

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

4 June 7, 2017
5 Brighton Town Hall
6 2300 Elmwood Avenue
7 Rochester, New York 14618

8 PRESENT:

9 DENNIS MIETZ, CHAIRMAN
10 CHRISTINE CORRADO
11 JUDY SCHWARTZ
12 ANDREA TOMPKINS WRIGHT
13 JEANNE DALE
14 JENNIFER WATSON
15 DOUGLAS CLAPP

16 DAVID DOLLINGER, ESQ.
17 Town Attorney

18 RICK DISTEFANO
19 Secretary

20
21
22 Reported By: BRIANA L. JEFFORDS
23 Forbes Court Reporting Service, LLC
24 21 Woodcrest Drive
25 Batavia, New York 14020

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1 CHAIRPERSON MIETZ: So at this time I
2 would like to call to order the June session of the
3 Brighton Zoning Board. Was the meeting properly
4 advertised.

5 MR. DI STEFANO: Yes, Mr. Chairman it was
6 advertised in the Brighton-Pittsford Post on June 1st,
7 2017.

8 CHAIRPERSON MIETZ: Okay. Will you call
9 the role?

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

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

24 MS. TRACY: Hello, Jackie Tracy from Image
25 360.

1 CHAIRPERSON MIETZ: Address?

2 MS. TRACY: 275 Marketplace Drive.

3 CHAIRPERSON MIETZ: Thank you.

4 MS. TRACY: We were at the last meeting.

5 We also met with the ARB in between. We did get their
6 approval based on the variance approval this evening.
7 So we covered the bases from them. The issues we had
8 last time were the size, height, and lighting. And
9 those were the three main things we were looking for.
10 So we made changes to, hopefully, address those for
11 you guys for you to approve. So what I presented here
12 was the original presentation and then the new one.
13 So we took all of your information, not just those
14 three things, but the talk of it's known as the Jewish
15 Home not Jewish Senior Life. So we made all of those
16 different changes, and we removed two or three of the
17 lines.

18 CHAIRPERSON MIETZ: The whole reference --

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

25 MR. DI STEFANO: Can you say for the

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1 record the differences between --

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

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1 thing with the dead space and everything. So I kind
2 of wanted to present that a little better this time.

3 MR. DI STEFANO: You said 29 square feet?

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

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

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

22 MS. TRACY: This one?

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

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1 MS. TRACY: Correct.

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

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

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

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

10 MS. DALE: Thank you.

11 MS. TRACY: Yep.

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

14 MS. TRACY: Absolutely.

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

21 MS. TRACY: I took a closer look at that,
22 and the way it is is not because of the sign but it's
23 because of the landscaping. There is a pond in the
24 back and some sewer grade at one side of it. So we
25 are looking to take this out. So the brick will come

1 up. So from the ground to here is 6 foot, and then we
2 will be placing the sign on that.

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

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

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

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

13 CHAIRPERSON MIETZ: Okay. Good. Other
14 questions? Okay. Thank you very much.

15 MS. TRACY: Thank you.

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

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

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

11 CHAIRPERSON MIETZ: Welcome.

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

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

16 MR. PATTERSON: This is a little bit
17 smaller than 11 feet wide which isn't quite wide
18 enough to park two cars side-by-side. A typical
19 garage that is two car widths is 16 feet. So we are
20 asking for a minimum amount necessary to park two cars
21 side by side which would be 16 feet. So we need to
22 widen our driveway by 5 feet. This wouldn't normally
23 be an issue, however, town board code states you need
24 4 feet from the edge of the driveway to a property
25 line, and we would be a little beyond that by

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1 15 inches. So we are here tonight to ask for a
2 15 inch variance.

3 So we looked at other things we could do
4 to not ask for a variance. The most obvious thing
5 would be to expand on the other side of the driveway,
6 but that is not practical. There are existing shrubs
7 there. There is a walkway to the house. It wouldn't
8 look very good. Also, walking up and down Varianna
9 Drive, we see many other examples of, you call them,
10 bump outs for driveways. And they are done -- it's
11 not fully, some are not, some are just enough for a
12 car. Ours would be a little more tasteful. So we had
13 5 feet wide by 20 feet long and then a 15 foot taper
14 which would about go to the driveway bottom where the
15 sidewalk starts so we wouldn't impede on that area.
16 But from the road, it would look as good as it could,
17 and we would also dig up from the existing address and
18 do the whole thing at once which we feel would
19 beautify the landscaping. So I provided some examples
20 along the street that had bump outs. So we wouldn't
21 do anything any different than what is already seen in
22 the neighborhood.

23 MS. SCHWARTZ: I just have one quick
24 question.

25 MR. PATTERSON: Sure.

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1 MS. SCHWARTZ: How far back would you be
2 from the tree that is up closer to the garage? Do you
3 know roughly?

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

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

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

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

21 MR. PATTERSON: Another reason is because
22 we are asking for the very minimum to park cars side
23 by side. We want the cars staggering or else you are
24 going to have very little space between the two
25 vehicles.

1 MS. WATSON: I have a question.

2 MR. PATTERSON: Yes.

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

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

7 CHAIRPERSON MIETZ: All right. Thank you.

8 MR. CLAPP: That was my question, too.

9 MR. PATTERSON: It's an important
10 question.

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

13 MR. PATTERSON: Thank you.

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

17 MR. AGRONICK: My name is Ben Agronick,
18 278 Varianna Drive. My side yard would be directly
19 impacted by this. I don't object.

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

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

9 CHAIRPERSON MIETZ: Good evening.

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

12 CHAIRPERSON MIETZ: Give us your name and
13 address.

14 MR. KAISER: Mark Kaiser, I am one of the
15 pastors at Faith Temple. We are doing an event,
16 again, like we have in previous years. It's called
17 The Big Give. It's community outreach where we are
18 giving away clothing, school supplies, book bags, that
19 type of thing just before school starts in August on
20 the 19th of August. The temporary use permit is for
21 using it for that purpose. We had, I believe, last
22 year there was around 700 that came out to the tent
23 throughout the day. It was about a four hour event.
24 And through the whole day, there was about 700 people
25 that we serviced as far as giving clothing and school

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1 supplies. We also had, I believe, it was part of the
2 Monroe County fingerprinting where they fingerprint
3 the children for that. There was another group that
4 was doing that there as well to try to capture some of
5 those. So it is an outreach to help those that are
6 under privileged in the community. The following day
7 we kind of continued with our annual church picnic
8 which would be on the same property, same place. The
9 tent will be there. So we will be putting it up.
10 It's a 40 by 80 foot tent. We figured we would get
11 the maximum use out of it by using it for both events
12 which is what we did last year as well.

13 MS. SCHWARTZ: I notice the hours on the
14 19th is longer than last year.

15 MR. KAISER: The actual event is from
16 10:00 until 2:00.

17 MS. SCHWARTZ: Well, you are asking from
18 8:00 a.m. to 6:00 p.m. Last year, I believe, it was
19 from 11:00 a.m. to 3:00 p.m.

