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

AUGUST 2, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

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

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

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

1 CHAIRPERSON MIETZ: So at this point I
2 would like to call to order the August session of the
3 Brighton Zoning Board of Appeals. Rick, was the
4 meeting properly advertised?

5 MR. DI STEFANO: Yes, Mr. Chairman, it was
6 advertised in the Brighton-Pittsford Post in the
7 July 27th, 2017, addition.

8 CHAIRPERSON MIETZ: Please call the roll.

9 MR. DI STEFANO: Please let the record
10 show that Ms. Schwartz and Ms. Corrado are not
11 present.

12 CHAIRPERSON MIETZ: Okay. Whenever you
13 are ready, you can read the first application.
14 Application 8A-01-17. Application of Charles Wuertzer
15 and Ellen Apetz, owners of property located at 80
16 Landing Road South, for an Area Variance from Section
17 207-10E(5) to allow a driveway extension to be 15 ft.
18 from a side lot line in lieu of the minimum 4 ft.
19 required by code. All as described on application and
20 plans on file.

21 MS. APETZ: Thank you. We are --

22 MR. DI STEFANO: Just state your name and
23 address for the record.

24 MS. APETZ: Ellen Apetz, 80 Landing Road
25 South, 14610.

1 CHAIRPERSON MIETZ: Okay. Go ahead.

2 MS. APETZ: We currently have a single
3 driveway that we are driving into. Then it widens
4 into a double near the single garage. And we are
5 asking for the 0.15 variance to take out the existing
6 grass at the end of the driveway -- and I can show
7 you a picture. You might have it in your file -- to
8 take out this bit of driveway or the bit of grass, and
9 then to expand our driveway to the driveway line that
10 we currently have up at the double wide driveway near
11 the garage. So that's what we are asking for to
12 basically take out this piece of grass to expand our
13 driveway to the driveway line that is currently at up
14 near the driveway, I mean, up near the garage.

15 CHAIRPERSON MIETZ: Okay.

16 MS. APETZ: And the driveway existed as it
17 is when we bought it. This is the first time that we
18 are going to be doing anything with the driveway. And
19 we have a letter -- and you might have it in there. I
20 am not sure -- from our neighbor that actually mows
21 that grass, and he's saying it is fine to remove that
22 grass and make it into the driveway.

23 MS. DALE: Is that the neighbor on that
24 side?

25 MS. APETZ: Yes, in the yellow house. He

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1 is Shawn Joseph.

2 CHAIRPERSON MIETZ: Yes.

3 MS. APETZ: Okay. You have it.

4 CHAIRPERSON MIETZ: Yep. Okay. So you
5 are going to save him some work then basically.

6 MS. APETZ: I guess so. Yes, it will make
7 our driveway bigger which right now it is very narrow.
8 And we have a 14 year old daughter. We anticipate in
9 a couple years we are going to have another vehicle.

10 CHAIRPERSON MIETZ: Yes, have fun with
11 that.

12 MS. APETZ: Yes. Most of the driveways
13 actually have doublewides. We have a colonial. On
14 our side of the street, they are all colonials. And
15 I'm sure at one time they were all single driveways,
16 and then people started to expand them. So we are
17 kind of the last that doesn't have a double driveway.

18 MS. DALE: So you will be ripping out and
19 redoing the whole driveway so it looks seamless?

20 MS. APETZ: Yes, we already have a
21 contractor, AccuPave, to do the driveway. Then when
22 they came to get the permit, it came this way. It's a
23 complete tear-out. It's a very old driveway. It's
24 seen its years.

25 CHAIRPERSON MIETZ: Okay. Great. Any

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1 other questions? Okay. Thanks.

2 MS. APETZ: Thank you.

3 MR. CLAPP: Any comment from the neighbor
4 on the other side or any other neighbors? I know it
5 is not directly affecting them.

6 MS. APETZ: Let me see. Not -- I mean,
7 just inquiring because we have the sign in the yard if
8 -- but they didn't say --

9 MR. CLAPP: They didn't object.

10 MS. APETZ: Yes, exactly, people ask more
11 why do we have the sign in front of our house and
12 what's going on.

13 CHAIRPERSON MIETZ: And there are a lot of
14 expanded driveways in that neighborhood. Is there
15 anyone in the audience that would like to speak
16 regarding this application? Okay. There being none,
17 then the public hearing is closed.

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1 Application 8A-02-17. Application of John and Heidi
2 Varrasi, owners of property located at 305 Hollywood
3 Avenue, for a Temporary and Revocable Use Permit
4 pursuant to Section 219-4 to allow for the
5 manufacturing of kombucha tea in a single family
6 residence where not allowed by code. All as described
7 on application and plans on file.

8 MS. VARRASI: I do have pictures to pass
9 around. They are on both sides. So my name is Heidi
10 Varrasi. I live at 305 Hollywood Avenue. So my
11 request is that I currently have, essentially, like,
12 basement space on the first floor. There is an unused
13 room between our house and the garage. It was a
14 former garage bay. I think, like, 2003 is when they
15 added the bay on the other side of the house. So it
16 is currently unused space. And I would like to use it
17 to produce kombucha tea. The process of producing
18 kombucha tea is boiling water, putting tea in, and
19 letting it steep, adding what's called a scoby -- it
20 is like a symbiotic culture of bacteria and yeast --
21 and letting it sit. So it is not noisy. It is not
22 smelly. There are no fumes. So I would like to do
23 this in this space. I have talked with many of my
24 neighbors. I submitted with my application several
25 letters of support from my neighbors.

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1 There will be no impact to the
2 neighborhood. I'm not going to be selling it from my
3 house. I am going to be a wholesaler. So there are
4 several bars that I have talked to that will carry it
5 as bottles in their establishments. And I will be at
6 farmer's markets. There is also not going to be any
7 storage. There is not going to be crates of it in my
8 garage or anything. It does have a short shelf life
9 because it is a live product. So there is no storage.

10 And really, this allows me to use the
11 space in my house which is, like, currently, like, my
12 kids dump stuff in there when they walk in from the
13 garage. Even though I have a mud room, they dump all
14 of their stuff in there. And, you know, it allows me
15 to start a small business and use space in my house.

16 I did ask for the full two years. When I
17 did a break even analysis of starting a small
18 business, right around the 1.8 year mark is kind of
19 like the break even and when I would make the decision
20 to get a bigger space and really expand or whether I
21 would kind of fold and not do it anymore.

22 CHAIRPERSON MIETZ: Okay.

23 MS. DALE: So nobody is going to drive to
24 your house to pick it up or anything?

25 MS. VARRASI: No, I don't want people

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1 coming to my house.

2 MS. TOMPKINS WRIGHT: No employees?

3 MS. VARRASI: Just me.

4 MS. TOMPKINS WRIGHT: Okay.

5 MR. CLAPP: I'm assuming, given the scope
6 of 20 gallons, you are not having tractor trailers
7 picking up and delivering?

8 MS. VARRASI: No.

9 MR. CLAPP: It will be your own personal
10 vehicle doing the delivery or --

11 MS. VARRASI: Right. I have a minivan.
12 So when it is not full of kids, it will be partially
13 full of kombucha tea. I did have -- I think it is
14 also in the application -- I had New York State, the
15 Department of Agriculture, come through and do a site
16 review. And they said it was okay as long as I had
17 Brighton's approval.

