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

June 7, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:
DENNIS MIETZ, CHAIRMAN
CHRISTINE CORRADO
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JEANNE DALE
JENNIFER WATSON
DOUGLAS CLAPP

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

Reported By:  BRIANA L. JEFFORDS
Forbes Court Reporting Service, LLC
21 Woodcrest Drive
Batavia, New York 14020
CHAIRPERSON MIETZ: So at this time I would like to call to order the June session of the Brighton Zoning Board. Was the meeting properly advertised.

MR. DI STEFANO: Yes, Mr. Chairman it was advertised in the Brighton-Pittsford Post on June 1st, 2017.

CHAIRPERSON MIETZ: Okay. Will you call the role?

MR. DI STEFANO: Please the record reflect all members are present.

CHAIRPERSON MIETZ: When you are ready, Mr. DiStefano, you can read the first application. Application 5A-01-17. Application of Image 360, agent, and Jewish Home of Rochester, owner of property located at 2021 Winton Road South, for Sign Variances from Section 207-31.B(1) to allow a free standing identification sign to 1) be 63.5 sf in size in lieu of the maximum 16 sf allowed by code, 2) be 10.5 ft. in height in lieu of the maximum 6 ft. allowed by code, and 3) internally illuminated where not allowed by code. All as described on application and plans on file.

MS. TRACY: Hello, Jackie Tracy from Image 360.
CHAIRPERSON MIETZ: Address?

MS. TRACY: 275 Marketplace Drive.

CHAIRPERSON MIETZ: Thank you.

MS. TRACY: We were at the last meeting.

We also met with the ARB in between. We did get their approval based on the variance approval this evening. So we covered the bases from them. The issues we had last time were the size, height, and lighting. And those were the three main things we were looking for.

So we made changes to, hopefully, address those for you guys for you to approve. So what I presented here was the original presentation and then the new one. So we took all of your information, not just those three things, but the talk of it's known as the Jewish Home not Jewish Senior Life. So we made all of those different changes, and we removed two or three of the lines.

CHAIRPERSON MIETZ: The whole reference --

MS. TRACY: Yep, too much wording Jewish Home versus Jewish Senior Life so then the size came down. We are still asking for the lighting, but the sign that is there is already lit now. So we are hoping that would be approved. So that's the difference between the two.

MR. DI STEFANO: Can you say for the
record the differences between --

MS. TRACY: Yes, absolutely. So best if I do it this way, so the original sign was 115 inches tall by 72 inches wide. This one will now be 96 tall by 72. So we kept the same width. We just shortened the height. We did that by getting rid of some of the information and changing how we presented it. We also took what you said about the lighting as far as the address and what was on it. So we are proposing that we would light this portion. The only thing that would not be lit is Jewish Senior Life which is really not an item here. It's more of the branding. So that would be less obvious. So we changed that. The square footage was -- originally, the square footage, I feel I could have done a better job than that, but we took all the way from here to there with all of that dead space. So I wanted to give you a better presentation of what we are going for which is 96 tall by 72 wide. But the actual basic measurements of the sign where this is decorative and this is decorative, which if we were doing a monument where there is brick, you wouldn't count that. So I'm kind of looking at it that way. So the actual area is only 29 square feet that we are asking for in this section here. The total area is 43 if you take the whole
thing with the dead space and everything. So I kind of wanted to present that a little better this time.

MR. DI STEFANO: You said 29 square feet?

MS. TRACY: Yes, for this dotted area. So if you take everything including the dead space, it's at 43. But again, that's dead, dead, dead, and then this is more of a decorative item as opposed to -- there will be normal lighting, nothing accenting that at all.

And then the last thing was to kind of give you a better presentation of what's there versus what we are going to present. And we had, originally, the photo versus the rendering. So we did rendering to rendering so you can see the sign is much smaller. But we didn't have to jeopardize the letter height because we got rid of some of the text. And the Jewish Home is actually a good size as well which is on the final board. That's all of the information.

MS. DALE: The one comparing the existing sign with the sign, would you mind putting that back up just a minute?

MS. TRACY: This one?

MS. DALE: So I don't -- if you happen to have -- now, to me it looks like the new sign is about half as wide.
MS. TRACY: Correct.

MS. DALE: Would you say that is about right?

MS. TRACY: Correct. This is 3 foot by 10 foot, and this is only 6 feet wide, so half.

MS. DALE: Okay. From a height perspective, would you say?

MS. TRACY: This is about 6 feet, and this is now 8 feet.

MS. DALE: Thank you.

MS. TRACY: Yep.

MS. SCHWARTZ: I thank you so much for listening to us.

MS. TRACY: Absolutely.

MS. SCHWARTZ: That was really, really good. And I think I speak for all of us that we are very appreciative. And I can't tell exactly, it's still going to be higher though because there is a bit of a berm and there is a base. Are you not going to bring that berm out and bring it down to grade?

MS. TRACY: I took a closer look at that, and the way it is is not because of the sign but it's because of the landscaping. There is a pond in the back and some sewer grade at one side of it. So we are looking to take this out. So the brick will come
up. So from the ground to here is 6 foot, and then we will be placing the sign on that.

    MS. DALE: So you can trust how it looks on there?

    MS. TRACY: We would not be going down to grade on that because it would make an unnecessary mess of that.

    MS. DALE: But not going higher either like to the bottom of the existing --

    MS. TRACY: Yes, and we are going to go right into the ground here. So it will be 2 feet taller than what is there now.


    MS. TRACY: Thank you.

    CHAIRPERSON MIETZ: Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, then the public hearing is closed. Thank you.
Application 6A-01-17. Application of Christopher and Heather Patterson, owners of property located at 286 Varinna Drive, for an Area Variance from Section 207-10E(5) to allow a driveway expansion to be 2 ft. 9 in. from a side lot line in lieu of the minimum 4 ft. required by code. All as described on application and plans on file.

MR. PATTERSON: Good evening, Christopher Patterson from 286 Varianna Drive. We are new to Brighton as of November so hello.

CHAIRPERSON MIETZ: Welcome.

MR. PATTERSON: Also, first time to a town board anywhere.

CHAIRPERSON MIETZ: Well, take your time, and we are easy to get along with.

MR. PATTERSON: This is a little bit smaller than 11 feet wide which isn't quite wide enough to park two cars side-by-side. A typical garage that is two car widths is 16 feet. So we are asking for a minimum amount necessary to park two cars side by side which would be 16 feet. So we need to widen our driveway by 5 feet. This wouldn't normally be an issue, however, town board code states you need 4 feet from the edge of the driveway to a property line, and we would be a little beyond that by
15 inches. So we are here tonight to ask for a 15 inch variance.

So we looked at other things we could do to not ask for a variance. The most obvious thing would be to expand on the other side of the driveway, but that is not practical. There are existing shrubs there. There is a walkway to the house. It wouldn't look very good. Also, walking up and down Varianna Drive, we see many other examples of, you call them, bump outs for driveways. And they are done -- it's not fully, some are not, some are just enough for a car. Ours would be a little more tasteful. So we had 5 feet wide by 20 feet long and then a 15 foot taper which would about go to the driveway bottom where the sidewalk starts so we wouldn't impede on that area. But from the road, it would look as good as it could, and we would also dig up from the existing address and do the whole thing at once which we feel would beautify the landscaping. So I provided some examples along the street that had bump outs. So we wouldn't do anything any different than what is already seen in the neighborhood.

MS. SCHWARTZ: I just have one quick question.

MR. PATTERSON: Sure.
MS. SCHWARTZ: How far back would you be from the tree that is up closer to the garage? Do you know roughly?

MR. PATTERSON: So on the -- I have the -- so the tree is right about where the garage door is. So we would be far enough back so the root system doesn't stick up into the driveway in five years, that is why it is set back 9 feet from the garage door. We might sit it back another foot or two depending on what the driveway contractor recommends after he starts digging.

MS. DALE: So I apologize I wasn't able to visit. Is the tree -- I was going to ask about the bump out in the driveway. It is not starting at the garage because of the tree?

MR. PATTERSON: It's because of the tree, yes.

MS. PATTERSON: And also to not have it next to the part of the house that comes alongside the driveway just to make the space not as closed in.

MR. PATTERSON: Another reason is because we are asking for the very minimum to park cars side by side. We want the cars staggering or else you are going to have very little space between the two vehicles.
MS. WATSON: I have a question.

MR. PATTERSON: Yes.

MS. WATSON: Have you had a chance to speak to the next door neighbor?

MR. PATTERSON: We have, and he's actually here tonight to give his thumbs up.

CHAIRPERSON MIETZ: All right. Thank you.

MR. CLAPP: That was my question, too.

MR. PATTERSON: It's an important question.

CHAIRPERSON MIETZ: So any other questions by the Board? Okay. Very good. Thank you very much.

MR. PATTERSON: Thank you.

CHAIRPERSON MIETZ: So is there anyone in the audience that would like to speak regarding this? Okay.

MR. AGRONICK: My name is Ben Agronick, 278 Varianna Drive. My side yard would be directly impacted by this. I don't object.

CHAIRPERSON MIETZ: Okay. Thank you very much. Is there anyone else in the audience that would like to speak regarding this application. Okay. There being none, then the public hearing is closed.
Application 6A-02-17. Application of Faith Temple, owner of property located at 1575 Winton Road South (Tax ID #150.05-1-1.2) for a Temporary and Revocable Use Permit pursuant to Section 219-4 to have a one day outdoor community event (August 19, 2017) and a church congregation picnic (August 20, 2017) in RLB - Residential District. All as described on application and plans on file.

CHAIRPERSON MIETZ: Good evening.

MR. KAISER: Good evening, we doing our annual --

CHAIRPERSON MIETZ: Give us your name and address.

MR. KAISER: Mark Kaiser, I am one of the pastors at Faith Temple. We are doing an event, again, like we have in previous years. It's called The Big Give. It's community outreach where we are giving away clothing, school supplies, book bags, that type of thing just before school starts in August on the 19th of August. The temporary use permit is for using it for that purpose. We had, I believe, last year there was around 700 that came out to the tent throughout the day. It was about a four hour event. And through the whole day, there was about 700 people that we serviced as far as giving clothing and school
supplies. We also had, I believe, it was part of the
Monroe County fingerprinting where they fingerprint
the children for that. There was another group that
was doing that there as well to try to capture some of
those. So it is an outreach to help those that are
under privileged in the community. The following day
we kind of continued with our annual church picnic
which would be on the same property, same place. The
tent will be there. So we will be putting it up.
It's a 40 by 80 foot tent. We figured we would get
the maximum use out of it by using it for both events
which is what we did last year as well.

MS. SCHWARTZ: I notice the hours on the
19th is longer than last year.

MR. KAISER: The actual event is from
10:00 until 2:00.

MS. SCHWARTZ: Well, you are asking from
8:00 a.m. to 6:00 p.m. Last year, I believe, it was
from 11:00 a.m. to 3:00 p.m.

MR. KAISER: It's more set up and tear
down. I probably was a little generous in that. I
think we ended up last year not getting there until
about -- I'm not sure what time we started.