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

24 MS. SCHWARTZ: So you won't be there as
25 early as 8:00 you think?

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1 MR. KAISER: It's just a matter of setting
2 up and tearing down. We try to get as many of those
3 things done prior to. So when we get there it's all
4 ready.

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

7 MR. KAISER: No, the picnic is just after
8 the service. So the picnic will be from 1:00 until
9 4:00.

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

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

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

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

24 MS. SCHWARTZ: Okay.

25 CHAIRPERSON MIETZ: If that's what they

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1 need --

2 MS. SCHWARTZ: Thank you.

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

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

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

11 MR. KAISER: Not at all.

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

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

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

24 MR. KAISER: We designed it a little
25 different this year so it's more efficient. There is

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1 less possibility of people getting injured while
2 walking through.

3 MR. DI STEFANO: No rain date?

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

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

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

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

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

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

16 MR. KAISER: I'm trying to remember what
17 we did last year. Do you remember what we did as far
18 as advertising last year? I know we did have a lot of
19 signs inside our facility letting people know. I
20 think it was more word of mouth through the
21 congregation. We have a fairly large congregation.
22 And I think it was word of mouth from them, and people
23 they knew in their lives, and connections. That was
24 basically the advertisement. We didn't do any paid
25 advertising. No, I don't believe we did.

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1 MS. CORRADO: And the goal is to draw the
2 same amount of people there?

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

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

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

21 MS. DALE: Overnight?

22 MR. KAISER: They do overnight, yes.

23 MS. DALE: Wow.

24 MR. KAISER: That was one of the
25 stipulations. To have the tent there, they require

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1 some sort of security. And we could have provided it
2 ourselves, but I was like you have somebody? And they
3 said yes. So we use their services.

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

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

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

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

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1 Application 6A-03-17. Application of Michael and
2 Elaine Jakubowski, owners of property located at 55
3 Old Mill Road, for an Area Variance from Section
4 203-2.1B(6) to allow a standby emergency generator to
5 be located in a side yard in lieu of the rear yard
6 behind the house as required by code. All as
7 described on application and plans on file.

8 CHAIRPERSON MIETZ: Good evening.

9 MR. JAKUBOWSKI: Good evening, Michael
10 Jakubowski and my wife Elaine. She is my chief
11 aesthetic officer for 55 Old Mill Road. And Mike Rata
12 is with Isaac Heating and Cooling. They are the
13 contractors that will be doing the work and installing
14 the generator. We brought him along in case the Town
15 has any questions regarding the installation. We've
16 had the privilege of living in Brighton for 25 years
17 now. And 15 of those years have been on Old Mill
18 Road, the south side of Old Mill Road, with Allens
19 Creek flowing through our backyard. The Town requires
20 a standby generator to be installed in the rear of the
21 yard as the application points out, the photos in the
22 application. The way our house is laid out and other
23 conditions of the building code for the generator
24 being installed requires it to be 5 feet from any
25 window or door opening. And the construction of the

1 house and the window and door layout of the house do
2 not allow for any space for that generator to be
3 installed without violating that 5 foot safety code
4 for any carbon dioxide and carbon monoxide emissions
5 into an opening. So that leaves us with one space on
6 the west side south corner rear corner of the house
7 that is really out of sight from the esthetic view of
8 the backyard and very convenient for the installation
9 with the gas meter. Hence the request for the
10 variance for installation on the side of the house
11 versus the rear of the house.

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

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

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

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

21 MS. TOMPKINS WRIGHT: Can you pass it
22 around?

23 MR. DI STEFANO: Yes, sure.

24 MS. JAKUBOWSKI: Judy came over and we
25 talked a little bit about where it was going to be

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1 placed and how it was going to be landscaped around
2 it.

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

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

13 MR. JAKUBOWSKI: It's 80 feet to their
14 garage. Their living space is another 22 feet from
15 the garage. So we are over 100 feet from any living
16 space to their house. One other thing I wanted to
17 point out, if you are familiar with the traditional
18 standby generators, they look like big crates. This
19 is some newer technology that Isaac has introduced to
20 us. It is a very compact 12 kilowatt standby
21 generator that has a footprint about the size --
22 actually, it is a little bit smaller than an air
23 conditioning condenser unit that sits on the outside
24 of most people's houses -- on the side of people's
25 houses. Yes, sir.

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1 MR. CLAPP: I also noticed in the flyer
2 for the generator it is 15 percent quieter than
3 pervious. So I am assuming that meets town
4 ordinances.

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

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

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

13 MR. DI STEFANO: Seventy-two.

14 MR. RATA: -- seventy-three.

15 MR. DI STEFANO: Two, seventy-two.

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

18 CHAIRPERSON MIETZ: Okay. Any other
19 questions for the applicant? Okay. Thank you.

20 MS. JAKUBOWSKI: Thank you.

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

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

9 MS. GARNISH: Hi, I'm Holly Garnish from
10 The Park at Allen's Creek. I am the property manager.
11 And many of my tenants over the last couple of years
12 have requested that we invite a food truck because we
13 have lovely outdoor space when the weather gets nice
14 and we do lovely landscaping. And as property
15 manager, one of my biggest goals is to keep my tenants
16 happy and to keep them leasing office space in the
17 town of Brighton. And some of my biggest competition
18 is office space downtown where they have that cultural
19 opportunity. So I am trying to promote sense of
20 community there as well, and get people outdoors, meet
21 each other, and get out of the office. I thought it
22 would also promote goodwill, certainly. So I'm
23 requesting just twice in the summer for them to come
24 for two to three hours this summer and next summer.
25 And I would invite the same vendors. So you would

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1 have all of the health permits and information about
2 that vendor. And they would be really not visible to
3 the other neighboring properties. We have a rather
4 large property almost 10.2 acres and eight buildings.
5 So it would be tucked in the back by our back three
6 buildings near the freeway which is on the side of our
7 property. And only our tenants would be invited to go
8 to the food truck. So I think that's it. Any
9 questions?

10 MS. SCHWARTZ: You are proposing just one
11 truck?

12 MS. GARNISH: I'm sorry.

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

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

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

23 MS. GARNISH: Right. Well if you have a
24 copy of our map, we have three back rear buildings and
25 in the center is our courtyard. And the truck would

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1 be pulled up alongside a sidewalk area which is near
2 the -- in the parking lot but near one of the first
3 buildings in the courtyard. So the sidewalk and all
4 the way back through the courtyard is all a pedestrian
5 area. And that's where any line would form. And we
6 would also have picnic tables. We have a lot of them
7 throughout the park, but we would add some more around
8 that area. And then of course, we have coned off the
9 area around the truck. It's basically in our parking
10 lot.

11 CHAIRPERSON MIETZ: Okay. Very good.
12 Again, so you said it would be put on for the tenants
13 in the park so no advertising in the park only to the
14 tenants?

