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Brighton Zoning Board of Appeals 12/06/17

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON DECEMBER 6TH,
2017 AT APPROXIMATELY 7:15 P.M.

December 6th, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, Chairperson
DOUGLAS CLAPP
CHRISTINE CORRADO
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON

Not Present:
JEANNE DALE

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

Brighton Zoning Board of Appeals 12/06/17

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3 CHAIRPERSON MIETZ: Good evening. I'd like to
4 call to order the December session of the Zoning Board of
5 Appeals.

6 Rick, was the meeting properly advertised?

7 MR. DiSTEFANO: Yes, Mr. Chairman, it was
8 advertised in the Brighton-Pittsford Post of
9 November 30, 2017.

10 CHAIRPERSON MIETZ: Okay. Will you please
11 call the roll?

12 MR. DiSTEFANO: Let the record show that
13 Ms. Dale is not present.

14 CHAIRPERSON MIETZ: Okay. So we have two sets
15 of minutes to talk about. We have the October and we have
16 the November, so let's look at October, Judy.

17 MS. SCHWARTZ: On Page 10, Line 10, the first
18 word is amendable and then further in, I'm going to take a
19 look at them. Would you be amendable to having a restriction
20 on screening the variance.

21 CHAIRPERSON MIETZ: Where are you Judy?

22 MS. SCHWARTZ: Line 10, Page 10.

23 CHAIRPERSON MIETZ: Okay. This is Ms. Tomkins
24 Wright speaking?

25 MS. SCHWARTZ: Yeah.

1 Brighton Zoning Board of Appeals 12/06/17

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3 CHAIRPERSON MIETZ: Would you be amendable to
4 having, do you remember, Andrea?

5 MR. DiSTEFANO: What was the variance
6 regarding, generator?

7 MS. TOMPKINS WRIGHT: No, this is for the
8 T. Shaw, it was having restrictions on seating. It's really
9 like restrictions on seating in the approval.

10 MS. SCHWARTZ: Oh, yes.

11 CHAIRPERSON MIETZ: Yeah, but it still doesn't
12 make sense changing that.

13 MR. DiSTEFANO: Just how should it read?

14 MS. TOMPKINS WRIGHT: Would you be amendable
15 to having a restriction on seating in the approval and that
16 there not be permitted any tables or chairs for customers.

17 CHAIRPERSON MIETZ: That's good. If it was in
18 the decision it would be a little more critical.

19 MS. SCHWARTZ: Page 49, Line 7, just insert
20 the word house after the word open. And on Page 52, Line 24,
21 change construction to interruption. And that's all I have
22 on that.

23 CHAIRPERSON MIETZ: Anything else?

24 MS. CORRADO: Yes. Page 53, Line 6, the third
25 word should be sited with an "S", and Line 8, effected should

Brighton Zoning Board of Appeals 12/06/17

be affected with an "A", and that's all.

CHAIRPERSON MIETZ: Okay, very good. So the motion for the October minutes as amended?

MS. TOMPKINS WRIGHT: So moved.

(Second by Mr. Clapp.)

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

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

CHAIRPERSON MIETZ: Okay, so then we have the November, Judy?

MS. SCHWARTZ: Yes. On Page 26, second-to-last word should be t-h-e-i-r, Line 18, utilities should be utilized.

On Page 44, Line 23, it should be would normally.

On Page 46, Line 20, change the word lawn to pavement, at any other time there's lawn, it should be pavement coverage.

And on Page 47, Line 11, change lawn to pavement in Line 11 on Page 47.

And on Page 50, Line 7, the word is hinder, in

Brighton Zoning Board of Appeals 12/06/17

Line 12, Condition Number 1, insert the word be after not,
not be.

On Page 51, Line 17, insert the word is after
location. And that's all I have.

MS. CORRADO: Page 56, Lines 3 and 4, it
should read as the existing structure is in compliance,
strike the comma, if in use as a garage. So striking comma
replacing it's being and instead if in use as a garage.

Line 8, word of replace with with; and
Line 10, strike the comma after applicant; Line 11, replace
the word design with defined use. That's it.

CHAIRPERSON MIETZ: Okay, motion.

MS. SCHWARTZ: So moved.

(Second by Ms. Tompkins Wright.)

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

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

CHAIRPERSON MIETZ: Okay. When you are ready,
Rick, let's read the first applicant.