MS. SCHWARTZ: So you won't be there as
early as 8:00 you think?
MR. KAISER: It's just a matter of setting up and tearing down. We try to get as many of those things done prior to. So when we get there it's all ready.

MS. SCHWARTZ: And on Sunday will you be having the church service and then the picnic?

MR. KAISER: No, the picnic is just after the service. So the picnic will be from 1:00 until 4:00.

MS. SCHWARTZ: Because you are asking, again, from 10:00 in the morning on Sunday.

MR. KAISER: Yes, it's generous. I probably went generous on that as well as far as the set-up time. It will almost be nothing because it will already be there, the tables and things like that.

MS. SCHWARTZ: So could you give us an idea then what time you think, reasonably, you will start on Saturday?

MR. KAISER: On Saturday, Saturday, I will say, because the event does start at 10:00 a.m., I would say probably 8:00 would be the right time. I believe that's when we started last year as well.

MS. SCHWARTZ: Okay.

CHAIRPERSON MIETZ: If that's what they
need --

MS. SCHWARTZ: Thank you.

CHAIRPERSON MIETZ: All right. Is there any other questions of the applicant?

MS. TOMPKINS WRIGHT: No complaints last year no issues?

MR. DI STEFANO: No, I didn't receive any. My question to the applicant is you said 700 people, that's a pretty good amount of people. Did you have any issues with parking or traffic?

MR. KAISER: Not at all.

MR. DI STEFANO: So you had plenty of room?

MR. KAISER: We had little over 300 parking spaces. 700 people didn't equate to more than that. There may have been more cars but staggered throughout the day. We never ran into an issue. We had people there as far as directing traffic and making sure everything worked. And we had the traffic pattern so it wasn't anywhere near where people are walking.

MR. DI STEFANO: And you are planning to do the same thing this year?

MR. KAISER: We designed it a little different this year so it's more efficient. There is
less possibility of people getting injured while walking through.

MR. DI STEFANO: No rain date?

MR. KAISER: No, that's it. That's it.

MR. CLAPP: You go inside in the event of rain? You take it inside?

MR. KAISER: No, if it rains we will probably still do it there. That's why we are doing the 40 by 80 tent.

MS. SCHWARTZ: I have one last question, any music?

MR. KAISER: No. No amplified music or anything like that.

MS. CORRADO: One other question, how do you advertise this event?

MR. KAISER: I'm trying to remember what we did last year. Do you remember what we did as far as advertising last year? I know we did have a lot of signs inside our facility letting people know. I think it was more word of mouth through the congregation. We have a fairly large congregation. And I think it was word of mouth from them, and people they knew in their lives, and connections. That was basically the advertisement. We didn't do any paid advertising. No, I don't believe we did.
MS. CORRADO: And the goal is to draw the
same amount of people there?

MR. KAISER: Yes, the goal is to service
whoever comes. You know, it's not like we are looking
to increase it, but we are looking to serve whoever
does come. It's a real effort by our congregation
because everything that is given away is contributed
by the congregation. Clothing, and book bags, and
school supplies are all contributed. So it gets the
whole congregation in the giving mode.

MS. SCHWARTZ: You are not setting up the
day before but the same day?

MR. KAISER: The tent will be set up on
Friday. That's the only day they will deliver it on
Friday. They won't on Saturday. And it will be
picked up on Monday. They have their own security
company. There are two people, I believe, that stay
with the tent when it's not being used. We pay for
that just so there is somebody there just to make sure
there is no vandalism or something.

MS. DALE: Overnight?

MR. KAISER: They do overnight, yes.

MS. DALE: Wow.

MR. KAISER: That was one of the
stipulations. To have the tent there, they require
some sort of security. And we could have provided it ourselves, but I was like you have somebody? And they said yes. So we use their services.

CHAIRPERSON MIETZ: Okay. Very good. Any other questions?

MS. SCHWARTZ: And all of the parking last year was on the grounds not on the road?

MR. KAISER: No. No. We made sure the guys that were directing the people they kept people off of the street.

CHAIRPERSON MIETZ: Okay. Thank you very much. Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, then the public hearing is closed.
Application 6A-03-17. Application of Michael and Elaine Jakubowski, owners of property located at 55 Old Mill Road, for an Area Variance from Section 203-2.1B(6) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

CHAIRPERSON MIETZ: Good evening.

MR. JAKUBOWSKI: Good evening, Michael Jakubowski and my wife Elaine. She is my chief aesthetic officer for 55 Old Mill Road. And Mike Rata is with Isaac Heating and Cooling. They are the contractors that will be doing the work and installing the generator. We brought him along in case the Town has any questions regarding the installation. We’ve had the privilege of living in Brighton for 25 years now. And 15 of those years have been on Old Mill Road, the south side of Old Mill Road, with Allens Creek flowing through our backyard. The Town requires a standby generator to be installed in the rear of the yard as the application points out, the photos in the application. The way our house is laid out and other conditions of the building code for the generator being installed requires it to be 5 feet from any window or door opening. And the construction of the
house and the window and door layout of the house do
not allow for any space for that generator to be
installed without violating that 5 foot safety code
for any carbon dioxide and carbon monoxide emissions
into an opening. So that leaves us with one space on
the west side south corner rear corner of the house
that is really out of sight from the esthetic view of
the backyard and very convenient for the installation
with the gas meter. Hence the request for the
variance for installation on the side of the house
versus the rear of the house.

MS. TOMPKINS WRIGHT: Did you say you had
photos?

MR. DI STEFANO: You should have it in the
packet or maybe you don't. Maybe I only have one copy
of it.

MR. JAKUBOWSKI: Oh, you only have one
copy of it?

MR. DI STEFANO: I think I only have one
copy of the photos.

MS. TOMPKINS WRIGHT: Can you pass it
around?

MR. DI STEFANO: Yes, sure.

MS. JAKUBOWSKI: Judy came over and we
talked a little bit about where it was going to be
placed and how it was going to be landscaped around it.

CHAIRPERSON MIETZ: Can you describe, for the record, what you are going to do as far as landscaping around it?

MS. JAKUBOWSKI: Yes, there will be pachysandra around it. There will probably be some smaller shrubs as well. So that as you come down Old Mill Road, you probably wouldn't see it. We talked to our neighbors Arleen and Howard Shanker, and they are fine with us putting it there. There is 80 feet between our house and their house.

MR. JAKUBOWSKI: It's 80 feet to their garage. Their living space is another 22 feet from the garage. So we are over 100 feet from any living space to their house. One other thing I wanted to point out, if you are familiar with the traditional standby generators, they look like big crates. This is some newer technology that Isaac has introduced to us. It is a very compact 12 kilowatt standby generator that has a footprint about the size -- actually, it is a little bit smaller than an air conditioning condenser unit that sits on the outside of most people's houses -- on the side of people's houses. Yes, sir.
MR. CLAPP: I also noticed in the flyer for the generator it is 15 percent quieter than pervious. So I am assuming that meets town ordinances.

MR. RATA: The decibel rating for that model --

CHAIRPERSON MIETZ: Sir. Sir, can you step up and just give us your name?

MR. RATA: Hi, my name is Michael Rata, and I am with Isaac Heating. The decibel rating of that model is 69 decibels. And I believe the town requires a minimum of --

MR. DI STEFANO: Seventy-two.

MR. RATA: -- seventy-three.

MR. DI STEFANO: Two, seventy-two.

MS. JAKUBOWSKI: So we are well within the range of the town. Thank you.


MS. JAKUBOWSKI: Thank you.

CHAIRPERSON MIETZ: Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, then the public hearing is closed.
Application 6A-04-17. Application of Holly Garnish, property manager, and The Park at Allens Creek LLC, owner of property located at 100-160 Allens Creek Road, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a food truck to operate at the office park 2 times per summer for the years 2017 and 2018 where not allowed by code. All as described on application and plans on file.

MS. GARNISH: Hi, I'm Holly Garnish from The Park at Allen's Creek. I am the property manager. And many of my tenants over the last couple of years have requested that we invite a food truck because we have lovely outdoor space when the weather gets nice and we do lovely landscaping. And as property manager, one of my biggest goals is to keep my tenants happy and to keep them leasing office space in the town of Brighton. And some of my biggest competition is office space downtown where they have that cultural opportunity. So I am trying to promote sense of community there as well, and get people outdoors, meet each other, and get out of the office. I thought it would also promote goodwill, certainly. So I'm requesting just twice in the summer for them to come for two to three hours this summer and next summer. And I would invite the same vendors. So you would
have all of the health permits and information about that vendor. And they would be really not visible to the other neighboring properties. We have a rather large property almost 10.2 acres and eight buildings. So it would be tucked in the back by our back three buildings near the freeway which is on the side of our property. And only our tenants would be invited to go to the food truck. So I think that's it. Any questions?

MS. SCHWARTZ: You are proposing just one truck?

MS. GARNISH: I'm sorry.

MS. SCHWARTZ: You are proposing just one food truck, one vendor?

MS. GARNISH: Right. The one I had written in the application is Wraps on Wheels. They have been in business for a very long time and are well established. They have a wide variety of choices. That's basically why I chose them.

MS. WATSON: Could you speak to pedestrian safety or coning off the truck, and where the line is going to form, and how you would protect that?

MS. GARNISH: Right. Well if you have a copy of our map, we have three back rear buildings and in the center is our courtyard. And the truck would
be pulled up alongside a sidewalk area which is near
the -- in the parking lot but near one of the first
buildings in the courtyard. So the sidewalk and all
the way back through the courtyard is all a pedestrian
area. And that's where any line would form. And we
would also have picnic tables. We have a lot of them
throughout the park, but we would add some more around
that area. And then of course, we have coned off the
area around the truck. It's basically in our parking
lot.

Again, so you said it would be put on for the tenants
in the park so no advertising in the park only to the
tenants?

MS. GARNISH: No, absolutely only to the
tenants.


MS. CORRADO: And are your dates fixed for
this summer?

MS. GARNISH: Because I did not know the
outcome of this, I have a couple of tentative dates
for this summer, June 21st -- no, June 16th and July
21st are tentative.

MS. CORRADO: And you would anticipate
roughly the same for next summer as well?
MS. GARNISH: Right. Something in June, something in July or August.

MS. CORRADO: Okay. Thanks.

CHAIRPERSON MIETZ: Any other questions?

MR. CLAPP: Does this particular vendor do grilling in the truck or --

MS. GARNISH: I think they do but they are completely certified in their whole -- by the Monroe County Health Department. They have all of the ventilation they need. They are completely self-contained. All of the grey water, any dirty materials. They keep internally and take back out with them.

MR. CLAPP: Okay. Thank you.

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

MS. GARNISH: Thank you.
MR. PSCHIERER: Good evening, my name is Dave Pschierer, 168 Surrey Hill Way, Rochester, New York. I am from Integrated Power. We are the installing contractor for Mr. and Mrs. Dimperio who are representing here tonight. We are proposing to put a Generac 16kW generator in the backyard for Mr. and Mrs. Dimperio. As you can see from the drawings of the pictures we took, there is a wide open backyard, but the actual property line in the back of the house is only about 10 feet maybe 12 in some areas. Because of the location of the gas meter, and the electric utility meter, some windows, and an air conditioning condenser, we need to be 5 feet off of the house to meet all of the building code clearances, and the factory manufacturer recommendations for the installation, along with RG&E code in regards to their utility meters. So we did go to the HOA there in the
reserve because they do own the actual land that the
house is on. They gave their blessing for us to set
it 10 feet within the property line. And I did
provide pictures of the landscape. And actually in
one of the pictures, you can see that their neighbor
right next door has a generator too. So it's not
going to stick out in the neighborhood or anything
like that. The reason we are seeking the variance is
we were going to need one either way, but this was the
only option that made it in the backyard and not
visible from the road.