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

17 CHAIRPERSON MIETZ: Okay. Very good.

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

20 MS. GARNISH: Because I did not know the
21 outcome of this, I have a couple of tentative dates
22 for this summer, June 21st -- no, June 16th and July
23 21st are tentative.

24 MS. CORRADO: And you would anticipate
25 roughly the same for next summer as well?

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1 MS. GARNISH: Right. Something in June,
2 something in July or August.

3 MS. CORRADO: Okay. Thanks.

4 CHAIRPERSON MIETZ: Any other questions?

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

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

14 MR. CLAPP: Okay. Thank you.

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

19 MS. GARNISH: Thank you.
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1 Application 6A-05-17. Application of Integrated Power
2 Supplies Int, contractor, and Joyce and Greg Dimperio,
3 owners of property located at 206 Bretlyn Circle, for
4 an Area Variance from Section 203-2.1B(6) to allow a
5 standby emergency generator to be located five feet
6 from a property line in lieu of the minimum 10 ft.
7 required by code. All as described on application and
8 plans on file.

9 MR. PSCHIERER: Good evening, my name is
10 Dave Pschierer, 168 Surrey Hill Way, Rochester, New
11 York. I am from Integrated Power. We are the
12 installing contractor for Mr. and Mrs. Dimperio who
13 are representing here tonight. We are proposing to
14 put a Generac 16kW generator in the backyard for
15 Mr. and Mrs. Dimperio. As you can see from the
16 drawings of the pictures we took, there is a wide open
17 backyard, but the actual property line in the back of
18 the house is only about 10 feet maybe 12 in some
19 areas. Because of the location of the gas meter, and
20 the electric utility meter, some windows, and an air
21 conditioning condenser, we need to be 5 feet off of
22 the house to meet all of the building code clearances,
23 and the factory manufacturer recommendations for the
24 installation, along with RG&E code in regards to their
25 utility meters. So we did go to the HOA there in the

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1 reserve because they do own the actual land that the
2 house is on. They gave their blessing for us to set
3 it 10 feet within the property line. And I did
4 provide pictures of the landscape. And actually in
5 one of the pictures, you can see that their neighbor
6 right next door has a generator too. So it's not
7 going to stick out in the neighborhood or anything
8 like that. The reason we are seeking the variance is
9 we were going to need one either way, but this was the
10 only option that made it in the backyard and not
11 visible from the road.

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

15 MR. PSCHIERER: If you are looking at the
16 photos there in front of the air conditioning
17 condenser where it comes out to the mulch, we were
18 looking to actually put it running length-wise
19 parallel with the mulch. And this is the plan to
20 plant around it so it's not visible from the patio or
21 the neighbor's patio. She hasn't given me the exact
22 landscape plan, but she doesn't want to look at it
23 while sitting on her patio so I know there is a plan
24 in place. So we will be running parallel to the
25 mulching. I believe the base of that existing plan is

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1 once the installation is complete, because we are
2 running all of our gas pipe and electrical conduit
3 underground from the house, they are going to mulch
4 around where we set the generator and incorporate it
5 into their garden so you won't see it.

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

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

11 MR. PSCHIERER: Yes. Yes.

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

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

25 MS. CORRADO: Have you done other

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1 installations in this neighborhood?

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

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

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

11 MR. PSCHIERER: Thank you.

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

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

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

11 MR. DI STEFANO: Thank you.

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

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1 And if you have any questions, please stop me.

2 First, there won't be any substantial
3 change to the neighborhood, and there won't be any
4 detrimental effect to our neighbors. The addition
5 won't be visible from the street in any way, shape, or
6 form. It probably won't be visible to any of the
7 neighbors unless they are climbing a tree, or
8 underneath some shrubs, or something like that. The
9 house was built by an architect from Rochester named
10 Frank Grosso. It's beautiful. We think it's a work
11 of art. The addition will extend an existing roofline
12 10 feet out from the house and will completely match
13 the esthetics of the house, same cedar siding, same
14 roof, same windows, and all of that. We can't really
15 solve either of those two problems in any other
16 manner. There is no place in the house to locate a
17 closet for the master bedroom right now. And there is
18 no other place to have dining off of the kitchen that
19 is immediately adjacent to the kitchen.

20 We are not asking for a substantial
21 variance. The existing variance for the rear setback
22 is 36 feet, and we are only asking for an additional 3
23 feet beyond that. The variance is the minimum
24 necessary because in order to happily address the
25 closet and the dining space, our architect has

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1 determined that we need 10 feet. Where the addition
2 is going to be located, there is an existing chimney.
3 So we are going to have to wrap the addition around
4 that. We will lose some space, obviously, because we
5 have to do that.

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

16 CHAIRPERSON MIETZ: Okay. Good.
17 Questions?

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

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

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

25 MR. MCCABE: Yes, absolutely. We would

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1 love to be in the house before the baby is here and
2 that's two months in counting.

3 CHAIRPERSON MIETZ: Any other questions?
4 Okay. Thank you. Is there anyone in the audience
5 that would like to speak regarding this application?
6 Okay. There being none, then the public hearing is
7 closed.

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1 Application 6A-07-17. Application of Marc Bushshallow
2 and Katherine Hess, owners of property located at 180
3 Trevor Court Road, for an Area Variance from Section
4 207-2A to allow a 6 ft. high fence in a front yard
5 where a maximum 3.5 ft. high fence is allowed by code.
6 All as described on application and plans on file.

7 MR. BUSHSHALLOW: Hi, good evening, I'm
8 Marc Bushshallow, and this is my wife Katie Hess. We
9 live at 180 Trevor Court Road. The purpose of the
10 variance is for the safety of our family. The fence
11 is located in our back side yard along Trevor Court
12 Road as can be seen in the plans. As you mentioned,
13 the allowed height is 3 and a half feet. We have two
14 small children and that presents two issues with
15 regards to the allowed picket fence. One is,
16 obviously, keeping people from entering our backyard
17 by going over a small fence. And then two, with
18 regard to people being able to, both, see directly
19 into our backyard from the road. And there are
20 pictures there that show you can see directly into our
21 backyard as well as you can see directly into our
22 family room and dining room from the road. We have
23 planted trees there that will be very large in five
24 years. But at current date, they do not provide any
25 of that necessary security of our family.

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1 MS. HESS: Hi, I'm Katie. Additionally, I
2 just want to add that we had a few incidents last year
3 with strangers on our property two times in the summer
4 and then one time in the winter. People were coming
5 in through the backyard, the side yard, up into our
6 front either knocking on windows or also on our front
7 door. I was pregnant last summer with our second
8 child. So I was a little bit nervous with having that
9 access because I think sometimes people feel that the
10 yard between the treeline and the street, they kind of
11 feel it is more like a public yard than private
12 property. So we do have some higher traffic on there
13 as well. Georgian Court doesn't have street lamps in
14 the evening where on Trevor Court we do. So I think
15 it allows for people to be on Georgian Court in the
16 evening a little bit more without being seen. So that
17 was what difficulty we had last year with people
18 coming in and out. So also with the fence being a
19 little higher if a person tried climbing over or our
20 other son tried to climb over, that would not be as
21 high of a risk for us.