18 MR. CLAPP: It was really just the sink
19 they needed?

20 MS. VARRASI: Yes. And the plumbing for
21 the sink is already there because there used to be a
22 dark room in the basement, like, right underneath it.
23 So I had our plumber come out and look at it and say,
24 like, can we even do this. Is this going to be a
25 \$10,000 project or a \$500 project to put a sink in?

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1 He said, "You already have the plumbing and all I have
2 to do is put it through the wall, and you are done."

3 MS. WATSON: Is there any kind of a waste
4 product?

5 MS. VARRASI: No, I mean, the process for
6 bottling it is you take the scoby off the top. It
7 looks like -- it's kind of like a blob of white
8 gelatinous mass that, like, forms on the top. You
9 take that off, and you set it aside because you use it
10 to brew the next batch. You bottle everything, rinse
11 out the pot with vinegar because, like, I am doing it
12 all natural, so I'm not using any harsh soaps or
13 anything. Rinse it out with vinegar and start all
14 over again. So really, the most dangerous step is
15 using boiling water which I do any ways.

16 MR. CLAPP: Do you have a sample?

17 MS. VARRASI: I don't because I didn't
18 know if it was appropriate.

19 CHAIRPERSON MIETZ: All right. So
20 virtually to the neighbors, it's really invisible.

21 MS. VARRASI: I mean, my neighbors will be
22 slightly sad when it becomes official because right
23 now when I'm making a lot they get cases of it every
24 week. Like, I deliver a case to each of my neighbors
25 every week, and I may not do that forever. But there

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1 is no impact.

2 MS. TOMPKINS WRIGHT: If they pay you, you
3 will.

4 MS. VARRASI: If they pay me, that's
5 right.

6 CHAIRPERSON MIETZ: You can give them the
7 neighbor's discount.

8 MR. CLAPP: Will the Brighton Farmer's
9 Market have it?

10 MS. VARRASI: So I talked to the Brighton
11 Farmer's Market, and they require that a seasoned
12 vender is there. They like you to start at smaller
13 markets first. So I am going to be at the South Wedge
14 Farmer's Market and possibly the Mendon or the Upper
15 Monroe. I talked to all three of those, and they all
16 expressed interest. So as I do that this fall, I'm
17 hoping that Brighton will accept my application next
18 year. I would really like to -- so when you buy
19 kombucha tea in, like, Wegmans, it's the national
20 brands and they come already flavored. And I think it
21 would be an interesting idea to have it at the
22 farmer's market where you can refill your bottles.
23 It's very sustainable. You can add your own flavors.
24 I put out all the fruit. You can choose what you
25 want, and make your own flavors, and refill your

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1 bottles, and have it be very sustainable.

2 CHAIRPERSON MIETZ: Sounds like a very
3 interesting business plan.

4 MS. VARRASI: Thank you.

5 MS. TOMPKINS WRIGHT: As it grows, do you
6 see the need for additional sinks or anything like
7 that to process?

8 MS. VARRASI: No, literally, I put in a
9 picture of the brew pot. It is about this big around
10 and that high. And, you know, I have three of those
11 right now and they just, like, sit in my dining room.
12 And I think, you know, if I get more than like five or
13 six, I'm going to have to move to some bigger vessel.
14 And then I will move out and do that. The problem is
15 I looked at renting kitchen spaces on an hourly basis
16 but because it has to sit undisturbed, no one wants me
17 storing it in their kitchen for an hourly basis and to
18 get my kitchen starting out is very expensive.

19 MS. DALE: You don't need to put a stove
20 out there to boil the water?

21 MS. VARRASI: You know what, I can just
22 put like a propane burner out there or, you know, I
23 can put an old stove out there, an electric one, if I
24 wanted to. Yes.

25 MR. DI STEFANO: Andrea just asked you as

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1 you grow, since you are asking for two years, and you
2 determine well I could really use additional help.
3 For most home occupations that are permitted by the
4 town code, there is one non-resident employee that
5 would be permitted. Do you feel that you would have
6 to go beyond that after a year's time? You know, I
7 just need people to come in here and help me do --

8 MS. VARRASI: I don't anticipate that
9 within a year. I think if I was to the point where I
10 needed additional help, I would need a new space as
11 well. You know, it's not -- it's not like, you know,
12 it takes a bunch of time to do it. It's not labor
13 intensive. It's a matter of knowing what to look for
14 when it's done, that type of thing. So it's not a
15 time issue or an I need help issue. So I don't
16 anticipate needing more help.

17 MR. DI STEFANO: All right. So I guess --
18 and I don't know what the Board will do. We may put a
19 condition that can limit non-resident employees. You
20 would be okay with that?

21 MS. VARRASI: Oh, yes, that would be fine.

22 CHAIRPERSON MIETZ: Okay. Great. Any
23 other questions? Okay. Thank you.

24 MS. VARRASI: Thank you.

25 CHAIRPERSON MIETZ: Is there anyone in the

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1 audience that would like to speak regarding this
2 application? Okay. There being none, then the public
3 hearing is closed.

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1 Application 8A-03-17. Application Home Power Systems,
2 LLC, contractor, and Eli Futerman, owner of property
3 located at 220 Esplanade Drive, for an area variance
4 from Section 203-2.1B(6) to allow a standby emergency
5 generator to be located in a front yard in lieu of the
6 rear yard behind the house as required by code. All
7 as described on application and plans on file.

8 MR. SWETMAN: Good evening, Jim Swetman,
9 president and owner of Home Power Systems. I am here
10 to ask for a variance for the installation of a
11 generator on, quote, unquote, front yard. It is a
12 corner lot. And I do understand what the rules are.
13 I am very familiar with the rules of the town of
14 Brighton as far as installation goes. We do --
15 literally, this year we will do over 300 generator
16 installations, not in Brighton of course, all over
17 Rochester. The reason why we are asking for the
18 variance is the air conditioning systems are already
19 located on -- where we look on the map is the east
20 side where we are looking to put the generator. There
21 are already two air conditioning systems there. We
22 always like to try and think about the architectural
23 integrity of the house and the neighborhood when we
24 install these generators.

25 It is an air cool residential-style

1 generator. It is not one of those big liquid cool
2 units that get put in. It is a selected circuit
3 solution. So Mr. Futerman is not doing a whole house
4 transfer. It's just a selected circuit solution. So
5 it is a small air flow residential generator. It
6 actually will sit below the top of the air conditioner
7 size. It is only 28 inches tall by 2 foot by 4 foot.

8 So the rear of the house, we actually
9 looked at the rear of the house knowing what the codes
10 are. If you have an opportunity to look at the
11 backyard of the Futerman's house, it is probably the
12 top five most gorgeous landscaped homes I have seen,
13 and I have been to hundreds of homes.

14 CHAIRPERSON MIETZ: Yes, it is nice.

15 MR. SWETMAN: So they are asking if there
16 is a possibility that the generator can be put on the
17 side of the house next to the air conditioner units 5
18 feet from the building structure like it is supposed
19 to be. It is almost 132 feet from Clover Street. And
20 if you saw the pictures or if you had an opportunity
21 to drive by, it is a vegetation-type area with trees
22 hanging down. Mr. Futerman, if it is required, is
23 willing to plant other additional items if you want to
24 screen it, but even the air conditioners are screened
25 right now, understanding that sometimes I have been up

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1 here before that is some of the requirements planting
2 arborvitaes, which are green all year long, he is
3 willing to do that if that is part of what the
4 submission is.