MS. CORRADO: So from the photo with the
neighbor's generator showing, is that roughly where
the proposed generator will end up as well?

MR. PSCHIERER: If you are looking at the
photos there in front of the air conditioning
condenser where it comes out to the mulch, we were
looking to actually put it running length-wise
parallel with the mulch. And this is the plan to
plant around it so it's not visible from the patio or
the neighbor's patio. She hasn't given me the exact
landscape plan, but she doesn't want to look at it
while sitting on her patio so I know there is a plan
in place. So we will be running parallel to the
mulching. I believe the base of that existing plan is
once the installation is complete, because we are running all of our gas pipe and electrical conduit underground from the house, they are going to mulch around where we set the generator and incorporate it into their garden so you won't see it.

CHAIRPERSON MIETZ: Okay. Good. Any other questions for this gentleman?

MR. CLAPP: The photo you say that shows the generator, is the generator the white cube in the background of that photo?

MR. PSCHIERER: Yes. Yes.

MR. CLAPP: So that generator is set far closer to the house than what you are doing here.

MR. PSCHIERER: I didn't walk onto the neighbor's property. I don't know if they actually pulled the building code. We did not do the installation. I don't know if there are windows that come into play there. I do know from the tape survey that shows the whole neighborhood, because it is a fairly new neighborhood, that they have 25 foot from their backyard to the property line. So there wouldn't be a variance issue there, but I can't speak to who installed it or whether a permit is pulled or anything like that.

MS. CORRADO: Have you done other
installations in this neighborhood?

MR. PSCHIERER: In the town of Brighton quite a few, but in this neighborhood, no. This is a fairly new neighborhood.

MR. CLAPP: There is -- not that I saw in the packet but also when I looked not in the backyard either, do you show -- okay. Now, I do see it. Now that I'm looking more carefully -- okay. No question.

CHAIRPERSON MIETZ: Good? Okay. Thank you very much.

MR. PSCHIERER: Thank you.

CHAIRPERSON MIETZ: Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, then the public hearing is closed.
Application 6A-06-17. Application of Sean and Lauryn McCabe, owners of property located at 3395 Elmwood Avenue for an Area Variance from Section 205-2 to allow an addition to extend 3 ft. into the 36 ft. rear setback approved by variance (10A-05-81) where a 60 ft. rear setback is required by code. All as described on application and plans on file.

MR. MCCABE: Good evening, my name is Sean McCabe. This is my wife lauryn. Rick, just for the record, my wife's name is spelled L-A-U-R-Y-N.

MR. DI STEFANO: Thank you.

MR. MCCABE: We are the homeowners of 3395 Elmwood Avenue. We just closed on the house in April. We are not living there yet. We are doing some work to the interior. We are here tonight to ask for an area variance to add a small addition onto the back of the house. It is 10 feet by 20 feet. And the purpose of the addition is to address two existing conditions within the house. The first is that there is no closet in the master bedroom, and the second is that the dining area in the kitchen isn't large enough to accommodate a family of four which we are about to be. If it's okay with the Board, I will run quickly through our responses to the criteria that the Board uses in evaluating an area variance if that's okay.
And if you have any questions, please stop me.

First, there won't be any substantial change to the neighborhood, and there won't be any detrimental effect to our neighbors. The addition won't be visible from the street in any way, shape, or form. It probably won't be visible to any of the neighbors unless they are climbing a tree, or underneath some shrubs, or something like that. The house was built by an architect from Rochester named Frank Grosso. It's beautiful. We think it's a work of art. The addition will extend an existing roofline 10 feet out from the house and will completely match the esthetics of the house, same cedar siding, same roof, same windows, and all of that. We can't really solve either of those two problems in any other manner. There is no place in the house to locate a closet for the master bedroom right now. And there is no other place to have dining off of the kitchen that is immediately adjacent to the kitchen.

We are not asking for a substantial variance. The existing variance for the rear setback is 36 feet, and we are only asking for an additional 3 feet beyond that. The variance is the minimum necessary because in order to happily address the closet and the dining space, our architect has
determined that we need 10 feet. Where the addition is going to be located, there is an existing chimney. So we are going to have to wrap the addition around that. We will lose some space, obviously, because we have to do that.

The addition will be consistent with surrounding properties, and there won't be any adverse impact to the neighbors. Again, it furthers the residential purpose of the house. It provides two amenities that most modern homes have. You don't really have a bedroom if you don't have a closet. And again, it's not visible from the street or any of the neighbors' homes. Again, this was not self-created because both of the conditions existed before we bought the house.

CHAIRPERSON MIETZ: Okay. Good.

Questions?

MS. TOMPKINS WRIGHT: What's the timing on your construction?

MR. MCCABE: Good question. Hopefully, as soon as we get the variance and approval soon thereafter.

CHAIRPERSON MIETZ: You expect to do it during this building season?

MR. MCCABE: Yes, absolutely. We would
love to be in the house before the baby is here and that's two months in counting.

CHAIRPERSON MIETZ: Any other questions?
Okay. Thank you. Is there anyone in the audience that would like to speak regarding this application?
Okay. There being none, then the public hearing is closed.
Application 6A-07-17. Application of Marc Bushshallow and Katherine Hess, owners of property located at 180 Trevor Court Road, for an Area Variance from Section 207-2A to allow a 6 ft. high fence in a front yard where a maximum 3.5 ft. high fence is allowed by code. All as described on application and plans on file.

MR. BUSHSHALLOW: Hi, good evening, I'm Marc Bushshallow, and this is my wife Katie Hess. We live at 180 Trevor Court Road. The purpose of the variance is for the safety of our family. The fence is located in our back side yard along Trevor Court Road as can be seen in the plans. As you mentioned, the allowed height is 3 and a half feet. We have two small children and that presents two issues with regards to the allowed picket fence. One is, obviously, keeping people from entering our backyard by going over a small fence. And then two, with regard to people being able to, both, see directly into our backyard from the road. And there are pictures there that show you can see directly into our backyard as well as you can see directly into our family room and dining room from the road. We have planted trees there that will be very large in five years. But at current date, they do not provide any of that necessary security of our family.
MS. HESS: Hi, I'm Katie. Additionally, I just want to add that we had a few incidents last year with strangers on our property two times in the summer and then one time in the winter. People were coming in through the backyard, the side yard, up into our front either knocking on windows or also on our front door. I was pregnant last summer with our second child. So I was a little bit nervous with having that access because I think sometimes people feel that the yard between the treeline and the street, they kind of feel it is more like a public yard than private property. So we do have some higher traffic on there as well. Georgian Court doesn't have street lamps in the evening where on Trevor Court we do. So I think it allows for people to be on Georgian Court in the evening a little bit more without being seen. So that was what difficulty we had last year with people coming in and out. So also with the fence being a little higher if a person tried climbing over or our other son tried to climb over, that would not be as high of a risk for us.

CHAIRPERSON MIETZ: Okay.

MS. DALE: Can you describe what the fence is going to be a stockade fence or --

MS. HESS: It's a cedar fence, and I think
we are going to do the paneling at the top, the trellis paneling. So I think it's about a foot at the top that you can kind of see through. We haven't installed it or anything yet, obviously.

CHAIRPERSON MIETZ: Okay. So you are clear that the dimension of that to the top, whether there is an open section or not is that the top is no larger than 6 feet.

MS. HESS: Yes.

CHAIRPERSON MIETZ: You are confident from the grade to that will be 6 feet and no more than 6 feet.

MS. HESS: Yes, we spoke to the person who is doing the landmark fence two or three times, and he is aware of -- because he told us are you sure you want that where there is some space where it is not a solid fence, and I said yes.

MS. DALE: And I think in the application you said that there was an existing row of shrubbery and the fence is going to be on the inside.

MS. HESS: The inside of our property, yes.

MR. BUSHSHALLOW: So there are pictures. The existing shrubbery is already 7 feet tall but not wide enough. And there is a picture of what it will
look like when it is fully grown. This is our neighbors that are kitty corner. Theirs are 10 or 12 feet tall.

    MS. HESS: Yes, and we picked the same trees they did so it should look the same.

    MR. CLAPP: The fence across the back property line, is that on the neighboring property?

    MR. BUSHSHALLOW: That is on our property. It's an existing fence that is 6 feet.

    MR. CLAPP: Will you be replacing that?

    MR. BUSHSHALLOW: Yes, as it is starting to --

    MS. HESS: With the windstorm, it all just started leaning over.

    MR. CLAPP: Gotcha. And on the areal photo, are you also putting a fence from across the garage to the property line?

    MR. BUSHSHALLOW: No, so that side of the house is going to remain open to our neighbors. There is shrubbery and various plantation there.

    CHAIRPERSON MIETZ: And then the fence is also going to be natural cedar or are you staining it?

    MS. HESS: No, it's not. It's not going to be clear cedar. It's just going to be regular knotted cedar.
CHAIRPERSON MIETZ: That's fine. Okay.

Any other questions?

MR. DI STEFANO: Yes, just for clarification on the fence, itself, you are not going to make a connection from the edge of the house over to that --

MR. BUSHSHALLOW: We are. That's where the 3 and a half feet are.

MR. DI STEFANO: That's where you are doing 3 and a half feet.

MR. BUSHSHALLOW: Yes.

MR. DI STEFANO: Just so you guys know, this little connection here will be 3 and a half feet.

MS. HESS: And there is an existing one there, but that, also with the storm, has fallen over.

MR. DI STEFANO: And I guess for purpose of what the Board needs to find, moving that fence back, I don't know what it is, 10 feet maybe to the corner of the house running the parallel to the street which would not need a variance, you can't do that because --

MR. BUSHSHALLOW: There is a tree there with roots. There is a massive tree.

MR. DI STEFANO: I don't see that here.

MS. HESS: Yes, it's a big tree leaning
onto the house.

MR. DI STEFANO: So that tree it is located somewhere in here?

MR. BUSHSHALLOW: It's over here. It's a big tree with leaves that hangs over the roof.

MR. DI STEFANO: So it's in front of the -- let me just see. Okay. So the fence would be in front of that tree that's what you are saying?

MR. BUSHSHALLOW: Yes.

MR. DI STEFANO: Okay.

CHAIRPERSON MIETZ: Okay. Any other questions of the applicants? Okay. Thank you very much. Is there anyone in the audience that would like to speak regarding this application? Come forward.

