

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
3 On FEBRUARY 1, 2017, COMMENCING AT APPROXIMATELY
4 7:15 P.M.

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February 1, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

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DENNIS MIETZ, CHAIRMAN
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JEANNE DALE
JENNIFER WATSON
DOUGLAS CLAPP

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DAVID DOLLINGER, ESQ.
Town Attorney

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

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

4 MR. DI STEFANO: Yes, Mr. Chairman, advertised
5 January 26, 2017. Please let the record show that Ms.
6 Corrado is not present.

7 MR. MIETZ: Okay. Whenever you are ready, Rick.
8 Application 1A-04-17. Application of Chef's Cater-All, LLC,
9 contract vendee, and 745 Penfield Road, LLC, owner of property
10 located at 745 Penfield Road seeking appeals of portions of Town
11 Planner's letter dated December 2, 2016, an interpretation that
12 intended uses at the property are legal non-conforming uses, and
13 an appeal from the Town Planner's Accusation of Violation dated
14 December 7, 2016, all pursuant to Section 219-2A. All as
15 described on application and plans on file.

16 MS. O'TOOLE: Good evening, ladies and gentlemen of
17 the Board. My name is Bridget O'Toole. I am the attorney
18 for the appellants in this action. I am here before you
19 tonight to request an adjournment of the hearing and ask
20 that the hearing be carried over until the Board's March
21 meeting.

22 We just learned today that there was another appeal
23 filed by the neighbors which, I believe, is number three on
24 your agenda tonight. We did not receive notice of this.

25 There was no sign posted. And even though there was a FOIL

1 request, no information about that appeal was produced
2 pursuant to the FOIL request. So respectfully, we ask that
3 this matter be adjourned and the third matter on your agenda
4 be adjourned as well.

5 MR. MIETZ: David, do you have anything on that
6 before we ask the board members what they think?

7 MR. DOLLINGER: Yes, we typically allow the
8 postponements. I think that's a valid legal reason. I'm
9 not sure, and I don't believe we had to give them notice.
10 The notice provisions in the town law are pretty specific
11 regarding applications. But because of the unique nature,
12 there was a separate appeal at a different time. It's
13 probably true that they may not have actually known about it
14 until today or yesterday. So the reality is, to be fair, I
15 don't think they did know about it. I don't think we have
16 to give them notice of it. But in the reality, I don't
17 believe they knew of it. I don't think it's unfair for them
18 to say that.

19 MR. DI STEFANO: But I also don't think it means
20 that we have to postpone 2A-02-17 either.

21 MR. MIETZ: Very good. Well, let's take it one at
22 a time.

23 MR. DI STEFANO: Yes, exactly.

24 MR. MIETZ: She's up here requesting an adjournment
25 on this one.

1 MR. DI STEFANO: I'm just making sure that I don't
2 think it needs to be done.

3 MR. DOLLINGER: Right. The postponement of this
4 one doesn't have anything to do with the other one.

5 MR. MIETZ: Right. That's what I mean. We are
6 talking about this one right now. Let's not talk about the
7 other one. Okay. Go ahead.

8 MS. TOMPKINS WRIGHT: We can always hear the
9 application of 2A-02-17 and table it for response.

10 MR. MIETZ: We could, but let's focus on this one.
11 They're asking for a postponement. How does the rest of the
12 Board feel? Does anyone have a problem with doing that?

13 MS. SCHWARTZ: Well, I just wonder, I mean, there
14 are several people here whether they are here for this one
15 or the 2A-02. I think I know we had occasions where they
16 have been allowed to speak because they are here, and I
17 don't know how we can address that because -- I don't know
18 -- at least 10, 15, 12 people -- I don't know -- are here.

19 MR. DOLLINGER: Well, there is a little bit of a
20 linkage between the two of them insofar as my understanding
21 of talking to the counsel on the third application that
22 there are some issues that they may want to review on their
23 application too.

24 MR. MIETZ: On 2A-02?

25 MR. DOLLINGER: Yes, so my sense is that it might

1 be good for everybody if we adjourn both of them so that --
2 and we can wait until we talk to them.

3 MR. MIETZ: They have to request.

4 MR. DOLLINGER: We can always postpone that.

5 MR. MIETZ: We can't decide that.

6 MR. DOLLINGER: But for right now, we may want to
7 hear from the neighbors too because they may be requesting a
8 postponement too.

9 MR. MIETZ: Well, we have to deal with this one
10 first.

11 MS. SCHWARTZ: So how do we determine what the
12 neighbors are here for? Can we ask a show of hands which
13 application they are here for and if they are here for this
14 one? How do we address that?

15 MR. MIETZ: I don't see how we hear testimony for
16 the first one if we are adjourning it.

17 MS. SCHWARTZ: It's not new.

18 MR. MIETZ: We can't do it. The public hearing is
19 either open or closed. It is either heard or not. We can't
20 do that.

21 MS. TOMPKINS WRIGHT: I am in favor for adjourning
22 it until next month for the first application.

23 MR. MIETZ: That's all we can talk about. She is
24 requesting that. The other one, we have to wait until it
25 comes up. Does anyone else have a problem with it? Okay.

1 All right. So we just need someone to make a motion to
2 accept the request.

3 Motion made by Ms. Tompkins Wright to accept the
4 request for Application 1A-04-17 for an
5 adjournment for the application Chef's Cater-All,
6 LLC to the Brighton Zoning Board of Appeals
7 March 2017 meeting.

8 MR. DOLLINGER: Just to make sure it is clear on
9 the record that it was their request for postponement.

10 MS. TOMPKINS WRIGHT: Yes, per the applicant's
11 request.

12 (Seconded by Ms. Watson.)

13 (Ms. Watson, yes; Mr. Clapp, yes;
14 Ms. Dale, yes; Ms. Tompkins Wright, yes;
15 Ms. Schwartz, yes; Mr. Mietz, yes.)

16 (Open roll call, motion to
17 postpone carries.)

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1 Application 2A-01-17. Application of John Standing, property
2 manager, and Westfall Professional Park, owner of property
3 located at 880 Westfall Road, for relief of conditions of
4 approval (3A-02-95) requiring the permanent maintenance of
5 landscape screening and to replace the landscaping with a solid
6 fence. Also, an Area Variance from Section 207-2A to allow a
7 portion of the 6 ft. high fence to extend into a front yard
8 where the maximum height of a fence is 3.5 ft. as allowed by
9 code. All as described on application and plans on file.

10 MR. MIETZ: Good evening.

11 MR. STANDING: Hi, my name is John Standing. I am
12 with Realty Performance Group. Actually, I'm the
13 maintenance supervisor not the property manager. I just
14 wanted to point that out. I represent the Westfall
15 Professional Park.