22 CHAIRPERSON MIETZ: Okay.

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

25 MS. HESS: It's a cedar fence, and I think

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1 we are going to do the paneling at the top, the
2 trellis paneling. So I think it's about a foot at the
3 top that you can kind of see through. We haven't
4 installed it or anything yet, obviously.

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

9 MS. HESS: Yes.

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

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

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

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

23 MR. BUSHSHALLOW: So there are pictures.
24 The existing shrubbery is already 7 feet tall but not
25 wide enough. And there is a picture of what it will

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1 look like when it is fully grown. This is our
2 neighbors that are kitty corner. Theirs are 10 or 12
3 feet tall.

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

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

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

10 MR. CLAPP: Will you be replacing that?

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

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

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

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

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

23 MS. HESS: No, it's not. It's not going
24 to be clear cedar. It's just going to be regular
25 knotted cedar.

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1 CHAIRPERSON MIETZ: That's fine. Okay.
2 Any other questions?

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

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

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

11 MR. BUSHSHALLOW: Yes.

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

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

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

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

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

25 MS. HESS: Yes, it's a big tree leaning

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1 onto the house.

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

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

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

9 MR. BUSHSHALLOW: Yes.

10 MR. DI STEFANO: Okay.

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

15 MR. BORSHOFF: Good evening, my name is
16 Tom Borshoff. I own property directly across the
17 street from 180 Trevor Court. The property is 177
18 Trevor Court. I also own a vacant lot on Sandringham
19 which is immediately behind 177 Trevor Court. I also
20 own 277 which is about five houses away from 180
21 Trevor Court. I also own 93 Ambassador which is at
22 the other end of Trevor Court as well as 370
23 Sandringham, and 355 Ambassador, and 333 Ambassador.
24 So I'm impacted by the variance request particularly
25 with the property directly across the street. I would

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1 ask that the applicants and the Board consider that
2 the privacy being requested by the applicants, in my
3 opinion, can be accomplished by doubling up on a row
4 of new trees they planted and create the privacy they
5 are looking for without putting up a 6 foot tall fence
6 that would be, I think, a negative to the
7 neighborhood. Additionally, I think if they simply
8 move their fence in and work with the tree they just
9 mentioned, they would not need a variance. So I think
10 for the benefit of the neighborhood, they have options
11 that would not have a negative impact. Thank you.

12 CHAIRPERSON MIETZ: Thank you. Is there
13 anyone else in the audience that would like to speak
14 regarding this application? Okay. There being none,
15 then the public hearing is closed.
16 Application 6A-08-17. Application of Catherine
17 Foster, owner of property located at 50 Buffard Drive,
18 for an Area Variance from Section 207-6A(2) to allow a
19 shed to be located 3 ft. from a rear lot line and 3.8
20 ft. from a side lot line in lieu of the minimum 5 ft.
21 setback from all lot lines as required by code. All
22 as described on application and plans on file.

23 MS. FOSTER: Good evening, I'm Catherine
24 Foster. I'm the owner of the property 50 Buffard
25 Drive. And I am here about a shed. We currently have

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

19 I will also mention that the current shed,
20 one of the previous property owners and I don't know
21 who it was, actually landscaped around the area too.
22 So we don't want to the disrupt too much of the
23 landscaping. I'm willing to do a little variation of
24 it, but I would like to keep some of it because it
25 does add to the yard that we have.

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1 And further, there is a shed behind us
2 that also is less than 5 feet from the property line
3 behind us. The shed, where I have it right now,
4 because his shed is larger than ours, he cannot see
5 ours from the current situation. And the shared
6 driveway owner also has a free-standing garage that
7 prevents him from seeing our shed from the house. And
8 you can see it sort of from the street when you are
9 driving in. But once he is in the house, you can't
10 see it. So I don't think there is any further
11 disruption of anything.

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

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

21 MS. SCHWARTZ: I saw that.

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

25 CHAIRPERSON MIETZ: Could you describe

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1 what the shed is going to look like?

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

4 CHAIRPERSON MIETZ: Just for the record.

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

13 CHAIRPERSON MIETZ: Style similar to
14 what's there?

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

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

21 MS. FOSTER: Correct.

22 MR. DI STEFANO: On your property, there
23 is a sewer line that basically runs through your
24 property. Do you see an outlet for that sewer line
25 that runs towards the ravine?

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1 MS. FOSTER: No. No.

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

5 MS. FOSTER: Yes. Yes.

6 MR. DI STEFANO: Okay.

7 MS. FOSTER: Yes.

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

12 MS. FOSTER: Yes. Yes.

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

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

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

21 CHAIRPERSON MIETZ: Any other questions?
22 Okay. Thank you. Anyone in the audience that would
23 like to speak regarding this application? Thank you
24 very much. The hearing is closed.

25

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1 Application 6A-09-17. Application of Chris Duerr,
2 agent, and 333 Metro Park Business Complex. LLC,
3 owner of property located at 333 Metro Park, for a
4 Sign Variance from Section 207-32B to allow signage on
5 a second building face (Metro Park frontage) where not
6 allowed by code. All as described on application and
7 plans on file.

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

19 The statistics on the building, the
20 building has a rentable area of 76,500 square feet and
21 approximately 325 parking spaces. It has three
22 two-story sections. It has four primary entrances or
23 four entrances. It doesn't really have a primary
24 entrance. Currently, there is approximately 35
25 tenants. Of those tenants, there is roughly six over

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1 4,000 square feet. The idea was, in the signage
2 package, was to use the signage on Brighton Henrietta
3 Townline Road as a principal business sign that
4 represents the 30 other smaller tenants in the
5 building. And then the signage along Metro Park which
6 can be a combination in the keys of the building, the
7 setbacks of the building. Two 3 by 6 signs or one 4
8 by 8 sign for the principle tenants. The linear, the
9 area of the Metro Park building facade is roughly
10 468 feet assuming that, you know, we have roughly 10
11 feet of first floor area of the face. That's 4,680
12 square feet. The signs we are requesting would be the
13 maximum of eight 3 by 6 signs which is 144 square
14 feet. Ten percent of the 4,680 is 468 by code, but
15 the maximum is 150 square feet. Anything else on the
16 list?

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

19 MR. DUERR: Yes, it is.

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

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

24 MS. DALE: Can you talk a little bit about
25 why you are requesting this now? Did something change

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1 or what's the underlying reason? Why are you here
2 now?

