Brighton Zoning Board of Appeals 11/01/17

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON NOVEMBER 1ST, 2017 AT APPROXIMATELY 7:15 P.M.

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

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

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

REPORTED BY: RHODA COLLINS, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020
MR. MIETZ: Good evening. I'd like to call to order the November session of the Brighton Zoning Board of Appeals.

Rick, was the meeting properly advertised?

MR. DiSTEFANO: Yes, Mr. Chairman, it was advertised in the Brighton-Pittsford Post of October 26, 2017.

MR. MIETZ: Okay. Will you please call the roll?

MR. DiSTEFANO: Please let the record show all members are present.

MR. MIETZ: Okay. Whenever you're ready you can read the first application.

APPLICATION 11A-01-17.

11A-01-17 Application of Neal Silvarole, owner of property located at 129 Sunnyside Drive, for Area Variances from Section 205-2 to allow a garage addition to 1) extend 6.75 feet into the 10.5 feet side setback required by code, and 2) extend 1 foot into the 40 foot front setback required by code. All as described on application and plans on file.

DAVID BURROWS: Hello, I'm David Burrows, architect for Shelly Silvarole, who is here.
SHELLY SILVAROLE: And Neil Silvarole is my father who is helping me finance the property until I get the repairs made to restore the home.

DAVID BURROWS: We're here to ask for a variance to allow the construction of a two-car garage where there's now a one-car garage. The adjacent neighbors, both across the street and all around this, have two-car garages. So having a one-car garage in this neighborhood is pretty unusual.

Shelly has talked to all of her neighbors and they are all in support of the proposal. So, in addition to widening the existing garage to a two-car garage, there's going to be some internal remodeling that will take place inside of the house.

Plus, if you can see the photographs, the house has been sitting, I don't know if it was vacant but definitely uncared for and Shelly has already started cleaning it up and making it look more presentable.

So the details of the variance are that now there's a 12.4-foot side setback to the existing garage. We're required to have a 10.5-foot setback. And we are building 8'6" onto the existing wall of the -- existing one-car garage in order to get a 20-foot wide two-car garage.
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It will leave a setback of 3'9", so we are encroaching on the required 10.5-foot setback by 6 or so feet.

From the front the garage will be basically an extension of the existing one. We will keep the roof line low, keep a hip roof on it, and do what we can to minimize the appearance of the garage.

We are also building where there's now a paved area, so we're not increasing the impermeable surface, we're just basically covering what's already there with a garage.

And that's it from me, as far as the technical aspects of it, and Shelly's got some comments about why she's doing it.

SHELLY SILVAROLE: I'm doing it because I grew up in that neighborhood, I grew up the next street over. And now I'm older and my kids are grown, I'm alone, and so I'm downsizing. The house isn't perfect, but I myself have two cars, and one of my children still live with me. He's got a car.

Where I live now I've been parking in the garage. I like it. The fact that I have two cars, he's got a car, that's -- I like that there will be less parking in the driveway, the appearance of the neighborhood is neater.

I spoke to neighbors on both side and across
the street and they are all for it. And as you can see, the
way that the house looks right now, we've owned it for a
little over six months and I'm just -- summer's over with
now, I've just gotten in, so I'm moving forward to -- I want
to make some repairs to the house and make it look nice and
create a nice place for myself and my son to live.

MS. DALE: So the addition onto the garage,
that would go right to the edge of where the asphalt is not
the widest in the driveway?

DAVID BURROWS: Right. I don't know exactly
if it's to the inch, but it's in that same zone.

MS. DALE: It just helps to visualize.

DAVID BURROWS: Right. Right along the same
line as the pavement.

MS. DALE: And did you think about at all, I
can see from the diagram there's some concrete, you know, in
the back behind the garage. Did you think at all about
trying to tuck the tilt, to change that angle of the garage
and drive through the back so you wouldn't have to have a
variance request?

DAVID BURROWS: This will be a one-lane,
two-car garage, one behind the other.

MS. DALE: Or really, any sort of other
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design? I didn't know if there was -- it looks like the yard is --

SHELLY SILVAROLE: This was the reason for it.
The house itself is 990 square foot. It's from a three bedroom to a two, just because back in the '60s that's what they had. So what I'm doing is with the existing space to create a bigger closet for myself, so basically it's going to go from a three-bedroom traditional home, what it was, to a two-bedroom.

And in addition, what I wanted to do is instead of making it one behind the other, if we make it two wide, that space behind the garage now we can use for half of it garage storage, the other half as maybe an upstairs laundry. Just to give the house a little more room because realistically it's only 990 square feet.

DAVID BURROWS: And to answer that question, the mudroom laundry will go where that other garage bay would have gone if we had lined them up. So it would have taken away from the house if we had done that, or we would have had to basically replace that with an addition behind the house. So we're trying to avoid, you know, adding more house to it, we're trying to limit it to just the garage.

And kind of a practical purpose of having, you
know, a one-lane, two-car garage is somebody is going to have to move their car to get the other one out, so there's a lot of impracticalities in that. So we didn't really explore that because of those reasons.

MS. TOMPKINS WRIGHT: The actual width of the garage is 20 feet?

DAVID BURROWS: It's proposed to be 20 feet on the outside, so that will be like 19 feet inside.

MS. TOMPKINS WRIGHT: Would you consider shortening the depth of it by one foot so you wouldn't need a front yard setback, you would only need a side yard setback? It's hard to visualize on the drawing. It's already one foot --

DAVID BURROWS: Right. And I can tell you, the other reason it has to cross the front yard setback is otherwise we'd have an offset front garage. So because of the angle of the front property line, we are forced to cross it by a very small amount.

MR. MIETZ: Rick, the side setback includes the overhang, correct, on that?