16 On the west end of the parking lot at 880, they
17 have a row of arborvitaes about 240 feet or so. And it was
18 part of the variance -- a noise variance, I guess, that was
19 requested in 1993 or '95. Over the last couple of years we
20 have been working with Rick Zephyr of Zephyr Landscaping to
21 keep those arborvitaes up. I guess these were replaced, a
22 dozen or so arborvitaes, in that time and the new ones seem
23 to die off. Rick actually recommended to us that we might
24 want to remove those arborvitaes and install a vinyl fence
25 just to keep up because they are spending a lot of money

1 keeping up with those arborvitaes. And I know as part of
2 that, the fence in the front yard cannot extend. It has to
3 be three and a half feet. And they are looking to extend
4 and get a variance for that as well. This way, if they --
5 they would be keeping up with keeping that barrier between
6 themselves and Shilling Lane. I believe that's why they
7 wanted to install the vinyl fence and keep their cost down
8 on the upkeep.

9 MS. SCHWARTZ: There is a small portion of a
10 decorative fence way in the back. Is that the homeowner's
11 on the other side?

12 MR. STANDING: I believe, it is.

13 MS. SCHWARTZ: If you get an approval to put up a
14 fence, would you match it?

15 MR. STANDING: We can. They haven't decided on a
16 vinyl design for the fence yet.

17 MS. SCHWARTZ: Would that be a consideration?

18 MR. STANDING: Yes.

19 MS. SCHWARTZ: And also, have you spoken with the
20 neighbors to see how they feel about the change?

21 MR. STANDING: I have not, no.

22 MS. SCHWARTZ: Has anyone?

23 MR. STANDING: As far as I know, no. I don't know
24 if the landscaper has reached out because the landscaper
25 actually brought all of the information to us with quotes

1 for a fence replacement.

2 MS. SCHWARTZ: Have any of the neighbors, over the
3 course of time, complained that the trees are not giving
4 them the buffer that they requested?

5 MR. STANDING: Not to my knowledge, no.

6 MS. TOMPKINS WRIGHT: I haven't seen the decorative
7 fence.

8 MS. SCHWARTZ: It's way back in. It looks probably
9 about six feet.

10 MS. TOMPKINS WRIGHT: It is?

11 MS. SCHWARTZ: It is very pretty. It is open on
12 the top. It's not solid.

13 MR. MIETZ: Okay. It certainly would make a
14 difference, I believe, what it looks like to an extent --

15 MS. SCHWARTZ: Yes.

16 MR. MIETZ: -- and how well it will screen. So you
17 don't have any selection of materials or anything yet?

18 MR. STANDING: One of the doctors in 880C would
19 prefer a beige or tan.

20 MR. MIETZ: No, as far as the style of the fence.

21 MR. STANDING: Just a regular full fence, no
22 spaces.

23 MS. SCHWARTZ: But would you allow or consider
24 something along the top like one of the fences up there
25 rather than stockade looking?

1 MR. STANDING: Nothing in the plans now, but we
2 can.

3 MR. MIETZ: All right. We can discuss this later.
4 Any other questions for the applicant?

5 MR. CLAPP: Were adjacent homeowners notified?

6 MR. STANDING: Yes.

7 MR. DI STEFANO: I don't know if there's anybody in
8 the audience who's here to speak on that.

9 MR. CLAPP: Okay.

10 MR. DI STEFANO: I have not received any letters,
11 communications, or anything.

12 MS. WATSON: You said the trees have been replaced
13 before?

14 MR. STANDING: Yes.

15 MS. WATSON: Have you tried different varieties?

16 MR. STANDING: They wanted to keep them because
17 there are roughly 70 or so arborvitaes. They wanted to keep
18 everything the same. We usually leave that up to the
19 Zephyrs, but I know they have tried and some of the newer
20 plants -- we actually wrote a letter. I guess there is a
21 lot of --

22 MR. MIETZ: We have received it.

23 MR. STANDING: Okay.

24 MS. SCHWARTZ: You said you did maintain it. The
25 trees were maintained. Can you tell us what they did over

1 the course of the years as far as maintaining them?

2 MR. STANDING: Regular trimming and maintenance.

3 MS. SCHWARTZ: Any feeding or anything like that?

4 MR. STANDING: Yes. Yep. They normally get
5 watered. The Zephyrs are there once a week, I believe, for
6 fertilization.

7 MR. MIETZ: One of the big problems with them is
8 they face dead west. So the wind just butchers those
9 things. So that is part of the problem.

10 MS. TOMPKINS WRIGHT: I know it's on the record,
11 but I just wanted to point out that the letter from Zephyr
12 says that even if the fence is denied, his opinion is that
13 the plants should still be removed and not replaced with any
14 other trees, shrubs --

15 MR. MIETZ: Because they won't last. They won't
16 make it. Okay. Any other questions for the applicant?

17 MR. DI STEFANO: Maybe you want to just touch on
18 the fence variance portion of this. Why does it need to
19 extend into the front yard?

20 MS. SCHWARTZ: Why does it need to extend into the
21 front yard?

22 MR. STANDING: They want to match the row of
23 arborvitaes that's there currently. They want to match it
24 with the fence so they won't -- because I assume that is
25 technically part of the barrier and that's why they want to

1 match it and keep everything the same height.

2 MS. SCHWARTZ: I can't remember when I was there,
3 is there a parking space?

4 MR. STANDING: There is a whole row of parking
5 spaces.

6 MS. SCHWARTZ: I know that, but I mean right up to
7 the end there.

8 MR. DI STEFANO: Yes, so the question is will the
9 fence stop at the edge of the parking lot?

10 MR. STANDING: It will, yes.

11 MR. DI STEFANO: So it won't go any closer to
12 Westfall Road than that front edge of the parking lot?

13 MR. STANDING: No, it will not. It will match
14 exactly the arborvitaes that are there.

15 MR. MIETZ: Yeah, it is just where it turns there
16 for the parking.

17 MR. DI STEFANO: Okay. I just wanted to get it for
18 the --

19 MR. MIETZ: Yeah. Okay. Anything else at this
20 point? Thank you very much.

21 MR. STANDING: Thank you.

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

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1 Application 2A-02-17. Application of Geoff and Karen Barrow, 1
2 Colonial Village Road, Thomas and Nancy Christopher, 44 Colonial
3 Village Road, and Charles and Barbara Cote, 40 Colonial Village
4 Road, with an appeal, pursuant to Section 219-5, in disagreement
5 of part of the Town Planner's decision, interpretation and
6 determination, dated December 2, 2016, responding to the inquiry
7 of Chef's Cater-All, LLC and Penfield Rd, LLC, as to whether
8 certain proposed uses were legal and allowable as preexisting
9 nonconforming uses at 745 Penfield Road. All as described on
10 application and plans on file.