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

12 MS. DALE: How long ago was it about?

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

16 MS. DALE: Okay.

17 MR. DUERR: Sorry.

18 MS. DALE: That's okay.

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

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

24 CHAIRPERSON MIETZ: Okay.

25 MR. DUERR: And off of the spines there is

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1 a two-story hallway that services tenants on both the
2 first and second floor. And then in between where you
3 see the keys that come out, there is a combination of,
4 you know, clerestory and a combination of a two story
5 in the back.

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

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

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

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

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

22 MR. DUERR: No. Nope.

23 CHAIRPERSON MIETZ: Okay. Other
24 questions? Go ahead.

25 MR. CLAPP: There were a couple of tenant

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1 signs on the Brighton Henrietta Town Line Road
2 building that look somewhat temporary, will they come
3 down?

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

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

12 MR. DUERR: Yes, correct.

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

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

20 MR. CLAPP: Not to open the can of worms
21 --

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

23 MR. CLAPP: -- there can't be any other
24 identifying signs on that side of the building
25 probably not?

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1 MR. DI STEFANO: There won't be any
2 signage on the east side of the building. The only
3 thing on the east side are those three canopies which
4 are direct entrances into the building with 333 Metro
5 Park on it for an identification, and it might say A,
6 B, C for Section A, Section B, Section C.

7 MR. DOLLINGER: Is that in here?

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

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

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

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

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

24 MR. DUERR: Yes, correct.

25 MS. SCHWARTZ: And how many directionals

1 you think?

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

6 MS. SCHWARTZ: The four entrances?

7 MR. DUERR: Pardon me?

8 MS. SCHWARTZ: At the four main entrances?

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

11 CHAIRPERSON MIETZ: Okay. Any other
12 questions?

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

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

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

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

23 CHAIRPERSON MIETZ: Right.

24 MR. DUERR: If we have two tenants in one
25 of the keys and they want larger, you know, building

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1 signs. So it will be two 3 by 6 signs, same framing,
2 same case. We will have to come in with their logo
3 and for what goes in it.

4 MR. DI STEFANO: Got it.

5 MR. DOLLINGER: Thank you.

6 CHAIRPERSON MIETZ: Very good. Anything
7 else? Okay. Great. Thank you very much.

8 MR. DUERR: Yep.

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

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

11 MR. LARUE: Good evening, Fred LaRue with
12 McMahon LaRue Associates. Fairly simple request,
13 these are unusual lots. They go back at quite an
14 angle which has caused most of the problems with
15 setbacks. This particular building was sized so that
16 pallet wrapping could be held on either side of the
17 building, so the 50 foot wide. And also floor space
18 and being able to get a forklift around those things
19 so that, you know, it can still operate, you know,
20 with everything pushed to the sides and whatnot.
21 There is kind of a scale of the size of the building.
22 He owns -- Paul is here tonight, Paul Viele. He owns
23 400 Western Drive. And there is some issues over
24 there with some of the equipment being stolen, not on
25 his property, but on the neighbor's property. So what

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1 we want to do with the new addition is store some of
2 the snow plows and that sort of thing inside this
3 building to took take the load off the other and
4 reduce the risk a little bit. So we are asking for a
5 rear setback. That is actually less of a request than
6 what was previously granted. That particular point on
7 the building is opposite a vacant lot. And the
8 density is just a calculation. We made all of the
9 green space and that sort of thing calculations. So
10 with that, I will turn it over for any kind of
11 questions.

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

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

16 CHAIRPERSON MIETZ: Inventory for --

17 MR. LARUE: Paul?

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

20 CHAIRPERSON MIETZ: Just give your name
21 and address.

22 MR. VIELE: Sure. Paul Viele, I live at
23 55 Southern Drive, and I own Townline Equipment at 400
24 Western Drive. I bought the building at 39 a couple
25 of years ago, and we have been warehousing snow plows

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1 for the fall and winter season. So we need some more
2 space.

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

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

8 MR. DI STEFANO: So you sell plows?

9 MR. VIELE: Yes.

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

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

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

18 MR. LARUE: Thank you.

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

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

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

22 CHAIRPERSON MIETZ: Okay.

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

25 MS. TABOR: We bring them inside.

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1 MS. WATSON: You said you have done this
2 in the past?

3 MS. TABOR: Yes.

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

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

9 MS. WATSON: I assume that was accidental.

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

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

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

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

23 MS. TABOR: 200.

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

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1 amplified.

2 MS. TABOR: Yes.

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

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

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

13 MS. TABOR: Generally, the music stops by
14 7:30. In the years past, I have been home in bed by
15 9:00 all cleaned up and ready to go.

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

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

22 MS. WATSON: So this is just for summer
23 2017 then?

24 MR. DI STEFANO: No, you can grant it for
25 two years.

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1 MS. WATSON: Would you expect the line up
2 similar to this year?

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

4 CHAIRPERSON MIETZ: Same type of music?

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

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

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

12 MS. WATSON: And enough volunteers to
13 help?

14 MS. TABOR: Yes. Yes.

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

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

24 MS. TOMPKINS WRIGHT: And that will be set
25 up before the event?

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1 MS. TABOR: Yes. Yes. And again,
2 inclement weather, we will just go inside.

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

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

10 MR. CLAPP: When you say the shows might
11 be amplified, are you talking about bringing in sound
12 reenforcement, or won't you do that, or just strictly
13 available for the rock band and the guitarists
14 themselves?

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

18 MR. CLAPP: Yes, they do.

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

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

24 MS. TABOR: Yes, they can.

25 MR. CLAPP: I don't know how to ask the

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1 question because I'm new on the board, are there sound
2 ordinances or decibel levels that can be set?

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

15 MR. CLAPP: Okay.

16 CHAIRPERSON MIETZ: It's still pretty
17 early.

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

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

25 MR. CLAPP: It is less than that. See you

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1 at the show.

2 MS. TABOR: Okay. Thank you.

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

5 MS. TABOR: Yes.

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

8 MS. TABOR: No.

9 CHAIRPERSON MIETZ: And no issues that
10 were reported?

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

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

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

17 MS. TABOR: Yes.

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

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

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

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1 MS. TABOR: Yes.

2 MR. DI STEFANO: And they --

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

6 MR. DI STEFANO: Okay. Great.

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

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

24 CHAIRPERSON MIETZ: Thank you. Is there
25 anyone else that would like to speak regarding this

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1 application? Okay. There being none, then the public
2 hearing is closed.

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1 Application 6A-12-17. Application of Brighton
2 Volunteer Ambulance, owner of property located at 1551
3 Winton Road South, for 1) an Area Variance from
4 Section 205-2 to allow for the construction of a 3,960
5 sf attached garage in lieu of the maximum 900 sf
6 attached garage allowed by code; 2) an Area Variance
7 from Section 207-10E(2) to allow pavement to cover
8 45.4% of the front yard area (Winton Road South front
9 yard) in lieu of the maximum 30% allowed by code; and
10 3) an Area Variance from Section 207-10E(3) to allow
11 pavement to cover 36.3% of the rear yard area in lieu
12 of the maximum 35% allowed by code. All as described
13 on application and plans on file.