MR. DiSTEFANO: Good question for the architect.

MR. MIETZ: Does it, Mr. Burrows?
DAVID BURROWS: No, that goes to foundation. The overhang would cover that as well, if we had an overhang.

MR. MIETZ: I'm talking about on the side setback, there will be an overhang on the garage itself?

DAVID BURROWS: Yes.

MR. MIETZ: So when you measured the side setback, where did you measure?

DAVID BURROWS: It goes to the foundation as it's proposed now. So that's assuming there is no overhang.

MR. MIETZ: Is there or is there not going to be an overhang?

DAVID BURROWS: Well, to strictly meet zoning, we would not be able to have an overhang. That's a good point. We probably should have included the overhang in that. So then the setback, if you had an overhang, if you had a 1-foot overhang would be 2'9" to the overhang.

MR. MIETZ: That was part of my question.

MS. TOMPKINS WRIGHT: So are you asking for approval of an overhang with the --

DAVID BURROWS: Yes, I should have added that to the description, yes.

MR. MIETZ: So it's really 2.9.

MS. SCHAEFER: Yes, 2'9", if it's a 12-inch
overhang, which I'm not sure it is, but we should allow for
12 inches anyway.

MR. DiSTEFANO: So the max overhang that you
would put in would be 12 inches?

DAVID BURROWS: Yes.

MS. TOMPKINS WRIGHT: It's hard to tell from
the street view but, do you know the side setbacks of other
homes in this neighborhood?

DAVID BURROWS: They are closer to meeting
code than this one. In fact, I don't know what they all are.
They may be more like this one is. We're supposed to have
10'5", but it's 7'9", so they probably are all a little off,
but they're, you know, closer to --

MR. MIETZ: Like some of the ones that you put
in the photos here, the garages, are, you know, again we
can't look at the survey, but there's, you know, a reasonable
distance between these houses, certainly more than seven or
eight feet. Okay.

DAVID BURROWS: Right.

MR. MIETZ: Any other questions by the Board
members? No? Okay.

Thank you very much.

DAVID BURROWS: Thank you.
MR. MIETZ: Is there anyone in the audience that would like to speak regarding this application? There being none, then the Public Hearing is closed.

APPLICATION 11A-02-17.

11A-02-17 Application of Karen Hibbard and Carl Moon, owners of property located at 70 Mandy Lane, for an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a stand-by emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

MR. MIETZ: Good evening.

CARL MOON: Good evening. I'm Carl Moon, and my wife, Karen Hibbard is in the audience, 70 Mandy Lane. I'm asking for a variance to put a stand-by generator at the side of 70 Mandy Lane as opposed to the rear.

Let me refer you to the first photograph which is looking at the rear of 70 Mandy Lane. You can see that we have basically a bedroom on the right-hand side, an area on the left-hand side, and a large deck in the middle. The best area to place the stand-by generator would be on the left-hand side. Unfortunately, that area is very wet and I think basically from a stream that runs from our backyard right into our basement, which we have a lot of fun with.
The other aspect, which is not best seen in the photograph, but if you look to the top of the roof of 70 Mandy Lane you'll see it's actually a relatively flat roof where a synthetic plastic roofing onto, because of the nature of the roof, and the snow and the ice in the winter, loves to slide off that right into the back area and we get very impressive mounds of ice and snow there.

The second photograph then takes you to the side where we're proposing to put the stand-by generator. So it's on the left-hand side of the photograph you're seeing. And I've given you two close ups of that area on the next photograph to indicate where we would like to put it. So, basically, on the left-hand side about halfway along just past the AC unit towards the back of the house.

The source of the gas is at the front of the house on the left-hand corner, the electrical panel is on the left-hand side just behind where the AC is, and that area of land is actually quite sandy and is very firm. We've never had a problem with it, it's spectacularly different.

And that location is about 75 feet from our next door neighbor and you get an impression of that from the photograph. And on that side of the house he has a single vantage at that point --
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MR. MIETZ: I'm sorry, sir?

CARL MOON: On -- from our left-hand side of our house --

MR. MIETZ: Right, where the unit would be.

CARL MOON: -- where the unit would be, it's about 35 feet to the building next door.

MR. MIETZ: Thirty-five?

CARL MOON: Yes. And on that side of his building is actually a single-wide garage. We have a six-foot high fence all around our property.

The last document you'll see on that little presentation I gave you is a letter from my next door neighbor who is actually happy for us to put the generator there.

That's sweet and elegant.

MR. MIETZ: Okay. So any questions by the Board members?

And you said that fence is about, and I saw that, it's about five and a half, six feet?

CARL MOON: Yes, a six-foot-high fence.

MR. DiSTEFANO: For the record, can you explain size and decibel rating of the generator?

CARL MOON: Yes, there was a little package of
information on the decibel rating and there was 67 decibels.
The size of the generator, I would have to look it up, it's a
ten kilowatt, a very small unit.

MR. MIETZ: Very good. Any other questions by the Board members?

Okay. Thank you very much.

Is there anyone in the audience that would like to speak regarding this application? There being none, then the Public Hearing is closed.

APPLICATION 11A-03-17.

11A-03-17 Application of Adam and Catherine Towsley, owners of property located at 59 Cheswell Way, for modification of an approved Area Variance (4A-05-17) to allow a porch roof associated with an addition to extend an additional 2 feet into the approved 34 foot front setback where a 40 foot front setback is required by code. All as described on application and plans on file.

STEW CHASE: Good evening, Stew Chase, architect and agent for Adam Towsley, who is here. We were here in April to ask for a variance for a front setback as we reconfigured the front of their house. We received that variance, we also received ARB approval for that.