11 MS. KRAUS: Good evening. Again, I am Sherry
12 Kraus, attorney for the applicants, the neighbors, and the
13 nearby neighbors' appeal that was filed. I do want to say
14 that we did all come prepared this evening to make
15 presentations regarding both the first application and the
16 third application, the one that I am speaking to right now.
17 While this will cause some inconvenience, of course, to us,
18 we did not wish to register an objection to Ms. O'Toole's
19 request for postponement.

20 MR. MIETZ: Okay. Very good.

21 MS. KRAUS: But we do believe that the two appeals
22 need to be linked, and coupled, and heard together. And as
23 a result, I would request, similarly, a postponement on our
24 application as well.

25 MR. MIETZ: Okay. All right. So basically, we are

1 in the same situation. It does make intuitive sense to have
2 the two of them linked. If we hear this whole presentation
3 tonight, and then hear another presentation next month, then
4 trying to revisit it, or for us to table it, or something,
5 it doesn't make sense. The people in the audience will
6 probably understand it better if they can hear both
7 perspectives at the same time. Does anyone object to it?

8 MS. SCHWARTZ: No. As long as they are comfortable
9 with it, that's my concern.

10 MR. MIETZ: All right. Anyone want to move it?

11 Motion made by Ms. Tompkins Wright to adjourn
12 Application 2A-02-17, application of Jeff and
13 Karen Barrow to the Brighton Board of Appeals
14 March 2017 per applicant's request.

15 (Seconded by Ms. Schwartz.)

16 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

19 (Open roll call, motion to

20 postpone carries.)
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1 Application 2A-03-17. Application of Bert 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. SCHALLIOL: Mr. Chairman and the Board, good
11 evening. My name is Charlie Schalliol, Site Enhancement
12 Services. I'm here tonight, obviously, respectfully
13 requesting a review and approval of the applications before
14 you this evening for 2525 West Henrietta, the Hyundai
15 dealership. I promise I will keep this short and sweet.

16 MR. MIETZ: No, you are fine.

17 MR. SCHALLIOL: I mean, we all want to get out of
18 here at some point. In regards to the application itself,
19 we are seeking a small three square foot sign that would be
20 placed on an entry tower on the side elevation which would
21 be the north elevation. It is approximately five and a half
22 feet off the ground. Truly only visible once they are on
23 the property itself. It is not intended for any off-site
24 communication. It's really just part of this dress up of
25 the dealership that's being undertaken.

1 I have some packages. It might be the same or just
2 slightly different. As you can see in the package, the
3 overall elevation, the dealership, as a whole, is getting
4 that facelift that I spoke about. The Hyundai logo and
5 lettering will be the chrome/silver look that is traditional
6 with the brand. The Vision letters, right now they are
7 right next to the name and logo, but they are being moved
8 down a little farther down the wall. And those will be
9 white channel letters. And then the service sign with the
10 Hyundai logo that we are asking for over the service
11 entrance, currently, it is a blue sign, a blue service sign.
12 We are asking to change it to white. And the logo
13 associated with it is larger than the 25 percent. The logo
14 and lettering relationship is controlled at a corporate
15 level, and I understand that it's not -- sorry about that --
16 it is not as important locally, but it really does limit our
17 ability to modify the logo with the lettering. We would
18 respectfully request to be able to maintain the relationship
19 that you have before you this evening. Again, the service
20 entrance, itself, is 290 feet off the curb line of West
21 Henrietta. I mean, that's a great distance. I'm not saying
22 that it's not going to be visible, but it is significantly
23 set back. It is definitely in line with the intent of a
24 corridor with the other car dealerships that are directly in
25 proximity. The service sign is obviously extremely

1 important to us because it directs people where they need to
2 go. The last thing we need with an exterior showroom like
3 we have is people lost or confused and navigating around in
4 vehicles that I'm sure if they hit, they don't have to buy.

5 In summary, again, it's a facelift for the product
6 and for the business overall. We are respectfully
7 requesting for you to review and approve.

8 MR. MIETZ: Okay. Questions?

9 MS. DALE: I just had a question. So when I was
10 going through this, and it all looks like you really are
11 just keeping everything the same, but providing an
12 enhancement as far as the quantity of the sizings and such.
13 I thought -- did they already get a variance at some time in
14 the past to already allow for this?

15 MR. DI STEFANO: No, I think the service sign just
16 kind of appeared.

17 MS. DALE: Okay. That's what I thought. The fact
18 it is existing --

19 MR. SCHALLIOL: And I can tell you I was not a part
20 of that.

21 MR. DI STEFANO: Yeah, I think it just kind of
22 appeared. Now, they are coming through and they want to put
23 the logo associated with it. So they are trying to make
24 everything above board.

25 MS. DALE: Okay. That's the only thing I was

1 wondering about because it's a situation where it already
2 exists.

3 MR. SCHALLIOL: And we are trying to do this
4 correctly. That's why we are trying to bring everything in
5 front of you.

6 MS. SCHWARTZ: Where the sign is going, so you are
7 going to paint it?

8 MR. MIETZ: That's a remodeling piece. Can you
9 give a little justification why the Vision, this sign, will
10 be kind of separated from everything else, not only where it
11 is, but why does it need to be there?

12 MR. DI STEFANO: It's not part of the application.

13 MR. MIETZ: It's not?

14 MR. DI STEFANO: No, the Hyundai -- everything on
15 that middle piece that says Hyundai and then the Vision set
16 off to the right, that's no concern. No variance. They are
17 allowed to do that.

18 MR. MIETZ: That's their primary sign?

19 MR. DI STEFANO: Yes, and that meets all sign
20 regulations.

21 MR. MIETZ: That's separate?

22 MR. DI STEFANO: Yes, the only thing we are looking
23 at is the service with the logo and that little side thing.

24 MR. MIETZ: The fact that we add that on with the
25 other square footage --

1 MR. DI STEFANO: They still meet the code. They
2 are allowed 150 square feet of signage.

3 MR. MIETZ: Because the building is so long.

4 MR. DI STEFANO: And you add up all three of those,
5 I will call them, front facing signs, the Hyundai, Vision,
6 and Service, they are under the 150 square feet.

7 MR. SCHALLIOL: In total, the sign package is
8 128 square feet.

9 MR. MIETZ: Got it. I misunderstood.

10 MR. DI STEFANO: It's a little confusing on what
11 exactly they need or don't need.

12 MR. MIETZ: Because it is so small, I wasn't
13 thinking it was the primary sign. Okay. Any other
14 questions?

15 MR. CLAPP: At one point I thought I saw an
16 illustration where I thought it was a side entrance. Is
17 that also part of the application? There is small print --

18 MR. DI STEFANO: That small sign that you are
19 saying is by the entrance is the first part of the
20 application that says the small three square foot sign on
21 the side of the building face.