5 CHAIRPERSON MIETZ: Okay. Questions?

6 MR. CLAPP: I did drive by earlier today.
7 Would the unit be going, as I'm looking at the house
8 from Esplanade, to the far side of the air
9 conditioning units?

10 MR. SWETMAN: Yes. So if I'm standing on
11 -- how do you say the word Esplanade?

12 MR. DI STEFANO: Esplanade.

13 MR. SWETMAN: I didn't graduate from
14 college so I don't know those big words. So if I'm
15 standing in front of the house, obviously, the air
16 conditioner and the generator are going on the
17 right-hand side. If I swing myself around, the two
18 air conditioners are right here. The generator is
19 going on the right hand side of the air conditioning
20 units.

21 MR. CLAPP: Gotcha. Okay. Thank you.

22 CHAIRPERSON MIETZ: Any other questions?
23 Great. Okay. Thank you.

24 MR. SWETMAN: Thank you.

25 CHAIRPERSON MIETZ: Is there anyone in the

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1 audience that would like to speak regarding this
2 application? Okay. There being none, then the public
3 hearing is closed.

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1 Application 8A-04-17. Application of Liz Munoz, owner
2 of property located at 333 Meadow Drive, for an Area
3 Variance from Section 207-2A to allow a front yard
4 fence to be 5 ft. in height in lieu of the maximum 3.5
5 ft. allowed by code. All as described on application
6 and plans on file.

7 MS. MUNOZ: So I'm Liz Munoz. I live at
8 333 Meadow Drive, 14618. And I am here to apply for a
9 fence variance. The reason, essentially, is I have a
10 large dog who can jump the current fence. And from my
11 reading around, the breed of that dog, they recommend
12 a fence of five feet to seven feet to prevent that
13 from happening. So our current fence, like I
14 mentioned, is about 3 feet. I think the code allows
15 three and a half. I am not sure that would make a big
16 difference in this situation. So I am coming here to
17 see if that is a possibility.

18 CHAIRPERSON MIETZ: Okay. And you did
19 submit a picture of the style of fence.

20 MS. MUNOZ: Yes.

21 CHAIRPERSON MIETZ: And you circled the
22 one that looks like --

23 MS. MUNOZ: The approximate style, yes.

24 CHAIRPERSON MIETZ: Okay. Well, the one
25 you have selected, I just want to make sure we have

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1 this right.

2 MS. MUNOZ: Yeah. Sure.

3 CHAIRPERSON MIETZ: Do you have a picture?

4 MS. MUNOZ: Yes, I have them.

5 CHAIRPERSON MIETZ: So the one you
6 selected is the gothic. So it's the top right fence.

7 MS. MUNOZ: Yes, the reason I picked that
8 one is just, like, my neighbor has that fence up.
9 That is already existing for part of the yard. So I
10 was trying to match the style of that one.

11 CHAIRPERSON MIETZ: So you like the one
12 that is more fully closed than partially opened?

13 MS. MUNOZ: Yes.

14 CHAIRPERSON MIETZ: Yes, I did see the
15 other fence. All right. And then will you leave it
16 as a natural wood fence or stain it?

17 MS. MUNOZ: I was trying really hard to
18 keep the style of the current fence. I was trying to
19 match it closely and leave it natural and not painting
20 it.

21 CHAIRPERSON MIETZ: How about the
22 neighbors? Did you get a chance to discuss it at all?

23 MS. MUNOZ: I did not get a chance to
24 discuss that with them yet.

25 CHAIRPERSON MIETZ: Okay.

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1 MS. DALE: What type of dog is it?

2 MS. MUNOZ: She is a coonhound. She is
3 like 75 pounds. They are a hunting dog.

4 CHAIRPERSON MIETZ: A lot of spring in her
5 step then?

6 MS. MUNOZ: Yes.

7 CHAIRPERSON MIETZ: Okay. Any other
8 questions?

9 MR. CLAPP: Did you pick the style of
10 fence? Possibly, would any of the other styles of
11 fence also help restrain the dog? The fence that is
12 currently there is a white picket fence.

13 MS. MUNOZ: Yes.

14 MR. CLAPP: And it seems to me -- and I
15 did speak to some neighbors that happened to be out
16 the day I went by -- that matching the white picket
17 fence even taller would be less objectionable to them.
18 The one specifically mentioned a stockade-type down
19 the road that was a problem. I don't -- obviously, I
20 didn't have this to show them.

21 MS. MUNOZ: Sure.

22 MR. CLAPP: Would you consider options?

23 MS. MUNOZ: I would definitely consider
24 options. The reason I was leaning towards closed a
25 little bit more is just that seeing other dogs is what

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1 triggers jumping the fence. So I was trying to
2 prevent that.

3 CHAIRPERSON MIETZ: So we have to kind of
4 agree on something as far as what the fence really is.

5 MR. CLAPP: Do we do that at this point or
6 during the later discussion?

7 CHAIRPERSON MIETZ: Well, we can discuss
8 it later. Again, it is not really for us to pick
9 fences, but the effect of it when it is more like a
10 stockade fence or closed fence is just that because
11 you mentioned even in your write-up about wanting to
12 be able to see, and you are not going to see anything
13 through that fence.

14 MS. MUNOZ: I think I was trying to get at
15 the height wasn't necessarily preventing me from
16 seeing other people and talking to them.

17 CHAIRPERSON MIETZ: Right. Okay. Yes.
18 Nothing is obviously depicted here to be something
19 like a picket fence, but having something that isn't
20 really a visual solid barrier and a little less
21 obtrusive in the neighborhood.

22 MS. MUNOZ: Sure. That is something to
23 consider.

24 MR. DI STEFANO: For the record, can you
25 tell us the distance from the edge of the house

1 towards the road where the fence is going to expand?

2 MS. MUNOZ: So the -- I'm not changing
3 where the fence is currently.

4 MR. DI STEFANO: So you are going to match
5 the existing outline?

6 MS. MUNOZ: Yes, I don't plan to expand it
7 or move it.

8 MR. DI STEFANO: You don't know what
9 distance that is?

10 MS. MUNOZ: I can tell you a guess if you
11 want it. I think from one side it is maybe like 15,
12 20 feet maybe. And from the other side, it's maybe
13 30, 40 feet something like that.

14 MR. CLAPP: I don't know if I'm reading
15 the plan right. Is it 9.7?

16 MR. DI STEFANO: No, the 9.7 is from the
17 front property line to the front edge of the fence.

18 MR. CLAPP: So that's the property line.

19 MR. DI STEFANO: Yes, from the property
20 line. I guess from the house, if the scale is right,
21 about just a tad over 20 feet. No, 30 from the house
22 to the front setback line or from the house to the
23 corner property line is 30 feet. So that makes sense
24 30.5 plus 9.7 is the distance. So a little over
25 20 feet --

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1 CHAIRPERSON MIETZ: Okay.

2 MR. DI STEFANO: -- from the house to
3 that.

4 CHAIRPERSON MIETZ: Okay. Any other
5 questions about it? Okay. Thank you.

6 MS. MUNOZ: Thank you.

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

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1 Application 8A-05-17. Application of David Mockin,
2 lessee, and Chabad Lubavitch of Rochester, owner of
3 property located at 34 Greenwich Lane, for an Area
4 Variance from Section 205-2 to allow a two story
5 addition to extend 5 ft. into the 40 ft. rear setback
6 required by code. All as described on application and
7 plans on file.

