 Portsmith Terrace, Rochester, New York. I am the
13 artistic director at the Kanack School of Music. I would
14 just like to reiterate everything that was said. This
15 recital hall is a very important addition. Alice and I have
16 discussed many times how big it needs to be, and have tried
17 really hard to find the best solution to fit within the
18 requirements, and get what our students need. The size of
19 the stage is very important. We are always very careful
20 when we squeeze the students on to the stage that we have.
21 We're always very careful. We have little students who are
22 very close to falling off the edge. So we need a larger
23 space to allow them to have a more comfortable performance.
24 That's it. Thank you very much.

25 CHAIRPERSON MIETZ: Thank you. Is there anyone

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else that would like to speak regarding this application?
There being none, then the public hearing is closed.

1 Application 8A-06-16. 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 a school soccer program to
5 practice and play games on said property for the time period of
6 August 22, 2016, thru October 28, 2016 and August 21, 2017, thru
7 October 27, 2017. All as described on application and plans on
8 file.

9 MR. JOHNSON: Good evening, everyone. My name is
10 Eric Johnson. I'm the business administer at Faith Temple
11 Church at 1876 Elmwood Avenue. The owners of the property
12 are asking for a temporary use permit to use for soccer
13 fields for practice and for soccer games for the next two
14 years. I included with the letter of intent the complete
15 description of the planned activities. I don't know if you
16 have any other questions other than that. I'm here, and
17 Pastor Edlin is here also.

18 CHAIRPERSON MIETZ: Why don't you talk about who is
19 going to be playing soccer here. How is it being
20 administered? How is the parking going to work? And why
21 don't we talk about those kinds of things.

22 MR. JOHNSON: Okay. It's going to be our school.
23 We have a school that's K through 12. We are talking about
24 grades 5 through 8, and it's a modified soccer league that
25 we play in with schools that have a similar size. Our

1 school is about 120, 130 students. It will be administered
2 by us, I guess. You know, we've just been getting the games
3 together.

4 The field, we're going to -- the field property
5 will be measured as like 200 feet off of Winton Road. It's
6 about 600 feet off of Westfall Road. So right now, there is
7 72 acres out there, 70 acres. And we have mowed about four
8 or five of those. And that's where we're planning on
9 putting the fields. Similar location of the other
10 activities that we have been hosting out there.

11 CHAIRPERSON MIETZ: What about the parking
12 situation?

13 MR. JOHNSON: Parking, very similar. We have an
14 area that's mowed for parking. It would be out behind where
15 parking is supposed to be. It will be off of the road. If
16 you look at the map, it shows where the parking is to be on
17 that north side of the grass area there.

18 MS. DALE: No bleachers?

19 MR. JOHNSON: No. No.

20 MS. DALE: And no lights?

21 MR. JOHNSON: No. No. We should be done before
22 nightfall. I think we said in here that we would be done by
23 6:00.

24 MS. DALE: And I know the application said no
25 bathrooms.

1 MR. JOHNSON: Correct.

2 MS. TOMPKINS WRIGHT: No bathrooms?

3 MS. BAKER LEIT: Yeah, I'm a little concerned about
4 that.

5 MS. DALE: I'm just thinking about my daughters.

6 MS. BAKER LEIT: Yeah.

7 MS. DALE: I'm just thinking from a practical
8 purpose.

9 MR. JOHNSON: Yeah. We found that most of the
10 fields don't have bathrooms, their soccer fields.

11 MR. DI STEFANO: Are the other schools that you
12 play against, are they attached to the schools themselves,
13 or are they kind of like how you are to be like on an
14 off-satellite area, off-site that would not provide the
15 bathrooms and that kind of stuff?

16 MR. JOHNSON: I'm not sure.

17 MR. EDLIN: Both. Both.

18 MR. JOHNSON: Both situations.

19 MR. DI STEFANO: Both situations.

20 MS. DALE: And will the participants from other
21 schools be coming on school buses, or will their parents
22 pick them up and drive them both ways?

23 MR. JOHNSON: I'm pretty sure this is typically
24 parent driven.

25 MR. EDLIN: Parents or vans, it's all parents.

1 MR. DI STEFANO: So you are saying no school buses,
2 basically, would be there?

3 MR. JOHNSON: Not to our knowledge.

4 MS. DALE: So is the parking just along the one
5 side? Is it just going to be grass all around the soccer
6 field? How is it going to work as far as being -- is the
7 whole area in front of the field going to be paved?