22 MR. MIETZ: Okay. All right. Good.

23 MR. CLAPP: Is it smaller than what is there now?

24 MR. SCHALLIOL: There is nothing on that building
25 now. It is just really a monotonous entrance that nobody

1 focuses on.

2 MR. MIETZ: Any questions?

3 MS. TOMPKINS WRIGHT: The amount of signage is
4 pretty consistent with car dealerships in general for the
5 record?

6 MR. DI STEFANO: Is that a yes?

7 MS. TOMPKINS WRIGHT: You have to say yes.

8 MR. SCHALLIOL: Oh, yes, I would agree. I thought
9 that was a compliment.

10 MS. TOMPKINS WRIGHT: No, I am putting things on
11 the record.

12 MR. MIETZ: Do you know what the square footage of
13 the existing signs that are there now are, just for the
14 record?

15 MR. SCHALLIOL: I could bring that back in a couple
16 of minutes. I'm sure it's in the file, but it's comparable.

17 MR. MIETZ: If you can tell us, not a big deal,
18 just interesting.

19 MR. CLAPP: If we approve this application tonight,
20 then the service sign would also become approved?

21 MR. DI STEFANO: That's the second part of the
22 application.

23 MR. CLAPP: Okay. I'm sorry.

24 MR. MIETZ: No, it's okay. It's a little
25 confusing.

1 MS. TOMPKINS WRIGHT: Do you need Architectural
2 Review Board approval?

3 MR. DI STEFANO: All signage requires ARB approval.

4 MS. TOMPKINS WRIGHT: Have you gone before them?

5 MR. SCHALLIOL: The ARB has already been gone
6 through with the condition that we get the variances we are
7 here for tonight.

8 MR. MIETZ: They had no other comments?

9 MR. SCHALLIOL: They did have a comment in regards
10 to -- because there was some confusion in regards to the
11 colors of the signs thinking that they would all be the
12 chrome.

13 MR. MIETZ: Right.

14 MR. SCHALLIOL: So we've been discussing -- asking
15 the Planning Board to kind of re-review that to clarify the
16 difference between the white and the Chrome signs.

17 MR. MIETZ: What is your desire to do?

18 MR. SCHALLIOL: Our desire is to keep the main logo
19 and the word "Hyundai" on the face of the dealership the
20 chrome.

21 MR. MIETZ: Right.

22 MR. SCHALLIOL: Have the small three square foot
23 sign on that little entry cove as chrome.

24 MR. MIETZ: Right.

25 MR. SCHALLIOL: Then the other signs white.

1 MR. MIETZ: The channel letters white?

2 MR. SCHALLIOL: White LED -- I mean, white
3 illuminates. And I mean, the chrome signs illuminate white
4 during the night too, but during the day they are chrome.

5 MR. MIETZ: Okay. Thank you.

6 MR. SCHALLIOL: Thank you very much for your time.

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

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1 Application 2A-04-17. Application of Ketmar Development Corp.,
2 contractor, and Drs. Phillip and Lucy Sheils, owner of property
3 located at 3 Whitney Lane, for an Area Variance from Section
4 205-2 to allow a covered front porch to extend 4.5 +/- ft. into
5 the existing 46.1 ft. front setback where a 60 ft. front setback
6 is required by code. All as described on application and plans
7 on file.

8 MS. KENTON: My name is Marie Kenton. I am with
9 Ketmar Development. I am representing Drs. Phillip and Lucy
10 Sheils tonight. The application for the porch is to be
11 covered over a stoop that exists today. So we are not
12 extending, due to the setback, any farther than what the
13 porch is now. The porch being -- if I can show you
14 visually, this is the front of the home now. And there is a
15 slate stoop in front of the front door. And what they are
16 proposing is to place a covering over that.

17 MR. MIETZ: A portico in the sense.

18 MS. KENTON: Right.

19 MR. MIETZ: Can you just raise that up? Then we
20 can hear you better.

21 MS. KENTON: Yes. The portico would come out. We
22 are not changing the stoop in terms of size. All we are
23 doing is covering it. So there will be two columns in the
24 front. And then a little roof area with a vaulted ceiling.
25 So it's not really solid. It is really just two columns

1 sitting on a stoop that exists.

2 MR. MIETZ: So open on both sides?

3 MS. KENTON: Correct. Correct. I did bring
4 tonight -- because I took two photographs of other homes on
5 the street to show continuity. These are neighbors that
6 have front porches. They do not look exactly, obviously,
7 like what we are proposing. They are a little grander than
8 what we are doing.

9 MR. MIETZ: Where are they located?

10 MS. KENTON: These are right on Whitney Lane.

11 MR. MIETZ: Okay. Just different addresses?

12 MS. KENTON: Exactly. Yes. I was trying to show
13 that we are not creating a wheel here. It was there
14 already. There is not a lot to this. The porch exists now,
15 but I can answer any questions you have.

16 MR. MIETZ: Okay. Are there any other questions?

17 MR. DI STEFANO: Just for the record, Marie, can
18 you give us the total dimensions of that?

19 MS. KENTON: Yes, I think we gave you the
20 blueprint.

21 MR. DI STEFANO: Right. Just for the record, can
22 you just --

23 MS. KENTON: Basically, it's -- right now the porch
24 is a little over four feet deep and nine in change wide.

25 MR. DI STEFANO: So about 4x9 give or take.

1 MS. KENTON: Yes. Yes, the roof will overhang a
2 tiny bit more than that, but that's the stoop size now.

3 MR. MIETZ: This shows the overhang 11 and a half
4 and 4 and a half if you include the overhang.

5 MS. KENTON: Yes, that's correct.

6 MR. MIETZ: Okay. Any other questions? Okay.
7 Great. Thank you.

8 MS. KENTON: Thank you.

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

11 MS. SCHWARTZ: One quick question. How long has
12 the applicant lived in the house? Just out of curiosity.

13 MS. KENTON: I think it was stated on the survey,
14 Rick, that we gave you.

15 MR. DI STEFANO: Yes, I think it was early 2000's.

16 MS. KENTON: They have been there --

17 MR. MIETZ: 2002.

18 MS. KENTON: Is that what the survey says? Yes.
19 Okay.

20 MS. SCHWARTZ: Just wondering how long they have
21 lived there.

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

1 Application 2A-05-17. Application of Dr. Indra Quagliata,
2 contract vendee, and Jerome Koresko, Dr., owner of property
3 located at 1230 East Henrietta Road, for Area Variances from
4 Section 2-5-7 to allow maximum gross first floor(s) area to be
5 7,000 sf in lieu of the maximum 3,500 sf per lot allowed by
6 code, and the maximum total gross floor area (both buildings) to
7 be 14,000 sf in lieu of the maximum 7,000 sf per lot allowed by
8 code, for the purpose of constructing two 2-story office
9 buildings on one lot. All as described on application and plans
10 on file.