APPLICATION 12A-01-17

12A-01-17 Application of Eric Holmquist,

Brighton Zoning Board of Appeals 12/06/17

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3 architect, and McQuaid Jesuit High School, owner of property
4 located at 1800 South Clinton Avenue, for Sign Variances from
5 Section 207-31B to allow for two (2) additional building face
6 signs totaling 107 square feet to be installed, bringing the
7 total number of signs to seven (7) with a total area of
8 363 square feet, where only one (1) sign no greater than
9 16 square feet is allowed by code. All as described on
10 application and plans on file.

11 ERIC HOLMQUIST: Hi, I'm Eric Holmquist with
12 SWBR, architect firm, the addition to McQuaid. The addition
13 is at the rear of the school and the two signs that we're
14 proposing, one is the name of the building, and the second
15 one -- which is essentially only visible from the property,
16 from the school property -- which is the seal, which is
17 really just for the school.

18 CHAIRPERSON MIETZ: Can you just orient us,
19 just for the conversation, as to what the direction that
20 crest is.

21 ERIC HOLMQUIST: Sure. You would be able to
22 see it from Lac De Ville, the very back --

23 CHAIRPERSON MIETZ: Oh, it faces the east.

24 ERIC HOLMQUIST: Faces the east, yes, and the
25 naming sign is southern facing.

Brighton Zoning Board of Appeals 12/06/17

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3 CHAIRPERSON MIETZ: Right. So that would be
4 visible from the --

5 ERIC HOLMQUIST: You can see it through trees
6 and between the buildings you can see it. Neither of the
7 signs are internally lit. Although originally when we came
8 in with the building permit plan we were intending for them
9 to be, we subsequently decided that was not the right
10 decision.

11 CHAIRPERSON MIETZ: Okay.

12 ERIC HOLMQUIST: Any questions?

13 CHAIRPERSON MIETZ: Could you, just for the
14 record, what is the need for these signs?

15 ERIC HOLMQUIST: Sure. Well, I would -- I
16 wrote in my -- I would say that the seal is -- the need for
17 it is not a need, it is a desire. It's a logo and it faces
18 the new commons which is their new gathering place.

19 The other one is way finding. Finding the
20 door to that entrance of the school, which is essentially the
21 name of that wing.

22 CHAIRPERSON MIETZ: That's what it's going to
23 be permanently named when referencing somebody to go to that
24 particular part on the campus, you would direct them to the
25 blah, blah, blah.

1 Brighton Zoning Board of Appeals 12/06/17

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ERIC HOLMQUIST: Exactly.

4

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MS. WATSON: And it's a new use, the people are entering it, the door is a new wing, or building?

6

7

ERIC HOLMQUIST: Yes. It's a whole new wing. It's a secondary entrance. The primary entrance is still at the front of the school, but after school there's drop off at the circle there, there's tennis courts there. And it's where the engineering and science labs are so there will be deliveries and pick ups in that area as well.

10

11

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CHAIRPERSON MIETZ: Any other questions for this gentleman?

14

15

MS. TOMPKINS WRIGHT: You already have a seal on the north side of the property as well?

16

17

18

ERIC HOLMQUIST: On the north side of the -- well, no -- oh, yes, there's one right by the door, there's a small seal. The original 1950 entrance, yes, there is.

19

20

CHAIRPERSON MIETZ: Okay. Any other questions?

21

22

23

MR. DiSTEFANO: Just to question, I guess, if the Board weren't to approve this variance what, you know, what impact will it have on the property?

24

25

ERIC HOLMQUIST: I would say with the seal, it would have little impact. I think it's, again, I think it's

Brighton Zoning Board of Appeals 12/06/17

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3 an aesthetic that the school wanted. But as far as the
4 functioning of that space or the need, there's no need for
5 that sign.

6 The other sign is like I said, a way finding.
7 So it's knowing where you are, so I think it would create
8 confusion as far as directing somebody, especially since it's
9 at the rear of the building. It's not visible from the
10 street, it's not visible from the entrance. So when you're
11 kind of going around the building you kind of want to know
12 you've arrived.

13 CHAIRPERSON MIETZ: Okay, thank you.

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

17 APPLICATION 12A-02-17

18 12A-02-17 Application of Lori Marra and Lisa
19 Morretto, owners of property located at 145 Shaftsbury Road,
20 for an Area Variance from Section 207-2A to allow a portion
21 of a 6-foot high fence to extend into a front yard where a
22 maximum 3.5-foot high fence is allowed by code. All as
23 described on application and plans on file.

24 LORI MARRA: Hi. Good evening, I'm Lori Marra
25 and as you just read we want to extend one panel by three

1 Brighton Zoning Board of Appeals 12/06/17

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3 feet height to the existing three-foot fence that stands
4 there and it would be like the northern part of the property.