MR. BORSHOFF: Good evening, my name is Tom Borshoff. I own property directly across the street from 180 Trevor Court. The property is 177 Trevor Court. I also own a vacant lot on Sandringham which is immediately behind 177 Trevor Court. I also own 277 which is about five houses away from 180 Trevor Court. I also own 93 Ambassador which is at the other end of Trevor Court as well as 370 Sandringham, and 355 Ambassador, and 333 Ambassador. So I'm impacted by the variance request particularly with the property directly across the street. I would
ask that the applicants and the Board consider that
the privacy being requested by the applicants, in my
opinion, can be accomplished by doubling up on a row
of new trees they planted and create the privacy they
are looking for without putting up a 6 foot tall fence
that would be, I think, a negative to the
neighborhood. Additionally, I think if they simply
move their fence in and work with the tree they just
mentioned, they would not need a variance. So I think
for the benefit of the neighborhood, they have options
that would not have a negative impact. Thank you.

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

Application 6A-08-17. Application of Catherine
Foster, owner of property located at 50 Buffard Drive,
for an Area Variance from Section 207-6A(2) to allow a
shed to be located 3 ft. from a rear lot line and 3.8
ft. from a side lot line in lieu of the minimum 5 ft.
setback from all lot lines as required by code. All
as described on application and plans on file.

MS. FOSTER: Good evening, I'm Catherine
Foster. I'm the owner of the property 50 Buffard
Drive. And I am here about a shed. We currently have
a storage shed in the backyard which was there when I purchased the house in 2006. It is now in disrepair. We would like to replace it. When I went to the town web page and looked at the zoning or property use, I realized that the current one does not meet the code. The current one is less than 5 feet on two sides of the property line. And I wanted to -- the way that our yard is designed, we have a ravine. So we have very limited space to put a storage shed some place else. So I am asking to use, basically, as much of the same footprint we have currently. We also -- I would like to -- the current shed is 6 by 8 feet. I would like to go a little larger 8 by 10, if possible. Again, we have a shared driveway and a one car garage. So in the winter, our garage has a car in it. So we need storage space for all of our outdoor items, chairs, and everything like that. That's why we utilize the shed in the winter more than the summer.

I will also mention that the current shed, one of the previous property owners and I don't know who it was, actually landscaped around the area too. So we don't want to the disrupt too much of the landscaping. I'm willing to do a little variation of it, but I would like to keep some of it because it does add to the yard that we have.
And further, there is a shed behind us that also is less than 5 feet from the property line behind us. The shed, where I have it right now, because his shed is larger than ours, he cannot see ours from the current situation. And the shared driveway owner also has a free-standing garage that prevents him from seeing our shed from the house. And you can see it sort of from the street when you are driving in. But once he is in the house, you can't see it. So I don't think there is any further disruption of anything.

MS. SCHWARTZ: There is a fence around it now. Do you plan on keeping the fence there?

MS. FOSTER: Yes, I am not going to change any fencing. There is, I will mention, if you look on the survey, there is a board fence that I would like to take down. And that's where the extension on the size of the shed, I would like to move it to that space. It's basically an alcove. And we don't really use that space. We have firewood in that area.

MS. SCHWARTZ: I saw that.

MS. FOSTER: But we don't use it other than that. So I would like to take it back in that area.

CHAIRPERSON MIETZ: Could you describe
what the shed is going to look like?

MS. FOSTER:  The shed?  Basically, we just wanted --

CHAIRPERSON MIETZ:  Just for the record.

MS. FOSTER:  Sorry.  Okay.  It's basically straight 8 by 10.  We are not going to ask for any windows on the shed just one door entrance so we can get in and out.  And then because we did talk to one vendor and we don't want the shed to be set in, we need a ramp.  And they will provide us one to give us access to it.  But it will be just a straight storage shed, as I said, no windows just a door access.

CHAIRPERSON MIETZ:  Style similar to what's there?

MS. FOSTER:  Yes, similar to the one we have and also match the one that's on the house behind us.

MR. DI STEFANO:  Just a couple of questions, the shed, itself, is not going to have a foundation just placed on the ground?

MS. FOSTER:  Correct.

MR. DI STEFANO:  On your property, there is a sewer line that basically runs through your property.  Do you see an outlet for that sewer line that runs towards the ravine?
MS. FOSTER: No. No.

MR. DI STEFANO: You don't. Okay. Is this area where the shed is currently located a fairly flat area of your yard?

MS. FOSTER: Yes. Yes.

MR. DI STEFANO: Okay.

MS. FOSTER: Yes.

MR. CLAPP: I couldn't see when I looked at the property, but I'm assuming the area on the survey showed a timber wall. Is that part of where the ravine runs?

MS. FOSTER: Yes. Yes.

MR. CLAPP: And then have you spoken with adjacent neighbors of the plans?

MS. FOSTER: Yes, they are aware. They are fine. They actually thought I was crazy to fill out an application. Do what you want to do, but I had so many questions regarding this. So thank you.

MR. CLAPP: Thank you for coming. It is easier in the long run.

CHAIRPERSON MIETZ: Any other questions?

Okay. Thank you. Anyone in the audience that would like to speak regarding this application? Thank you very much. The hearing is closed.
Application 6A-09-17. Application of Chris Duerr, agent, and 333 Metro Park Business Complex, LLC, owner of property located at 333 Metro Park, for a Sign Variance from Section 207-32B to allow signage on a second building face (Metro Park frontage) where not allowed by code. All as described on application and plans on file.

MR. DUERR: Good evening, my name is Christian Duerr. I'm representing Michael Aimes who owns 333 Metro Park. The business is called Metro Park Business Complex. We are requesting additional signage on the building face. We have been approved for signage on Brighton Henrietta Townline Road which is at a maximum square footage of 150 square feet. We are requesting additional building signs. A configuration in terms of quantity at most would be eight 3 by 6 signs with the possibility of going with a minimum of four 4 by 8 signs.

The statistics on the building, the building has a rentable area of 76,500 square feet and approximately 325 parking spaces. It has three two-story sections. It has four primary entrances or four entrances. It doesn't really have a primary entrance. Currently, there is approximately 35 tenants. Of those tenants, there is roughly six over
4,000 square feet. The idea was, in the signage package, was to use the signage on Brighton Henrietta Townline Road as a principal business sign that represents the 30 other smaller tenants in the building. And then the signage along Metro Park which can be a combination in the keys of the building, the setbacks of the building. Two 3 by 6 signs or one 4 by 8 sign for the principle tenants. The linear, the area of the Metro Park building facade is roughly 468 feet assuming that, you know, we have roughly 10 feet of first floor area of the face. That's 4,680 square feet. The signs we are requesting would be the maximum of eight 3 by 6 signs which is 144 square feet. Ten percent of the 4,680 is 468 by code, but the maximum is 150 square feet. Anything else on the list?

MR. DI STEFANO: So the maximum signage on the Metro Park side would not exceed 150 square feet?

MR. DUERR: Yes, it is.

MR. DI STEFANO: If I heard your numbers right --

MR. DUERR: Eight 3 by 6 signs is 144 square feet.

MS. DALE: Can you talk a little bit about why you are requesting this now? Did something change
or what's the underlying reason? Why are you here now?

MR. DUERR: Well when my client bought the building, there is no approved signage for the building that is on file with the town. And he's discovered that people drive around the building and can't find it. People miss it on Brighton Henrietta Townline Road. Before he hired me, the initial was let's get a sign up on Brighton Henrietta Town Line Road. I kind of said let's figure out how to make the signage work for the whole building.

MS. DALE: How long ago was it about?

MR. DUERR: I've been working with him for three months. I think he purchased the building about three or four months ago.

MS. DALE: Okay.

MR. DUERR: Sorry.

MS. DALE: That's okay.

CHAIRPERSON MIETZ: Can you describe the tenant configuration not the list of tenants?

MR. DUERR: If you look at the site plan, I forget what page it is, but there is three spines down the building.

CHAIRPERSON MIETZ: Okay.

MR. DUERR: And off of the spines there is
a two-story hallway that services tenants on both the first and second floor. And then in between where you see the keys that come out, there is a combination of, you know, clerestory and a combination of a two story in the back.

MS. SCHWARTZ: So are you replacing all of this?

MR. DUERR: Yes, part of the dilemma was we wanted to go with directionals, or business identification signs or, you know, directory signage, but then we got push back from the major tenants who had signs up now. So that kind of is how that got initiated. Those signs will be replaced with the approved signs from the Town.

MS. SCHWARTZ: Right. There is one major one. Is it Unilink?

MR. DUERR: Unilink has gone to the Architecture Review Board. The Unilink sign was approved by them.

MS. WATSON: And none of the signs are illuminated; correct?

MR. DUERR: No. Nope.

CHAIRPERSON MIETZ: Okay. Other questions? Go ahead.

MR. CLAPP: There were a couple of tenant
signs on the Brighton Henrietta Town Line Road building that look somewhat temporary, will they come down?

MR. DUERR: Part of the package to the Architecture Review Board was the directory signage, and that has been approved. So those will go up at the same time that the building signs will go up, and then all of the signs will come off that are not approved by the Town.

MR. CLAPP: And then the directory signage will take care of the smaller tenants?

MR. DUERR: Yes, correct.

MR. CLAPP: What about the other side of the building?

MR. DUERR: The only thing we have there is, which I'm not sure if that was even under the purview of the Architecture Review Board, but we will have canvases under the awnings that will just say 333 Metro Park.

MR. CLAPP: Not to open the can of worms --

MR. DUERR: It may say A, B, C.

MR. CLAPP: -- there can't be any other identifying signs on that side of the building probably not?
MR. DI STEFANO: There won't be any signage on the east side of the building. The only thing on the east side are those three canopies which are direct entrances into the building with 333 Metro Park on it for an identification, and it might say A, B, C for Section A, Section B, Section C.

MR. DOLLINGER: Is that in here?

MR. DI STEFANO: Do you have the backside of the building shown in the plan? It's not a variance requested need. So that's why it's not in here.

CHAIRPERSON MIETZ: Then you are calling it a directional in a sense?

MR. DUERR: Actually, it's building --

MR. DI STEFANO: Yes, if somebody pulls into that, I will call it, back parking lot even though it is on the side of the building, I know I have to go in Section A to get to suite A13 or whatever it might be. So there it is 333 Metro Park A and it's under a canopy.

MS. SCHWARTZ: So to answer my question then, if there are no building faces, then the directional will help them find their way?

MR. DUERR: Yes, correct.

MS. SCHWARTZ: And how many directional...
you think?

MR. DUERR: There are four primary
entrances. So it will be perpendicular to the flow of
traffic identification signs on each side of the
directory.

MS. SCHWARTZ: The four entrances?

MR. DUERR: Pardon me?

MS. SCHWARTZ: At the four main entrances?

MR. DUERR: Of the four main entrances,
correct.

CHAIRPERSON MIETZ: Okay. Any other
questions?

MR. DOLLINGER: Are the signs going to be
consistent?

MR. DUERR: The signs are going to have
the same framing, the same size, but we will have to
come and get approval for Unilink.

MR. DI STEFANO: That's for the ARB to
review each individual sign.

MR. DUERR: At least the style will be the
same. They will all be one 4 by 8 signs like Unilink
is a 4 by 8 sign.

CHAIRPERSON MIETZ: Right.

MR. DUERR: If we have two tenants in one
of the keys and they want larger, you know, building
signs. So it will be two 3 by 6 signs, same framing, same case. We will have to come in with their logo and for what goes in it.