8 MR. LUBAVITCH: Good evening, Chabad
9 Lubavitch, 34 Greenwich Lane, Rochester, New York
10 14618. So we have a garage with currently no bedroom
11 in the top of the garage.

12 CHAIRPERSON MIETZ: Sir, can you just
13 speak up a little bit?

14 MR. LUBAVITCH: We have a garage. And
15 currently, there is no bedroom in the top of the
16 garage. And we would like to add a bedroom to the top
17 of the garage. And we figure if we are going to do
18 this, we might as well enlarge it a little bit. So we
19 want to enlarge the garage by a few feet, but that
20 would encroach by 5 or 6 feet into the variance of 40
21 foot minimum that the garage and the neighbor's lot
22 for the variance. I have a picture of it here that
23 shows what it looks like between our house -- our
24 property and the neighbor which is full of trees. And
25 basically, you can't see -- you can't really see the

1 neighbor's property from our property. It is all
2 grown in. And he has a double lot. He has a huge lot
3 over there, and his house is way to the other side of
4 it.

5 CHAIRPERSON MIETZ: Right. To the back
6 end there. Have you spoken to him about it?

7 MR. LUBAVITCH: No, I have not.

8 CHAIRPERSON MIETZ: So how much bigger is
9 the garage than the existing garage?

10 MR. LUBAVITCH: On that side, it is going
11 to be 5 feet.

12 CHAIRPERSON MIETZ: Is that the extent of
13 how much bigger the garage is? It's not wider or
14 longer?

15 MR. LUBAVITCH: On the other sides, it
16 will be three feet on each side.

17 CHAIRPERSON MIETZ: Okay.

18 MR. LUBAVITCH: But the other sides, it
19 will be -- actually, right now we call it the back of
20 the house. And it will be flush with the rest of the
21 house. Right now, the garage is indented. It is less
22 than --

23 CHAIRPERSON MIETZ: You are kind of square
24 right now.

25 MR. LUBAVITCH: We are square right now.

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1 CHAIRPERSON MIETZ: Yes, I don't think
2 there was a picture of the existing as far as just
3 dimensionally.

4 MR. DI STEFANO: You can see it is kind of
5 drawn in. The existing garage is kind of shadowed
6 underneath the addition.

7 CHAIRPERSON MIETZ: I see. Okay.

8 MS. DALE: So that means from the street
9 looking at the house, you are not going to see the
10 garage at all? It is still fully behind the house?

11 MR. LUBAVITCH: It depends on what street
12 you are on.

13 MR. DI STEFANO: You will see it.

14 MR. LUBAVITCH: So in front of the house,
15 the garage is in the back. The one street you won't
16 see anything.

17 CHAIRPERSON MIETZ: Right. Okay. Good.
18 Any other questions?

19 MR. CLAPP: Would this require an area
20 variance on the size of the house itself or is it
21 strictly the setback?

22 MR. DI STEFANO: The house, itself, meets
23 the liveable area. With the second floor addition, it
24 will meet the liveable area.

25 CHAIRPERSON MIETZ: All right. Anyone

1 else? Great. Thank you, sir.

2 MR. LUBAVITCH: Thank you.

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

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1 Application 8A-06-17. Application of Image 360,
2 agent, and The Jewish Home of Rochester, owner of
3 property located at 2021 Winton Road South, for Sign
4 Variances from Section 207-31C to allow for 6 building
5 face identification signs totaling 259 +/- sf, in
6 addition to the approved freestanding sign (5A-01-17),
7 where only one identification sign no greater than 16
8 sf is allowed by code. All as described on
9 application and plans on file.

10 MS. ALCHOWIAK: Good evening, my name is
11 Megan Alchowiak. My last name is spelled
12 A-L-C-H-O-W-I-A-K. I am with Image 360 Rochester on
13 behalf of our client, Jewish Senior Life. We are here
14 tonight for the building face lettering variance for
15 the buildings on the property located on 2021 Winton
16 Road South. What we are presenting today has been
17 brought to the Architecture Review Board at the
18 meeting last Tuesday, July 25th and did receive their
19 approval. The first aspect of the request I would
20 like to talk about is the building lettering for the
21 Greenhouse Cottages, and these are in your packets.

22 MR. DI STEFANO: If there is anyone in the
23 audience that is interested, you can walk around to
24 the side.

25 MS. ALCHOWIAK: Okay. So the Greenhouse

1 Cottages are one aspect of the \$83 million project
2 that broke ground in June of 2016. When the building
3 plan was originally submitted for this project, it was
4 not finalized how they would identify the buildings.
5 And now that we are approaching the openings of these
6 cottages in the middle of the month, it has been
7 determined that the cottages will be simply referred
8 to as Greenhouse Cottage One, Greenhouse Cottage Two,
9 and Greenhouse Cottage Three. So the simple naming of
10 the cottages matches the identification listing on the
11 campus wayfinding signage. And we are proposing to
12 have the cottage names made in cast aluminium letters.
13 They are going to be painted. This is called the
14 duranodic bronze. I will pass this around. It has a
15 matte finish so that light won't reflect off of it
16 from sunlight, aiding in visibility. The letters on
17 the building are proposed to measure 18 inches high
18 and have, like I said, the matte paint so there is no
19 glare or sunlight reflection. Also on the cottages
20 are individual building numbers. And those numbers
21 are 6 inches in height and will be located to the left
22 of each entrance door to the cottages. The purpose
23 for these numbers are for emergency vehicles so they
24 know the exact address of the building. The cottages
25 for residents and visitors will be referred to as

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1 Greenhouse Cottage One, Greenhouse Cottage Two,
2 Greenhouse Cottage Three, and so forth. So for this
3 aspect of the variance, are there any questions?

4 CHAIRPERSON MIETZ: There is no lighting
5 on these?

6 MS. ALCHOWIAK: There is no lighting on
7 these. Nope. The location of where they are on the
8 building provides good contrast.

9 MR. DI STEFANO: And just for the record,
10 what is the total square footage of those signs?

11 MS. ALCHOWIAK: I can add that up. On
12 average, each one is 27 and a half square feet and
13 installed at 12.16 feet above grade.

14 MR. DI STEFANO: Thank you.

15 MS. WATSON: Will the signs be legible at
16 night if they are not lit to emergency vehicles
17 looking for one versus two or three?

18 MS. ALCHOWIAK: Yes. So there will be
19 lighting in the parking lots, and there will be
20 ambient lighting from that as well. So they will be
21 visible. Okay.

22 So next I would like to discuss the other
23 new building lettering as part of our request. Since
24 the Jewish Home of Rochester has been a part of the
25 Brighton community, there has never been building face

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1 signage on the signature building. But now that there
2 are more buildings and more locations on the campus,
3 it is incredibly important to have the buildings
4 properly identified with building mounted signage.
5 Recently, a substantial benefactor has come forward.
6 As a result, our client has renamed the signature
7 building on their campus as the Jewish Home Farash
8 Tower. Now that the campus is expanding with more
9 buildings, it is imperative to have the proper
10 building signage on the actual buildings to identify
11 the buildings by name. Our building name lettering
12 will be executed using non-lit individual cast
13 aluminum letters in a matte alloy finish. Similar to
14 the Greenhouse Cottages, this will have a matte
15 finish. If you don't want me to pass it around, I
16 don't have to.