8 MR. JOHNSON: No pavement.

9 MS. DALE: And the cars are going to drive on the
10 grass?

11 MR. JOHNSON: Yeah, we drive on the grass now. We
12 use that field. I was just out there yesterday. We have
13 about four or five acres of park which is a lot of acreage.
14 And if we need to get bigger, we can easily get bigger. We
15 got another 65 acres we could add on.

16 MS. TOMPKINS WRIGHT: Well --

17 MS. BAKER LEIT: So you will be prepping the land
18 so it will be relatively flat?

19 MR. JOHNSON: Yep, our intent is to fill any holes
20 that are out there that are created by the animals, roll it,
21 get it flat, keep it cut, mark lines, have goals set up,
22 flags where the corners are.

23 MS. TOMPKINS WRIGHT: And when you say mark lines,
24 only on the soccer field, or do you mark lines for people to
25 drive and park as well, or will there be someone directing

1 traffic on how they come onto this field and where they
2 park?

3 MR. JOHNSON: We're going to mark the parking area.
4 Like I said, we do events. We have an event coming up in
5 August where we will be outlining, and marking parking
6 lines, and things like that.

7 MS. DALE: So you're parking on grass?

8 MR. JOHNSON: Yes.

9 MS. DALE: Do you use like paint or something?

10 MR. JOHNSON: To mark the grass?

11 MS. DALE: Yeah.

12 MR. JOHNSON: You can paint it. Yeah.

13 MS. DALE: It's like a chalky paint for the soccer
14 field. And then the parking area --

15 MR. JOHNSON: Yeah, I am not sure. Is it a chalk
16 line? Yeah, it's stakes. We will put stakes.

17 MS. TOMPKINS WRIGHT: Spray paint?

18 MR. EDLIN: And little signage.

19 MS. DALE: So no lighted scoreboard or anything?

20 MR. JOHNSON: No. No.

21 MR. DI STEFANO: If this Board were just to grant
22 it for a year because it's a new situation, would that cause
23 any conflict for you?

24 MR. JOHNSON: No. No.

25 MR. DI STEFANO: Okay. I'm not saying they will.

1 I'm just asking the question.

2 MS. TOMPKINS WRIGHT: I will say that I've got a
3 kid that plays soccer, and they are drinking an immense
4 amount of water. Would you be amendable to renting some
5 sort of Porta-potties for games and things, you know,
6 something? Would that be something the school would
7 consider or not?

8 MR. JOHNSON: Here's Pastor Edlin.

9 MR. EDLIN: Steve Edlin, I live at 210 Parkland
10 Avenue in Brighton. We certainly could consider it. I know
11 my kids have played soccer all throughout the years in the
12 school, and we have gone to a number of fields where there
13 are no restrooms.

14 MS. DALE: And it's terrible.

15 MR. EDLIN: And they have been fine. The kids have
16 been fine. So we did give that some thought and some
17 discussion because we certainly don't want to put them in a
18 difficult situation. The other thing is the field is a mile
19 away from our building. So if somebody does need a
20 restroom, we can run over. It's right across from the rec.
21 center on Winton Road. So we did consider those. So we
22 certainly would make our building available if someone needs
23 to go over to that. We would take care of the kids. We
24 wouldn't leave the kids struggling, of course. We would
25 never do that.

1 It's really more of a rec. league type of
2 situation. It's not a big official Section V thing we are
3 doing. It's just Christian schools coming together, having
4 fun, letting the kids kick the ball around.

5 And really one of the reasons we kind of came to
6 this is we've tried to get fields in Brighton, and we were
7 not successful. And last year we had a very difficult time
8 even getting the two days a week we got. And for our kids'
9 program, you know, having them out there five days a week,
10 it's good for them. It's good exercise for them to be out
11 there. So this kind of pushed us to say we need to do this
12 because even the fields -- and we understood the field
13 director's situation. He's got a lot of teams. He's got a
14 lot of things going on. So we understood that. So we said
15 we got a field. Let's let the kids go kick the ball around
16 on the field. So it's really not a heavy duty situation.

17 MS. BAKER LEIT: Can we just go back to the
18 question though? Would you be amendable if that was one of
19 our conditions that you have a couple Porta-potties?

20 MR. EDLIN: I don't know what the cost would be. I
21 don't know what the cost is for those.

22 CHAIRPERSON MIETZ: Yeah. Let's talk about it
23 because there are a lot of other issues.

24 MS. BAKER LEIT: Okay.

25 MS. DALE: How about garbage? Would you have --

1 MR. EDLIN: We would pick up the garbage.

2 MS. DALE: Would you have garbage barrels next to
3 the field, and then you take them away in the fall once
4 soccer season is finished?