During construction into a framing mistake by
our contractor, he built the overhang to four-foot deep instead of two foot, considering that we have a five-foot deep concrete stoop that will be going in front. After looking at it everybody really likes it, believes it's more appropriate than a two-foot overhang would be, it gives a lot more protection to the front door.

We have received letters of support from the neighbors in the neighborhood. We went to ARB last week, we received approval from them to extend it the extra two foot. It will be hung with using support brackets, there will be no posts that will go to the ground, so we're talking about air rights.

MR. MIETZ: So what we see on the north elevation drawings that you've done, those are angular supports?

STEW CHASE: Yes.

MR. MIETZ: And they're going to be wood?

STEW CHASE: They'll be a fypon polyurethane fiberglass composite.

MR. MIETZ: Okay.

STEW CHASE: And we specified that with ARB and they specified back that that's exactly what they want.

STEW CHASE: Thank you.

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

APPLICATION 11A-04-17.

11A-04-17 Application of Ilya and Isanna Voloshin, owners of property located at 2700 East Avenue, for an Area Variance from Section 205-2 to allow an addition to extend 6+/- feet into the 48.4 foot rear setback where a 60 foot rear setback is required by code. All as described on application and plans on file.

CHARLES SMITH: Hi, Charles Smith, owner of Design Works Architecture.

SERGE TSVASMAN: Serge Tsvasman, employee.

MR. MIETZ: You are the property owner?

SERGE TSVASMAN: We are designers.

CHARLES SMITH: The property owner is represented by her brother, who is Serge.

SERGE TSVASMAN: Also.

MR. MIETZ: Okay.

CHARLES SMITH: More than just an agent, blood relationship.

MR. MIETZ: Very good, proceed.
Serge Tsvasman: So we are asking for a variance on what's considered a rear yard setback in this case. Technically it's a side yard, East Avenue is the front yard in this case.

We have a corner lot situation where the existing house portion of it is actually already in the rear yard setback. We're proposing to build on existing foundation that's there for a side patio that's with, also in that same vicinity adjacent to the area that's in the rear yard setback.

So we are not proposing new foundation work, but we are proposing adding -- building interior condition space in that location.

So to the proposed overhang we would be left with a 42'3" rear yard. Currently there's a 48 -- a little less than 48 and a half feet to the actual corner of the building to the rear yard. So, about a six-foot variance is what we are asking for.

Charles Smith: We are asking relief for the fact that we have two large, back, rear yard setbacks on this lot, so --

Ms. Tompkins Wright: Can you explain, this is the only exterior modification being made to the --
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SERGE TSVASMAN: It's the only one that's in a setback. It's the only one affecting a setback variance.

MS. TOMPKINS WRIGHT: I was trying to compare it to the floor plan. So the only need for it is for the second walk-in closet?

SERGE TSVASMAN: We are also extending the bedroom by a little over four feet because it wraps around, so it's on the side as well as the east of the house.

MR. DiSTEFANO: But it's not the only exterior modification, but for the variance it's the only necessary --

MS. TOMPKINS WRIGHT: And the only purpose of this variance is to expand their master bath, bedroom and add a second walk-in closet?

SERGE TSVASMAN: Correct.

MR. MIETZ: So, just for the record, did you look at any other ways to align those interior spaces?

SERGE TSVASMAN: In this case they would be all be in the side yard -- in the rear yard setback.

MR. MIETZ: So any other --

SERGE TSVASMAN: Any other expansions -- this way the foundation already is in that setback, so we're just asking to build on top of it.

CHARLES SMITH: I think that alternatives
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would still be in the rear setback, the entire -- almost the entire master bedroom is within that area setback.

MR. MIETZ: So would you go a little further to suggest that that's the minimum that you could have done?

CHARLES SMITH: Yes, it's the minimum we could do, we considered. Because it's again on an exist foundation, so it's the minimum disturbance of the site.

MR. MIETZ: Okay.

MS. TOMPKINS WRIGHT: And you've spoken to that neighbor on the southeast side of the property?

SERGE TSVASMAN: We have not. There was a notice posted on the property for the duration.

MS. TOMPKINS WRIGHT: And it's semi -- there's a treeline separating that in the southeast --

SERGE TSVASMAN: There's over 50 feet separating the two buildings, so --

MS. TOMPKINS WRIGHT: But it's treed as well?

SERGE TSVASMAN: There's a treeline, yes. And a kind of a valley right in there between the two, like a low --

CHARLES SMITH: Yes, so the proposed addition does not impact, negatively impact the neighbor or the neighborhood. And that there's no issues of loss of light
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and air or impact of drainage for the neighboring property. There's an existing treeline, as you have observed on the site that really pretty well blocks the view between the two houses, so . . .

MR. MIETZ: Okay. Any other questions by the Board?

Okay. Thank you very much. Is there anyone in the audience that would like to speak regarding this application? There being none, then the Public Hearing is closed.

APPLICATION 11A-05-17.

11A-05-17 Application of Kevin James Murphy, owner of property located at 105 Roosevelt Road, for 1) an Area Variance from Section 207-10E(5) to allow a driveway expansion to be 3 feet from a side lot line in lieu of the minimum 4 feet required by code, and 2) an Area Variance from Section 207-10E(2) to allow total front yard paved area to be 32.3 percent in lieu of the minimum 30 percent allowed by code. All as described on application and plans on file.

KEVIN MURPHY: I'm Kevin Murphy, the homeowner. This is my mother, she has been helping me with the paperwork and with the contractor while I have been at work. I just started a new job.
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So what I am proposing is just a modification to my driveway, and the variance, there's two variances. One is that it's going to come -- and I wanted to correct part of the application as well, as there's a discrepancy there -- but on the left side of the property line it's now going to come within three feet of the property line, where four is code. And so, that's the first variance.