MR. DI STEFANO: Got it.

MR. DOLLINGER: Thank you.


MR. DUERR: Yep.

CHAIRPERSON MIETZ: Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, then the public hearing is closed.
Application 6A-10-17. Application of Paul Viele and Southern Drive Properties, LLC, owner of properties located at 39 and 55 Southern Drive, for Area Variances from Section 2-5-8 to 1) allow building density, after construction of a 2,867 +/- sf addition, to be 11,427.8 sf per acre in lieu of the maximum 10,000 sf per acre allowed by code, and 2) allow said addition to extend 13.7 ft. into the 30 ft. rear setback required by code. All as described on application and plans on file.

MR. LARUE: Good evening, Fred LaRue with McMahon LaRue Associates. Fairly simple request, these are unusual lots. They go back at quite an angle which has caused most of the problems with setbacks. This particular building was sized so that pallet wrapping could be held on either side of the building, so the 50 foot wide. And also floor space and being able to get a forklift around those things so that, you know, it can still operate, you know, with everything pushed to the sides and whatnot. There is kind of a scale of the size of the building. He owns -- Paul is here tonight, Paul Viele. He owns 400 Western Drive. And there is some issues over there with some of the equipment being stolen, not on his property, but on the neighbor's property. So what
we want to do with the new addition is store some of the snow plows and that sort of thing inside this building to take the load off the other and reduce the risk a little bit. So we are asking for a rear setback. That is actually less of a request then what was previously granted. That particular point on the building is opposite a vacant lot. And the density is just a calculation. We made all of the green space and that sort of thing calculations. So with that, I will turn it over for any kind of questions.

CHAIRPERSON MIETZ: Can you describe, for the record, the use of the property?

MR. LARUE: It is going to be storage and inventory.

CHAIRPERSON MIETZ: Inventory for --

MR. LARUE: Paul?

MR. VIELE: For -- I own Townline Equipment in --

CHAIRPERSON MIETZ: Just give your name and address.

MR. VIELE: Sure. Paul Viele, I live at 55 Southern Drive, and I own Townline Equipment at 400 Western Drive. I bought the building at 39 a couple of years ago, and we have been warehousing snow plows
for the fall and winter season. So we need some more space.

MR. DI STEFANO: So when you say inventory, what do you mean by inventory?

MR. VIELE: Well, what happens is, like, we just ordered snow plows June 1st. By July, we will have a whole truck load.

MR. DI STEFANO: So you sell plows?

MR. VIELE: Yes.

MR. DI STEFANO: So it is your stock, basically?

MR. VIELE: Yes, none of the installations are happening in the Southern Drive building. It is all over at the shop on Western.

CHAIRPERSON MIETZ: Okay. So it's strictly a storage facility that clears it up. Any other questions? Okay. Great. Thank you.

MR. LARUE: Thank you.

CHAIRPERSON MIETZ: Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, then the public hearing is closed.
Application 6A-11-17. Application of the Baptist Temple, owner of property located at 1101 Clover Street, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for five (5) outdoor concert events for both the 2017 and 2018 summer seasons. All as described on application and plans on file.

MS. TABOR: Good evening, I'm Kandee Tabor, moderator at the Baptist Temple. We have had one or two concerts every year for as long as I have been here. But this year, we are planning five consecutive concerts on Friday evening and thought it best to make sure everybody was happy with it first. They are free, open to the public. Generally, they run from 6:00 to 8:00 p.m. on Friday evening. The kids play on the playgrounds. Some families bring their own dinners. We do have volunteers that will cook hot dogs and provide them for families. And we do support a different local charity through a freewill offering at each of these events. That's really about it.

CHAIRPERSON MIETZ: Okay.

MS. CORRADO: They are scheduled for Friday evenings. Any rain dates?

MS. TABOR: We bring them inside.
MS. WATSON: You said you have done this in the past?

MS. TABOR: Yes.

MS. WATSON: Has there been any complaints or issues with the surrounding area?

MS. TABOR: None whatsoever. We did have somebody run over one of our boulders at one time, but other than that.

MS. WATSON: I assume that was accidental.

MS. TABOR: We do have more volunteers now helping with parking. Although last year, almost everybody walked over carrying their lawn chairs.

MS. WATSON: That was one of my other questions. Do you anticipate your current parking lot fully containing all of the parking?

MS. TABOR: We can park 240, and I don't see an issue. Definitely, there won't be any parking in the street. We have enough lawn area if we have to expand.

CHAIRPERSON MIETZ: Do you know about how many people you would guess would attend such an event?

MS. TABOR: 200.

MS. WATSON: Okay. You mentioned in the application a couple of the concerts would be
amplified.

MS. TABOR: Yes.

MS. WATSON: Will there be any kind of moderating of the volume so that it is not disturbing any of the properties?

MS. TABOR: It hasn't been an issue in the past. Most of the people in our area are elderly. Our objective is to serve the public not to offend them. So we will turn it down.

MS. DALE: So it says 6:00 to 8:00 p.m. Is 8:00 p.m. when the music stops or is that when people pretty much all sort of have gone home already?

MS. TABOR: Generally, the music stops by 7:30. In the years past, I have been home in bed by 9:00 all cleaned up and ready to go.

MS. WATSON: So the application is 2017 and 2018?

MS. TABOR: The intention was to write it up so that it would cover two years, but then the five restriction got put in there. So I didn't want to have to come back next year, but it looks like I do.

MS. WATSON: So this is just for summer 2017 then?

MR. DI STEFANO: No, you can grant it for two years.
MS. WATSON: Would you expect the line up similar to this year?

MS. TABOR: I would hope so, yes. Yes.

CHAIRPERSON MIETZ: Same type of music?

MS. TABOR: It's five different genres, and they are all voluntary bands supporting that specific charity.

MS. WATSON: Can you speak a little bit about food waste and how you deal with trash?

MS. TABOR: Full kitchen, we have a dumpster.

MS. WATSON: And enough volunteers to help?

MS. TABOR: Yes. Yes.

MS. TOMPKINS WRIGHT: What's the set-up? Is there tents, or stage, or anything?

MS. TABOR: There is a flat stage. It's not a raised stage that we use just to accommodate the unlevelness of the grass. And we do have a canopy that we might put up over the band area just to keep the sun out of their eyes. There is not a tent. It comes up and down in 25 minutes, literally. It is not one of those that is staked in the ground.

MS. TOMPKINS WRIGHT: And that will be set up before the event?
MS. TABOR: Yes. Yes. And again, inclement weather, we will just go inside.

MS. WATSON: My only other question is the crowd you are anticipating fits fully within the grassy area. You don’t expect any to spill over into the sidewalks or traffic issues?

MS. TABOR: No, the children tend to go over to the playground, and they can walk over there without interfering with traffic or anything.

MR. CLAPP: When you say the shows might be amplified, are you talking about bringing in sound reinforcement, or won’t you do that, or just strictly available for the rock band and the guitarists themselves?

MS. TABOR: Correct. Correct. They have their own sound equipment. Well I know on the Coupe De'Villes band, they have several amplifiers.

MR. CLAPP: Yes, they do.

MS. TABOR: In an enclosed space, it is much louder than out on the yard with big trees around it muffles it.

MR. CLAPP: They can turn it up quite a bit.

MS. TABOR: Yes, they can.

MR. CLAPP: I don’t know how to ask the
question because I'm new on the board, are there sound ordinances or decibel levels that can be set?

MR. DI STEFANO: Not really decibel levels so much. Amplified sound that becomes an irritant to a person, they can certainly call the police department in that situation, yes. And then it becomes whether or not it is a violation of the noise ordinance. But usually in most cases, like, if somebody is having a party at their house, it could go to 11:00 before we are going to act on that. So if somebody is having a wedding on their property or anything like that, graduation party, whatever, it might be people can turn up the volume, you know, until 11:00.

MR. CLAPP: Okay.

CHAIRPERSON MIETZ: It's still pretty early.

MR. CLAPP: It's really early. Again, I am trying to anticipate any problems. You mentioned a canopy, I want to check that that doesn't go into the area where a canopy can be looked at as a tent and might need a permit for that.

MR. DI STEFANO: Yes, I think 400 square feet is the point where you need a permit for that.

MR. CLAPP: It is less than that. See you
at the show.

MS. TABOR: Okay. Thank you.

MS. TOMPKINS WRIGHT: Just to clarify, some of the concerts last year were amplified?

MS. TABOR: Yes.

MS. TOMPKINS WRIGHT: So this is not the first year --

MS. TABOR: No.

CHAIRPERSON MIETZ: And no issues that were reported?

MR. DI STEFANO: Not that I am aware of.

MS. TABOR: The only change this year from the past is they are five consecutive Fridays. I didn't want to push our luck.

MR. DI STEFANO: Just one question, you serve and sell?

MS. TABOR: Yes.

MR. DI STEFANO: You say hot dogs, I guess, my point is do you give away or sell the hot dogs and that kind of stuff?

MS. TABOR: We sell the hot dogs. All of the proceeds go to the charities.

MR. DI STEFANO: I don't know for a fact, but I'm curious, have you talked to the Monroe County Health Department for the servicing of food to people?
MS. TABOR: Yes.

MR. DI STEFANO: And they --

MS. TABOR: As long as it's all done with volunteers and that it comes out of our kitchen as prepackaged foods, we are okay.

MR. DI STEFANO: Okay. Great.

CHAIRPERSON MIETZ: Okay. Any other questions? Okay. Thank you very much. Is there anyone in the audience that would like to speak regarding this application? Yes.

MR. MCCUE: Hello, my name is Dan McCue. I live at 2505 East Avenue which is East Avenue Towers right across the street from Baptist Temple. I live just down the street from Baptist Temple, and these concerts are enormously popular in the neighborhood. I live -- my unit on East Avenue faces the Baptist Temple. My windows are all open. The concerts have never been a noise concern for me unless they become enormously more rambunctious. I don't think it will be a concern for me as a neighbor of the Baptist Temple. And as was stated, most of the people walk and converge on the place. So thank you. I'm in favor.

CHAIRPERSON MIETZ: Thank you. Is there anyone else that would like to speak regarding this
application? Okay. There being none, then the public hearing is closed.
Application 6A-12-17. Application of Brighton Volunteer Ambulance, owner of property located at 1551 Winton Road South, for 1) an Area Variance from Section 205-2 to allow for the construction of a 3,960 sf attached garage in lieu of the maximum 900 sf attached garage allowed by code; 2) an Area Variance from Section 207-10E(2) to allow pavement to cover 45.4% of the front yard area (Winton Road South front yard) in lieu of the maximum 30% allowed by code; and 3) an Area Variance from Section 207-10E(3) to allow pavement to cover 36.3% of the rear yard area in lieu of the maximum 35% allowed by code. All as described on application and plans on file.

CHAIRPERSON MIETZ: I am an officer of the applicant. So I will recuse myself. I will leave the room and leave it in the trusty hands of Ms. Corrado.

MR. FROMBERGER: Good evening, Tom Fromberger, MRB Group, 145 Culver Road as well as the president of the Brighton Voluntary Ambulance. As you are aware, Brighton Volunteer Ambulance would like to expand their existing facility located at 1551 Winton Road. The proposed project consists of a new garage, administrative support area, repurposing the existing garage, and some slight landscaping improvements.

