

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

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November 2, 2016  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN  
CHRISTINE CORRADO  
ANDREA TOMPKINS WRIGHT  
CANDICE BAKER LEIT, ESQ.  
MICHAEL JONES

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DISTEFANO  
Secretary

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

1           CHAIRPERSON MIETZ: Rick, I would like to call to  
2 order the November session of the Brighton Zoning Board of  
3 Appeals. Rick, was the meeting properly advertised?

4           MR. DI STEFANO: Yes, it was advertised in the  
5 Brighton-Pittsford Post of October 27, 2016.

6           CHAIRPERSON MIETZ: Okay. Call the roll, please.

7           MR. DI STEFANO: Please let the record show Ms.  
8 Schwartz and Ms. Dale are not present.

9           CHAIRPERSON MIETZ: Okay. So Rick, when you're  
10 ready, go ahead and read the first application.

11 Application 11A-01-16. Application of Mitchell Design Build,  
12 agent, and Linden Knoll, Inc., owner of property located at 81  
13 Linden Avenue, for a Sign Variance from Section 207-32B to allow  
14 for tagline signage to be included on a business identification  
15 sign where not allowed by code. All as described on application  
16 and plans on file.

17           CHAIRPERSON MIETZ: Good evening.

18           MR. READ: Good evening, ladies and gentlemen. My  
19 name is Spencer Read. I am with Mitchell Design Build.  
20 Also here tonight is Jim Ingle from the Friendly Home and  
21 from Linden Knoll. I think, as Mr. DiStefano said, it's a  
22 fairly straightforward case. There is an existing canopy on  
23 the, sort of, north or northeast side of the building that  
24 primarily faces the parking lot and the 490. And there is a  
25 kind of a rejuvenation project going on to freshen up the

1 look of the main entrance of the building. And as part of  
2 that, they have requested that we install new logo signage,  
3 building name signage, and also they were looking for their  
4 tagline to be part of the sign to, kind of, help reinforce  
5 their motto and their, kind of, driving force there. So the  
6 combined signage that we are proposing is just under 30  
7 square foot of signage. The allowable signage is 150 square  
8 feet. That's what it gets capped at for this building. The  
9 formula allows for much more, but it's capped at 150. The  
10 proposed signs, the logo and the Linden Knoll wording would  
11 be internally lit channel letters, and the tag line sign  
12 would be non-illuminated channel letters.

13 The signage really cannot be seen from anywhere on  
14 the property other than the parking lot -- the tenant's  
15 parking lot and conceivably from a slight glance on the 490  
16 possibly when the trees are deleafed. So it's a pretty  
17 invisible canopy. Okay. Anything you want to add, Jim?

18 MR. INGLE: No, that about covers it.

19 CHAIRPERSON MIETZ: Okay. Are there any other  
20 plans? This is the extent of the renovation? There is  
21 nothing coming up that would be moving any signage any  
22 direction at all that you can contemplate? I know we're not  
23 asking you to sign in blood forever, but you know.

24 MR. INGLE: I actually don't foresee anything. The  
25 signage on the street is pretty new. This is probably going

1 to be the extent for a while.

2 CHAIRPERSON MIETZ: Okay. Can you give your name  
3 since you just spoke?

4 MR. INGLE: Yes, my name is James Ingle. And I am  
5 with Friendly Senior Living.

6 MS. CORRADO: So the visitors to the building  
7 typically are residents, guests of the residents,  
8 perspective residents?

9 MR. INGLE: There's guests, and there are a lot of  
10 aides that come in because it's a senior community. So we  
11 have a pretty consistent traffic flow Monday through Friday.

12 MS. CORRADO: And the signage stating that it's a  
13 Friendly Living Community, is that essential to knowing  
14 where they're going?

15 MR. INGLE: No.

16 MS. CORRADO: Does it make a difference in terms of  
17 finding the right place?

18 MR. INGLE: No, it doesn't. We're trying to  
19 promote our brand. Our brand is Friendly Senior Living. So  
20 for those of you who aren't familiar, it's the Friendly  
21 Home, Linden Knoll, and Cloverwood. And the other part of  
22 it is, if you look at what we have there, we're trying to  
23 spruce up the front of the building. It was pretty rough.

24 MS. CORRADO: Yes.

25 MR. READ: A little institutional previously.

1 MS. TOMPKINS WRIGHT: So that's the tagline for all  
2 three of those homes?

3 MR. INGLE: That's the logo, yes.

4 MS. TOMPKINS WRIGHT: But I mean Friendly Senior  
5 Living Community, is that the same tagline for Friendly Home  
6 and Cloverwood?

7 MR. INGLE: Cloverwood, yes.

8 CHAIRPERSON MIETZ: Okay. Any other questions?  
9 Thank you, gentlemen.

10 MR. INGLE: Thank you.

11 MR. READ: Thank you.

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

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1 Application 11A-02-16. Application of Shlomo and Mindi Noble,  
2 owners of property located at 31 Sylvan Road, for an Area  
3 Variance from Section 207-10E(5) to allow a driveway expansion  
4 to be 3 ft. 2 in. from a side lot line in lieu of the minimum 4  
5 ft. required by code. All as described on application and plans  
6 on file.

7 CHAIRPERSON MIETZ: Good evening.

8 MR. NOBLE: Good evening. I'm Shlomo Noble. This  
9 is my wife Mindi Noble. We're here to ask you to allow us  
10 to expand our driveway. We made a mistake, a terrible  
11 mistake, and it actually has been done for those of you that  
12 have drove by. The design was wrong. We didn't realize  
13 that the design was eight inches over where we were allowed  
14 to go, but that's really irrelevant because we could have  
15 come anyway to ask. In order to make it fit in properly to  
16 the scenery and the other areas, the design was very  
17 specific. We did a lot of work in the front. I don't know  
18 if people went through.

19 CHAIRPERSON MIETZ: Yes.

20 MR. NOBLE: To make everything match, we really  
21 needed that side of the driveway. We couldn't go towards  
22 the house anymore because then we would have been in the  
23 front of the house which I don't think you're supposed to do  
24 either. So we had to go a little bit over. Now in that  
25 neighborhood, there are driveways that actually cross the

1 line. In fact, our neighbor who is on the line, by the way  
2 over the line, but it looks like it's not because when we  
3 did our fence, we followed the rules. So it's actually  
4 back. The neighbors across the street or all our adjoining  
5 neighbors are less than the four feet.