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

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

25 MR. DI STEFANO: Can you slow down a

1 little bit?

2 MS. CORRADO: And speak a little louder
3 too?

4 MR. FROMBERGER: The existing site is
5 centrally located within the town of Brighton. They
6 respond to more than 5,000 calls each year and are
7 available 24/7 seven days a week. As you are aware,
8 the facility is also located within the designated
9 historical Buckland Horse Stone constructed circa.
10 1830. And Brighton Volunteer Ambulance has been a
11 good caretaker of the facility by maintaining the
12 historical character of the facility.

13 We are requesting three variances. And as
14 Rick mentioned, the first is for 900 square feet. The
15 proposed garage is 3,960 square feet. Their existing
16 site is situated on this plan, and they currently have
17 a four car garage which does exceed the thresholds.
18 Outside are two SUVs as well as an ambulance.
19 Employees park in this location and customers come
20 over on the Westfall side. Through our design, as you
21 can see down below, we tried to minimize the size of
22 the building by adding some different geometry between
23 the two to break it up. We are proposing an eight bay
24 garage. And basically, the trucks back in and are
25 ready to go out for emergency purposes. This is

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1 really the minimum size to accommodate it. The site
2 is quite unique. It is kind of an L-shaped parcel and
3 has a little taper to it so that causes some
4 difficulty. Our proposed plan is to remodel the
5 existing garage space. And on our rendering that
6 would be this location here, the existing garage.
7 This would be the new administrative offices and then
8 a proposed garage.

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

14 So that starts up for the second and third
15 variance request that we are asking for. The proposed
16 pavement in the front yard is 45 percent, code
17 requires 30 percent. Again, the minimum access in
18 turning and allowing to get into it and to exit, we
19 will now have customers that will be using this side
20 off of Winton Road to access the location. So you
21 need customer parking. In talking with the Planning
22 Board, we have also looked at different options in
23 here. And one option that we haven't reviewed with
24 them yet but is to kind of locate this parking more
25 centrally up in here so vehicles can enter. This will

1 create this green corridor and the landscaping which
2 you may have seen in your package. The rear yard --

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

5 MR. FROMBERGER: No, it stays the --

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

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

9 MR. DI STEFANO: Slightly reduces it.

10 MR. FROMBERGER: Okay. So the rear yard
11 is actually on this side of the property. It is based
12 on Westfall Road. And in that situation, we are
13 slightly over. We are 36.3 percent as opposed to
14 35 percent. Again, all of this of is green space in
15 the back. But based on the angle coming off of the
16 existing historical structure, it kind of sets us up
17 for some additional pavement in that location. Again,
18 just wanted to focus as well or bring up to your
19 attention, you know, we are trying to keep our
20 equipment inside. Some of the equipment is
21 temperature sensitive. So right now, they currently
22 have to go out and service that on call and put it
23 back into the facility. We feel that the proposed
24 layout, by putting the equipment inside, will provide
25 additional screening and also allow for employees to

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1 park on the sides and around the backside of it as
2 opposed to the current layout to the front. So that
3 should improve site visibility. One of the thresholds
4 in the variance application is are you very similar to
5 other neighbors or other properties in the area? We
6 did take a quick look. Not that we -- across the
7 street based on the traffic, Westfall Road here 1696
8 and 1706 have horseshoe driveways. Their percentages
9 do exceed the 30 percent from front yard. One was 44.
10 The other was 45. And then over on Winton Road, 1550,
11 again with the traffic, most of these homes have back
12 outs to get onto the road. And this one is at
13 41 percent as well. So that concludes my
14 presentation.

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

17 MR. FROMBERGER: Correct.

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

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

25 MS. DALE: I didn't know that. I thought

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1 the help always came to you.

2 MR. FROMBERGER: Yes, usually, the
3 ambulance is going out to you. That's correct.

4 MS. DALE: And if you are a customer in
5 that sense, would you come in the door like a patient?
6 Would people enter through the porch that is sort of
7 near the dispatch?

8 MR. FROMBERGER: Correct, it would be up
9 in this location.

10 MS. DALE: Okay.

11 MR. DI STEFANO: Which is the old garage
12 that is being remodeled; correct?

13 MR. FROMBERGER: Which is the old garage
14 that is being remodeled. Then on the rendering, it
15 would be here. We are working with the Historical
16 Preservation Board, and this entry element you will go
17 to the top of the entrance just to give a little more
18 announcement that that is the main entrance.

19 MS. DALE: And the proposed brick for the
20 new garage, that would go to the Architecture Review
21 Board?

22 MR. DI STEFANO: It goes before the
23 Historical Preservation Board. The Architecture
24 Review Board does not review this because it is a
25 historical designated property. So any modifications

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1 to the site goes in front of the Historic Preservation
2 Commission under what they call a certificate of
3 appropriateness. So that determines the design or
4 helps determine the design.

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

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

10 MR. FROMBERGER: It is used as
11 administrative offices.

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

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

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

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

22 MS. CORRADO: Can you tell us about how
23 many employees are present at any time, particularly,
24 overnight just to get a sense of how much parking is
25 needed by employees?

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1 MR. FROMBERGER: I will let Dan talk about
2 that.

3 MR. MCCUE: Sure. Let me think.

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

6 MR. MCCUE: Yes. Sure. It's Daniel
7 McCue, M-C-C-U-E. During the day, there will be eight
8 to ten employees or crew and three or four
9 administrative employees on the site during the day
10 from, I mean, the shifts are staggered but roughly
11 8:00 to 5:00 that time period. In the evening, it
12 will be four or five, and overnight from 11:00 p.m. to
13 6:00 a.m. just two employees.

14 MS. CORRADO: Thank you.

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

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

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

24 MR. MCCUE: Sure, absolutely. So when the
25 property was acquired, the ambulance was servicing

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

24 And then also we are using the historic
25 house which is a lovely house, but we have two

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1 bedrooms in the house. Since we have mixed crews, we
2 need a bedroom for men and a bedroom for women. They
3 are pretty tight quarters. So when we have overnight
4 shifts, it is already a challenge. So we have really
5 no training space in this facility. We have looked at
6 plans that would include a training space in the new
7 expanded facility, but it would make the building too
8 large to have a proper training space. So we rent
9 training space. We actually rent space from the
10 school district for training, and we will continue to
11 do that. That will work out for us and that took some
12 of the load off this building expansion. So we are
13 trying to keep the building expansion to the minimum
14 required to handle the volume of business that we
15 receive.

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

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

25 MS. CORRADO: I have one more question

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1 that might be for you or for James. Considering
2 weather and snow management, can you speak a little
3 bit about how the snow will be managed with this
4 configuration?

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

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

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

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

24 MR. FROMBERGER: Actually, we have a
25 reduction in parking totals. The lighting is going to

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1 be similar to what's out there. It is a gooseneck
2 style light. So there are, I believe, two additional
3 fixtures or I don't know the exact total, but there
4 will be a little more lighting, correct.