MR. DI STEFANO: Can you slow down a
little bit?

MS. CORRADO: And speak a little louder too?

MR. FROMBERGER: The existing site is centrally located within the town of Brighton. They respond to more than 5,000 calls each year and are available 24/7 seven days a week. As you are aware, the facility is also located within the designated historical Buckland Horse Stone constructed circa. 1830. And Brighton Volunteer Ambulance has been a good caretaker of the facility by maintaining the historical character of the facility.

We are requesting three variances. And as Rick mentioned, the first is for 900 square feet. The proposed garage is 3,960 square feet. Their existing site is situated on this plan, and they currently have a four car garage which does exceed the thresholds. Outside are two SUVs as well as an ambulance. Employees park in this location and customers come over on the Westfall side. Through our design, as you can see down below, we tried to minimize the size of the building by adding some different geometry between the two to break it up. We are proposing an eight bay garage. And basically, the trucks back in and are ready to go out for emergency purposes. This is
really the minimum size to accommodate it. The site
is quite unique. It is kind of an L-shaped parcel and
has a little taper to it so that causes some
difficulty. Our proposed plan is to remodel the
existing garage space. And on our rendering that
would be this location here, the existing garage.
This would be the new administrative offices and then
a proposed garage.

On our other plan, here is the site kind
of showing you, again, the existing garage, the
proposed administrative offices, and then the new
garage. It is difficult for these vehicles to come in
and out.

So that starts up for the second and third
variance request that we are asking for. The proposed
pavement in the front yard is 45 percent, code
requires 30 percent. Again, the minimum access in
turning and allowing to get into it and to exit, we
will now have customers that will be using this side
off of Winton Road to access the location. So you
need customer parking. In talking with the Planning
Board, we have also looked at different options in
here. And one option that we haven't reviewed with
them yet but is to kind of locate this parking more
centrally up in here so vehicles can enter. This will
create this green corridor and the landscaping which you may have seen in your package. The rear yard --

MR. DI STEFANO: What does that do to this variance request, anything?

MR. FROMBERGER: No, it stays the --

MR. DI STEFANO: It stays the same. Okay.

MR. FROMBERGER: Yes. The rear yard -- or slightly reduces it.

MR. DI STEFANO: Slightly reduces it.

MR. FROMBERGER: Okay. So the rear yard is actually on this side of the property. It is based on Westfall Road. And in that situation, we are slightly over. We are 36.3 percent as opposed to 35 percent. Again, all of this of is green space in the back. But based on the angle coming off of the existing historical structure, it kind of sets us up for some additional pavement in that location. Again, just wanted to focus as well or bring up to your attention, you know, we are trying to keep our equipment inside. Some of the equipment is temperature sensitive. So right now, they currently have to go out and service that on call and put it back into the facility. We feel that the proposed layout, by putting the equipment inside, will provide additional screening and also allow for employees to
park on the sides and around the backside of it as opposed to the current layout to the front. So that should improve site visibility. One of the thresholds in the variance application is are you very similar to other neighbors or other properties in the area? We did take a quick look. Not that we -- across the street based on the traffic, Westfall Road here 1696 and 1706 have horseshoe driveways. Their percentages do exceed the 30 percent from front yard. One was 44. The other was 45. And then over on Winton Road, 1550, again with the traffic, most of these homes have back outs to get onto the road. And this one is at 41 percent as well. So that concludes my presentation.

MS. DALE: So just one question. So you mentioned customers.

MR. FROMBERGER: Correct.

MS. DALE: In my mind, I never really thought of --

MR. FROMBERGER: Yes, if you have an emergency, you don't really consider yourself a customer. But customers would be for oxygen. They also have rental for crutches or wheelchairs as well. So you can come to the facility.

MS. DALE: I didn't know that. I thought
the help always came to you.

MR. FROMBERGER: Yes, usually, the

ambulance is going out to you. That's correct.

MS. DALE: And if you are a customer in

that sense, would you come in the door like a patient?

Would people enter through the porch that is sort of

near the dispatch?

MR. FROMBERGER: Correct, it would be up

in this location.

MS. DALE: Okay.

MR. DI STEFANO: Which is the old garage

that is being remodeled; correct?

MR. FROMBERGER: Which is the old garage

that is being remodeled. Then on the rendering, it

would be here. We are working with the Historical

Preservation Board, and this entry element you will go

to the top of the entrance just to give a little more

announcement that that is the main entrance.

MS. DALE: And the proposed brick for the

new garage, that would go to the Architecture Review

Board?

MR. DI STEFANO: It goes before the

Historical Preservation Board. The Architecture

Review Board does not review this because it is a

historical designated property. So any modifications
to the site goes in front of the Historic Preservation Commission under what they call a certificate of appropriateness. So that determines the design or helps determine the design.

MR. FROMBERGER: Correct, our goal is to match, get the carriage look to match.

MS. WATSON: I have a question, what is the storage house or carriage house used for? Is it purely a historic preservation museum or is it used --

MR. FROMBERGER: It is used as administrative offices.

MS. WATSON: So there would be offices in the new area as well as the historic house?

MR. FROMBERGER: Correct, offices, sleeping quarters, kitchen, things like that.

MR. DI STEFANO: It is very cramped right now.

MR. FROMBERGER: It is very tight. They actually have a second floor. That second floor will no longer be used, and it will be housed in this facility as well.

MS. CORRADO: Can you tell us about how many employees are present at any time, particularly, overnight just to get a sense of how much parking is needed by employees?
MR. FROMBERGER: I will let Dan talk about that.

MR. MCCUE: Sure. Let me think.

MS. CORRADO: Dan, could you state your name for the record?

MR. MCCUE: Yes. Sure. It's Daniel McCue, M-C-C-U-E. During the day, there will be eight to ten employees or crew and three or four administrative employees on the site during the day from, I mean, the shifts are staggered but roughly 8:00 to 5:00 that time period. In the evening, it will be four or five, and overnight from 11:00 p.m. to 6:00 a.m. just two employees.

MS. CORRADO: Thank you.

MR. DI STEFANO: Dan, what is your position with the ambulance?

MR. MCCUE: I am the president of the board.

MR. DI STEFANO: You are president of the board. Can you explain a little bit about what's happening inside and the need for the huge addition to help the board understand a little bit of the logistics of it?

MR. MCCUE: Sure, absolutely. So when the property was acquired, the ambulance was servicing
about 1,500 calls a year. And so the staffing requirements and the administrative requirements were currently more modest. Every year we take more and more calls. We are now up to 5,500 calls a year. We started with just one ambulance when we acquired that property. We have five ambulances and two fly cars, SUVs. And during the day, we operate typically four ambulances and we staff a fly car or a fifth ambulance, if necessary. So at some point in the past here we added the four bay garage that is there now. But now that we are up to five ambulances and two fly cars, that means in the wintertime two fly cars and one ambulance have to be parked outside in the snow. And the ambulance that's in service has to be kept warm because of the medications that are on it will spoil from the cold. So you will see sometimes in the winter, especially if there is a storm if we have to bring on extra staffing, we will park an ambulance in the drive and keep the engine running to keep it warm, but we are still scraping the snow off of the ambulance before we can go on the call. So we really feel the need for a larger garage to house the vehicles.

And then also we are using the historic house which is a lovely house, but we have two
bedrooms in the house. Since we have mixed crews, we need a bedroom for men and a bedroom for women. They are pretty tight quarters. So when we have overnight shifts, it is already a challenge. So we have really no training space in this facility. We have looked at plans that would include a training space in the new expanded facility, but it would make the building too large to have a proper training space. So we rent training space. We actually rent space from the school district for training, and we will continue to do that. That will work out for us and that took some of the load off this building expansion. So we are trying to keep the building expansion to the minimum required to handle the volume of business that we receive.

And we anticipate the volume of business to grow. At some point we will need another ambulance, and we will need more crews because our volume grows steadily every year. So that's why we said an eight bay garage. We only have seven vehicles now, but over the next few years we may need to expand to one more vehicle.

MR. DI STEFANO: Very good. Thank you.
That helped.

MS. CORRADO: I have one more question
that might be for you or for James. Considering weather and snow management, can you speak a little bit about how the snow will be managed with this configuration?

MR. FROMBERGER: Snow management will be pushed back towards the storm water ponds as well as there is limited areas along the sides. But again, if we get a killer storm, snow will have to be worked to the back section. Also, we have dumpster locations. Snow removal usually occurs early in the morning and throughout the different shift times. They are scheduled to come and plow out as needed.

MS. CORRADO: And my last question, curb cuts, they remain the same as they currently are?

MR. FROMBERGER: Yes, curb cut will remain the same here as well as Westfall. There was an existing curb cut on the former house in this location. The grades are steep in this location. So it is still not perfect, but it is still the best location for the entrance.

MS. DALE: With the addition and the expanded parking, are you anticipating additional outdoor lighting too?

MR. FROMBERGER: Actually, we have a reduction in parking totals. The lighting is going to
be similar to what's out there. It is a gooseneck style light. So there are, I believe, two additional fixtures or I don't know the exact total, but there will be a little more lighting, correct.

MS. TOMPKINS WRIGHT: So you have already appeared once before the Historical Preservation Board?

MR. FROMBERGER: We met informally with them to talk informal and introduce the project to them. We also met with the Planning Board. The Conservation Board as well, and we talked to the Conservation Board about the proposed landscaping. They were very in favor of that. And then the Planning Board had some minor comments, and we are looking into those as well.

MS. CORRADO: Any other questions? Okay. Anyone here that would like to speak to this application? There being none, the application is closed.
Application 6A-13-17. Application of Joshua Weitz and Lesley Loss, lessee, and Jamice Loss, Southview Realty, owner of property located at 100 White Spruce Blvd., for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and have an outdoor open house event (June 21, 2017) in a BE-1 Office District. All as described on application and plans on file.

MR. WEITZ: Hello, good evening. How is everybody? Ready to go home?

CHAIRPERSON MIETZ: Not quite.

MR. WEITZ: I'm Josh Weitz, Dermatology Associates of Rochester at 100 White Spruce Boulevard. Essentially, the request is to, as stated, host an open house event. So recently we completed construction within the building of the 2,500 square foot space that is dedicated to esthetics and antiaging practices as well as recently renovated our spa which is a 2,500 square foot space upstairs. Those are separate from our medical facility which is 3,500 square feet on the first floor. So in order to kind of showcase this, we thought it would be nice to host an evening with the theme being a midsummer nights dream. We have arranged for, I guess, a B-list celebrity to fly in from California Antonio Sabato,
Jr. who is a soap star and a former Calvin Klein model. He also happens to be an ambassador for one of the procedures that we perform a significant number of procedures in the office. So in order to kind of open the space to the current existing patient population, we have sent out evites to a database of about 1,200 patients. We are not intending to advertise this to the general public. That being said, the general public is certainly welcome to attend. We won't turn anybody away. So friends of friends hear about it or it is passed along to others, they will be welcome to come. It's going to be -- because we are looking to achieve a crowd of around 300 total, we decided we should probably have a tent in the event of rain. So hence being here. So tent that we planned for is about 40 by 80. We are intending to have a jazz trio not amplified in attendance to perform some light jazz music underneath the tent. It will be catered by Madeline's. They will be passing prepared foods that are all going to be made off-site ahead of time. They are going to do all of the set up, take down, and clean up. We are using Tipping Point Media to help organize, plan the event, and provide support staff. In addition to our 50 employees, 40 of which have committed to helping with the event as well as we have
21 vendors coming to help us with the event.