11
12 Application 2A-06-17. Application of Dr. Indra Quagliata,
13 contract vendee, and Jerome Koresko, Sr., owner of property
14 located at 1230 East Henrietta Road, for an Area Variance from
15 Section 205-7 to allow a new office building to be constructed
16 20 ft. into the 30 ft. front setback required by code. All as
17 described on application and plans on file.

18
19 Application 2A-07-17. Application of Dr. Indra Quagliata,
20 contract vendee, and Jerome Koresko, Sr., owner of property
21 located at 1230 East Henrietta Road, for Area Variances from
22 Section 205-18A to 1) allow front yard parking where not allowed
23 by code, and 2) allow parking to be 5+/- ft. from the south lot
24 line and 7.5 ft. from the north lot line where a minimum 10 ft.
25 parking setback is required by code. All as described on

1 application and plans on file.

2 MR. RAMSGARD: Good evening, my name is Andrew
3 Ramsgard from Ramsgard Architectural Design. With me
4 tonight is Jo Anne Gagliano and David Prizzi from EDR to
5 answer any of your questions as well as Indra Quagliata is
6 here tonight.

7 MR. MIETZ: I'm sorry. Can you repeat that?

8 MR. RAMSGARD: Indra from IQ Dental in case you
9 have specific questions about the practice.

10 MR. MIETZ: Okay.

11 MR. RAMSGARD: If I could, I would like to approach
12 the bench if it were.

13 MR. MIETZ: Please do.

14 MR. DI STEFANO: You just have to speak really
15 loud. Step back a little bit because she is not going to be
16 able to catch you with your back to her.

17 MR. MIETZ: I think we will be okay. We can pass
18 that around too. Maybe that would be more helpful.

19 MR. RAMSGARD: Yeah, we can pass that around.

20 MS. TOMPKINS WRIGHT: Were those 3D printed?

21 MR. RAMSGARD: Yes, they were.

22 MR. MIETZ: Yes, it's very nice to get a
23 perspective of it.

24 MR. RAMSGARD: It is. It really helps everybody.

25 MR. MIETZ: It's kind of a unique lot.

1 MR. RAMSGARD: Yes, that's the first thing I wanted
2 to point out. These are two lots. I am going to call them
3 for brevity 03 and 04 which relate to their final two digits
4 in the tax map parcel numbers. We had originally began this
5 application with the Planning Board, and they had asked us
6 to produce several schemes. One of which was an early
7 scheme which showed that we could provide for a completely
8 compliant project and buildings on each one of the
9 individual lots. On lot 04, which is the deeper lot in the
10 back, actually, and affronts to Clay Road, which to a lot of
11 people is an extension of either East Henrietta or Brighton
12 Road, but it is actually Clay Road. The history and
13 development of Brighton was that back in the late '40s or
14 early '50s as MCC was being created and the road was getting
15 widened, there were approximately seven houses along from
16 this property back to Brighton. On the front lot, 03, there
17 currently still exists houses moved to a site from the 1950s
18 which was the pastor's house to the church that was in the
19 front portion which occupies about the same footprint as our
20 front building.

21 The Planning Board had some great suggestions for
22 this project and everyone agreed that having two lots and
23 one of them, the 04 lot, that has its frontage to Clay Road
24 creates some of a practical difficulty in trying to access
25 that. It would be a right in and right out only lot. These

1 two lots should be re-subdivided. I also had trouble with
2 that word because it's assemblage because it is subdivision.

3 MS. TOMPKINS WRIGHT: I call it de-subdivide.

4 MR. MIETZ: Yes, but anyway.

5 MR. RAMSGARD: It troubles the public because it's
6 a term they can't wrap their heads around. So they asked us
7 to put the two lots together which makes a lot of sense.
8 We're proposing the driveway access to be at the northern
9 most portion of the lot which gets us as far away from the
10 intersection as practically possible. But in those items,
11 it forces a couple of variances. One of the variances
12 before you tonight deals with the maximum footprint and the
13 ultimate -- maximum square footage on the lot. What we are
14 proposing is two buildings at each of the 3,500 square feet
15 footprint, two floors, 7,000 square feet which is what would
16 be allowed on the two lots.

17 MR. MIETZ: Okay.

18 MR. RAMSGARD: So that is the first variance. We
19 don't believe that is self-created. We believe that is a
20 portion of the fact that these lots are re-subdivided,
21 assembled, or de-subdivided, however we talk about it. That
22 also dovetails into the next two variances which relate to
23 the position of the new front building on lot -- on lot 03
24 to create the access for that lot and make it wide enough.
25 It pushes the building into one of our four front yards.

1 It is a very unusual lot. Not being a complete
2 block, it still has four front yards and creates some
3 unusual setback conditions which also are not self-created,
4 but it is the right thing to do from a planning standpoint
5 and proper utilization.

6 As well as it dovetails into the next variance
7 relative to placement of parking. By pulling the driveway
8 over, it makes sense to have the two buildings share parking
9 in-between. And for -- you are required to provide the
10 number of parking spaces on the site plan. It is best to
11 combine them along with our storm water management plan at
12 the downhill side of the property which is towards MCC.

13 If there are any specific questions in regards to
14 the site plan and the details on the site plan, I will defer
15 to EDR. And if there are architectural questions, I can
16 take those.

17 MR. MIETZ: I have one. First of all, what else
18 did you look at as far as possibilities whether they were
19 suggested by the Planning Board or in your own analysis?
20 What else did you look at?

21 MR. RAMSGARD: Yes, so we did multiple sets of
22 schemes. I think we were up to six. I can't quite remember
23 all of them. We started off first with the zoning analysis.
24 We analyzed each lot individually with its density schedule
25 for area variances, and we could achieve the same results

1 for building footprints, and square footage, and lot
2 coverage. The answer was yes. The access point to that
3 though was we would have to come off of Clay Road for the
4 back property, the property 04 here.

5 MR. MIETZ: Okay.

6 MR. RAMSGARD: That was --

7 MR. MIETZ: We can't really see that up there, but
8 the entrance then -- or one of the entrances would have been
9 right past there.

10 MR. RAMSGARD: Correct.

11 MR. MIETZ: Okay. All right.

12 MR. DOLLINGER: Just throwing it out there, not
13 that it makes a difference, it has been in front of the
14 Planning Board and a lot of work has --

15 MR. MIETZ: I'm aware of that. I'm just asking for
16 the record.

17 MR. DOLLINGER: Okay. No, I get it.

18 MR. MIETZ: Yes, I understand. So that's really
19 it?

20 MR. RAMSGARD: The other schemes are versions of
21 that.

22 MR. MIETZ: That's fine. I think we understand.
23 Okay. Go ahead.

24 MS. TOMPKINS WRIGHT: And this, what you are
25 presenting to us, is what the Planning Board felt was the

1 best use of the property?