In Question 8 of the application it actually lists two feet of the property line, that should be three. There were a number of kind of iterations with the diagram to get it down to as close as possible for the second variance, which is for the 30 percent of the front yard being paved for the driveway.

And the other thing I just wanted to correct is the address listed on the agenda and in the letter was 105, where it should be 150, 150 is the correct address. And I'd spoken with my neighbors and nobody has a problem with the driveway going from a one-lane driveway to a one-and-a-half. Where it's essentially two wide at the bottom and then it angles back to the curb, or the top I suppose, near the house it's two wide so that I can fit two cars there.

When I purchased the house I, about a year
into it I tried to park my car in my driveway and I realized I couldn't open the doors in the garage. So, the schematic that we have with the most -- it was the closest we could get it to be that 30 percent. It's actually I think at 32.3 percent, once we take out, there's like a front walk there.

And so, yeah, so again, the function of it would just be to, so that we don't have to shuffle cars every morning. And then to the left side of the driveway, expanding it so that it wasn't on the front yard. It was a little bit less of an eyesore that way.

MS. WATSON: Your neighbor whose property line you share with, you spoke with them?

KEVIN MURPHY: Yes, and they didn't have a problem with it.

MS. WATSON: There's currently a shrub or a large bush right next to your garage, is that going to be coming out as a part of the project?

KEVIN MURPHY: No, that won't be coming out. We've talked with the contractor and that specifically is going to stay. It's a lilac bush.

MS. WATSON: It's going to start --

KEVIN MURPHY: Directly in front of it,
basically.

MR. MIETZ: Okay.

MS. WATSON: I also noticed your neighbor has a fence that comes pretty close to your property line.

KEVIN MURPHY: I think it's -- yeah.

MS. WATSON: How close will the driveway be to your neighbor's fence?

KEVIN MURPHY: That fence is actually set back a little ways, so it's not going to come -- it's going to be way out in front by about --

MS. WATSON: Their fence is way --

KEVIN MURPHY: -- I would think at least 10 feet, 15 feet, I would say maybe, and then to the left as well, so that's where it would begin.

MS. WATSON: Okay.

MR. CLAPP: In the notice you're talking about taking out the sidewalk to your front door, and is that new walk going in then off the driveway?

LAURA MURPHY: No, that's existing.

KEVIN MURPHY: It's a little bit dangerous actually, it gets real slick.

LAURA MURPHY: The one in front is slick and slimy --
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MR. MIETZ: Ma'am, if you're going to speak --

KEVIN MURPHY: Oh, this is my mom.

MR. MIETZ: Right, I know who she is, but just for the record, she's got to give her name and address.

LAURA MURPHY: Okay. It's Laura Murphy, I live in Pittsford. The front slate walk is there from the '30s and it's very dangerous and slimy. And in order to try and make that 30 percent we are ripping that up, so that we can get as close to that 30 percent as we can.

MR. MIETZ: Okay. Any other questions by the Board members?

Thank you very much.

KEVIN MURPHY: Thank you.

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

APPLICATION 11A-06-17.

11A-06-17 Application of R. Jon Schick, architect, and Matthew and Erin Witmer, owners of property located at 82 Southern Parkway, for an Area Variance from Section 205-2 to allow a garage addition to extend 1.7 feet into the 15 foot side setback required by code. All as described on application and plans on file.

EDITH FORBES (585) 343-8612
APPLICATION 11A-07-17.

11A-07-17 Application of R. Jon Schick, architect, and Matthew and Erin Witmer, owners of property located at 82 Southern Parkway, for an Area Variance from Sections 203-2.1B(2) and 203-9A(4) to allow an accessory structure/storage shed to be 424 square feet in size in lieu of the maximum 250 square feet allowed by code. All as described on application and plans on file.

JOHN SCHICK: Hi, good evening, my name is John Schick, I'm the architect on the project. This is Matt Witmer, he's the owner of the property.

Much as Rick described, there is an existing garage, very small, it's undersized. It faces -- it's a side-loaded garage in the backyard. There's 37- or 3800 square feet of asphalt. Like a parking lot. Just to get back there and be able to negotiate getting into that garage. It's already being used for all of the pool equipment, so it's kind of compromised already.

So the intent would be to do an attached garage on the side of the house, capturing the side-entry door, which is that floor level is already recessed or lower by three steps I believe, from the main living level. So it's like a lot of houses with side entrances, it's below the
main stair and the landing inside of the door is lower than the first floor. So it lends itself very well to accessing the house at that location.

And it's on the north side of the house and we're, you know, we encroach on fewer windows there. And it's going to make -- they have a very active family, two very active boys. So this will really make their lives a lot easier. It goes into the mudroom, so that's what we're asking to do.

We've made the garage narrower than standard by about a foot and a half or so to minimize the request for the side yard setback variance. And so, we still are looking for about, I think it's 16 or 18 inches out of the 15-foot setback.

MR. MIETZ: And it looks like you're -- can you talk a little bit about the construction, as far as what the garage is -- I mean, we can see it, but just for the record what you've attempted to do to --

JOHN SCHICK: Yes. The garage will sort of match the house. It will be a pitch roof, the same pitch as the roof on the house. We are -- the shingles will be similar to double, the double-thickness shingle. I think it's like a 13-inch or 14-inch exposure, so it will match
that. The trim will match, the paint colors will match. We'll be eliminating all of the asphalt that is not required to get to the garage. So we will be -- I think we are going to be eliminating almost 2,000 square feet of asphalt. And they'll have full, you know, viewing ability of the backyard from the house, which is important to them as they're boys are very young. So . . .

MR. MIETZ: Good.