6 We think it looks great. We put a lot of money  
7 into the front of the house. Again, it wasn't just that.  
8 We replaced the pavement. We put that wall up. And we  
9 think it looks really good. And it fits in really well to  
10 the -- to the, you know, all of the other houses. Maybe it  
11 looks better, maybe not. But really, it's only eight inches  
12 off. That's the difference. It's 3.2 -- not 3.2 -- 3 feet  
13 2 inches from the line. Again, it's deceiving because our  
14 neighbor actually built on the line. But that's not -- that  
15 was obviously preexisting. So I think that's it.

16 CHAIRPERSON MIETZ: Okay. Just a quick question, I  
17 mean, so tonight's a good barometer of it with the nice  
18 little rain burst that we had, is the driveway draining  
19 towards your property and not draining off onto their  
20 property?

21 MR. NOBLE: It's not draining at all onto their  
22 property. As a matter of fact, the buffer -- okay. So when  
23 we did the driveway, we left the channel there. The water  
24 does not go anywhere near them. It actually drains back  
25 towards and then on the side of our own property.

1                   CHAIRPERSON MIETZ: Perfect. That's what we're  
2 looking for. Great. Any other questions?

3                   MR. NOBLE: I would add that we are planning to do  
4 a garage on the back which is part of it. That will be  
5 phase two. We won't need a variance for that, but it's part  
6 of the, you know, it all fits in really well. It will be a  
7 big problem if we have to change the design at this point.

8                   CHAIRPERSON MIETZ: Just make sure when you pull  
9 your building permits that you get that thing placed on the  
10 survey properly and pinned right so that you don't have a  
11 problem with where the building is and the overhang of the  
12 garage.

13                  MR. NOBLE: So actually, the architect asked us to  
14 get a new survey which is why we are delayed. And we're  
15 going to get a modern survey.

16                  CHAIRPERSON MIETZ: Okay.

17                  MR. NOBLE: And I think we're done.

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

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1 Application 11A-03-16. Application of New Monroe Real Estate,  
2 LLC, owner of property located at 825 White Spruce Blvd., for an  
3 Area Variance from Section 207-6B(1) to allow an accessory  
4 structure (walk-in freezer) to be located in a front yard in  
5 lieu of a rear yard as required by code. All as described on  
6 application and plans on file.

7 CHAIRPERSON MIETZ: Good evening.

8 MR. WIHLEN: Good evening. My name is Terry  
9 Wihlen. I'm the facilities coordinator for Monroe  
10 Veterinary Associates. We have 14 animal hospitals. We are  
11 growing more and more, especially our emergency services for  
12 pet care and everything else. We are requesting to put in a  
13 freezer because of the need for more product and supplies.  
14 We have three couriers right now that travel from there to  
15 the different hospitals. And it will make it an easier  
16 access for them to get the items out and take them. So as  
17 Rick did say, it is -- because our building faces three  
18 roads right now, we cannot have any structures on those.  
19 We'd have to have that in the back of the property. Well,  
20 the back of the property is unsuitable for it because it  
21 slopes down into where our storm drains are and everything  
22 else. And it was a green area which was required when we  
23 put that addition on.

24 CHAIRPERSON MIETZ: Right.

25 MS. TOMPKINS WRIGHT: Is there even a rear yard

1 that's surrounded by -- oh, there is that's surrounded --

2 MR. DI STEFANO: Yeah, the rear yard would actually  
3 be -- I think you have a little pet walking area.

4 MR. WIHLEN: Dog run, yes. Yes.

5 MR. DI STEFANO: Yeah, on the north side of the  
6 building.

7 MS. TOMPKINS WRIGHT: I just wasn't sure if that  
8 was considered a side yard.

9 MR. DI STEFANO: No. Because it has basically  
10 three front yards, there has to be a rear yard. There  
11 doesn't have to be a side yard.

12 MS. TOMPKINS WRIGHT: Got it. Are you planning any  
13 -- will the exterior match the photo that's in the  
14 application just the white or gray?

15 MR. WIHLEN: Yes. Correct.

16 MS. TOMPKINS WRIGHT: Any screening planned?

17 MR. WIHLEN: That could be up to you to review. If  
18 you want, you know, like a stockade fence along the side and  
19 back of it, that's a possibility we can do also.

20 MR. DI STEFANO: Can these units -- the problem  
21 with the fencing is that it's going to require a variance  
22 also because it's going to be too high in the front yard.

23 MR. WIHLEN: Okay.

24 MR. DI STEFANO: So screening would be good, but  
25 can you paint these structures?

1 MR. WIHLEN: Oh, yes. I can paint it the same as  
2 the brick color of the building.

3 MR. DI STEFANO: I don't know if the Board would go  
4 there, but that's --

5 CHAIRPERSON MIETZ: That would be good. I think  
6 putting a fence there will cause more attention because it  
7 would have to be so tall, three feet or something different.

8 MS. TOMPKINS WRIGHT: And just so -- I think it's  
9 in your application. Just so it's in the record, the  
10 freezer needs to be put in a place that's easy access to the  
11 building, and also where deliveries come regularly. And  
12 this is really the only place --

13 MR. WIHLEN: Correct. As you can see, there is the  
14 driveway that goes up. And that's our entrance for  
15 receiving or shipping out items also.

16 MS. TOMPKINS WRIGHT: And the main entrance is --  
17 the entrance into the building is along East Henrietta Road?

18 MR. WIHLEN: Correct, but the actual address is 825  
19 White Spruce.

20 MS. TOMPKINS WRIGHT: Right. But when customers  
21 come in, what they see for the front of the building would  
22 be the East Henrietta Road?

23 MR. WIHLEN: Yes.

24 MS. TOMPKINS WRIGHT: Okay.

25 MR. DI STEFANO: Can you just estimate the distance

1 of the freezer from the street of White Spruce?

2 MR. WIHLEN: By the drawing, depending on what --  
3 if you are talking about our main entrance, it's probably --

4 MR. DI STEFANO: No. The freezer from White Spruce  
5 Boulevard, just the distance it is set back off of the road,  
6 50, 100 feet, 75 feet?

7 MR. WIHLEN: Probably, it looks like probably  
8 140 feet or more. I'm going by the cars that are parked  
9 right there as 20 feet a piece.