17 We also wanted the letters to be
18 stud-mounted into the north elevation of the Jewish
19 Home tower with the letter sizes being 20 inches and
20 25 inches as indicated on the submitted drawings. We
21 also wanted to provide more scientific justification
22 for the lettering on the north tower, and how it
23 provides a vital traffic safety function, and how the
24 letters will be used by drivers as part of the overall
25 wayfinding system to safely navigate from point A to

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1 point B. So in this past week since meeting with the
2 Architectural Review Board, we engaged the United
3 States Sign Counsel for an independent study for our
4 proposed building lettering for the north tower of our
5 Jewish Home building. I just received it last night
6 at 10:00 p.m., but I do have copies for all of you
7 that I can pass out. So the study, which I just
8 handed out, evaluates our proposed lettering for the
9 Jewish Home Farash Tower using the accepted Sign
10 Counsel standards for on-premise signs which resulted
11 in the letter size determination and the sign mounting
12 height determination. The United States Sign Counsel
13 is the largest non-profit trade association of
14 independent sign companies in the United States. They
15 focus on three main things: Sign design, sign
16 research, and sign education. I am not going to read
17 the entire study to you. You are welcome to peruse it
18 in more detail, but you can see it gets down into the
19 very scientific evaluations of visibility and
20 legibility of the proposed sign.

21 Some factors I do want to bring up is that
22 the letter size and sign mounting height combined must
23 meet legibility requirements so that the driver can
24 detect the sign, scan it once or twice, comprehend the
25 message, and execute a safe driving maneuver in order

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1 to exit the highway or safely travel along the
2 interior roadways or parking lot. So the signage on
3 the north elevation of the building serves as
4 identification in two ways. It provides
5 identification on Interstate 590, both east and
6 westbound traffic. And then it also provides
7 identification to the interior roadways and parking
8 lots. So according to that research study that I
9 provided, appropriate sign height enables sign
10 detection without loss of eye contact with the road.
11 So having the sign at the proposed height placement
12 and proposed letter height is actually a safe viable
13 option for drivers and visitors given the real estate
14 on the building.

15 CHAIRPERSON MIETZ: Okay.

16 MS. ALCHOWIAK: I am ready for questions
17 and discussion.

18 MS. WATSON: You said that the sign will
19 be useful for wayfinding, I understand, from 590. Is
20 it visible from Winton?

21 MS. ALCHOWIAK: So from Winton where we
22 are going to be installing our new monument sign, it
23 does have identification of Farash Tower on that sign.
24 Once you get onto campus, you are going to be directed
25 to the Farash Tower. I can show you an imagine of

1 when you are in the actual parking lot where it will
2 be most visible.

3 MS. WATSON: Sure. But it's not visible
4 off campus except for the expressway; correct?

5 MS. ALCHOWIAK: Except from the expressway
6 and then once you get onto campus --

7 MS. WATSON: Once you are on campus.

8 MS. ALCHOWIAK: Yes, it kind of serves as
9 validation that you did reach the correct point
10 because there is no other location on the building
11 where we can identify it as the Farash Tower.

12 MS. TOMPKINS WRIGHT: No change to the
13 address number identifications or anything?

14 MS. ALCHOWIAK: That's correct.

15 MS. DALE: And it's not -- I mean, I'm not
16 a design person, but the grey letters on the chocolate
17 brown?

18 MS. ALCHOWIAK: It does provide a contrast
19 that is positive for readability and visibility.

20 MS. DALE: Okay.

21 MS. ALCHOWIAK: Black and white is
22 obviously ideal, but that contrast does suffice.

23 MS. DALE: Okay. I'm just wondering if
24 you are going to be back.

25 MS. ALCHOWIAK: Pardon.

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1 MS. DALE: We've had people come back
2 sometimes saying we know we thought green on brick
3 would be fine. You know, they come back and change
4 it. Now, they want white.

5 MS. ALCHOWIAK: I think, the GRB sign
6 on --

7 MS. DALE: Yes.

8 MS. ALCHOWIAK: Yes, that is an instance
9 where they did come back. These letters are being
10 installed 69 feet up. We want to make the correct
11 decision once for that installation.

12 MS. TOMPKINS WRIGHT: How visible is it
13 really from 590? It looks like the recommended height
14 is higher.

15 MS. ALCHOWIAK: Yes, so the recommendation
16 in the study for the clearest, crystal clear,
17 visibility -- and this is considered a parallel
18 mounted sign because you are not viewing it directly
19 face on. So there are statistical numbers that come
20 into play in terms of visibility. The question was
21 about --

22 MS. TOMPKINS WRIGHT: How visible is it
23 on -- I mean, is it like a billboard? Is it going to
24 be visible like a billboard?

25 MS. ALCHOWIAK: It's going to be visible

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1 between 5 to 10 seconds when you are driving either
2 eastbound as well as westbound.

3 MR. CLAPP: Is it self-lit at night?

4 MS. ALCHOWIAK: It is not lit, but there
5 will be enough ambient light to provide that contrast.

6 MR. CLAPP: From the adjacent parking
7 lots?

8 MS. ALCHOWIAK: From the parking lots as
9 well as -- the primary visitors to the residents do
10 take place during like around dinnertime, so on and so
11 forth, morning hours up until dinner time.

12 MR. CLAPP: When I first looked at this
13 based on the larger plot, I thought that the sign
14 would be facing the south side which, to me, made more
15 sense for something coming in, but now I know where it
16 is.

17 MS. ALCHOWIAK: Yes, it's most visible
18 from the visitor parking lot which is our ideal
19 vantage point.

20 MS. WATSON: I haven't read this yet.
21 What does the United States Sign Counsel say about the
22 height of the letters? Is another alternative more
23 appropriate for it being smaller or larger?

24 MS. ALCHOWIAK: As I mentioned, their
25 crystal clearest and most recommended size, given the

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1 conditions for viewing this sign, is to have the
2 letters at 118 inches high. That is not, from an
3 esthetic standpoint, for Brighton as well as the
4 actual feasibility possibility given the real estate
5 of the property. So they are saying in the study that
6 while the biggest letter that is most visible would be
7 118 inches that the proposed lettering would suffice.

8 CHAIRPERSON MIETZ: That would be a
9 billboard.

10 MS. ALCHOWIAK: Yes.

11 MR. DI STEFANO: So I guess I'm a little
12 not confused is not the right word, but Jewish home
13 has been there since 1980s, I believe, and they have
14 never had or needed this tower sign in the past.
15 Basically, 2021 Winton Road South, everybody knows to
16 get off on Winton Road. You are not going to miss it.
17 So is this really for people on the expressway, or is
18 this really just a donor wants their name on the
19 building and let's get it up as high as we can.

20 MS. ALCHOWIAK: I would say that given the
21 expanse of the campus since 1985 when Jewish Home
22 became part of Brighton, there has been more
23 properties and more locations for people to direct.
24 One thing that we do want the sign to serve, also, for
25 people who know of the building in the local area, but

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1 there are also out-of-town visitors and guests that
2 don't know the Jewish Home. And now it's being
3 referred to as the Farash Tower, it is important to
4 have that building lettering to solidify the signage
5 and identify the location.

6 CHAIRPERSON MIETZ: When we heard the
7 whole pitch on the greenhouses when they were first
8 being planned, that the use of the tower is in the
9 midst of change. So can you talk about what the tower
10 is going to be used for versus what it is used for
11 today?