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

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

16 MS. CORRADO: Any other questions? Okay.
17 Anyone here that would like to speak to this
18 application? There being none, the application is
19 closed.

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

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

11 CHAIRPERSON MIETZ: Not quite.

12 MR. WEITZ: I'm Josh Weitz, Dermatology
13 Associates of Rochester at 100 White Spruce Boulevard.
14 Essentially, the request is to, as stated, host an
15 open house event. So recently we completed
16 construction within the building of the 2,500 square
17 foot space that is dedicated to esthetics and
18 antiaging practices as well as recently renovated our
19 spa which is a 2,500 square foot space upstairs.
20 Those are separate from our medical facility which is
21 3,500 square feet on the first floor. So in order to
22 kind of showcase this, we thought it would be nice to
23 host an evening with the theme being a midsummer
24 nights dream. We have arranged for, I guess, a B-list
25 celebrity to fly in from California Antonio Sabato,

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1 Jr. who is a soap star and a former Calvin Klein
2 model. He also happens to be an ambassador for one of
3 the procedures that we perform a significant number of
4 procedures in the office. So in order to kind of open
5 the space to the current existing patient population,
6 we have sent out evites to a database of about 1,200
7 patients. We are not intending to advertise this to
8 the general public. That being said, the general
9 public is certainly welcome to attend. We won't turn
10 anybody away. So friends of friends hear about it or
11 it is passed along to others, they will be welcome to
12 come. It's going to be -- because we are looking to
13 achieve a crowd of around 300 total, we decided we
14 should probably have a tent in the event of rain. So
15 hence being here. So tent that we planned for is
16 about 40 by 80. We are intending to have a jazz trio
17 not amplified in attendance to perform some light jazz
18 music underneath the tent. It will be catered by
19 Madeline's. They will be passing prepared foods that
20 are all going to be made off-site ahead of time. They
21 are going to do all of the set up, take down, and
22 clean up. We are using Tipping Point Media to help
23 organize, plan the event, and provide support staff.
24 In addition to our 50 employees, 40 of which have
25 committed to helping with the event as well as we have

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1 21 vendors coming to help us with the event.

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

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

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

25 MS. SCHWARTZ: Okay.

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1 MR. CLAPP: Are you now the only tenant of
2 100 because there are still other tenants listed?

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

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

20 MR. WEITZ: We told them all about it.

21 MR. CLAPP: So they are aware?

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

24 MR. CLAPP: Thank you.

25 MR. WEITZ: Yep.

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1 CHAIRPERSON MIETZ: Okay. Any other
2 questions for the applicant?

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

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

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

9 MR. WEITZ: Correct, June 21st.

10 MR. DI STEFANO: And this is it?

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

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

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

STATE OF NEW YORK:
COUNTY OF MONROE:

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

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

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

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

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF.
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
3 On JUNE 7, 2017, COMMENCING AT APPROXIMATELY 9:10 P.M.

4 June 7, 2017
5 Brighton Town Hall
6 2300 Elmwood Avenue
7 Rochester, New York 14618

8 PRESENT:

9 DENNIS MIETZ, CHAIRMAN
10 CHRISTINE CORRADO
11 JUDY SCHWARTZ
12 ANDREA TOMPKINS WRIGHT
13 JEANNE DALE
14 JENNIFER WATSON
15 DOUGLAS CLAPP

16 DAVID DOLLINGER, ESQ.
17 Town Attorney

18 RICK DISTEFANO
19 Secretary

20
21
22 Reported By: BRIANA L. JEFFORDS
23 Forbes Court Reporting Service, LLC
24 21 Woodcrest Drive
25 Batavia, New York 14020

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

11 Motion made by Ms. Dale to approve

12 Application 5A-01-17.

13 FINDINGS OF FACT:

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

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

25 3. The existing sign is illuminated, and therefore,

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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.)

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

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

10 FINDINGS OF FACT:

- 11 1. The addition of the driveway in the proposed
 12 location is the only alternative which can meet the
 13 desired result of the applicant.
- 14 2. The encroachment of 1 foot 3 inches into the 4
 15 foot required setback will not appear substantial
 16 since the vegetation and the minimum taper at 15 feet
 17 for the extension will minimize the effect for the
 18 driveway extension.
- 19 3. No negative effect on the character of the
 20 neighborhood will result in the approval of this
 21 variance since similar extensions appear in the
 22 neighborhood.

23 CONDITIONS:

- 24 1. This variance is based on the testimony given and
 25 plans submitted as to the specific size and location

1 of the expanded driveway.

2 (Seconded by Ms. Schwartz.)

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

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

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1 Application 6A-03-17. Application of Michael and
2 Elaine Jakubowski, owners of property located at 55
3 Old Mill Road, for an Area Variance from Section
4 203-2.1B(6) to allow a standby emergency generator to
5 be located in a side yard in lieu of the rear yard
6 behind to house as required by code. All as described
7 on application and plans on file.

8 Motion made by Ms. Tompkins Wright to
9 approve

10 Application 6A-03-17.

11 FINDINGS OF FACT:

12 1. The requested variance is not substantial as the
13 generator is being placed in the back corner of the
14 home and a few feet at the rear yard.

15 2. No other alternative can feel alleviate the
16 difficulty and produce the desired result due to the
17 position of doors and windows in the rear of the house
18 and the need to place the generator 5 feet from such
19 opening.

20 3. The variance will not produce a change in the
21 character of the neighborhood as several other homes
22 have generators in their side yards as well.

23 4. The alleged hardship may be partially self-created
24 but also created by a high need for generators in this
25 area and the existing layout of the home.

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1 5. There is no evidence that the health or safety
2 of the community will be adversely effected by the
3 approval of this variance.

4 CONDITIONS:

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

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

10 3. All building permits shall be obtained.

11 (Seconded by Ms. Schwartz.)

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

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

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

9 Motion made by Mr. Clapp to approve

10 Application 6A-05-17.

11 FINDINGS OF FACT:

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

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

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

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

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

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1 installed.

2 CONDITIONS:

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

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

7 3. All necessary building permits shall be obtained.

8 (Seconded by Ms. Schwartz.)

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

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

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

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

10 FINDINGS OF FACT:

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

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

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

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1 property by dense plantings.

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

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

9 CONDITIONS:

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

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

17 (Seconded by Ms. Schwartz.)
18 (Ms. Corrado, yes; Ms. Watson, yes;
19 Ms. Tompkins Wright, yes; Ms. Dale, yes;
20 Mr. Clapp, yes; Ms. Schwartz, yes;
21 Mr. Mietz, yes.)

22 (Open roll call, motion to approve
23 with conditions carries.)
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1 Application 6A-07-17. Application of Marc Bushshallow
2 and Katherine Hess, owners of property located at 180
3 Trevor Court Road, for an Area Variance from Section
4 207-2A to allow a 6 ft. high fence in a front yard
5 where a maximum 3.5 ft. high fence is allowed by code.
6 All as described on application and plans on file.