2 MR. RAMSGARD: Yes.

3 MR. MIETZ: All right. Very good. Any questions
4 about it?

5 MS. WATSON: The vegetation will be maintained
6 along Clay Road to screen the parking lot.

7 MR. RAMSGARD: Right, most of the vegetation on
8 that portion of the site is on Clay Road in the street yard
9 so that would stay. What we see, the large trees, are all
10 on or are all off the property for this. And then we have
11 -- what we have inside the property is a lot of scrubs,
12 trees, and then there is a hedgerow on MCC's property which
13 obviously is going to stay. And then our new planting plan
14 is to -- Dave is going to put that up.

15 MS. TOMPKINS WRIGHT: While he is putting it up, it
16 is not necessarily about landscaping, but I know that you
17 are putting in exactly the number of parking spaces the
18 zoning board will require. Do you anticipate a practical
19 need for that many parking spaces as well, or is it maybe a
20 little bit more than you anticipate needing?

21 MR. RAMSGARD: I think it is more than what they
22 have at the practice now. There is a combined lot that they
23 share with a lot of businesses which seems to work well.
24 You know, so we have -- we have brought this to the point of
25 showing what's required. And you know, will we need that

1 many? Maybe. Maybe not. Usually, the parking requirements
2 are very conservative to try and generate the maximum
3 number, and I firmly believe that we should really be
4 designing to the circle -- I have a head cold right now so I
5 can't quite think -- for the patient cycle in terms of
6 turnover.

7 MR. MIETZ: I guess in your analysis, this
8 certainly fits that.

9 MR. RAMSGARD: Yeah, this is what's required.

10 MR. MIETZ: So if anything, it's over, I guess, is
11 the answer to the question.

12 MS. TOMPKINS WRIGHT: I was just considering land
13 banking.

14 MR. DI STEFANO: Right. With that being said, do
15 you know the other tenants that are going to be in here?

16 MR. RAMSGARD: No, we don't. Right now we have IQ
17 Dental which is --

18 MR. DI STEFANO: Are they taking the entire front
19 building?

20 MR. RAMSGARD: They are taking the entire front
21 building. And then the second building, once the offer is
22 closed and we have received all of our approvals, we will
23 actively market that out.

24 MR. MIETZ: So the intent is to lease the entire
25 building?

1 MR. RAMSGARD: Yes. Yep.

2 MS. WATSON: Is it going to be medical practices?

3 MR. RAMSGARD: It certainly dovetails in. Whenever
4 you can put medical practices together, you have a symbiotic
5 relationship. It works for both. So that would be the
6 ideal tenant.

7 MS. SCHWARTZ: Is that designed to be a single
8 tenant or will you just divide it up?

9 MR. RAMSGARD: We don't know. We have laid out two
10 floors with 3,500 square feet a piece.

11 MS. SCHWARTZ: So you could have two?

12 MR. RAMSGARD: You could have two tenants depending
13 on how small or big the practice is.

14 MS. TOMPKINS WRIGHT: The surrounding area is
15 pretty mixed use, residential, commercial, and a little bit
16 of industrial?

17 MR. RAMSGARD: To the north is all of the MCC
18 campus, to the west are several commercial properties, to
19 the south and across Brighton is commercial, and then
20 tailing on the east side is some residential but they are --

21 MR. MIETZ: On the Henrietta side.

22 MR. RAMSGARD: Right, on the Henrietta side.

23 MS. TOMPKINS WRIGHT: And the setbacks in that area
24 are not necessarily consistent?

25 MR. RAMSGARD: No, they are all over the place.

1 MR. MIETZ: There are a lot of odd shaped lots
2 there because of the way the roadways were cut in there
3 recently for when the bridge was put in. It was carved up
4 funny. All right. Any other questions?

5 MR. DI STEFANO: Yeah. Can you give us an idea of
6 the distance from the front building, closest edge to Clay,
7 the actual pavement of Clay, and the closest edge to the
8 actual pavement of East Henrietta Road? We have very large
9 right-of-ways in there. So I am just trying to get a sense
10 of, from a driver's perspective, how close is that building
11 to the pavement?

12 MS. TOMPKINS WRIGHT: When I measured on Google
13 Earth it looked like 30 feet.

14 MR. RAMSGARD: Yes, I was going say 30 feet from
15 the tightest corner of the proposed building to the edge
16 there.

17 MR. DI STEFANO: To both Clay and East Henrietta
18 Road? It looks a lot longer.

19 MR. RAMSGARD: Clay Road to the tightest spot at
20 that corner which is approximately 30 feet to the curb and
21 then back from the --

22 MR. DI STEFANO: That point corner, yes.

23 MR. RAMSGARD: -- curb line. I have to move closer
24 for that. It's got to be close. On the curve, it's going
25 to be over 50 for sure at the tightest spot.

1 MR. DI STEFANO: Okay.

2 MR. MIETZ: Any other questions? All set. Okay.

3 Thank you very much.

4 MR. RAMSGARD: Thank you.

5 MR. MIETZ: Is there anyone in the audience that
6 would like to speak regarding this application? Okay.

7 There being none, then this public hearing is closed.

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1 Application 2A-08-17. Application of Wegman Companies, Inc.,
2 contract vendee, and Genesee Regional Bank, owner of property
3 located on Sawgrass Drive, known as Tax ID #s 149.06-1-5/BR and
4 149.06-1-5/RH, for extension of an approved area variance
5 (2A-01-16) pursuant to Section 219-6F allowing for the height of
6 a new building to be 44.5 ft. in lieu of the maximum 40 ft.
7 allowed by code. All as described on application and plans on
8 file.

9 MR. SPENCER: Good evening, my name is Andrew
10 Spencer with BME Associates. I am here to request a
11 one-year extension of the variance that was approved last
12 year, February 4th. For those members of the Board that
13 were not in attendance, I will give you a very, very brief
14 breakdown. The variance is being requested to allow for a
15 plus or minus 10 foot high ceiling height within a medical
16 area and allow for additional space, that space between the
17 ceiling and then the actual structure of the floor above for
18 mechanical equipment and for structural pieces to hang heavy
19 medical equipment from. Per the design of the building, we
20 felt it necessary to increase the height of the building by
21 about two and a half feet. Basically, in the major portion
22 of the building and then the top of the parapet wall to
23 allow for structural glass and the larger glazing on the
24 top. This was reviewed last year and was approved. The
25 reason we are back again this year is because it has taken

1 us this amount of time -- we just received final signed
2 plans from the town and reviewing agencies, received final
3 approval. We are still waiting for the Army Corp of
4 Engineers' final permit approval for the project. Wegman
5 Companies does intend on trying to, after receiving the
6 final approvals, funding in place, financing in place for
7 the building, and then construct this year at some point.