12 MS. ALCHOWIAK: I am going to refer to
13 Mike King the president and CEO of Jewish Senior Life.

14 MR. KING: Sure. Hi, good evening. So
15 the question is --

16 CHAIRPERSON MIETZ: Just your name for the
17 record.

18 MR. KING: Yes, Mike King. I'm the CEO.

19 CHAIRPERSON MIETZ: Great.

20 MR. KING: So the question was about the
21 tower?

22 CHAIRPERSON MIETZ: Yes, about the change
23 in use of the operation of the tower.

24 MR. KING: So we are opening up the
25 cottages in September. Those will be 108 residents,

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1 skilled nursing residents, that are going to be living
2 in the cottages. We actually will be moving them out
3 from the tower. And then we start a year and a half
4 worth of work inside the tower. We are still going to
5 have skilled nursing beds inside the tower. So there
6 will be skilled nursing residents. We are going to
7 increase our short-term rehab beds. So now on the
8 second and third floor will be short-term rehab. And
9 then four, five, and six will be all long-term care.
10 So pretty much we are not changing the use. We are
11 basically bringing new life to that building because
12 we are creating all new private rooms, and more common
13 spaces, and things like that, but the use is the same.

14 CHAIRPERSON MIETZ: Okay. So the only
15 real difference then is that so about half of it would
16 be permanent residents and half would be people that
17 are going to be cycling in and out?

18 MR. KING: Yes, it's a little less than
19 that, but yes.

20 CHAIRPERSON MIETZ: So that concept.

21 MR. KING: Yes.

22 CHAIRPERSON MIETZ: Okay. Very good.

23 Thank you. Okay. Other questions then on the Farash
24 Tower? Okay. We can go on.

25 MS. ALCHOWIAK: Okay. And the concluding

1 aspect of the variance request is for existing
2 building lettering that is identifying the Atkin
3 Center Rehabilitation entrance and the Atkin Adult Day
4 Program entrance. Both of those have signs that are
5 currently on the building. And in the records, we
6 were not able to find a variance or a request for
7 those. So we are including those with this particular
8 request. Those are outlined in your document as to
9 the letter height of those particular letters. But
10 they are also an aluminum cast letter, but they
11 compliment all the other new building lettering.

12 CHAIRPERSON MIETZ: Nothing, Rick, on
13 those ones?

14 MR. DI STEFANO: No.

15 CHAIRPERSON MIETZ: Okay. All right. Any
16 other questions on these signs? Okay. Everybody
17 good? Okay. Thank you.

18 MS. ALCHOWIAK: 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.

23
24
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1 Application 8A-07-17. Application of Lisa Frerichs,
2 owner of property located at 127 Shaftsbury Road, for
3 an Area Variance from Section 207-10E to allow a
4 driveway expansion to be 1 ft. 4 in. from a side lot
5 line in lieu of the minimum 4 ft. required by code.
6 All as described on application and plans on file.

7 MS. FRERICHS: Good evening, I am Lisa
8 Frerichs. I live at 127 Shaftsbury Road. Everybody
9 else was quiet, and I am loud. I am asking for this
10 variance partly because we needed to replace the
11 driveway. The driveway is very old. It has a lot of
12 cracks and potholes. But partly because if you
13 actually look at the property that I have, my property
14 is below ground level of every other property around
15 me. And that area right there would constantly be
16 soaking wet. And if you look at it, mushrooms grow
17 there. Mildew grows there. In the wintertime when
18 things would defrost, we have runoff and ice on that
19 side of the driveway. So the idea was eliminate that
20 spot. We have a one and a half car garage. So we
21 need an extra spot to park anyhow. So the idea was
22 that we would pull into that space and it would be
23 slightly elevated so that we would avoid that water
24 runoff. So that was really the idea behind it because
25 of the grade of the property trying to eliminate that

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1 mud. I mean if you ever come to my house on a rainy
2 day, there is always a puddle across the entire
3 sidewalk in front of my house because all of the water
4 runs off from the other properties, through my
5 property, down the front yard. So that was the
6 justification for making it larger.

7 I have spoken to the neighbor next door to
8 me. If you are facing the house, on the right hand
9 side. I also have spoken to both neighbors across the
10 street. They were fine. I spoke to the neighbors
11 where the property butts up to where I am doing this
12 addition. When we laid it out, they were home.
13 Unfortunately, they have a cottage in Alexandria Bay,
14 and they are gone for the whole summer. So I haven't
15 been able to get in touch with them. They knew what
16 we were planning to do beforehand. Lisa and Lori
17 said, "Oh, we're fine with that." I think they are
18 the most -- so if you look at photographs I have
19 provided, it shows that it's not really -- there is
20 quite a bit of space there.

21 MR. CLAPP: You said the neighbors were
22 fine with it. I take it you haven't seen the letter
23 they sent to the Zoning Board?

24 MS. FRERICHS: Lisa and Lori?

25 MR. CLAPP: Yes.

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1 MS. FRERICHS: I spoke to them before we
2 had the driveway people over.

3 MR. DI STEFANO: If you want to take a
4 second and look at that feel free.

5 MS. FRERICHS: Well, apparently, they
6 didn't want to tell me to my face.

7 MR. DI STEFANO: It happens.

8 MR. CLAPP: Just so you know, we just
9 received this letter.

10 MS. FRERICHS: Okay. Yes, they have not
11 been home. They have been in Alexandria Bay. So they
12 must have gotten something in the mail. I spoke to
13 them. They had been there the day the contractors
14 came. I talked to them. And I am not intending to
15 park with the headlights facing them. I intend to
16 pull in, but make it a gradual pull in.

17 MR. CLAPP: I sort of interrupted you.
18 You were telling us more about your plans. If you
19 want to pick up there, that's fine.

20 MS. FRERICHS: Yes. No, I spoke to both
21 of them the day that I had somebody coming out to look
22 at the property and give me an estimate. I told them
23 what I was doing. They didn't express any concern.

24 CHAIRPERSON MIETZ: Do you want to address
25 any of the things that they pointed out in here? You

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1 just addressed how you are going to park the vehicle.
2 Do you have any comments about anything else?

3 MS. FRERICHS: Well, I disagree with them
4 about the fact -- we don't always park the car there.
5 And that is not why there is mud there. If you come
6 and look at my property, my property is angled so that
7 water flows from the neighbors behind us and the
8 neighbors on each side. My sump pump runs 24/7. It
9 never stops. I have lots of water. And if you come
10 to the front of my house on a rainy day, the entire
11 sidewalk is flooded. So that whole area has never
12 grown grass well which is why we park there. It is
13 always -- right now, there is mushrooms in parts there
14 because of all of the moisture. There was drainage
15 that was underground that we were going to have moved
16 so there wasn't -- because that was part of the
17 problem. That was flowing through that space. So the
18 water coming off the roof was coming and going
19 underground. That was there when we bought the house.

20 MR. DI STEFANO: Prior to them boxing it
21 out, did you park a car up there side by side on the
22 grass there?

23 MS. FRERICHS: Yes.

24 MR. DI STEFANO: Basically, where you are
25 bumping it out --

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1 MS. FRERICHS: Yes.