10 CHAIRPERSON MIETZ: Yeah, it's probably all of  
11 about 100 plus feet.

12 MR. DI STEFANO: So you would say around 100 feet?

13 MR. WIHLEN: I would say at least 160.

14 CHAIRPERSON MIETZ: Yeah, at least 100.

15 MR. DI STEFANO: Okay. Thank you.

16 CHAIRPERSON MIETZ: Okay. Any other questions?

17 Thank you very much.

18 MR. WIHLEN: Thank you.

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

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1 Application 11A-04-16. Application of Phyllis Masters, owner of  
2 property located at 75 Lafayette Parkway, for an Area Variance  
3 from Sections 203-2.1B(8) and 203.9A(4) to allow a standby  
4 emergency generator to be located in a front yard in lieu of the  
5 rear yard, behind the house, as required by code. All as  
6 described on application and plans on file.

7 MR. PSCHIERER: Good evening. My name is Dave  
8 Pschierer from Integrated Power, and I am the generator  
9 installer for Ms. Masters. We're proposing to install an  
10 11kW Generac Home Standby Generator with a partial house  
11 transfer switch for power emergency circuits during power  
12 outages. Mr. DiStefano was very diligent in helping us try  
13 to find a location on the property, because it is a corner  
14 lot, to put it. And there is, by code, really no good place  
15 to put it in what's technically the backyard. So we've come  
16 up with a plan to put it on the north side of the house,  
17 which is technically the front yard, but it's actually the  
18 side of the house. Ms. Masters has a garden in place right  
19 now with a bunch of landscaping in front of it. The plan is  
20 to put the generator in the existing garden and extend the  
21 bed out around the garden. At which point she will plant  
22 hydrangeas so the generator will not be visible by the road.

23 The only other option that was presented to us as a  
24 potential location was in the rear of the house near what is  
25 marked "patio." The problem is there is a steep incline

1 with a lot of drainage that goes there. You'd actually have  
2 to dig into the hill to make that happen. And we are  
3 worried about it affecting the water running back towards  
4 the house.

5 We actually do have a picture here done by Ms.  
6 Masters' landscaper which actually shows where on the side  
7 of the house we are looking to place the generator. And  
8 this would be the hydrangeas. So this would be the roadside  
9 view. You wouldn't see the generator at all.

10 CHAIRPERSON MIETZ: And that won't affect the  
11 operation?

12 MR. PSCHIERER: No, it won't affect the operation.  
13 We will keep an 18 to a 24 inch barrier around the generator  
14 on the inside so air flow will not be affected.

15 MR. DI STEFANO: Dave, just a little clarification,  
16 you said earlier the north side of the house, do you mean  
17 the south side?

18 MR. PSCHIERER: South side, I am sorry. Yes.

19 MR. DI STEFANO: Okay.

20 CHAIRPERSON MIETZ: As far as the generator itself  
21 goes, what is the decibel rating on that?

22 MR. PSCHIERER: Decibel rating at normal operating  
23 and full load is 63 decibels. So it's about half of what a  
24 lawn mower is.

25 CHAIRPERSON MIETZ: Within the code. Okay. All

1 right. Any other questions?

2 MR. JONES: I have a question. You said that it  
3 could be placed in the back of the house?

4 MR. PSCHIERER: I don't think it can be placed in  
5 the back of the house. That was only presented to us as a  
6 possible option to bringing it to the Board. The problem is  
7 from the back corner of the house to the patio, you are  
8 looking at about a 45-degree pitch. And in order for us to  
9 set that generator level, we are going to have to dig out  
10 quite a bit of that hill to do it.

11 MR. JONES: There is some other piece of equipment  
12 up there.

13 MR. PSCHIERER: It's right up against the house on  
14 the corner?

15 MR. JONES: Yes.

16 MR. PSCHIERER: That's an air conditioner for the  
17 house. With our generators, by state building code, we have  
18 to be a minimum of five feet off of the structure, whereas  
19 air conditioners can be six inches. So that's why the grade  
20 is much more detrimental to what we need to do.

21 CHAIRPERSON MIETZ: Okay. Thank you very much.

22 MR. PSCHIERER: Thank you.

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

1 Application 11A-05-16. Application of Dr. Hossein Hadian/2717  
2 Monroe Ave, LLC, owner of property located at 2717 Monroe  
3 Avenue, for an Area Variance from Section 205-7 to allow  
4 impervious coverage, after redevelopment of the site, to be 70%  
5 in lieu of the maximum 65% allowed by code. All as described on  
6 application and plans on file.

7  
8 Application 11A-06-16. Application of Dr. Hossein Hadian/2717  
9 Monroe Ave, LLC, owner of property located at 2717 Monroe  
10 Avenue, for Area Variances from Section 205-18B to 1) allow  
11 parking/pavement to be within 12 ft. of the front lot line in  
12 lieu of the minimum 20 ft. required by code, and 2) allow  
13 pavement up to the rear lot line where a 10 ft. setback is  
14 required by code. All as described on application and plans on  
15 file.

16 MR. SUDOL: Thank you very much and good evening.  
17 My name is Jeff Sudol from Passero Associates. We are the  
18 civil engineers representing 2717 Monroe Avenue, LLC, who is  
19 the landowner and ultimately the landlord, hopefully, for a  
20 proposed City Mattress. With me here this evening is Walter  
21 Herman, who is from City Mattress, in the back there, and  
22 also Scott Newby, who is from Kieffer Signs, who will be  
23 much more applicable to the following application, as well  
24 as Tim Harris, who is the project engineer for Passero  
25 Associates.

1           Just very quickly, this is a redevelopment of the  
2 existing Friendly's site which I am sure you are all very  
3 well aware of. One of the good things about the  
4 redevelopment project is it gives us the opportunity to  
5 really improve the site. Currently, it's kind of a  
6 wasteland of pavement, and no landscaping, and really is one  
7 of the staples or the entrance to the corridor once you get  
8 past 590 as you come into the end of Brighton and eventually  
9 into Pittsford.

10           Currently the lot coverage -- let me back up here  
11 -- in the existing site, if you can see it, is actually 78  
12 percent. So as I was mentioning earlier, really that entire  
13 back wedge is completely paved. So as part of that  
14 proposal, we are actually proposing to reduce the lot  
15 coverage from 78 percent down to 70 percent. So we are  
16 improving it by 8 percent. But we are still required to get  
17 the variance because the maximum allowed is 65. We really  
18 -- we do need the 70 percent in order to provide the  
19 required parking. Again, there is a drastic reduction of  
20 parking from the Friendly's store to what's proposed there  
21 today. We've also, actually, proposed some land bank  
22 parking which would have further reduced that percentage.  
23 But because of the land bank, you have to be able to build  
24 it in the future, we still count it into the 70 percent.  
25 Assuming we never do build the land bank, which we don't

1 think we would have to, that number is actually closer to 67  
2 or 68 percent. So we think we're really offering a great  
3 improvement to the site, just not all the way down to the 65  
4 percent because that's not quite feasible to us.