8 MR. MIETZ: This year meaning starting in the
9 spring?

10 MR. SPENCER: If it is possible to get all of the
11 financing together, yes.

12 MR. MIETZ: Is it a single tenant that is taking
13 this building?

14 MR. SPENCER: That's the intent, yes.

15 MR. MIETZ: So that person is set?

16 MR. SPENCER: They were ready to go last year.

17 MR. MIETZ: Okay. So there is some kind of a lease
18 in place?

19 MR. SPENCER: I don't --

20 MR. MIETZ: They are not marketing the building,
21 you are saying?

22 MR. SPENCER: I don't --

23 MR. MIETZ: There is a deal -- we will use that
24 word -- from some person?

25 MR. SPENCER: I will not make a statement one way

1 or the other. I know there are deals in the works. There
2 were deals in place at one point in time.

3 MR. MIETZ: Okay. The only reason I bring it up,
4 again, the specific reasons, according to the variance, were
5 to have a very specific use in there.

6 MR. SPENCER: Yes.

7 MR. MIETZ: And again, we didn't say it had to be
8 named per se that it was XYZ company, but again, the answer
9 is the use has not changed.

10 MR. SPENCER: No.

11 MR. MIETZ: Whether the entity leasing is different
12 or not, but the intention is to use it exactly --

13 MR. SPENCER: Yes, that is correct. Still a
14 medical office building and all of the parameters still fit.

15 MR. MIETZ: All right. Good. Okay. Any other
16 questions?

17 MS. SCHWARTZ: You think that you are pretty wound
18 down on your approvals and everything? Basically, the main
19 thing now is the financing.

20 MR. SPENCER: Still awaiting the Army Corp of
21 Engineers' permit. We should have that in place in a couple
22 of months.

23 MS. SCHWARTZ: And you think a year's time to get
24 it in place?

25 MR. SPENCER: Yes.

1 MR. MIETZ: Other any other questions? All right.
2 Thank you.

3 MR. SPENCER: Thank you very much.

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

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

STATE OF NEW YORK:
COUNTY OF MONROE:

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

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

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

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

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
3 On FEBRUARY 1, 2017, COMMENCING AT APPROXIMATELY
4 7:15 P.M.

5

February 1, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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PRESENT:

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DENNIS MIETZ, CHAIRMAN
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JEANNE DALE
JENNIFER WATSON
DOUGLAS CLAPP

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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 1A-04-17. Application of Chef's Cater-All, LLC,
2 contract vendee, and 745 Penfield Road, LLC, owner of property
3 located at 745 Penfield Road seeking appeals of portions of Town
4 Planner's letter dated December 2, 2016, an interpretation that
5 intended uses at the property are legal non-conforming uses, and
6 an appeal from the Town Planner's Accusation of Violation dated
7 December 7, 2016, all pursuant to Section 219-2A. All as
8 described on application and plans on file.

9 Motion made by Ms. Tompkins Wright to accept the
10 request for application 1A-04-17 for an
11 adjournment for the application Chef's Cater-All,
12 LLC to the Brighton Zoning Board of Appeals
13 March 2017 meeting.

14 (Seconded by Ms. Watson.)

15 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

18 (Open roll call, motion to
19 postpone carries.)
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1 Application 2A-01-17. Application of John Standing, property
2 manager, and Westfall Professional Park, owner of property
3 located at 880 Westfall Road, for relief of conditions of
4 approval (3A-02-95) requiring the permanent maintenance of
5 landscape screening and to replace the landscaping with a solid
6 fence. Also, an Area Variance from Section 207-2A to allow a
7 portion of the 6 ft. high fence to extend into a front yard
8 where the maximum height of a fence is 3.5 ft. as allowed by
9 code. All as described on application and plans on file.

10 Motion made by Ms. Tompkins Wright to table
11 Application 2A-01-17 so that applicant can
12 submit specific information related to the
13 type and color of the proposed fence.

14 (Seconded by Ms. Schwartz.)

15 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

18 (Open roll call, motion to table
19 carries.)
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1 Application 2A-02-17. Application of Geoff and Karen Barrow, 1
2 Colonial Village Road, Thomas and Nancy Christopher, 44 Colonial
3 Village Road, and Charles and Barbara Cote, 40 Colonial Village
4 Road, with an appeal, pursuant to Section 219-5, in disagreement
5 of part of the Town Planner's decision, interpretation and
6 determination, dated December 2, 2016, responding to the inquiry
7 of Chef's Cater-All, LLC and Penfield Rd, LLC, as to whether
8 certain proposed uses were legal and allowable as preexisting
9 nonconforming uses at 745 Penfield Road. All as described on
10 application and plans on file.

11 Motion made by Ms. Tompkins Wright to adjourn
12 application 2A-02-17 application of Jeff and
13 Karen Barrow to the Brighton Board of Appeals
14 March 2017 per applicant's request.

15 (Seconded by Ms. Schwartz.)

16 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

19 (Open roll call, motion to

20 postpone carries.)

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1 Application 2A-03-17. Application of Bert 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 Motion made by Ms. Dale to approve

11 Application 2A-03-17.

12 FINDINGS OF FACT:

- 13 1. The difficulty that leads to the variance request is not
14 self-imposed as car dealerships have a unique need compared to
15 standard commercial businesses and that they need to direct
16 motorists to the correct location for sales or service without
17 having to worry about the entire lot.
- 18 2. The location of the service center in the back of the lot
19 also requires a need for additional signage for direction, and
20 the applicant is seeking signage for a side entrance for
21 identification and directional purposes.
- 22 3. The proposed signs are consistent with the surrounding
23 businesses, many of which are car dealerships, and granting of
24 the variance request will have no adverse impact on the
25 character of the neighborhood and nearby properties.

1 4. The applicant's request is to update existing signs at their
2 current location and sizes as a way to become more current with
3 their brand standard and to create a more esthetically pleasing
4 business.

5 5. The nature of the business and the extensive logo used for
6 cars make the logo a key branding factor in identifying it, and
7 it's a common practice for car dealerships.

8 CONDITIONS:

9 1. The location and the sizes of the signs shall be as
10 presented in the application presented and the testimony given.

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

13 (Seconded by Ms. Schwartz.)

14 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

17 (Open roll call, motion to approve

18 with conditions carries.)

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1 Application 2A-04-17. Application of Ketmar Development Corp.,
2 contractor, and Drs. Phillip and Lucy Sheils, owner of property
3 located at 3 Whitney Lane, for an Area Variance from Section
4 205-2 to allow a covered front porch to extend 4.5 +/- ft. into
5 the existing 46.1 ft. front setback where a 60 ft. front setback
6 is required by code. All as described on application and plans
7 on file.