5 MS. SCHWARTZ: How long has the fence been up?

6 LORI MARRA: The fence has been up, the fence
7 it extends from has been there since we have been in the
8 house, and the new three-foot fence has been there since we
9 put it up in October.

10 MS. SCHWARTZ: Okay. And you've been in the
11 house how long?

12 LORI MARRA: For 12 years.

13 CHAIRPERSON MIETZ: For the record can you
14 describe what you're trying to accomplish by putting this
15 extension in?

16 LORI MARRA: Yes, we're trying to block the
17 lights that are coming in from cars that are parking that way
18 now. So this will create just enough on the panel. The one
19 panel is coming halfway. If we extend it by the three feet
20 it blocks the rest of the light.

21 MS. TOMPKINS WRIGHT: You submitted a letter
22 from your landscape architects stating you could not install
23 landscaping to block the view because it's just not a viable
24 location.

25 LORI MARRA: Yes, we would prefer landscaping

Brighton Zoning Board of Appeals 12/06/17

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3 actually. And if you look at another berm that we have, the
4 way our house is located on the corner, as you come down
5 Clover, the lights come in and we put a huge berm up there to
6 block the light. So we would prefer to do that, but the
7 70-year-old beautiful beech has made it completely impossible
8 to do that. We really tried to figure that out.

9 MS. CORRADO: Do you intend to replace the
10 three-foot panel, this is not -- you're not planning to add
11 on to the existing three-foot panel, correct?

12 LORI MARRA: Yes. The landscaper when he
13 recommended we do that instead of the berm, he left the long
14 length up. And he said if we do get a variance, he would
15 come remove the three-foot and put the one that matches the
16 one coming down.

17 MS. CORRADO: Okay.

18 CHAIRPERSON MIETZ: Okay, good.

19 MS. WATSON: Have you had any communication
20 with the neighbor or property owner about the desire to do
21 the fence?

22 LORI MARRA: No, we haven't. We haven't.

23 CHAIRPERSON MIETZ: And we can discuss that
24 further in our deliberations.

25 Any other questions for Lori? Thank you.

1 Brighton Zoning Board of Appeals 12/06/17

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LORI MARRA: Thanks.

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CHAIRPERSON MIETZ: Is there anyone in the audience who would like to speak regarding this application?

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6 PEGGY GOGGIN: Good evening, Peggy Goggin,
7 G-o-g-g-i-n, 160 Clover Street. I am here because my
8 property aligns, it runs along the back of their property and
9 the house next door, 145, I think it is you're talking about.
10 They're 127 Shaftsbury, right?

11

LORI MARRA: We're 145.

12

13 PEGGY GOGGIN: Then the house next to it is
14 127, they run along the back of mine.

15

16 CHAIRPERSON MIETZ: We have a tax map here, so
17 we can see 160. So you're 160?

18

PEGGY GOGGIN: Yes.

19

20 CHAIRPERSON MIETZ: Okay. So you butt up to
21 145 and directly behind 145. Okay.

22

23 PEGGY GOGGIN: I just wanted to affirm the
24 statement about the lights. When one pulls in a driveway,
25 from my observations of traveling often Clover Street and
Shaftsbury buy going north or south, I have observed that
most often the two vehicles to 127 are not parked in the
garage, but they are always parked facing lights into their
property. Because I have sometimes been in the yard coming

Brighton Zoning Board of Appeals 12/06/17

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3 and going for some reason and I see the lights as they pull
4 in.

5 And I sat here that evening and I heard the
6 woman who owns the property at 127 affirm her statement was,
7 oh, we would never pull in frontwards because we would not
8 want to bother the people. So I totally approve and think
9 they should be supported in this wish to maintain the
10 integrity and privacy of their home.

11 CHAIRPERSON MIETZ: Very good. Thank you very
12 much.

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

16 APPLICATION 12A-03-17

17 12A-03-17 Application of Tom and Ginny
18 Bernunzio, owners of property located at 180 Park Lane, for
19 an Area Variance from Section 205-2 to allow for 1,179 square
20 feet of attached garage area in lieu of the maximum
21 900 square feet allowed by code. All as described on
22 application and plans on file.

23 APPLICATION 12A-04-17

24 12A-04-17 Application of Tom and Ginny
25 Bernunzio, owners of property located at 180 Park Lane, for

1 Brighton Zoning Board of Appeals 12/06/17

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3 an Area Variance from Section 207-10E(2) to allow front yard
4 pavement to be 33 percent of the front yard in lieu of the
5 maximum 30 percent allowed by code. All as described on
6 application and plans on file.