5 In terms of the parking setback, there are two  
6 areas where that comes into play. The first is along the  
7 frontage where we propose to maintain the exact same  
8 pavement edge that's there today. We're not moving any  
9 closer to the right-of-way. And quite frankly, the only  
10 reason why we even require a variance to the parking is  
11 because right where our parcel is the right-of-way actually  
12 gets wider. I mean, it actually juts right here, and it  
13 actually makes our frontage a little narrower and closer to  
14 our building just for this small area. Because what you are  
15 starting to see there is the development of the larger DOT  
16 right-of-way associated with the 590 off-ramp. So if that  
17 actual line just stayed where it normally would right along  
18 the right-of-way, we wouldn't need a variance there. Again,  
19 we are not making anything any worse than it is today. We  
20 are actually improving it because of the space between the  
21 existing pavement edge and the property line -- or the curb  
22 line will actually now be improved with storm water  
23 management. Storm water management these days is actually  
24 fairly decorative with landscaping. So that's another  
25 improvement.

1           The last piece of it is way back here. We are  
2           proposing to extend our pavement to the back property line.  
3           The reason why we are doing that is we were made aware as we  
4           were going through this process, as part of the Whole Foods  
5           project, one of the things that that applicant is  
6           considering is an access management plan as an amenity along  
7           the entire southern end of Monroe Avenue where, eventually,  
8           they could develop a roadway which could eventually funnel  
9           people to a new traffic light. That really has absolutely  
10          nothing to do with us, but we were basically asked to say,  
11          "hey, look if this happens, you guys will have the  
12          opportunity to take advantage of it. So why don't you  
13          extend your pavement here so that we can connect to it if it  
14          ever happens." So that's all we're doing is just simply  
15          extending that pavement so that we're not closing the door  
16          on any of those improvements that might be constructed at a  
17          later date. So those are really the three elements of the  
18          first two variance requests.

19                 CHAIRPERSON MIETZ: Can you -- just for the record,  
20                 do you know the square footage of the existing Friendly's  
21                 building and what's being constructed there?

22                 MR. SUDOL: Not exactly.

23                 CHAIRPERSON MIETZ: Roughly?

24                 MR. SUDOL: I believe it's 6,000. We are going to  
25                 9,550.

1           CHAIRPERSON MIETZ: And how -- I understand what  
2 the code says on parking. Obviously, this tenant has  
3 numerous other locations. So how does their real thought  
4 process of what the parking requirement really is kind of  
5 lined up with what the code says?

6           MR. SUDOL: Well, on Saturday I went to every  
7 mattress store in Monroe County and didn't see a single  
8 person anywhere. So we realized that we didn't have a whole  
9 lot of parking requirements. So we're actually looking to  
10 provide the code minimum. And then even further than that,  
11 we were able to land bank them. So there are certain  
12 mattress stores -- you know, usually there's three, four  
13 employees. Maybe you get five or six cars when it's busy.  
14 But there are the days when they have their big specials and  
15 they actually do get between a dozen and 18 people plus the  
16 employees. That's kind of why we have that demand.

17           CHAIRPERSON MIETZ: Okay. Understood. Very good.  
18 Does everyone understand? Rick, do you have any comment  
19 about this extension? Is that something that the town in  
20 that area is supporting as far as a potential?

21           MR. DI STEFANO: Yeah, I think whenever you get a  
22 chance for interconnection you certainly hope that the  
23 properties that have the opportunity to use that  
24 interconnection do take that opportunity to connect. I  
25 think in this case, again, whether or not that ever happens,

1 that is a big question mark.

2 CHAIRPERSON MIETZ: Sure.

3 MR. DI STEFANO: But there is the opportunity, I  
4 think, if it doesn't happen, there is quite a bit of green  
5 space behind this building. And I think that kind of  
6 becomes a snow storage area for them.

7 CHAIRPERSON MIETZ: Right.

8 MR. DI STEFANO: And I don't think it has any  
9 impact on neighboring properties because it is backed right  
10 up to the New York State DOT property.

11 CHAIRPERSON MIETZ: Right.

12 MR. DI STEFANO: So in this case, I would think  
13 there's minimal impact.

14 MS. CORRADO: And to be clear too, no trees would  
15 be removed? You are, in fact, expanding the green space and  
16 all of the existing plantings will stay intact?

17 MR. SUDOL: Absolutely. Correct. There is a large  
18 row of evergreens -- it might even be hemlocks -- that you  
19 see when you are coming down 590 or Monroe, but those  
20 actually are not on our property so those will remain.

21 CHAIRPERSON MIETZ: Okay. Any other questions  
22 about either of these two applications? Rick, do you want  
23 to connect to the other one?

24 MR. DI STEFANO: Yes, I will read the next one.

25

1 Application 11A-07-16. Application of Dr. Hossein Hadian/2717  
2 Monroe Ave, LLC, owner of property located at 2717 Monroe  
3 Avenue, for Sign Variances from Section 207-32B to allow  
4 business identification signs on all four building sides, each  
5 sign in excess of 150 sf, where business identification signage,  
6 no greater than 150 sf, on only one building face is allowed by  
7 code. All as described on application and plans on file.

8 MR. SUDOL: All right. Again, Jeff from Passero  
9 Associates and Scott Newby from Kieffer Signs is with me  
10 here on this application. Just to tell you a little bit of  
11 how we got to where we are here. We knew that we were going  
12 to have these other variances. And we said, you know what?  
13 You know, we're going to have to deal with signs as well.  
14 Let's go ahead and put in the signage application. And one  
15 of the things that is standard for City Mattress, for them,  
16 is to have signage on all four sides of the building. So we  
17 said, you know, the code only says one side of the building,  
18 but, you know, there is some hardship associated with that  
19 lot. Let's go ahead and put the application in and at least  
20 start the conversation with this Board in terms of what the  
21 signage may ultimately look like. Unlike things like lot  
22 coverage and pavement setbacks, the final location and size  
23 of the signage doesn't necessarily impact our construction  
24 schedule which we are moving on very rapidly. I'm only  
25 putting that out there because if for some reason we cannot

1       come to an agreement tonight, there is time for us to  
2       continue the dialogue. With that said, I'm kind of leading  
3       up to, we realized that asking for signage on four sides of  
4       the building is a big asking. Since then, we've had  
5       opportunities to take a closer look at the corridor, and the  
6       rest of the town, and speak to other members of the town.  
7       So we kind of realized -- or we do realize that this Board  
8       is not necessarily in a position, or most likely not going  
9       to give us four signs. So let's get that out of the way.