5 MR. EDLIN: We didn't even think about it, but we
6 will. That's a great point, and we will get some garbage --
7 a garbage can out there.

8 MS. DALE: Either that or you put up signs that say
9 "carry in, carry out," something.

10 MR. JOHNSON: Carry in, carry out would be more
11 sufficient.

12 MR. EDLIN: Yeah. We will work it out. And
13 certainly if there is any garbage, we would pick it up. We
14 don't want our field looking bad. So we will take care of
15 that. We will make sure it looks nice. It looks nice now.
16 It's always mowed. We try to keep it looking nice.

17 MR. DI STEFANO: About how long does a game last
18 and practice last?

19 MR. EDLIN: Practice probably goes a couple hours,
20 maybe an hour and a half to two hours. Games about the same
21 hour and a half, two hours. And target time is to always
22 start at 4:00 for the games. Practice probably starts right
23 after school at 3:00, 3:30, but the games are usually
24 starting at 4:00. We are usually done by 5:00, 5:30. It
25 moves pretty quickly especially with the kids, the young

1 ones.

2 CHAIRPERSON MIETZ: So you don't expect to have any
3 evening type of activities?

4 MR. EDLIN: Not at all.

5 CHAIRPERSON MIETZ: Weekends?

6 MR. EDLIN: No, not at all. Certainly, no, not at
7 all, not Saturdays or Sundays to our knowledge.

8 CHAIRPERSON MIETZ: So it wouldn't be allowed for
9 other men's groups or other people to use these fields. It
10 would only be used by the school for its programs.

11 MR. EDLIN: That's the only plan we had. We have
12 had no other plans or discussions. I suppose if somebody
13 walked out there with a ball, I don't know, I may not be
14 there to stop them, but there is nothing organized. There
15 is nothing that we have, "say you want to go get a men's
16 league together."

17 MR. DI STEFANO: You wouldn't rent it to somebody?

18 MR. EDLIN: Absolutely not, no.

19 MS. DALE: Do you provide transportation from the
20 school? Do you guys provide transportation for the students
21 to the field?

22 MR. EDLIN: Our parents will.

23 MS. DALE: The parents of the kids?

24 MR. EDLIN: I take my kids every year. I got a
25 van, and I can fit five kids, six kids in it.

1 MS. TOMPKINS WRIGHT: They'll run it as part of the
2 warm up for the game.

3 MR. EDLIN: We did that last year to the Brighton
4 fields. And the kids looked pretty tired, but it was good
5 for them actually.

6 CHAIRPERSON MIETZ: Okay. Any other questions
7 about it? Okay. Thank you.

8 MR. EDLIN: Thank you.

9 MR. JOHNSON: Thank you.

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

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1 Application 8A-07-16. Application of Jewish Home and Infirmary
2 of Rochester, Inc., owner of property located at 2021 Winton
3 Road South, for a Temporary and Revocable Use Permit pursuant to
4 Section 219-4 to allow for a series of directional and
5 informational signs to be placed on site for a two year period.
6 All as described on application and plans on file.

7 MR. KESSLER: Good evening, Jim Kessler, Assessing
8 Construction. We are the construction managers for the
9 campus expansion on 2021 Winton Road South. I live at 144
10 Cattaraugus Drive, Rochester. The purpose of the signage is
11 the campus has been in use since 1986. And currently, we
12 are reconfiguring the whole landscape of the campus. And in
13 doing so, we are also shifting the use and the traffic
14 patterns for truck deliveries, and also vehicles, and
15 construction vehicles. And the goal of the proposed signs
16 are in order to let the public know and everybody know the
17 proper direction to go in to create less confusion within
18 the community. There are four signs that are currently --
19 there are seven total, four of them -- two of them are along
20 Winton, and two along Meridian, and with the three remaining
21 being in the campus, so the Jewish Home whether it be the
22 Summit or the Jewish Home Proper. And the goal is really
23 for a way of finding and helping the public and the
24 community understand the changes within the campus.

25 MS. CORRADO: And how would these signs be posted

1 on the campus?

2 MR. KESSLER: They will be on a 4x4 post. They are
3 a poly-coated cardboard with a plywood backer. So they are
4 a very strong and attractive sign.