Nolans will be the tent vendor. I believe tent set up happens the morning of. There will still be ample parking for patients that will be coming. We will be conducting business up until about 5:00 p.m. Actually, I take that back until 3:30 p.m. The event will be scheduled from 6:00 to 9:00 p.m. Lakeview Valet will be providing valet service for parking purposes. I have spoken to Tony, one of the owners of the Royal Group, they own pretty much the rest of White Spruce Boulevard currently. He has been kind enough to give his blessing for any overflow parking at 125, 200, and 300 building locations which is, I think, an excess of 300 spots, and we have 60 spots of our own. We intend to have private security present. That's about it. So should be a fun shindig and certainly everybody here is welcome to come.

MS. SCHWARTZ: So extra people, other than patients, will only be by word of mouth?

MR. WEITZ: Well, we sent an electronic invitation to our existing database of clients. Of the 1,200 who received the evite, we have 100 RSVPs so far. But yes, apart from that, it will be word of mouth.

MS. SCHWARTZ: Okay.
MR. CLAPP: Are you now the only tenant of 100 because there are still other tenants listed?

MR. WEITZ: Correct, we have two tenants in the basement who are normal 8:00 to 5:00 business hours. One is a psychologist and the other, I think, he is only there a couple of days a week. He does his own medical billing. He comes in and out the back entrance. It's a stairwell in the backside of the building. And then upstairs, there are, in addition to our medical spa, there is an accounting firm that doesn't have a lot of walk-through traffic except during tax time. And then there are two financial groups that each have approximately 1,200 square foot spaces that don't see a lot of walk-through traffic. They are kind of overflow from their existing larger corporate branches. We are the bulk. We occupy 75 percent of the building.

MR. CLAPP: Is it safe to say the other tenants are okay with the event?

MR. WEITZ: We told them all about it.

MR. CLAPP: So they are aware?

MR. WEITZ: Most said they would like to attend.

MR. CLAPP: Thank you.

MR. WEITZ: Yep.
CHAIRPERSON MIETZ: Okay. Any other questions for the applicant?

MR. DI STEFANO: So there is no rain date. This is the date, period?

MR. WEITZ: Well, I mean if we are told no, then we have to figure something out.

MR. DI STEFANO: But if we were to give you the approval?

MR. WEITZ: Correct, June 21st.

MR. DI STEFANO: And this is it?

MR. WEITZ: Correct, unless Antonio Sabato wants to stay another week.

CHAIRPERSON MIETZ: Okay. Any other questions? Thank you very much. Is there anyone else in the audience that would like to speak regarding this application? Okay. Then this public hearing is closed.
CERTIFICATION

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
Freelance Court Reporter and
Notary Public No. 01JE6325111
in and for Genesee County, New York
PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JUNE 7, 2017, COMMENCING AT APPROXIMATELY 9:10 P.M.

June 7, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:
DENNIS MIETZ, CHAIRMAN
CHRISTINE CORRADO
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JEANNE DALE
JENNIFER WATSON
DOUGLAS CLAPP

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

Reported By: BRIANA L. JEFFORDS
Forbes Court Reporting Service, LLC
21 Woodcrest Drive
Batavia, New York 14020
Application 5A-01-17. Application of Image 360, agent, and Jewish Home of Rochester, owner of property located at 2021 Winton Road South, for Sign Variances from Section 207-31.B(1) to allow a free standing identification sign to 1) be 63.5 sf in size in lieu of the maximum 16 sf allowed by code, 2) be 10.5 ft. in height in lieu of the maximum 6 ft. allowed by code, and 3) internally illuminated where not allowed by code. All as described on application and plans on file.

Motion made by Ms. Dale to approve Application 5A-01-17.

FINDINGS OF FACT:

1. The Jewish Senior Life Complex is a large complex and the number of residential properties has doubled. Also, the age of residents and visitors is typically between 70 and 90 years of age. So having a larger and well lit sign for elderly drivers is important for safety and visibility.

2. Although taller than the existing monument sign, the increase in height from the existing is only 2 feet and the proposed sign is approximately half as wide which will improve visibility for drivers on Winton Road.

3. The existing sign is illuminated, and therefore,
the proposed illumination has not been changed.

4. Granting of the request will not result in the change in the character of the neighborhood or be detrimental to surrounding properties.

CONDITIONS:

1. The building signage will be as specified as per revised plans submitted to the board for the 6/7/17 meeting.

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

(Seconded by Ms. Tompkins Wright.)

(Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

(Open roll call, motion to approve with conditions carries.)
Application 6A-01-17. Application of Christopher and Heather Patterson, owners of property located at 286 Varinna Drive, for an Area Variance from Section 207-10E(5) to allow a driveway expansion to be 2 ft. 9 in. from a side lot line in lieu of the minimum 4 ft. required by code. All as described on application and plans on file.

Motion made by Mr. Mietz to approve Application 6A-01-17.

FINDINGS OF FACT:
1. The addition of the driveway in the proposed location is the only alternative which can meet the desired result of the applicant.
2. The encroachment of 1 foot 3 inches into the 4 foot required setback will not appear substantial since the vegetation and the minimum taper at 15 feet for the extension will minimize the effect for the driveway extension.
3. No negative effect on the character of the neighborhood will result in the approval of this variance since similar extensions appear in the neighborhood.

CONDITIONS:
1. This variance is based on the testimony given and plans submitted as to the specific size and location
of the expanded driveway.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, yes;
Ms. Tompkins Wright, yes; Ms. Dale, yes;
Mr. Clapp, yes; Ms. Schwartz, yes;
Mr. Mietz, yes.)

(Open roll call, motion to approve
with conditions carries.)
Application 6A-03-17. Application of Michael and Elaine Jakubowski, owners of property located at 55 Old Mill Road, for an Area Variance from Section 203-2.1B(6) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind to house as required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 6A-03-17.

FINDINGS OF FACT:
1. The requested variance is not substantial as the generator is being placed in the back corner of the home and a few feet at the rear yard.
2. No other alternative can feel alleviate the difficulty and produce the desired result due to the position of doors and windows in the rear of the house and the need to place the generator 5 feet from such opening.
3. The variance will not produce a change in the character of the neighborhood as several other homes have generators in their side yards as well.
4. The alleged hardship may be partially self-created but also created by a high need for generators in this area and the existing layout of the home.
5. There is no evidence that the health or safety of the community will be adversely affected by the approval of this variance.

CONDITIONS:

1. This application will apply only to the generator that was described in the application and testimony given.

2. The generator will be landscaped according to the testimony given.

3. All building permits shall be obtained.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

(Open roll call, motion to approve with conditions carries.)
Application 6A-05-17. Application of Integrated Power Supplies Int, contractor, and Joyce and Greg Dimperio, owners of property located at 206 Bretlyn Circle, for an Area Variance from Section 203-2.1B(6) to allow a standby emergency generator to be located five feet from a property line in lieu of the minimum 10 ft. required by code. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 6A-05-17.

FINDINGS OF FACT:

1. There is no substantial change in the character of the neighborhood as adjacent properties already have such generators installed.

2. The variance is required due to the shallow 12 foot nature of the backyard on this property making the necessary setback to meet installation requirements impossible without the variance.

3. The variance is not substantial, again, given the shallow depth of the backyard.

4. The variance is the minimum necessary due to requirements for the installation of the generator distance from the structure.

5. Again, it is consistent with surrounding properties as other neighbors have similar generators
installed.

CONDITIONS:

1. The visual impact of the installation will be minimized.

2. This variance is for the generator presented and testimony given.

3. All necessary building permits shall be obtained.

   (Seconded by Ms. Schwartz.)

   (Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

   (Open roll call, motion to approve with conditions carries.)
Application 6A-06-17. Application of Sean and Laurun McCabe, owners of property located at 3395 Elmwood Avenue for an Area Variance from Section 205-2 to allow an addition to extend 3 ft. into the 36 ft. rear setback approved by variance (10A-05-81) where a 60 ft. rear setback is required by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 6A-06-17.

FINDINGS OF FACT:

1. The requested variance is not substantial as it adds minimally to the previously approved setback variance.

2. No other alternative can alleviate the difficulty and produce the desired result, namely, the addition of a closet to the second floor master bedroom where there currently is none and the expansion of the kitchen below to accommodate family dining.

3. No unacceptable change to the character of the neighborhood and no substantial detriment to nearby properties is expected to result from the approval of this variance as the proposed addition will be in character of the existing home and other homes in the neighborhood. Further, the adjoining property is a golf course fairway separated from the owner's
property by dense plantings.

4. The alleged hardship was not self-created by the applicant as the home was without the basic amenity of a closet in the master bedroom at the time of purchase.

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

CONDITIONS:

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

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

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

(Open roll call, motion to approve with conditions carries.)
Application 6A-07-17. Application of Marc Bushshallow and Katherine Hess, owners of property located at 180 Trevor Court Road, for an Area Variance from Section 207-2A to allow a 6 ft. high fence in a front yard where a maximum 3.5 ft. high fence is allowed by code. All as described on application and plans on file.

Motion made by Ms. Dale to approve Application 6A-07-17.

FINDINGS OF FACT:

1. The applicant's home is on the corner lot which therefore has two yards which are considered front yards. The requested location of the fence is from the back rear corner of the house to the back lot line which is along a yard considering the backyard when viewing the house from its front.

2. The applicants' desire of having a fence higher than allowed by code is a safety measure to keep their children in the yard, and strangers out, and also to provide additional privacy. The requested variance is the minimum necessary that the applicant is seeking.

3. There is an existing row of Nigra Arborvitaes that line the yard and will shield the fence from the view of the street. The fence will be about 20 feet away from the street.

4. Granting of the request will not produce an
undesirable change in the character of the neighborhood or a detriment to nearby properties nor will it have an adverse effect or impact on the physical or environmental conditions of the neighborhood.

CONDITIONS:

1. The fence will be located as per the application and testimony given and will be as described by the applicant.

2. Landscape shall be maintained to provide screening of the fence from Georgian Court Road.

3. All necessary building permits shall be obtained.

   (Seconded by Ms. Schwartz.)
   (Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)
   (Open roll call, motion to approve with conditions carries.)
Application 6A-08-17. Application of Catherine Foster, owner of property located at 50 Buffard Drive, for an Area Variance from Section 207-6A(2) to allow a shed to be located 3 ft. from a rear lot line and 3.8 ft. from a side lot line in lieu of the minimum 5 ft. setback from all lot lines as required by code. All as described on application and plans on file.

Motion made by Mr. Mietz to approve Application 6A-08-17.