10               But what I do want to talk about is a hardship, or  
11       not a hardship, but the reason why we feel that it is  
12       appropriate to have signage, obviously, on Monroe Avenue.  
13       But also why we feel it's appropriate to have signage over  
14       in this area. The reason for that is as you travel  
15       northbound on 590 and you start to get off the off-ramp, you  
16       can very clearly see that building. Now one of the nice  
17       things about this particular use is -- do you know what a  
18       lot of people do with the backs of their buildings? They  
19       put loading docks back there. They put trash enclosures.  
20       And they put all kinds of ugly stuff that, you know, you  
21       don't typically want to see. That's a lot of what you end  
22       up seeing on the backs of these buildings when you drive up  
23       and down on 590 whether it's in Brighton or anywhere else.  
24       We are actually going to have a similar facade in the back.  
25       This is actually the north facade facing north, and this is

1 Monroe Avenue. So we're actually proposing them to be very  
2 similar. So it's actually going to be -- and it's not cheap  
3 to do this, actually dress all sides of your building. But  
4 with that, we want people to realize that that's where the  
5 store is located. And for those of you that know, I'm sure  
6 you travel it all the time, it's not necessarily the  
7 greatest place for traffic. But as you are coming along,  
8 it's very much a sweeping right-hand turn as you are  
9 travelling northbound. So there is no signage here. And  
10 we're trying to figure out where City Mattress is. And we  
11 haven't been here before because it's not a place you go  
12 every day. You go once every 10 years. You are getting off  
13 the ramp. You're going around 590. And the light is green  
14 which is great. You start accelerating. By the time you  
15 see the store, you are almost at the curb cut. The problem  
16 with that is because this is a very highly traveled road, is  
17 we really don't want people to be in a position where they  
18 are stopping or braking right in the middle of this, you  
19 know, highly sensitive area. We feel that it's, you know,  
20 the benefit of people saying, "Okay. There is City  
21 Mattress. I know that once I make this turn I have to get  
22 ready to turn right again." That far outweighs the  
23 possibility of the other being potential congestion issues  
24 at the driveway. So we are kind of, actually, almost  
25 bordered by roadways on three sides of this building as

1           opposed to most properties on Monroe Avenue corridor which  
2           are just a single face.  Some buildings have two signs on  
3           Monroe Avenue and -- well, whatever, it is what it is.  But  
4           that's really the thought process and why we felt it was  
5           important to get that recognition there.  And then Scott, I  
6           don't know if you want to --

7                       MR. NEWBY:  I just want to add --

8                       CHAIRPERSON MIETZ:  Just your name.

9                       MR. NEWBY:  My name is Scott Newby.  I'm with  
10           Kieffer Signs.  One thing I want to add to what Jeff was  
11           just saying, on my way -- and I flew in from Indianapolis  
12           today.  Never been to Brighton, New York in my life.  My  
13           first time here.  Nice to meet you fine folks.  But I will  
14           say this, using a GPS coming from the airport, I know that  
15           I'm in range of the site.  The issue is because there is no  
16           identification where that Friendly's is, I get off the exit.  
17           It says to make a right.  I'm already past it.  Now what I  
18           have to do at 5:00 to take some pictures of the site, I have  
19           to make a U-turn.  That U-turn was very difficult,  
20           especially, for someone who has never been here before.  
21           Which means that many folks that would be driving to the  
22           store to buy a mattress every eight years, or so they say,  
23           have not been to this before and using a GPS, would have the  
24           same struggle.  So all I'm saying is that when you consider  
25           additional signage for the site, please take into

1 consideration this letterset here, especially. So from a  
2 safety standpoint because using a GPS, that letterset there  
3 triggers the user to know that they are going to be turning  
4 in on time rather than going past. Because once you go  
5 past, you are forced to do a dangerous U-turn, in my  
6 opinion.

7 MR. SUDOL: Where did you turn around?

8 MR. NEWBY: I pulled into the bowling alley.

9 MR. SUDOL: Oh, well then you are lucky.

10 CHAIRPERSON MIETZ: Okay.

11 MS. TOMPKINS WRIGHT: So the two most valuable  
12 faces for the signage are the one from the south?

13 MR. SUDOL: Yes.

14 CHAIRPERSON MIETZ: North and the south?

15 MR. SUDOL: The north building wall and the south  
16 building wall, yeah.

17 CHAIRPERSON MIETZ: That's not really north and  
18 south.

19 MR. DI STEFANO: Let's just call those north and  
20 south for the time being.

21 CHAIRPERSON MIETZ: Okay.

22 MR. DI STEFANO: I just want to ask the question,  
23 and maybe I missed it, which side had the sign real low on  
24 it?

25 MR. SUDOL: That was the parking lot sign.

1 MR. DI STEFANO: That was the parking lot sign.  
2 Okay.

3 CHAIRPERSON MIETZ: Okay. All right.

4 MR. SUDOL: Or the east elevation.

5 CHAIRPERSON MIETZ: All right. So what are we  
6 trying to do?

7 MR. DI STEFANO: Well, I think we have to act on  
8 the application in front of us.

9 CHAIRPERSON MIETZ: I realize that.

10 MR. DI STEFANO: And if the applicant wants to come  
11 back with a modified application in the future, if we deny  
12 this application, it would have to be drastically different  
13 than what was proposed tonight. Maybe going from four signs  
14 down to two signs might be enough to bring this back to the  
15 Board.

16 CHAIRPERSON MIETZ: And also they may decide to  
17 change because of what --

18 MR. DI STEFANO: Well, there might be a number of  
19 reasons why to change, but I don't want us to --

20 CHAIRPERSON MIETZ: No, we can't --

21 MR. DI STEFANO: We can't go back and forth on what  
22 might be right or what might not be right. I think we have  
23 to act on what's in front of us.