5 MS. CORRADO: And will they be lit?

6 MR. KESSLER: No, they will not be lit. No. And
7 like I said, it's more for a way of finding signage due to
8 the campus change and configuration. We are still under
9 construction, and we have reconfigured some of the parking
10 lots to the north already. The changes in effect are
11 creating a lot of confusion. So we are hoping to settle
12 some of the confusion now.

13 MS. DALE: So is there a concern about deliveries
14 happening? I just think about in the winter when it gets
15 dark sometimes at 4:00, if deliveries are being made, are
16 the signs --

17 MR. KESSLER: Typically, all of the deliveries to
18 the campus, whether it's construction deliveries or
19 deliveries to the campus itself, are made in the daylight
20 hours. It's a rare instance that someone would come in the
21 dark or evening to make a delivery.

22 CHAIRPERSON MIETZ: Okay. Thank you. Is there
23 anyone in the audience that would like to speak regarding
24 this application? There being none, the public hearing is
25 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 AUGUST 3, 2016, COMMENCING AT APPROXIMATELY
4 8:40 P.M.

5

August 3, 2016
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

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DENNIS MIETZ, CHAIRMAN
CHRISTINE CORRADO
JEANNE DALE
ANDREA TOMPKINS WRIGHT
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 Application 7A-01-16. Application of 2601 La 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. Corrado to table
7 and keep the public hearing open on
8 Application 8A-07-16 due to lack of
9 representation.

10 (Seconded by Ms. Baker Leit.)

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

14 (Open roll call, motion to table and leave
15 the public hearing open carries.)

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1 Application 7A-11-16. 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. Tompkins Wright to approve
7 Application 7A-11-16.

8 FINDINGS OF FACT:

9 1. The requested temporary use permit is necessary and
10 beneficial to the Town as a whole because of the work being done
11 by New York State DOT on Monroe Avenue and 590. Construction
12 vehicles and materials need to be stored in relatively close
13 proximity to the work site, and the vacant property immediately
14 adjacent to the worksite provides a spacious and relatively
15 unobtrusive place to store such vehicles and materials.

16 2. The use of the property for the storage of construction
17 vehicles and materials will likely not be a disturbance to local
18 businesses as the surrounding properties are currently vacant
19 and awaiting development.

20 3. The requested temporary use permit is not substantial and is
21 very temporary in nature and will only be in effect for three
22 months.

23 CONDITIONS:

24 1. The temporary use permit granted only applies to
25 construction vehicles and construction materials used for the

1 New York State DOT project along Monroe Avenue and 590 and not
2 for any other vehicles or materials.

3 2. The temporary use permit shall only be in effect through
4 October 31st, 2016.

5 3. All materials shall be kept in an orderly fashion.

6 (Seconded by Ms. Baker Leit.)

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

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

9 Mr. Mietz, yes.)

10 (Open roll call, motion to approve

11 with conditions carries.)

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1 Application 8A-01-16. Application of Design Works Architecture,
2 agent, and Daniel and Melissa Marangola, owners of property
3 located at 76 Lynnwood Drive, for an Area Variance from Section
4 205-2 to allow a garage addition to extend 4 ft. 2 in. into the
5 10.5 ft. side setback required by code. All as described on
6 application and plans on file.

7 Motion made by Ms. Baker Leit to approve
8 Application 8A-01-16.

9 FINDINGS OF FACT:

- 10 1. While the variance allowing an addition to extend four feet
11 and two inches into a 10.5 foot side setback is substantial,
12 this 525 square foot addition is the minimum variance necessary
13 to accommodate the family's needs for a two-car garage.
- 14 2. There will be no substantial change to the character of the
15 neighborhood nor any detriment to the surrounding properties
16 since at least four other neighboring homes have upgraded to
17 two-car garages.
- 18 3. There was no other alternative that would alleviate the
19 difficulty of adequate parking and produce the desired result.
- 20 4. The alleged hardship was not self-created by the applicant
21 because the single-car garage was preexisting and was built in
22 1955 when many families only had one car.
- 23 5. The health, safety, and welfare of the community will not be
24 adversely affected by the variance.

25 CONDITIONS:

- 1 1. This variance will only apply as to the structure described
- 2 in the application and testimony given.
- 3 2. The existing driveway will not be expanded.
- 4 3. The siding will match the rest of the home.
- 5 4. All necessary Architectural Review Board and building
- 6 permits shall be obtained.

7 (Seconded by Ms. Tompkins Wright.)