MS. CORRADO: Do you intend to preserve the existing garage and see that it is in the -- the exterior has not been upgraded as the house has over the years? Is there an intent to apply exterior treatment to the existing garage to match the house?

MATTHEW WITMER: Yes. It's kind of been neglected a little bit, so we do want to make it kind of like a shed to be utility. In the summertime to, you know, put like stuff for pool equipment and stuff like that, the lawnmower. And then in wintertime put some outside furniture in it just to store it for the winter.

But, yeah, we would like to kind of make it a little bit -- like fix it up a little bit. It's kind of been -- pretty much like the house had been for a long time, there's neglect there for a while.
MR. MIEŻ: Just for the record, can you state your name?

MATTHEW WITMER: I'm Matt Witmer, I'm the property owner, just recently purchased 82 Southern Parkway.

MR. CLAPP: Do you have comments from the adjacent neighbor?

MATTHEW WITMER: Yeah, we spoke with them. She didn't mind. She's, you know, happy to do it.

MR. MIEŻ: Any other questions by the Board? That's the first part of it.

JOHN SHICK: The second variance application is to keep the existing garage footprint, which is 474 square foot, or something like that, and we are allowed 250 for accessory structure. I think it would be somewhat difficult to sort of modify the garage to try to make it smaller. It will not be seen at all -- you won't be able to see it at all from the street. It will be completely concealed from the road.

It's existing, Matt and Erin would like to, you know, as I was saying, want to improve the aesthetics of it. Right now all of the pool equipment is already in there, they're going to want to use it for basically, a shed or large shed.
MS. CORRADO: Will any additional services be added to the building, plumbing, I mean, will it become a pool house?

JOHN SCHICK: I don't think there's any intention of doing that.

MS. CORRADO: And so currently it's just electrical to --

MATTHEW WITMER: No, it has electric just for the pool equipment, like the pump.

MS. SCHWARTZ: And you're saying that garage is not visible from the road? So you're saying the new garage is going to extend all the way over to cover?

JOHN SCHICK: There will be some landscaping and stuff that will, you know, fill in the void. But what I'm saying is it's so far back from the road. I mean, it's, I don't know the distance but it's well over 100 feet, I think, yeah.

MATTHEW WITMER: We would like to get rid of the asphalt to shorten the driveway. It's just a long way to bring out the garbage can and stuff. It's just too much asphalt.

MR. MIETZ: And you're just going to restore that to lawn area?
MATTHEW WITMER: Yes. I'd like to put grass in. I have a four and three-year old, so I would like to plant grass.

JOHN SCHICK: Right now, half of the backyard is asphalt and the other half is grass. Well, not half, but there's -- the whole section that's enclosed by the pool fence. What's remaining is half asphalt, half grass. So that will -- by restoring the lawn will really give them a really nice, big lawn to play in.

MR. MIETZ: Okay.

MR. DiSTEFANO: So just my own clarification, you said the pool equipment, so the pump and the filter, all of that is in the garage now?

MATTHEW WITMER: Yes, the chlorinator.

MR. DiSTEFANO: So basically the garage is almost a one-car garage now anyways, right, because of the equipment taking --

JOHN SCHICK: It's pretty small.

MATTHEW WITMER: We never put a car in there. I don't know if the people before were using it as a garage. It's, like, awkwardly situated. You can't go in directly, it's sideways.

JOHN SCHICK: I think it's only, like, I don't
know if it's even 20 by 20, it's pretty small.

MATTHEW WITMER: We just have the pool equipment and the lawnmower and stuff like that.

MR. DI STEFANO: Okay.

MR. MIETZ: Okay. Any other questions from the Board?

Thank you very much.

JOHN SCHICK: Thank you very much.

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

APPLICATION 11A-08-17.

11A-08-17 Application of Ying Hui Sun, agent, and Qing Kai Sun, owner of property located at 2775 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for four (4) temporary signs/banners where not allowed by code. All as described on application and plans on file.

KEVIN SUN: My name is Kevin, I'm a manager and also a member/owner of the business.

MR. DI STEFANO: Can you give the last name please?

KEVIN SUN: Sun, S-u-n.
MR. DiSTEFANO: Thank you.

KEVIN SUN: So we originally have a temporary sign out for a new business that we put in behind a building of 2775 Monroe Avenue. Due to the location of the building, it's -- the entrance are located in the back of the building and the business doesn't have any signage. People can't see when we drive past it. That's why we did it, we wanted to see if the Town could approve some temporary signs for us. That's maybe two or three months of grand opening time when we try to do opening sometime coming up soon. So . . .

MS. DALE: So could you talk a little bit about why you chose the particular location?

KEVIN SUN: Well, that location is owned by our family and we wanted to put something like authentic restaurant a long time ago. And my father-in-law finally come up with a plan to put it in, and we never thought the signage would become an issue at the time when we even started this.

But once we realize that there's no signage in the front and people aren't able to see the business and. That's why that request of a temporary sign is very important for the business itself.

MS. DALE: So the application asks for a
two-month period. And after that two-month period, all of the proposed signs would be removed?

KEVIN SUN: Would be removed. And we are actually putting another application to see in the front sign right there shown on the document, in the front it says, Sakura Home. We tried to merge two signs into one sign, and that application is been drawn up by the signage company. They will also propose that.

MS. DALE: So you will be asking for a more permanent solution?

KEVIN SUN: Absolutely. That's just a temporary solution right now. We want to do the grand opening and we want, you know, people can see where -- it's just, the building by itself, the entrance is just, you can barely see it when you drive by. So . . .

MS. DALE: And can you talk about the proposed lighting or the absence of lighting for the temporary signs?