24 MR. SUDOL: Now along those lines, obviously, we  
25 are going to hopefully be opening -- or we are going to be

1 opening a building next summer. So if this application were  
2 denied for the four signs, but then we came back for two  
3 signs and it was found that it wasn't substantially  
4 different enough even though it was different --

5 CHAIRPERSON MIETZ: All right.

6 MR. SUDOL: -- what's the Board's feel on that?

7 MR. DOLLINGER: If you go from four signs to two  
8 signs, that is a different application.

9 CHAIRPERSON MIETZ: Yeah, I think so.

10 MR. SUDOL: That's what I wanted to know.

11 CHAIRPERSON MIETZ: And you can hear the  
12 deliberations, too, if you would like to stay. You will  
13 understand the nature of it a little bit. But again, you  
14 know, if somebody came with another four signs that looked  
15 different, we would say that's pretty much the same.

16 MR. DI STEFANO: Yeah. If you came back and said  
17 four signs and they are 100 square feet and not 150 square  
18 feet, that is not really different. But going down 50  
19 percent difference in your application is enough to bring  
20 you back.

21 CHAIRPERSON MIETZ: Okay. And I think you should  
22 hear the benefit of the deliberation. It's going to give  
23 you plenty of ideas as to what we're thinking. I'm just  
24 curious though why -- as long as we're discussing it -- that  
25 rear or the south, I guess, elevation, why you feel that one

1 is that valuable as it relates to cars coming down that  
2 ramp? I understand the spirit of the construction of the  
3 building that makes perfect sense. And it's your product,  
4 and I think it's great. And I think it's great that you are  
5 doing that. It will be a nice looking building. So we will  
6 say, why is the south better than the west?

7 MR. SUDOL: Well from the west, this is an actual  
8 pretty long ramp. It goes to here.

9 CHAIRPERSON MIETZ: Yes.

10 MR. SUDOL: So as you are travelling, you can see  
11 it. We went out and did this that's why we know. So you  
12 see it. There is no way you can miss it. By the time you  
13 actually -- when you are on 590, you won't see this  
14 elevation. There is only this really small leg here. And  
15 by that time, you are trying to figure out what the heck is  
16 going on with this light. You are not really looking over  
17 your shoulder at the building to see what that is. Here, as  
18 you are driving, it's really in your peripheral view. And  
19 you can see it. You know it's there. You know it's there.  
20 And then when you are coming eastbound on 590, the bridge is  
21 right here. And you don't even see this building until you  
22 are right about here anyway. So there is not a huge benefit  
23 on the west -- not as big of a benefit --

24 CHAIRPERSON MIETZ: Well, you would get some  
25 benefit versus the south because the south you get no

1 benefit from Monroe Avenue at all; right?

2 MR. SUDOL: Correct.

3 CHAIRPERSON MIETZ: There is zero benefit.

4 MR. SUDOL: From Monroe; correct.

5 MR. DI STEFANO: And how much of those trees block  
6 that side of the building?

7 MR. SUDOL: No, actually those trees are cut up on  
8 the canopy so you can see underneath them.

9 MS. TOMPKINS WRIGHT: Yeah, if we were to approve  
10 or deny the application, it would be good to see some  
11 visuals of what those signs would look like actually on the  
12 building with some trees, you know. We have these, but I'm  
13 saying so you can actually see what cars would be seeing.

14 MR. SUDOL: Like a photorealistic elevation or  
15 something.

16 MS. TOMPKINS WRIGHT: Yes, that would be helpful in  
17 making a decision.

18 CHAIRPERSON MIETZ: Okay.

19 MR. SUDOL: Okay. Understood.

20 CHAIRPERSON MIETZ: All right. Are there any other  
21 questions at this point? Okay. Thank you very much.

22 MS. TOMPKINS WRIGHT: Is the size of the signage  
23 consistent with your other buildings that you have? Each  
24 sign is 150 square feet, is that consistent with how large  
25 they are on faces of your other buildings?

1                   MR. SUDOL: It's substantially smaller than most.  
2 I think Greece and out in Canandaigua, they are probably  
3 three or four times that big.

4                   MS. TOMPKINS WRIGHT: Okay.

5                   CHAIRPERSON MIETZ: It also relates to the sites  
6 and position on the site.

7                   MS. TOMPKINS WRIGHT: I understand. I was just  
8 wondering.

9                   CHAIRPERSON MIETZ: Okay. Very good. Thank you.

10                  MR. SUDOL: Thank you.

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

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1 Application 11A-08-16. Application of Bret Skirvin, Site  
2 Enhancement Services, agent, and Daniele Edwards, owner of  
3 property located at 2525 West Henrietta Road, for Sign Variances  
4 from Sections 207-26D and 207-32B(1) to 1) allow a 3 sf business  
5 identification sign on a second building face where not allowed  
6 by code, and 2) allow for a 24 +/- sf non-business  
7 identification sign with a logo greater than 25% of the sign  
8 face where not allowed by code. All as described on application  
9 and plans on file.

10 CHAIRPERSON MIETZ: Good evening. Go ahead.

11 MR. FOSTER: Good evening. My name is Joe Foster.  
12 I'm the general manager of the location and Mario Marino.  
13 We are here for the Vision Group. Dan could not be here  
14 tonight because of a family matter. We apologize. We are  
15 kind of scrambling as to what the request is precisely  
16 because we are not 100 percent sure.

17 MR. DI STEFANO: Would you like to request a  
18 postponement of this application?

19 MR. FOSTER: Yes, absolutely.

20 MR. MARINO: Yes.

21 CHAIRPERSON MIETZ: You get one shot at the apple.

22 MR. DI STEFANO: Why don't you formally request a  
23 postponement to us, just request that to the Board.

24 MR. FOSTER: All right. I would like to formally  
25 request a postponement.

1 CHAIRPERSON MIETZ: You don't know, but you don't  
2 anticipate that this has changed. It's just you don't have  
3 enough to be able to advocate for it.

4 MR. MARINO: No, I don't have enough information to  
5 advocate. I don't have enough material to even discuss  
6 anything to be honest with you.

7 CHAIRPERSON MIETZ: That's all right. Okay.

8 MR. DI STEFANO: Just for your information, the  
9 next meeting will be December 7th. Just make sure that you  
10 are prepared.

11 MR. MARINO: We will now. We had a two-hour  
12 notice. That was tough for us.

13 MR. DI STEFANO: If that's a problem, just let me  
14 know.

15 MR. FOSTER: No, December 7th we have plenty of  
16 time. So we should be 100 percent ready at that time.

17 CHAIRPERSON MIETZ: So you can have a back-up plan  
18 if Mr. Edwards can't appear.

19 MR. FOSTER: Yes, of course.

20 MR. MARINO: Absolutely.

21 CHAIRPERSON MIETZ: Okay. Great.

22 MR. FOSTER: Thank you very much.

23 CHAIRPERSON MIETZ: Is there anyone that has an  
24 interest in this application? Okay.

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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 NOVEMBER 2, 2016, COMMENCING AT APPROXIMATELY  
4 8:10 P.M.