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

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

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1 Application 8A-02-16. Application of Chuck Smith, architect,
2 and Ira and Rhonda Korn, owners of property located at 32
3 Monterey Parkway, for 1) an Area Variance from Section 205-2 to
4 allow a garage addition to extend 9.25 ft. into the 40 ft. rear
5 setback required by code; and 2) an Area Variance from Section
6 207-10E(3) to allow rear yard pavement coverage to be 67% in
7 lieu of the maximum 35% allowed by code. All as described on
8 application and plans on file.

9 Motion made by Ms. Corrado to approve
10 Application 8A-02-16.

11 FINDINGS OF FACT:

- 12 1. The requested variances are the minimum variances possible.
- 13 2. No other alternative can alleviate the difficulty and
14 produce the desired result, namely, an attractive attached
15 two-car garage with the appropriately shaped and scaled driveway
16 access on a corner lot.
- 17 3. No unacceptable change in the character of the neighborhood
18 and no substantial detriment to nearby properties is expected to
19 result in the approval of these variances as the proposed garage
20 addition will be in character with the existing home and other
21 homes in the neighborhood.
- 22 4. The alleged hardship was not self-created by the applicant.
- 23 5. The health, safety, and welfare of the community will not be
24 adversely affected.

25 CONDITIONS:

1 1. This variance will apply only to the structure and paving
2 that were described in the application and testimony given. In
3 particular, it will not apply to further additions considered in
4 the future that are not included in the present application.

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

7 (Seconded by Ms. Baker Leit.)

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

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

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1 Application 8A-03-16. Application of Chris Costanza, architect,
2 and Craig and Beth Gamble, owners of property located at 167
3 Commonwealth Road, for an Area Variance from Section 205-2 to
4 allow a screened porch to extend 7 ft. into the 40 ft. rear
5 setback required by code. All as described on application and
6 plans on file.

7 Motion made by Ms. Dale to approve

8 Application 8A-03-16.

9 FINDINGS OF FACT:

10 1. Several different design options were explored regarding the
11 size and the location of the porch, and it was determined that
12 the plans submitted are the most functional and esthetically
13 pleasing option to the applicant.

14 2. The proposed screened porch is directly behind the house and
15 garage and will not be visible from the street, and the porch is
16 also shielded from the side and rear neighbors by dense
17 vegetation.

18 3. The requested variance will not have a detrimental effect to
19 surrounding properties or a substantial or undesirable change to
20 the character of the neighborhood as many homes in the
21 neighborhood and in Brighton have screened-in porches.

22 4. The requested variance to extend 7 feet into the rear
23 setback is not substantial, and it is the minimum required to
24 create usable space and adequate circulation around the
25 furniture. The situation resulting in a variance request cannot

1 be solved in another manner not requiring a variance. The
2 design also maintains maximum usable grass area of the yard.

3 CONDITIONS:

4 1. The variance is granted only to the plans submitted and the
5 testimony given.

6 2. Any necessary building permits shall be obtained.

7 (Seconded by Ms. Corrado.)

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

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

10 Mr. Mietz, yes.)

11 (Open roll call, motion to approve

12 with conditions carries.)

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1 Application 8A-04-16. Application of Jewish Senior Life, owner
2 of property located at 2021 Winton Road South, for modification
3 of approved area variances (11A-06-15) from Sections 203-30A(1),
4 203-2.1B(2), and 207-6A allowing for a 2,668 +/- sf
5 storage/generator building at a height of 22.25 ft. (2,560 +/-
6 sf at a height of 19.5 ft. As originally approved) and a 531 +/-
7 sf generator building at a height of 22.25 ft. (405 +/- sf at a
8 height of 18 ft. as originally approved) where a maximum 250 sf
9 accessory building at a maximum height of 16 ft. is allowed by
10 code. All as described on application and plans on file.

11 Motion made by Mr. Mietz to approve

12 Application 8A-04-16.

13 FINDINGS OF FACT:

- 14 1. Due to the actual size and requirements of the specific
15 generators which will be used for the site, the clearances have
16 changed necessitating larger structures.
- 17 2. The proposed changes from the 405 square feet and 18 feet
18 to 531 square feet at 22.25 feet and 2560 square feet at 19.5
19 feet to 2668 and 22.5 square feet are not substantial, and they
20 are the minimum relief necessary to meet the needs of the
21 applicant to operate this equipment.
- 22 3. Having the building heights at the same height will create a
23 uniform appearance for the sight line of the structures.
- 24 4. No negative affect on the character of the neighborhood is
25 likely to result from this variance, and it is in keeping with

1 the architectural style of the project.