KEVIN SUN: All temporary signs are not illuminated by any means. There's no light to it. It's just straight, I think was a vinyl sign stick on the board. And the other I think is more like a lawn sign, sort of, that we kind of just put on the side of the building for the temporary signs.
MR. DiSTEFANO: Can you for the record just describe the four temporary signs that you're requesting here? Just so it's clear exactly which signs are the temporary signs.

KEVIN SUN: Yes. For the large one, I have forgotten the exact dimension of the actual size of that board. But that will be for --

(Whereupon papers were handed to Kevin Sun.)

MR. DiSTEFANO: If you're looking for the numbers, they're on the second page.

KEVIN SUN: Oh, okay. I thought she submitted other temporary sign.

MR. DiSTEFANO: Those are the four temporary that you are --

KEVIN SUN: Right, right, right, right.

MR. DiSTEFANO: I think we just need clarification on exactly what the temporary signs are.

KEVIN SUN: Okay. Well, they are for --

MR. DiSTEFANO: And the location.

KEVIN SUN: They are for the new business we are putting in, but you mean the sizes?

MR. DiSTEFANO: Just that there's, you know, one over the entrance door, one in front of the building --
KEVIN SUN: Okay, yes. That is one about 15 feet away from the front of the building, right on the side of the curb. That's sign Number 4.

And right at Number 3, under the Sakura Home sign there's a -- that one is actually right under -- as you can see it's right under the actual sign right now.

MR. DiSTEFANO: The Sakura Home sign is an approved sign.

KEVIN SUN: Right, it's an approved sign, but the one right under it, you know, that --

MR. DiSTEFANO: It's one of the temporary signs.

KEVIN SUN: Right. And then for Number 2, it was just, it's Chinese, a restaurant, when we open we always hang these colorful flags just to show a symbol, these people can see we did a grand opening, or a soft opening right now. And also, for the actual entrance sign, Number 1, that one is actual design will just look like that.

MR. DiSTEFANO: When you do the permanent sign.

KEVIN SUN: Yes. Even the size is exactly the same. So . . .

MR. DiSTEFANO: Is everybody clear on the
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signs that are --

   MR. MIETZ: The one that you have at Number 4 which is in the five-gallon bucket, or is that going to be --

   KEVIN SUN: That should be a stand-up sign, that's why I was referring to it, why she took that picture. But we're supposed to take the actual sign that we had, but I think she misunderstood and took the wrong picture. That sign, the size I think is four feet times eight feet.

   MR. DiSTEFANO: That's the big one, right?

   KEVIN SUN: That's the big one, yes. That's the one that's supposed to be on the side of the road, not the small one.

   MR. DiSTEFANO: That's a pretty big sign. I think that becomes a little bit important because --

   MR. MIETZ: That's a little different.

   MR. DiSTEFANO: Yes, that's a lot different than this, and that becomes something that starts creating a visual impact on traffic, people leaving the site. And I think this basically came into the Board under a complaint from us. And I think the big complaint was that you had a big, large, free-standing sign right by the road.

   KEVIN SUN: Right.

   MR. DiSTEFANO: So I think that one might have
some issues to it, but when -- your sister or your wife?

KEVIN SUN: That was my wife.

MR. DiSTEFANO: Your wife came in and did show this one, which is a lot less of an impact than the large one that you're proposing.

KEVIN SUN: Okay. I can sense she wanted to change to the smaller sign because big sign was just like you said.

MR. DiSTEFANO: We did talk about it.

MR. MIETZ: Let's ask this question then. Are you saying that what we're seeing as Number 4 is what you are going to put out there --

KEVIN SUN: Yup.

MR. MIETZ: -- and not the big sign?

KEVIN SUN: Yes, I misunderstood. I think we proposed with smaller signs.

MR. MIETZ: Okay. You don't know approximately on this Number 4 how big it is?

KEVIN SUN: Oh, yeah, that's 12-inch by 24-inch.

MS. TOMPKINS WRIGHT: One temporary yard sign says 27 by 18 inches.

KEVIN SUN: Is that 27 by 18?
MR. DiSTEFANO: It's 27 by 18.
KEVIN SUN: Sorry, 27 by 18.
MR. MIETZ: Okay. A foot and a half by two feet.
KEVIN SUN: Right.
MR. MIETZ: And is it going to be left in the bucket?
KEVIN SUN: No, we going to have -- that's just temporary. It was -- we wasn't doing a soft opening, so we kind of just put something together really quick. But yeah, it will be --
MR. MIETZ: Yeah, put it in the ground.
KEVIN SUN: Right.
MS. DALE: So for the time period that you're requesting if this were granted, would you plan for two months starting tomorrow or --
KEVIN SUN: Two months starting when the, whenever the Town approves the sign, I would assume.
MR. MIETZ: Then you told us a few minutes ago that you're going to come in for a sign application to change the signage on the Sakura, we'll call it the Sakura building at some point.
KEVIN SUN: Sure.
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MR. MIETZ: And to add different signs or whatever. And when would you be doing that?

KEVIN SUN: That actually is -- I thought my signage company already put in an application, I'm not sure.

MR. DiSTEFANO: We're not aware of any.

KEVIN SUN: Okay. But he's been taking measurements and pictures, and he say he's going to hand it in.

MR. MIETZ: Most likely he's going to do that for the December meeting?

KEVIN SUN: Yes, absolutely.

MR. MIETZ: Okay.

MS. SCHWARTZ: Do you feel you still need the flags with the sign?

KEVIN SUN: Within a two-month period, because right now we're just doing the soft opening, so we would have to find out if we're able to get a sign. The Town have to approve the sign, if it is then we'll set the grand opening date. That will be two months, if they approved it by the Town. The flag sign, yes?

MS. SCHWARTZ: Right. Because that would eliminate one of the signs, you would only need three.