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November 2, 2016  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN  
CHRISTINE CORRADO  
ANDREA TOMPKINS WRIGHT  
CANDICE BAKER LEIT, ESQ.  
MICHAEL JONES

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 Application 11A-01-16. Application of Mitchell Design Build,  
2 agent, and Linden Knoll, Inc., owner of property located at 81  
3 Linden Avenue, for a Sign Variance from Section 207-32B to allow  
4 for tagline signage to be included on a business identification  
5 sign where not allowed by code. All as described on application  
6 and plans on file.

7 Motion made by Ms. Tompkins Wright to approve  
8 Application 11A-01-16.

9 FINDINGS OF FACT:

- 10 1. The granting of the requested variance will not produce  
11 undesirable change in the character of the neighborhood or be a  
12 detriment to nearby properties. The location of the sign is not  
13 readily visible from any neighboring properties, and the  
14 property is surrounded by similar uses.
- 15 2. The requested variance is not substantial. While the  
16 tagline is generally not permitted, the total square footage of  
17 signage proposed with the tagline is still considerably less  
18 than what is permitted by code.
- 19 3. The benefit sought by the applicant cannot reasonably and  
20 readily be achieved by any other method and is the minimum  
21 necessary to grant relief from the applicant's difficulty. The  
22 tagline is essentially a verbal logo that identifies this  
23 property as part of the family of Friendly Home Facilities which  
24 is important for users of the property and is not readily  
25 available without the tagline.

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

4 CONDITIONS:

- 5 1. The variance granted herein applies only to the signs  
6 described in the location as depicted on the application and in  
7 the testimony given.
- 8 2. The tagline shall not be internally lit.
- 9 3. All necessary Architectural Review Board and Planning Board  
10 approvals shall be obtained.

11 (Seconded by Ms. Baker Leit.)

12 (Ms. Corrado, no; Ms. Baker Leit, yes;

13 Mr. Jones, 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 11A-02-16. Application of Shlomo and Mindi Noble,  
2 owners of property located at 31 Sylvan Road, for an Area  
3 Variance from Section 207-10E(5) to allow a driveway expansion  
4 to be 3 ft. 2 in. from a side lot line in lieu of the minimum 4  
5 ft. required by code. All as described on application and plans  
6 on file.

7 Motion made by Mr. Mietz to approve  
8 Application 11A-02-16.

9 FINDINGS OF FACT:

- 10 1. The proposed variance is not substantial and only eight  
11 inches into the four-foot side setback.
- 12 2. No other alternative would meet the needs of the applicant  
13 and provide necessary access to the rear of their property.
- 14 3. Numerous adjacent properties and neighbors in the  
15 neighborhood have similar driveways encroaching at this distance  
16 or closer to the property line, and thus there will be no  
17 negative effect on the character of the neighborhood.

18 CONDITIONS:

- 19 1. The variance is based on the testimony given and plans  
20 submitted as to the actual placement of the driveway.
- 21 2. All necessary highway department permits shall be obtained.

22 (Seconded by Ms. Baker Leit.)

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

24 Mr. Jones, yes; Ms. Tompkins Wright, yes;

25 Mr. Mietz, yes.)

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

1 Application 11A-03-16. Application of New Monroe Real Estate,  
2 LLC, owner of property located at 825 White Spruce Blvd., for an  
3 Area Variance from Section 207-6B(1) to allow an accessory  
4 structure (walk-in freezer) to be located in a front yard in  
5 lieu of a rear yard as required by code. All as described on  
6 application and plans on file.

7 Motion made by Ms. Tompkins Wright to approve  
8 Application 11A-03-16.

9 FINDINGS OF FACT:

- 10 1. The granting of the requested variance will not produce an  
11 undesirable change in the character of the neighborhood or be a  
12 detriment to nearby properties. The property is located in the  
13 commercial area, and the proposed freezer is to be located in a  
14 part of the building where exterior improvements, including a  
15 dumpster and dumpster enclosure, are already located.
- 16 2. The requested variance is not substantial. The location of  
17 the freezer will not be visible from East Henrietta Road which  
18 is the main entrance of the building and will be placed over  
19 100 feet from White Spruce Boulevard. The benefit sought by the  
20 applicant cannot reasonably and readily be achieved by any other  
21 method and is the minimum necessary to grant relief from  
22 applicant's difficulty. Applicant testified that the freezer  
23 needs to be located in an area of the building or an area of the  
24 property where deliveries are made with easy access into the  
25 building. There does not appear to be any other area of the

1 property that would be more appropriate for this proposed  
2 freezer. Further, the rear yard is unsuitable due to  
3 improvements located on the property and the current use of that  
4 portion of the property.

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

8 CONDITIONS:

9 1. This approval only applies to the freezer detailed in and in  
10 the location depicted on the application on file and testimony  
11 given.

12 2. The freezer's exterior shall be painted in a color that is  
13 harmonious with the building.

14 3. All necessary building permits shall be obtained.

15 (Seconded by Ms. Baker Leit.)

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

17 Mr. Jones, yes; Ms. Tompkins Wright, yes;

18 Mr. Mietz, yes.)

19 (Open roll call, motion to approve

20 with conditions carries.)

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1 Application 11A-04-16. Application of Phyllis Masters, owner of  
2 property located at 75 Lafayette Parkway, for an Area Variance  
3 from Sections 203-2.1B(8) and 203.9A(4) to allow a standby  
4 emergency generator to be located in a front yard in lieu of the  
5 rear yard, behind the house, as required by code. All as  
6 described on application and plans on file.

7 Motion made by Mr. Jones to approve  
8 Application 11A-04-16.

9 FINDINGS OF FACT:

- 10 1. It's not a substantial request. Effectively screened by the  
11 proposed landscaping, the generator wouldn't be seen. The shape  
12 of the lot is unique, and the proposed application offered  
13 allows for screening that is in compliance with the code.
- 14 2. The only other alternative was the backyard which is  
15 obstructed by the existing AC unit. And due to the applicant's  
16 speech, the manufacturer conditions complying with that would  
17 cause a drainage problem causing it to drain toward the home.  
18 Due to the topography of the lot, it would cause a drainage  
19 problem and make it very difficult to place the generator in an  
20 area allowed by code.
- 21 3. This variance would not create a detrimental adverse change  
22 in the neighborhood and not cause a substantial detrimental  
23 impact to nearby properties because of the screening proposed on  
24 file that would make it hard to identify.
- 25 4. The health, safety, and welfare would not be affected by the

1 approval.