2 CONDITIONS:

3 1. The approval of this variance applies only to the two
4 accessory structures, and the testimony given, and plans
5 submitted as to their location on the site.

6 2. All necessary permits shall be obtained.

7 (Seconded by Ms. Tompkins Wright.)

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

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

10 Mr. Mietz, yes.)

11 (Open roll call, motion to approve with

12 conditions carries.)

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1 Application 8A-05-16. Application of Alice Kanack, owner of
2 property located at 2077 South Clinton Avenue, for Area
3 Variances from Section 205-6 to allow a building addition to 1)
4 extend 25 ft. into the 50 ft. front setback required by code,
5 and 2) extend 17 ft. Into the 30 ft. Side setback required by
6 code. All as described on application and plan on file.

7 Motion made by Ms. Tompkins Wright to table and
8 leave the public hearing open on
9 Application 8A-05-16.

10 Applicant to submit the following items:

- 11 1. A depiction of the south facing elevation after the proposed
12 expansion.
- 13 2. Landscaping plan along Haven's Road.
- 14 3. A corrected site plan to encompass the green room
15 addition.

16 (Seconded by Ms. Baker Leit.)

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

20 (Open roll call, motion to table and leave
21 the public hearing open carries.)

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1 Application 8A-06-16. 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 a school soccer program to
5 practice and play games on said property for the time period of
6 August 22, 2016, thru October 28, 2016 and August 21, 2017, thru
7 October 27, 2017. All as described on application and plans on
8 file.

9 Motion made by Ms. Baker Leit to approve
10 Application 8A-06-16.

11 FINDINGS OF FACT:

- 12 1. Faith Temple seeks a temporary revocable use permit to allow
13 use of vacant land as a soccer field only for its affiliate
14 Destiny Christian School for its games against other schools in
15 its league.
- 16 2. The requested period of time from August 22nd, 2016, to
17 October 28, 2016, is the minimum time necessary for reasonable
18 use of the land for the soccer season.
- 19 3. There will be no substantial change in the character of the
20 neighborhood as other nearby locations have soccer fields
21 including Buckland Park and the Brighton Recreation Center.
- 22 4. There will be no negative impact on the health, safety, and
23 welfare of the community, and no detrimental effect of the
24 neighborhood because of the limited hours.

25 CONDITIONS:

- 1 1. This temporary and revocable use permit will only apply for
- 2 the period of time from August 22nd, 2016, to October 28, 2016.
- 3 2. No on-street parking shall be allowed.
- 4 3. All trash shall be removed daily from the site.
- 5 4. The use of the fields shall be limited from 3:00 p.m. to
- 6 6:00 p.m. Monday through Friday only.
- 7 5. The field shall only be used by the Destiny Christian
- 8 School's modified soccer team for practices and games.
- 9 6. Improvements to the site shall be limited to those as per
- 10 application and testimony given.

11 (Seconded by Ms. Tompkins Wright.)

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

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

14 Mr. Mietz, yes.)

15 (Open roll call, motion to approve

16 with conditions carries.)

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1 Application 8A-07-16. Application of Jewish Home and Infirmary
2 of Rochester, Inc., owner of property located at 2021 Winton
3 Road South, for a Temporary and Revocable Use Permit pursuant to
4 Section 219-4 to allow for a series of directional and
5 informational signs to be placed on site for a two year period.
6 All as described on application and plans on file.

7 Motion made by Ms. Corrado to approve
8 Application 8A-07-16.

9 FINDINGS OF FACT:

- 10 1. The applicant requests temporary directional signage for the
11 duration of a major construction project to insure sufficient
12 delivery of nursing supplies and food to take care of frail and
13 elderly residents in the complex.
- 14 2. No unacceptable change in the character of the neighborhood
15 and no substantial detriment to nearby properties is expected to
16 result from the approval of this request.
- 17 3. The health, safety, and welfare of the community will not be
18 adversely affected by the approval of the temporary use
19 requested. In fact, the signage will assist in providing steady
20 unbroken delivery supply chain for the residents of the Jewish
21 Home and insure their safety during this project.

22 CONDITIONS:

- 23 1. The use approved in this variance is only for the signs that
24 are described in the application submitted and testified to
25 during the meeting.

1 2. The signs shall not be illuminated.

2 3. This temporary use permit expires on August 3rd, 2018, or
3 when construction on-site concludes whichever occurs first.

4 (Seconded by Ms. Baker Leit.)

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

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

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

8 (Open roll call, motion to approve

9 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