MR. DiSTEFANO: You're talking about the
bunting?

MS. SCHWARTZ: Yes.

MS. TOMPKINS WRIGHT: Are the flags going to be up continuously for the two-month period or are they only going to be -- you're only intending to keep them up for the grand opening?

KEVIN SUN: It will be possibly the two months to be up there, if it's possible.

MR. CLAPP: Would you be willing to go without the flags if we were to approve the other three?

KEVIN SUN: Or maybe just have it the grand opening week, would it be? I don't know if it's reasonable.

MR. MIETZ: We can discuss it.

KEVIN SUN: Okay. It's just a traditional thing that we do, but it's nothing try to --

MR. MIETZ: All right, I think we understand.

Any other questions of the Board members?

Judy, do you have anymore questions?

MS. SCHWARTZ: No.

MR. MIETZ: Thank you.

Is there anyone in the audience that would like to speak regarding this application? There being none, then the Public Hearing is closed.
APPLICATION 11A-01-17.

11A-01-17 Application of Neal Silvarole, owner of property located at 129 Sunnyside Drive, for Area Variances from Section 205-2 to allow a garage addition to 1) extend 6.75 feet into the 10.5 feet side setback, but with an additional for a 1 foot allowance for overhang, and 2) extend 1 foot into the 40 foot front setback required by code.

Motion made by Ms. Dale to approve Application 11A-01-17 based on the following findings and facts.

**FINDINGS AND FACTS:**

1. The proposed garage will follow the formed roof line and character of the existing house and it will be positioned on an existing paved parking area.

2. The required variance will not produce undesirable change on the character of the neighborhood or be a detriment to nearby properties.

3. The benefits sought by the applicant cannot be reasonably achieved by another method feasible for the applicants to pursue, other than an area variance as there is insufficient available width for an additional one-car bay without setback encroachments, and there's no other feasible location on the site for a garage.
4. The variance is the minimum necessary to grant relief from the difficulty allowing for the ability to get in and out of vehicles from inside the garage.

5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.

**CONDITIONS:**

1. The location and the size of the garage addition shall be as presented in the application and as described in testimony including an allowance of a one-foot roof overhang.

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

   (Second by Ms. Corrado.)

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

   (Upon roll call, motion to approve with conditions carries.)
APPLICATION 11A-03-17.

11A-03-17 Application of Adam and Catherine Towsley, owners of property located at 59 Cheswell Way, for modification of an approved Area Variance (4A-05-17) to allow a porch roof associated with an addition to extend an additional 2 feet into the approved 34 foot front setback where a 40 foot front setback is required by code. All as described on application and plans on file.

Motion made by Ms. Schwartz to approve Application 11A-03-17 based on the following findings and facts.

FINDINGS AND FACTS:

1. This variance is very minimal as it merely increases the roof of the front entry 2 feet more than previously granted on a previous variance granted in April of 2017.

2. This variance will not increase the footprint of the current addition and still sits back 1 foot from the edge of the stoop. The roof will be supported from the building.

3. The 2 foot variance will allow more coverage for people as they enter the house.

4. The granting of this variance will not change the character of the neighborhood and will enhance the front entry of the home.
CONDITIONS:

1. The variance only applies to the 2 foot extension at the front door as was said in the testimony and written application.

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

   (Second by Ms. Watson.)

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

   (Upon roll call, motion to approve with conditions carries.)
APPLICATION 11A-04-17.

11A-04-17 Application of Ilya and Isanna Voloshin, owners of property located at 2700 East Avenue, for an Area Variance from Section 205-2 to allow an addition to extend 6+/- feet into the 48.4 foot rear setback where a 60 foot rear setback is required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 11A-04-17 based on the following findings and facts.

**FINDINGS AND FACTS:**

1. The granting of the requested variance will not produce undesirable changes in character of the neighborhood or be a detriment to the nearby properties. Due to the size of the lots and the distance between homes to the rear of the property, the smaller rear setback will likely not be noticeable. There's also a line of trees separating that adjacent property, such that the neighbor will not be impacted. Further, the lot is a corner lot, and while the southeast yard is considered a rear yard it functions as a side yard which would normal require a smaller setback.

2. The requested variance is not substantial as the structure already extends six feet into the setback and the
increase represents only ten percent of the overall required setback.

3. The benefits sought by the applicant cannot reasonably be achieved by any other method. The applicant testified they explored other floor plans options but no other option would meet their family's needs without a variance.

4. There's no evidence that the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

**CONDITIONS:**

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

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

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

   (Upon roll call, motion to approve with conditions carries.)
APPLICATION 11A-05-17.

11A-05-17 Application of Kevin James Murphy, owner of property located at 105 Roosevelt Road, for 1) an Area Variance from Section 207-10E(5) to allow a driveway expansion to be 3 feet from a side lot line in lieu of the minimum 4 feet required by code, and 2) an Area Variance from Section 207-10E(2) to allow total front yard paved area to be 32.3 percent in lieu of the minimum 30 percent allowed by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 11A-05-17 based on the following findings and facts.

**FINDINGS AND FACTS:**

1. The requested variance is the minimum variance possible to accommodate parking for two cars. The proposed driveway will angle inward in a single lane as it approaches the street, minimizing the area closest to the lot line and minimizing the amount of the lawn coverage.

2. Additionally, the applicant will remove the existing slate walkway to reduce the amount of overall paved area. A requested variance to the maximum lawn coverage is not substantial as the proposed driveway will only exceed the limit by 2.3 percent.
3. Any other alternative to alleviate the parking difficulty and achieve the desired result would necessitate greater variance requests.