2 MR. DI STEFANO: -- is where you did park?

3 MS. FRERICHS: Yes, halfway on the
4 driveway and halfway on the lawn.

5 MR. DI STEFANO: So somebody can get back
6 behind you. So the two tires were on the grass area.

7 MS. FRERICHS: Yes.

8 CHAIRPERSON MIETZ: Now, what is being
9 done with the drainage in that area then? What is the
10 proposal from your contractor to do about it as far as
11 at least the driveway not the rest of the lot?

12 MS. FRERICHS: The driveway people are not
13 going to do anything with the drainage. I have to
14 hire a landscaper to come. I either have to -- it is
15 the drainage off the front of the house, the front
16 left corner when you are facing the house, there is an
17 underground. You know, they have the drainage go
18 underground. That is how it was when we bought the
19 house.

20 CHAIRPERSON MIETZ: The gutters are
21 affected then?

22 MS. FRERICHS: Yes, off the gutters and
23 down the downspout.

24 CHAIRPERSON MIETZ: Are they plugged or
25 what?

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1 MS. FRERICHS: No, they are not plugged.
2 It was built. That's how it is all around the house.
3 They were underground.

4 CHAIRPERSON MIETZ: Okay. Okay.

5 MR. CLAPP: When I looked at it today, I
6 was not thinking about the fence. I'm trying to look
7 at the picture. Would you be amendable to -- she
8 talks about extending the fencing to match. I don't
9 know.

10 MS. FRERICHS: I am amendable to put up
11 any shrubbery.

12 MR. CLAPP: It would create another
13 variance issue.

14 MS. FRERICHS: Yes.

15 MR. DI STEFANO: You know, I mean, I think
16 you do mention it in your application that you
17 wouldn't mind landscaping or something like that, but
18 then they mention they don't want to see landscaping
19 there. I don't think we are going to tell you you
20 need to put fencing there either. So I'll leave that
21 to you guys.

22 CHAIRPERSON MIETZ: Okay. I think we can
23 work with that.

24 MR. CLAPP: If we set it for a fence, that
25 is a different problem.

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1 MS. FRERICHS: And I do want to address
2 putting a parking spot in front of the house. I think
3 that looks ridiculous. I hate it. My neighbor did it
4 next door. I didn't say anything, but I think it
5 looks cheap. I would never want to put it in front of
6 my house. I mean if anything, I will go the 4 feet.
7 I will bring that in, and I will go all the way down
8 the driveway. I will make the whole driveway wide
9 which I was trying not to do that to maintain some of
10 the esthetic value of the property there. It is nice
11 and shady there under the trees. But if I have to, I
12 will bring it in the 2 and a half feet and then go all
13 the way down. Then I am within my rights. I don't
14 think that looks as nice, personally. And I included
15 pictures of the other houses. I don't know if
16 theirs are -- I don't know what their property lines
17 are, but they all have something very similar to this.
18 I thought an angle would be nicer than a cut or a
19 square.

20 MR. DI STEFANO: Yes, a lot of people do
21 it with an angle so you can kind of come in and pull
22 out much easier.

23 MR. CLAPP: Yes, and part of your purpose
24 would be not just parking two cars, but having that
25 car aside so you can have two in the garage and pull

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1 out. That would be practical to me.

2 MS. FRERICHS: Yes, we only have two cars.
3 My daughter is 33. So I don't have to worry about
4 another car. She lives in Denver. The idea is that
5 when you pull in there, you are not getting out into a
6 snow bank or into grass. You are getting out onto
7 pavement. So if you pull in --

8 CHAIRPERSON MIETZ: Yes, I think we
9 have it.

10 MS. FRERICHS: If you make it narrower,
11 you are going to be partially on the lawn area.

12 CHAIRPERSON MIETZ: Okay. Very good. Any
13 other questions? Okay. Thank you.

14 MS. FRERICHS: Thank you.

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

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

STATE OF NEW YORK:
COUNTY OF MONROE:

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

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

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

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

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

AUGUST 2, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT: DENNIS MIETZ, CHAIRMAN
ANDREA TOMPKINS WRIGHT
JEANNE DALE
JENNIFER WATSON
DOUGLAS CLAPP

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

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

1 Application 8A-01-17. Application of Charles Wuertzer
2 and Ellen Apetz, owners of property located at 80
3 Landing Road South, for an Area Variance from Section
4 207-10E(5) to allow a driveway extension to be. 15
5 ft. 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. Clapp to approve
9 Application 8A-01-17.

10 FINDINGS OF FACT:

11 1. The requested variance will not produce an
12 undesirable change in the character of the
13 neighborhood or be a detriment to nearby properties.
14 In addition, it is similar to other driveways in the
15 neighborhood and will blend with the existing use of
16 the property and the adjacent properties.

17 2. The requested variance is within keeping of the
18 character of the neighborhood.

19 CONDITIONS:

- 20 1. This variance applies only to the driveway
21 expansion as per plans submitted and testimony given.
22 2. All necessary highway permits shall be obtained.

23 (Seconded by Ms. Watson.)

24 (Ms. Watson, yes; Ms. Dale, yes;

25 Ms. Tompkins Wright, yes;

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Mr. Clapp, yes; Mr. Mietz, yes.)
(Open roll call, motion to approve
with conditions carries.)

1 Application 8A-02-17. Application of John and Heidi
2 Varrasi, owners of property located at 305 Hollywood
3 Avenue, for a Temporary and Revocable Use Permit
4 pursuant to Section 219-4 to allow for the
5 manufacturing of kombucha tea in a single family
6 residence where not allowed by code. All as described
7 on application and plans on file.

8 Motion made by Ms. Tompkins Wright
9 to approve Application 8A-02-17.

10 FINDINGS OF FACT:

- 11 1. The proposed temporary and revocable use permit
12 will not have any effect on the neighborhood as there
13 will be no odors or sounds that affect a neighbor and
14 no additional traffic to the home.
- 15 2. Applicant testified that there will be no
16 substantial deliveries other than a typical home
17 occupation with respect to the business.
- 18 3. Applicant testified that the location of the
19 business will be a small percentage of her home
20 occupied by only one room in her house.
- 21 4. Applicant testified that she does not anticipate
22 the employment of any employees.

23 CONDITIONS:

- 24 1. The use of the business will occupy no more than
25 30 percent of the square feet of one floor of the

1 applicant's residence.

2 2. The applicant's business shall employ no more than
3 one non-resident employee.

4 3. This temporary and revocable use permit is for two
5 year time period commencing on August 2nd, 2017.

6 (Seconded by Ms. Watson.)

7 (Ms. Watson, yes; Ms. Dale, yes;

8 Ms. Tompkins Wright, yes;

9 Mr. Clapp, yes; Mr. Mietz, yes.)

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

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1 Application 8A-03-17. Application Home Power Systems,
2 LLC, contractor, and Eli Futerman, owner of property
3 located at 220 Esplanade Drive, for an area variance
4 from Section 203-2.1B(6) to allow a standby emergency
5 generator to be located in a front yard in lieu of the
6 rear yard behind the house as required by code. All
7 as described on application and plans on file.

8 Motion made by Ms. Dale to approve

9 Application 8A-03-17.

10 FINDINGS OF FACT:

11 1. The difficulty leading to this variance request is
12 not self-created. The applicant's home is on a corner
13 lot which therefore has two yards which are considered
14 front yards.

15 2. The requested location of the generator is next to
16 the current air conditioning equipment, and it is the
17 least disruptive, and least visible location, and it
18 is the farthest from the neighboring homes.