7 Motion made by Ms. Dale to approve

8 Application 6A-07-17.

9 FINDINGS OF FACT:

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

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

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

25 4. Granting of the request will not produce an

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1 undesirable change in the character of the
2 neighborhood or a detriment to nearby properties nor
3 will it have an adverse effect or impact on the
4 physical or environmental conditions of the
5 neighborhood.

6 CONDITIONS:

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

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

12 3. All necessary building permits shall be
13 obtained.

14 (Seconded by Ms. Schwartz.)

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

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

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

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

10 FINDINGS OF FACT:

11 1. The applicant desires to replace an existing shed
12 with a slightly larger shed, an 8 by 10.

13 2. The replacement shed will be placed in the same
14 location as the existing shed. However, it will be
15 3 feet from the rear lot line and 3.8 from the side
16 lot line in lieu of the 5 feet required which is not
17 substantial.

18 3. The shed is located in the only place on the lot
19 where the sloped yard will allow a replacement.

20 4. Other accessory buildings are located within the
21 neighborhood close to the property lines and the
22 approval of this variance will not cause any negative
23 effect on the character of the neighborhood.

24 CONDITIONS:

25 1. All necessary permits shall be obtained.

1 2. This application is based on testimony given and
2 plans submitted as to the size and location of the
3 shed.

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

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

10 FINDINGS OF FACT:

11 1. This variance is for a large industrial flex space
12 structure 468 feet in length. This is really like a
13 one building plaza with four main entrances and
14 sections being two stories in height.

15 2. Because there are several tenants, 35 to be exact,
16 with separate entrances, signage on building faces on
17 Metro Park will greatly help customers find their way.

18 3. The size of the building will minimize the
19 variance.

20 4. There will be no adverse impact on the character
21 of the area as this structure is in a light industrial
22 zone.

23 5. No signs will be illuminated.

24 6. There will only be directional signs where there
25 are no building face signs.

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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.)

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

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

10 FINDINGS OF FACT:

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

20 2. The requested temporary and revocable use permit,
21 if granted, will not endanger the health, safety, or
22 general welfare of the community as there are
23 sufficient restrooms, parking spaces, and volunteers
24 on site to manage the crowds. The church building
25 will provide shelter incase of inclement weather and

1 sound volumes will be kept to moderate levels.

2 CONDITIONS:

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

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

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

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

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

17 (Seconded by Ms. Schwartz.)

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

22 (Open roll call, motion to approve
23 with conditions carries.)
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1 Application 6A-12-17. Application of Brighton
2 Volunteer Ambulance, owner of property located at 1551
3 Winton Road South, for 1) an Area Variance from
4 Section 205-2 to allow for the construction of a 3,960
5 sf attached garage in lieu of the maximum 900 sf
6 attached garage allowed by code; 2) an Area Variance
7 from Section 207-10E(2) to allow pavement to cover
8 45.4% of the front yard area (Winton Road South front
9 yard) in lieu of the maximum 30% allowed by code; and
10 3) an Area Variance from Section 207-10E(3) to allow
11 pavement to cover 36.3% of the rear yard area in lieu
12 of the maximum 35% allowed by code. All as described
13 on application and plans on file.

14 Motion made by Ms. Corrado to approve

15 Application 6A-12-17.

16 FINDINGS OF FACT:

- 17 1. The requested variance is the minimum variance
18 possible.
- 19 2. No other alternative can alleviate the difficulty
20 and produce the desired result, namely, an attached
21 eight bay garage to shelter all vehicles adequately
22 and provide improved access to the vehicles when
23 loading and unloading, particularly during weather
24 related events, as well as in adequately paved space
25 to allow the vehicles to pull out of the garage and

1 exit the property safely.

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

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

21 5. The health, safety, and welfare of the community
22 will not be adversely effected by the variance
23 request.

24 CONDITIONS:

25 1. These variances will apply only to the structure

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

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

7 (Seconded by Ms. Schwartz.)

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

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

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

11 FINDINGS OF FACT:

- 12 1. The temporary and revocable use permit is for a
13 three-hour event with set up and clean up for less
14 than a day.
- 15 2. The requested time is the minimum necessary for
16 the event.
- 17 3. The proposed event is outside normal business
18 hours of surrounding businesses.
- 19 4. The temporary and revocable use permit will not
20 substantially impact surrounding properties because of
21 the short duration.
- 22 5. The requested temporary and revocable use permit
23 will not endanger the health, safety, and general
24 welfare of the community as arrangements have been
25 made for overflow parking and other accommodations as

1 necessary on adjacent properties.

2 CONDITIONS:

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

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

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

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

10 (Seconded by Ms. Schwartz.)

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

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

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

9 Motion made by Ms. Schwartz to approve

10 Application 6A-02-17.

11 FINDINGS OF FACT:

12 1. The applicant is putting on a two day outdoor
13 event on vacant property of 1575 Winton Road South on
14 August 19th and August 20th.

15 2. The set-up with temporary restroom facilities and
16 tent will be placed on August 18th and removed by
17 August 21st.

18 3. No negative effect on the neighborhood will result
19 from this temporary and revocable use since previous
20 events have been well managed and the subject area
21 does not abut any residential area.

22 4. They will provide people to direct traffic.

23 CONDITIONS:

24 1. No parking shall occur on Winton Road South.

25 2. Applicant shall maintain trash onsite.

1 3. The hours for the event will be 8:00 a.m. to
2 6:00 p.m. on August 19th and 10:00 a.m. to 6:00 p.m.
3 on August 20th.

4 4. All necessary fire marshall permits shall be
5 obtained.

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

8 (Seconded by Ms. Watson.)

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

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

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

9 Motion made by Ms. Watson to approve

10 Application 6A-04-17.

11 FINDINGS OF FACT:

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

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

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1 safety.

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

6 CONDITIONS:

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

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

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

17 (Seconded by Ms. Schwartz.)

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

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

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

11 Motion made by Ms. Tompkins Wright to
12 approve

13 Application 6A-10-17.

14 FINDINGS OF FACT:

- 15 1. The variances proposed are not substantial as the
16 setback requested doesn't bring the building any
17 closer than the building currently sits. Further, the
18 increase in square footage represents only a 14
19 percent increase over code.
- 20 2. No other acceptable alternative can alleviate the
21 difficulty and produce the desired result as the owner
22 testified that the layout of the building was due to
23 the angled nature of the lot and the physical use of
24 the building.
- 25 3. No undesirable change will result in the character

1 of the neighborhood as the surrounding properties
2 consist of various uses of inconsistent lot sizes.

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

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

8 CONDITIONS:

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

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

13 (Seconded by Ms. Schwartz.)

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

18 (Open roll call, motion to approve
19 with conditions carries.)
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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF MONROE:

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

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

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

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