4. No unacceptable change in the character of the neighborhood and no substantial detriment to nearby properties is expected to result from the approval of this variance. Because other homes in the surrounding neighborhood have similarly altered driveways close to lot lines and exceeding lawn coverage maximums.

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

CONDITIONS:

1. This variance will apply only to the driveway as described in the application and testimony. In particular, it will not apply to additional paving or structures considered in the future that are not considered in the present application.

2. The existing slate walkway from the road to the house will be removed.

3. All necessary highway permits shall be obtained.

(Second by Ms. Corrado.)

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

(Upon roll call, motion to approve with
conditions carries.)
APPLICATION 11A-08-17.

11A-08-17 Application of Ying Hui Sun, agent, and Qing Kai Sun, owner of property located at 2775 Monroe Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for four (4) temporary signs/banners where not allowed by code. All as described on application and plans on file.

Motion made by Ms. Dale to approve Application 11A-08-17 based on the following findings and facts.

FINDINGS AND FACTS:

1. The applicant is opening a new restaurant that will share the building with an existing restaurant. The applicant would like the public to know the name of the new restaurant and the location for way-finding purposes and that it is open for business.

2. The restaurant's location and entrance is behind an existing restaurant which can cause confusion and difficulty for patrons to find the location.

3. The applicant has requested temporary signs to be in place for a period of two months to coincide with the restaurant's opening and while working on an application for permanent signage.

4. Granting of the request will have no increase in
population density and no effect on available facilities and will not result in a substantial change in the character or be detrimental to surrounding properties.

5. The signs will not impact the visibility of traffic and will not hindering the visibility of nearby businesses. The presence of the signs will not endanger the health and safety or general welfare of the community, and rather may be a benefit to those in finding their way safely.

**CONDITIONS:**

1. The temporary signs will not illuminated and the signs and the banner shall be in place for no more than two months. The signs and banner shall be the size and placed at the locations specified in the application and as described during testimony, until two months from today, no more than two months, and shall expire on January 1st, 2018.

   (Second by Ms. Tompkins Wright.)

   (Ms. Schwartz, no; Mr. Clapp, yes; Mr. Mietz, no; Ms. Watson, yes; Ms. Corrado, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes.)

   (Upon roll call, motion to approve with conditions carries.)
APPLICATION 11A-02-17.

11A-02-17 Application of Karen Hibbard and Carl Moon, owners of property located at 70 Mandy Lane, for an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a stand-by emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

Motion made by Mr. Meitz to approve Application 11A-02-17 based on the following findings and facts.

FINDINGS AND FACTS:

1. The rear of the property has wet areas, a deck and unstable conditions which would not allow for a generator installation.

2. The proposed location on the side of the house and will be placed behind a fence and not really visible from the street.

3. The proposed location of the generator is approximately 35 feet from the nearest neighboring structure which is a garage.

CONDITIONS:

1. This approval is based on the testimony given and drawings submitted as to the size and location of the
generator.

2. All necessary permits shall be obtained.

   (Second by Mr. Clapp.)

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

   (Upon roll call, motion to approve with conditions carries.)
APPLICATION 11A-06-17.

11A-06-17 Application of R. Jon Schick, architect, and Matthew and Erin Witmer, owners of property located at 82 Southern Parkway, for an Area Variance from Section 205-2 to allow a garage addition to extend 1.7 feet into the 15 foot side setback required by code. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 11A-06-17 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is not substantial because it will only extend 1.7 feet into the required 15-foot setback.
2. No other alternative can alleviate the difficulty and, in fact, the architect testified that the design presented is already narrower than the standard garage.
3. No unacceptable change in the character of the neighbor and no substantial detriment to nearby properties is expected to result.
4. The health, safety, and welfare of the community will not be adversely effected by the approval of this variance request.

CONDITIONS:
Brighton Zoning Board of Appeals 11/01/17

1. The variance will only apply to the structure as described in the application and testimony.

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

    (Second by Ms. Watson.)

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

    (Upon roll call, motion to approve with conditions carries.)
APPLICATION 11A-07-17.

11A-07-17 Application of R. Jon Schick, architect, and Matthew and Erin Witmer, owners of property located at 82 Southern Parkway, for an Area Variance from Sections 203-2.1B(2) and 203-9A(4) to allow an accessory structure/storage shed to be 424 square feet in size in lieu of the maximum 250 square feet allowed by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 11A-07-17 based on the following findings and facts.

**FINDINGS AND FACTS:**

1. The requested variance is not substantial in that the structure in question has been in use as a shed since the owner took occupancy of the home.

2. No other alternative can alleviate the difficulty and produce the desired result. It would be impractical to require demolition and replacement of the existing garage with a shed scaled in compliance with requirements for an accessory structure.

3. No unacceptable change in the character of the neighborhood and no substantial detriment to nearby properties is expected to result in the approval of this
variance as the existing structure is in compliance, it's being used as a garage. Changing the function does not negatively impact the neighbors. In fact, with the replacement of the extensive amount of pavement required for access to the building as a garage with lawn, the property will be more in character of the neighboring properties.

4. The alleged hardship was not self-created by the applicant, as already noted the original garage was conforming when built. Changing the design to a storage shed does not negatively impact adjoining properties.

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

CONDITIONS:

1. This variance will apply only to the existing structure as described in application and testimony. In particular, it will not apply to additional or replacement structures considered in the future that are not in the present application.

2. As proposed in the application pavement in the rear yard will be removed and replaced with lawn.

   (Second by Ms. Tompkins Wright.)

   (Mr. Clapp, yes; Ms. Schwartz, no; Ms. Dale,
yes; Mr. Mietz, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Corrado, yes.)

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

* * *

EDITH FORBES  (585) 343-8612
REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 16th day of November, 2017.

At Rochester, New York

Rhoda Collins