19 3. The requested variance is the minimum necessary to
20 provide relief from the difficulty as it will be very
21 costly to connect gas and electric to install the
22 generator in a different location.

23 4. Granting of the request will not produce an
24 undesirable change in the character of the
25 neighborhood or be a detriment to nearby properties

1 nor will it have an adverse effect or impact on the
2 physical or environmental conditions in the
3 neighborhood or district as it will be located
4 approximately 130 feet from the front property line.

5 5. Substantial vegetation already exists which will
6 help screen the generator from view so that neighbors
7 will be less aware of its location.

8 CONDITIONS:

9 1. The generator will be the model specified in the
10 application and located as shown.

11 2. The applicant shall plant green vegetative
12 screening around the generator to further shield it
13 from the neighbor's view.

14 3. All necessary building permits shall be obtained.

15 (Seconded by Ms. Tompkins Wright.)

16 (Ms. Watson, yes; Ms. Dale, yes;

17 Ms. Tompkins Wright, yes;

18 Mr. Clapp, yes; Mr. Mietz, yes.)

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

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1 Application 8A-04-17. Application of Liz Munoz, owner
2 of property located at 333 Meadow Drive, for an Area
3 Variance from Section 207-2A to allow a front yard
4 fence to be 5 ft. in height in lieu of the maximum 3.5
5 ft. allowed by code. All as described on application
6 and plans on file.

7 Motion made by Mr. Mietz to table
8 Application 8A-04-17 and keep the public
9 hearing open for the owners to come back
10 with different alternatives as to the style
11 and type of fence and the mitigation of the
12 back up into the front yard.

13 (Seconded by Mr. Clapp.)

14 (Ms. Watson, yes; Ms. Dale, yes;

15 Ms. Tompkins Wright, yes;

16 Mr. Clapp, yes; Mr. Mietz, yes.)

17 (Open roll call, motion to table and
18 keep the public hearing open carries.)

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1 Application 8A-05-17. Application of David Mockin,
2 lessee, and Chabad Lubavitch of Rochester, owner of
3 property located at 34 Greenwich Lane, for an Area
4 Variance from Section 205-2 to allow a two story
5 addition to extend 5 ft. into the 40 ft. rear setback
6 required by code. All as described on application and
7 plans on file.

8 Motion made by Ms. Tompkins Wright
9 to approve Application 8A-05-17.

10 FINDINGS OF FACT:

11 1. The granting of the requested variance will not
12 produce an undesirable change in the character of the
13 neighborhood or be a detriment to nearby properties
14 due to the size of lots and the double lot nature of
15 this property and the immediately adjacent property.
16 The smaller rear setback will likely not be noticeable
17 to nearby properties. Further, there is a line of
18 trees separating those adjacent properties such that
19 the neighboring property will not be impacted.

20 2. The requested variance is not substantial
21 representing only a 12 percent reduction in the
22 required setback.

23 3. The benefit sought by the applicant cannot
24 reasonably be achieved by any other method, and the
25 applicant indicated he needs additional floor area to

1 accommodate his large family.

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

6 CONDITIONS:

7 1. The variance granted herein applies only to the
8 garage addition described and in the location as
9 depicted on the application and the testimony given.

10 2. All necessary approvals and permits must be
11 obtained.

12 (Seconded by Ms. Dale.)
13 (Ms. Watson, yes; Ms. Dale, yes;
14 Ms. Tompkins Wright, yes;
15 Mr. Clapp, yes; Mr. Mietz, yes.)
16 (Open roll call, motion to approve
17 with conditions carries.)
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1 Application 8A-06-17. Application of Image 360,
2 agent, and The Jewish Home of Rochester, owner of
3 property located at 2021 Winton Road South, for Sign
4 Variances from Section 207-31C to allow for 6 building
5 face identification signs totaling 259 +/- sf, in
6 addition to the approved freestanding sign (5A-01-17),
7 where only one identification sign no greater than 16
8 sf is allowed by code. All as described on
9 application and plans on file.

10 Motion made by Ms. Watson to approve
11 Application 8A-06-17.

12 FINDINGS OF FACT:

- 13 1. The requested variance is the minimum variance
14 possible given the size of each building and the
15 complex as a whole in order to provide proper
16 visibility and wayfinding for residents, visitors,
17 employees, and emergency vehicles.
- 18 2. No other alternative can produce the desired
19 result for wayfinding for the Greenhouse Cottages and
20 the Atkin Centers.
- 21 3. No unacceptable change in the character of the
22 neighborhood and no substantial detriment to nearby
23 properties is expected to result from the approval of
24 this variance because only one of the signs will be
25 visible from off campus and only from the expressway

1 and because the surrounding property is mostly
2 commercial in nature.

3 4. The health, safety, and welfare of the community
4 will not be adversely effected by the approval of this
5 variance request because the signs will aid in traffic
6 flow around campus and therefore improve traffic
7 safety.

8 5. Given the expansion of the number of buildings on
9 campus and the expansion of the short-term care in the
10 Farash Tower, additional building signage on the
11 Farash Tower is necessary for distinguishing it from
12 the other new buildings.

13 CONDITIONS:

14 1. This variance will only apply to the six signs
15 described in the application and testimony given, in
16 particular, to their size and location described
17 therein.

18 2. The signs are not lit aside from the ambient
19 lighting from the parking lot.

20 3. All necessary Architecture Review Board and
21 Planning Board approvals shall be obtained.

22 (Secoded by Ms. Dale.)

23 (Ms. Watson, yes; Ms. Dale, yes;

24 Ms. Tompkins Wright, yes;

25 Mr. Clapp, yes; Mr. Mietz, yes.)

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

1 Application 8A-07-17. Application of Lisa Frerichs,
2 owner of property located at 127 Shaftsbury Road, for
3 an Area Variance from Section 207-10E to allow a
4 driveway expansion to be 1 ft. 4 in. from a side lot
5 line in lieu of the minimum 4 ft. required by code.
6 All as described on application and plans on file.

7 Motion made by Mr. Clapp to approve
8 Application 8A-07-17.

9 FINDINGS OF FACT:

10 1. The requested variance will not produce an
11 undesirable change in the character of the
12 neighborhood or be a detriment to nearby properties.
13 It is an additional 500 square feet of the driveway,
14 similar to other driveway expansions in the
15 neighborhood, and will blend well with the existing
16 features of the property and with the other adjacent
17 properties.

18 2. The requested expansion of the driveway on the
19 right side would encroach on the front yard entryway
20 and would not be within keeping of the neighborhood.

21 3. The requested area variance is not substantial
22 relative to the size of the driveway and the size of
23 the lawn in the adjacent yard.

24 4. The size of the expansion is the minimum needed to
25 park an average-sized car.

1 5. The variance will not have an adverse effect on
2 the physical and environmental conditions in the
3 neighborhood as it will help mitigate the existing
4 drainage problem.

5 6. The situation of the variance request is not
6 self-created.

7 CONDITIONS:

8 1. This variance applies only to the driveway
9 expansion as per plans submitted and testimony given.

10 2. All necessary highway permits shall be obtained.

11 (Seconded by Ms. Tompkins Wright.)

12 (Ms. Watson, yes; Ms. Dale, yes;

13 Ms. Tompkins Wright, yes;

14 Mr. Clapp, yes; Mr. Mietz, yes.)

15 (Open roll call, motion to approve
16 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:

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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