2 CONDITIONS:

3 1. The screening, as proposed, to eliminate the generator from  
4 view shall be vegetative screening and shall be installed  
5 limiting the view of the generator from the street 12 months out  
6 of the year.

7 2. All necessary building permits shall be obtained.

8 (Seconded by Ms. Baker Leit.)

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

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

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1 Application 11A-05-16. Application of Dr. Hossein Hadian/2717  
2 Monroe Ave, LLC, owner of property located at 2717 Monroe  
3 Avenue, for an Area Variance from Section 205-7 to allow  
4 impervious coverage, after redevelopment of the site, to be 70%  
5 in lieu of the maximum 65% allowed by code. All as described on  
6 application and plans on file.

7 Motion made by Ms. Baker Leit to approve  
8 Application 11A-05-16.

9 FINDINGS OF FACT:

- 10 1. The variance is not substantial as the proposed new building  
11 on the same footprint will reduce lot coverage to 70 percent  
12 which is eight percent less than the existing structure and  
13 pavement.
- 14 2. The requested variance will not produce an undesirable  
15 change in the neighborhood given that the existing structure  
16 currently has a 78 percent lot coverage rather than a 65 percent  
17 maximum lot coverage by code.
- 18 3. The benefit sought by the applicant in having an  
19 economically viable building cannot be met without the tenant's  
20 need for prior adequate parking, prior access, and the unusual  
21 shape and position of the property.
- 22 4. The variance is the minimum necessary to grant relief from  
23 the difficulty.
- 24 5. The proposed variance will not have an adverse effect on the  
25 neighborhood given that this commercial property backs up to

1 590. Further, significant improvements will be made to the  
2 property including storm water management and landscaping. In  
3 addition, plans include a small pavement area to accommodate a  
4 potential access management plan in the future.

5 CONDITIONS:

- 6 1. The variance only applies to the structure as per plans  
7 submitted and testimony given.  
8 2. All necessary Planning Board approvals shall be obtained.

9 (Seconded by Ms. Corrado.)

10 (Ms. Corrado, yes; Ms. Baker Leit, yes;  
11 Mr. Jones, yes; Ms. Tompkins Wright, yes;  
12 Mr. Mietz, yes.)

13 (Open roll call, motion to approve  
14 with conditions carries.)  
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1 Application 11A-06-16. Application of Dr. Hossein Hadian/2717  
2 Monroe Ave, LLC, owner of property located at 2717 Monroe  
3 Avenue, for Area Variances from Section 205-18B to 1) allow  
4 parking/pavement to be within 12 ft. of the front lot line in  
5 lieu of the minimum 20 ft. required by code, and 2) allow  
6 pavement up to the rear lot line where a 10 ft. setback is  
7 required by code. All as described on application and plans on  
8 file.

9 Motion made by Ms. Corrado to approve  
10 Application 11A-06-16.

11 FINDINGS OF FACT:

- 12 1. The requested variance is not substantial in total. In  
13 fact, the front setback of 12 feet provided where 20 feet is  
14 required is an existing condition that will be maintained in the  
15 proposed product. Additionally, the rear lot abuts an  
16 interstate off-ramp and does not impinge on any other property.
- 17 2. No alternative can alleviate the difficulty and produce the  
18 desired result as the proposed building is cited on an existing  
19 developed lot that is essentially bounded on three sides by  
20 roadway. The intention is to maintain the same footprint by  
21 using permeable surface for parking, and this is the most viable  
22 lot to achieve this goal.
- 23 3. No unacceptable change in the character of the neighborhood  
24 and no substantial detriment to nearby properties is expected to  
25 result from the approval of this variance as the area is already

1 densely commercial and extensively paved. In fact, the  
2 neighboring properties had zero setback. Additionally, the  
3 overall coverage of the lot will be reduced in spite of the  
4 encroachment on the front and rear setbacks.

5 4. The proposed variance will not have an adverse effect on the  
6 neighborhood given that this commercial property backs up to  
7 590. Further, significant improvements will be made to the  
8 property including storm water management and landscaping. In  
9 addition, plans include a small pavement area to accommodate a  
10 potential access management plan in the future.

11 CONDITIONS:

12 1. This variance only applies to this site plan as per plans  
13 submitted and testimony given.

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

15 (Seconded by Ms. Tompkins Wright.)

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

17 Mr. Jones, yes; Ms. Tompkins Wright, yes;

18 Mr. Mietz, yes.)

19 (Open roll call, motion to approve

20 with conditions carries.)

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1 Application 11A-07-16. Application of Dr. Hossein Hadian/2717  
2 Monroe Ave, LLC, owner of property located at 2717 Monroe  
3 Avenue, for Sign Variances from Section 207-32B to allow  
4 business identification signs on all four building sides, each  
5 sign in excess of 150 sf, where business identification signage,  
6 no greater than 150 sf, on only one building face is allowed by  
7 code. All as described on application and plans on file.

8 Motion made by Mr. Mietz to deny

9 Application 11A-07-16.

10 FINDINGS OF FACT:

- 11 1. The variance is substantial and cannot be supported by the  
12 facts presented. In fact, it is a 400 percent increase.
- 13 2. The variance is self-created due to the desire to market the  
14 property in all four directions.

15 (Seconded by Ms. Tompkins Wright.)

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

17 Mr. Jones, yes; Ms. Tompkins Wright, yes;

18 Mr. Mietz, yes.)

19 (Open roll call, motion to deny carries.)

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1 Application 11A-08-16. Application of Bret Skirvin, Site  
2 Enhancement Services, agent, and Daniele Edwards, owner of  
3 property located at 2525 West Henrietta Road, for Sign Variances  
4 from Sections 207-26D and 207-32B(1) to 1) allow a 3 sf business  
5 identification sign on a second building face where not allowed  
6 by code, and 2) allow for a 24 +/- sf non-business  
7 identification sign with a logo greater than 25% of the sign  
8 face where not allowed by code. All as described on application  
9 and plans on file.

10 MR. DI STEFANO: 11A-08-16 was postponed. We will  
11 see that next month.

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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