8 Motion made by Ms. Schwartz to approve
9 Application 2A-04-17.

10 FINDINGS OF FACT:

- 11 1. The footprint of the front entry will not increase as the
12 requested covered front porch will be constructed over the
13 existing front stoop.
- 14 2. The existing 46.1 foot front setback in lieu of the required
15 60 foot front setback will remain the same. Therefore, there
16 will be no detrimental effect on the character of the
17 neighborhood.
- 18 3. Other homes in the neighborhood have similar front porches
19 and this one will not only offer protections from inclement
20 weather, but will also enhance the character of the home.
- 21 4. No other alternative can alleviate the difficulty and
22 produce the desired result.

23 CONDITIONS:

- 24 1. This variance only applies to the covered porch as described
25 in the testimony given and in the written application.

1 2. All necessary Architectural Review Board approvals shall be
2 obtained.

3 (Seconded by Mr. Clapp.)

4 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

7 (Open roll call, motion to table

8 carries.)

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1 Application 2A-05-17. Application of Dr. Indra Quagliata,
2 contract vendee, and Jerome Koresko, Dr., owner of property
3 located at 1230 East Henrietta Road, for Area Variances from
4 Section 2-5-7 to allow maximum gross first floor(s) area to be
5 7,000 sf in lieu of the maximum 3,500 sf per lot allowed by
6 code, and the maximum total gross floor area (both buildings) to
7 be 14,000 sf in lieu of the maximum 7,000 sf per lot allowed by
8 code, for the purpose of constructing two 2-story office
9 buildings on one lot. All as described on application and plans
10 on file.

11 Motion made by Mr. Mietz to approve
12 Application 2A-05-17.

13 FINDINGS OF FACT:

- 14 1. While the variance requested is substantial, the combining
15 of the two can take less lots and eliminate the need for
16 crossing these lots and access to the Clay Road side of the
17 property.
- 18 2. The requested square footage of 7,000 square foot per lot
19 and 14,000 square foot per lot will not be noticeable due to the
20 two-story configuration of the buildings and the large distance
21 between the two proposed structures.
- 22 3. No negative effect on the character of the neighborhood will
23 result from the approval of this variance since the lot is large
24 and the property is situated in a heavily traffic commercial
25 area.

1 4. No other alternative can beat the desired result since the
2 southern parcel has limited vehicular access.

3 CONDITIONS:

4 1. All necessary Planning Board approvals shall be obtained.

5 2. This variance is based on the plans submitted and testimony
6 given specifically to the location of the two proposed buildings
7 and the access points.

8 (Seconded by Ms. Tompkins Wright.)

9 (Ms. Watson, yes; Mr. Clapp, yes;
10 Ms. Dale, yes; Ms. Tompkins Wright, yes;
11 Ms. Schwartz, yes; Mr. Mietz, yes.)

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

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1 Application 2A-06-17. Application of Dr. Indra Quagliata,
2 contract vendee, and Jerome Koresko, Sr., owner of property
3 located at 1230 East Henrietta Road, for an Area Variance from
4 Section 205-7 to allow a new office building to be constructed
5 20 ft. into the 30 ft. front setback required by code. All as
6 described on application and plans on file.

7 Motion made by Ms. Tompkins Wright to approve
8 Application 2A-06-17.

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 surrounded by
13 mixed uses with various setbacks.
- 14 2. The requested variance is not substantial due to the width
15 of the Clay Road right of way. The property will appear to be
16 setback farther than the 10 feet from the property line.
- 17 3. The benefit sought by the applicant cannot be reasonably
18 achieved by any other method. Applicant testified that they
19 have reviewed alternative plans and, due to the location of the
20 driveway and other considerations, there is no more acceptable
21 configuration.
- 22 4. There is no evidence that the proposed variance will have an
23 adverse effect or impact on the physical or environmental
24 conditions in the neighborhood or district.
- 25 5. The difficulty in complying with the code is not

1 self-created and stems from the unusual shape of the property
2 and the required width and location of the driveway.

3 CONDITIONS:

4 1. The variance granted herein applies only to the proposed
5 buildings described in and in the location as depicted on the
6 application and in the testimony given.

7 2. All necessary approvals and permits must be obtained.

8 (Seconded by Ms. Schwartz.)

9 (Ms. Watson, yes; Mr. Clapp, yes;
10 Ms. Dale, yes; Ms. Tompkins Wright, yes;
11 Ms. Schwartz, yes; Mr. Mietz, yes.)

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

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1 Application 2A-07-17. Application of Dr. Indra Quagliata,
2 contract vendee, and Jerome Koresko, Sr., owner of property
3 located at 1230 East Henrietta Road, for Area Variances from
4 Section 205-18A to 1) allow front yard parking where not allowed
5 by code, and 2) allow parking to be 5+/- ft. from the south lot
6 line and 7.5 ft. from the north lot line where a minimum 10 ft.
7 parking setback is required by code. All as described on
8 application and plans on file.

9 Motion made by Ms. Tompkins Wright to approve
10 Application 2A-07-17.

11 FINDINGS OF FACT:

- 12 1. The granting of the requested variance will not produce an
13 undesirable change in the character of the neighborhood, be a
14 detriment to nearby properties, and is not substantial. The
15 proposed parking setback is at most only 25 percent less than
16 what is required by code. Further, the eight to nine parking
17 spaces partially located within the 10 foot parking setback area
18 will be well screened from Clay Road by landscaping.
- 19 2. The benefit sought by the applicant cannot reasonably be
20 achieved by any other method. Applicant testified that the
21 required parking was maximized on site to comply with code and
22 compliment its storm management plan.
- 23 3. The difficulty in complying with the code, while
24 self-created, stems from the need to provide parking near the
25 proposed buildings.

1 CONDITIONS:

2 1. The variance granted herein applies only to the parking
3 spaces and layout described in and in the location as depicted
4 on the application and in the testimony given.

5 2. All necessary approvals and permits must be obtained.

6 (Seconded by Ms. Schwartz.)

7 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

10 (Open roll call, motion to approve

11 with conditions carries.)

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1 Application 2A-08-17. Application of Wegman Companies, Inc.,
2 contract vendee, and Genesee Regional Bank, owner of property
3 located on Sawgrass Drive, known as Tax ID #s 149.06-1-5/BR and
4 149.06-1-5/RH, for extension of an approved area variance
5 (2A-01-16) pursuant to Section 219-6F allowing for the height of
6 a new building to be 44.5 ft. in lieu of the maximum 40 ft.
7 allowed by code. All as described on application and plans on
8 file.

9 Motion made by Ms. Dale to approve
10 Application 2A-08-17 for an extension
11 of the approved area variances 2A-01-16.
12 No changes have been made to the project
13 or altered into the variance.

14 CONDITIONS:

15 1. All previous findings of fact and conditions shall apply.

16 (Seconded by Ms. Watson.)

17 (Ms. Watson, yes; Mr. Clapp, yes;

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

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

20 (Open roll call, motion to approve
21 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