FINDINGS OF FACT:

1. The applicant desires to replace an existing shed with a slightly larger shed, an 8 by 10.
2. The replacement shed will be placed in the same location as the existing shed. However, it will be 3 feet from the rear lot line and 3.8 from the side lot line in lieu of the 5 feet required which is not substantial.
3. The shed is located in the only place on the lot where the sloped yard will allow a replacement.
4. Other accessory buildings are located within the neighborhood close to the property lines and the approval of this variance will not cause any negative effect on the character of the neighborhood.

CONDITIONS:

1. All necessary permits shall be obtained.
2. This application is based on testimony given and
plans submitted as to the size and location of the
shed.

  (Seconded by Ms. Watson.)
  (Ms. Corrado, yes; Ms. Watson, yes;
  Ms. Tompkins Wright, yes; Ms. Dale, yes;
  Mr. Clapp, yes; Ms. Schwartz, yes;
  Mr. Mietz, yes.)
  (Open roll call, motion to approve
  with conditions carries.)
Application 6A-09-17. Application of Chris Duerr, agent, and 333 Metro Park Business Complex LCC, owner of property located at 333 Metro Park, for a Sign Variance from Section 207-32B to allow signage on a second building face (Metro Park frontage) where not allowed by code. All as described on application and plans on file.

Motion made by Ms. Schwartz to approve Application 6A-09-17.

FINDINGS OF FACT:
1. This variance is for a large industrial flex space structure 468 feet in length. This is really like a one building plaza with four main entrances and sections being two stories in height.
2. Because there are several tenants, 35 to be exact, with separate entrances, signage on building faces on Metro Park will greatly help customers find their way.
3. The size of the building will minimize the variance.
4. There will be no adverse impact on the character of the area as this structure is in a light industrial zone.
5. No signs will be illuminated.
6. There will only be directional signs where there are no building face signs.
CONDITIONS:

1. This variance only applies to the sign package as described in the application and testimony that was presented, in particular, with either 3 by 6 or 4 by 8 signage on the west side of the building at maximum of 144 square feet.

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

3. No signs shall be illuminated.

   (Seconded by Ms. Tompkins Wright.)

   (Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

   (Open roll call, motion to approve with conditions carries.)
Application 6A-11-17. Application of the Baptist Temple, owner of property located at 1101 Clover Street, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for five (5) outdoor concert events for both the 2017 and 2018 summer seasons. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 6A-11-17.

FINDINGS OF FACT:

1. The requested temporary and revocable use permit, if granted, will not alter the essential character of the neighborhood as these concerts are five distinct and limited events in the daylight hours only each Friday. The concerts serve the church congregation and surrounding neighborhood and are a benefit in as much as they create a sense of community. Previous outdoor concerts have taken place in the space without incident or complaint.

2. The requested temporary and revocable use permit, if granted, will not endanger the health, safety, or general welfare of the community as there are sufficient restrooms, parking spaces, and volunteers on site to manage the crowds. The church building will provide shelter incase of inclement weather and
sound volumes will be kept to moderate levels.

CONDITIONS:

1. The temporary and revocable use permit approved in this variance is only for that which was described in the application submitted and testimony given during the meeting. This permit allows for a limit of five outdoor concerts for both the summer of 2017 and summer of 2018.

2. Sufficient volunteers will be on site to ensure traffic and safety.

3. All waste created during the events will be fully contained and removed.

4. If and when sound amplification is necessary, the volume levels shall be monitored to not adversely effect the neighborhood.

5. All concerts shall conclude by 9:00 p.m.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

(Open roll call, motion to approve with conditions carries.)
Application 6A-12-17. Application of Brighton Volunteer Ambulance, owner of property located at 1551 Winton Road South, for 1) an Area Variance from Section 205-2 to allow for the construction of a 3,960 sf attached garage in lieu of the maximum 900 sf attached garage allowed by code; 2) an Area Variance from Section 207-10E(2) to allow pavement to cover 45.4% of the front yard area (Winton Road South front yard) in lieu of the maximum 30% allowed by code; and 3) an Area Variance from Section 207-10E(3) to allow pavement to cover 36.3% of the rear yard area in lieu of the maximum 35% allowed by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 6A-12-17.

FINDINGS OF FACT:
1. The requested variance is the minimum variance possible.
2. No other alternative can alleviate the difficulty and produce the desired result, namely, an attached eight bay garage to shelter all vehicles adequately and provide improved access to the vehicles when loading and unloading, particularly during weather related events, as well as in adequately paved space to allow the vehicles to pull out of the garage and
exit the property safely.

3. No unacceptable change in the character of the neighborhood and no substantial detriment to nearby properties is expected to result from the approval of these variances as the proposed garage addition will be in character with the existing historic home currently used for offices and staff accommodations.

4. The alleged hardship was self-created by the applicant only in that the applicant desired to continue operation out of this facility. It repurposed a historic home on a constricted corner lot. However, the proposed addition to the building and expansion of the paved area have been designed to enhance the appearance of this historic home in its adaptive reuse and to maximize safety. Further, the expanded payment will not increase the runoff volume leaving the site. In taking care of the site, they screened the paved areas with landscape, ferns, trees, and shrubs as well as to limit parking in the front yard.

5. The health, safety, and welfare of the community will not be adversely affected by the variance request.

CONDITIONS:

1. These variances will apply only to the structure
and paving that were described in the application and
testimony given. In particular, it will not apply to
further conditions or expansions in the future that
are not included in the present application.

2. All necessary Planning Board approvals shall be
obtained.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, yes;
Ms. Tompkins Wright, yes; Ms. Dale, yes;
Mr. Clapp, yes; Ms. Schwartz, yes;
Mr. Mietz, yes.)

(Open roll call, motion to approve
with conditions carries.)
Application 6A-13-17. Application of Joshua Weitz and Lesley Loss, lessee, and Jamice Loss, Southview Realty, owner of property located at 100 White Spruce Blvd., for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and have an outdoor open house event (June 21, 2017) in a BE-1 Office District. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 6A-13-17.

FINDINGS OF FACT:
1. The temporary and revocable use permit is for a three-hour event with set up and clean up for less than a day.
2. The requested time is the minimum necessary for the event.
3. The proposed event is outside normal business hours of surrounding businesses.
4. The temporary and revocable use permit will not substantially impact surrounding properties because of the short duration.
5. The requested temporary and revocable use permit will not endanger the health, safety, and general welfare of the community as arrangements have been made for overflow parking and other accommodations as...
necessary on adjacent properties.

CONDITIONS:

1. The temporary use permit is based on the application as submitted and testimony given.

2. All necessary fire marshall approvals and permits shall be obtained.

3. The event, including music, shall end by 9:30 p.m.

4. Clean up and removal of the tent shall be completed by the end of the following day.

   (Seconded by Ms. Schwartz.)

   (Ms. Corrado, yes; Ms. Watson, abstain; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

   (Open roll call, motion to approve with conditions carries.)
Application 6A-02-17. Application of Faith Temple, owner of property located at 1575 Winton Road South (Tax ID #150.05-1-1.2) for a Temporary and Revocable Use Permit pursuant to Section 219-4 to have a one day outdoor community event (August 19, 2017) and a church congregation picnic (August 20, 2017) in RLB - Residential District. All as described on application and plans on file.

Motion made by Ms. Schwartz to approve Application 6A-02-17.

FINDINGS OF FACT:
1. The applicant is putting on a two day outdoor event on vacant property of 1575 Winton Road South on August 19th and August 20th.
2. The set-up with temporary restroom facilities and tent will be placed on August 18th and removed by August 21st.
3. No negative effect on the neighborhood will result from this temporary and revocable use since previous events have been well managed and the subject area does not abut any residential area.
4. They will provide people to direct traffic.

CONDITIONS:
1. No parking shall occur on Winton Road South.
2. Applicant shall maintain trash onsite.
3. The hours for the event will be 8:00 a.m. to 6:00 p.m. on August 19th and 10:00 a.m. to 6:00 p.m. on August 20th.

4. All necessary fire marshall permits shall be obtained.

5. Complete restoration of the site shall be completed by August 21st at 5:00 p.m.

(Seconded by Ms. Watson.)

(Ms. Corrado, yes; Ms. Watson, abstain;
Ms. Tompkins Wright, yes; Ms. Dale, yes;
Mr. Clapp, yes; Ms. Schwartz, yes;
Mr. Mietz, yes.)

(Open roll call, motion to approve with conditions carries.)
Application 6A-04-17. Application of Holly Garnish, property manager, and The Park at Allens Creek LLC, owner of property located at 100-160 Allens Creek Road, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a food truck to operate at the office park 2 times per summer for the years 2017 and 2018 where not allowed by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 6A-04-17.

FINDINGS OF FACT:

1. The requested temporary and revocable use permit, if granted, will not alter the essential character of the neighborhood as the food trucks will not be visible to nearby properties. The food trucks will not be heard over the road noise from the 590 expressway. And they will only be present for two short periods of time each summer.

2. The requested temporary and revocable use permit, if granted, will not endanger the health, safety, or general welfare of the community as the food trucks will not be open to the general public. All waste created by the food trucks will be fully contained and removed properly. The food trucks will be coned off from the parking lot to ensure traffic and public
safety.

3. The temporary and revocable use permit, if granted, will provide a value to office tenants helping to maintain occupancy on the property to benefit both the property owner and the tenants.

CONDITIONS:

1. The temporary and revocable use permit approved in this variance is only for that which is described in the application submitted and testimony during the meeting. This permit allows one licensed food truck onsite twice per summer for 2017 and 2018 for durations of two to three hours per visit.

3. All waste created by the food trucks will be fully contained and removed properly from the property.

4. The food trucks will be coned off in the parking lot to ensure traffic and pedestrian safety.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, abstain;
Ms. Tompkins Wright, yes; Ms. Dale, yes;
Mr. Clapp, yes; Ms. Schwartz, yes;
Mr. Mietz, yes.)

(Open roll call, motion to approve with conditions carries.)
Application 6A-10-17. Application of Paul Viele and Southern Drive Properties, LLC, owner of properties located at 39 and 55 Southern Drive, for Area Variances from Section 2-5-8 to 1) allow building density, after construction of a 2,867 +/- sf addition, to be 11,427.8 sf per acre in lieu of the maximum 10,000 sf per acre allowed by code, and 2) allow said addition to extend 13.7 ft. into the 30 ft. rear setback required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 6A-10-17.

FINDINGS OF FACT:
1. The variances proposed are not substantial as the setback requested doesn't bring the building any closer than the building currently sits. Further, the increase in square footage represents only a 14 percent increase over code.
2. No other acceptable alternative can alleviate the difficulty and produce the desired result as the owner testified that the layout of the building was due to the angled nature of the lot and the physical use of the building.
3. No undesirable change will result in the character
of the neighborhood as the surrounding properties consist of various uses of inconsistent lot sizes.

4. The hardship is created by applicant's need for additional storage.

5. There is no evidence that the granting of this variance will result in an adverse effect to the health, safety, and welfare of the community.

CONDITIONS:

1. This variance only applies to the expansion shown in the plans submitted and testimony given

2. All necessary Planning Board approvals shall be obtained.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Watson, abstain; Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

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

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
Freelance Court Reporter and Notary Public No. 01JE6325111 in and for Genesee County, New York