7 PETER MORRIS: I'm the applicant, Peter
8 Morris, the architect, and with me is Tom Bernunzio.

9 CHAIRPERSON MIETZ: What's your address, Tom?

10 TOM BERNUNZIO: Yes, address 180 Park Lane.

11 CHAIRPERSON MIETZ: Proceed.

12 PETER MORRIS: Okay. We've prepared plans and
13 I'll let Tom do that. We prepared plans obviously for the
14 side garage he wants to have attached to the house on the
15 Corbett's Glen side. It's really not visible from anywhere
16 and he is the last house, he is the last one on the street.
17 But he needs additional storage, so we went through numerous
18 design solutions and this is what we came up with, he and his
19 wife feel comfortable with.

20 CHAIRPERSON MIETZ: Could you for the record
21 talk about whether there were potential alternatives you
22 looked at that didn't work.

23 PETER MORRIS: We looked at a freestanding
24 garage, we looked at pulling one forward, that didn't seem to
25 work. We wanted -- we worked around the size and the shape

Brighton Zoning Board of Appeals 12/06/17

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3 and the roof lines were very important to try to get this to
4 work as well.

5 So Tom felt this was his charge, he wanted to
6 have that pushed back so it wasn't really visible from the
7 street setback. And also the second floor plan, the future
8 plan is to add a bathroom and bedroom above that space. So
9 we had to work it in with the floor plan as well.

10 MS. TOMPKINS WRIGHT: When you say it's
11 storage, is it for vehicles or . . .

12 PETER MORRIS: Yes, it's a garage.

13 MS. TOMPKINS WRIGHT: How many cars can you
14 store in the front existing garage? It looks pretty --

15 PETER MORRIS: It's a two-car garage.

16 MS. TOMPKINS WRIGHT: It actually fits two
17 full cars?

18 PETER MORRIS: Yes.

19 MS. TOMPKINS WRIGHT: Okay.

20 PETER MORRIS: He has a boat that he wants to
21 put in there and another car.

22 TOM BERNUNZIO: Yes. We currently have a
23 total of four cars, and we would kind of like to get them all
24 inside if we can and other things we have around, you know,
25 blowers and things like that for leaf disposal, some of our

Brighton Zoning Board of Appeals 12/06/17

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3 tools and what not.

4 CHAIRPERSON MIETZ: No shortage of leaves
5 there.

6 TOM BERNUNZIO: No shortage of leaves.

7 MS. TOMPKINS WRIGHT: The total capacity will
8 be four vehicles then?

9 TOM BERNUNZIO: Yes, four total.

10 MS. TOMPKINS WRIGHT: Any utilities in the
11 additional garage that you're building other than --

12 TOM BERNUNZIO: No.

13 MS. TOMPKINS WRIGHT: No water hookups or
14 heat?

15 PETER MORRIS: That was another thing, we're
16 trying to have in the proximity, there's a bathroom upstairs
17 so we tried to work out the floor plan of the second floor
18 bathroom and bedroom so that they can be connected to that
19 without any additional utilities. So it's pushed back so
20 it's not prevalent, it's not a big long, in terms of
21 affecting the front of the architecture.

22 CHAIRPERSON MIETZ: But to answer the
23 question, there was no water, there is no sanitary in the --

24 PETER MORRIS: Well, there will be, but it
25 will be connected to the house.

1 Brighton Zoning Board of Appeals 12/06/17

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CHAIRPERSON MIETZ: It will go up in a sense.

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PETER MORRIS: It will be connected to the existing plumbing in the house next to the bathroom, that's it.

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CHAIRPERSON MIETZ: Okay.

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MS. TOMPKINS WRIGHT: Can you speak a little bit about what you call the wing wall in your application?

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And I think that the garage was sort of built maybe a little bit elongated in order to protect the wing wall. Just why

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you wanted to save that wing wall rather than just being able

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to move the garage a little bit closer to your home?

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PETER MORRIS: The wing wall is actually a part of the architecture in the front and the brickwork and

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we didn't want to change that look. We wanted to keep that

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nice fifties look.

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CHAIRPERSON MIETZ: Any other questions?

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MS. WATSON: I have a question pertaining to the driveway. Did you consider making any other

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modifications to the driveway to stay within the 30 percent

22

coverage maximum, it is such a narrowing, you know, the

23

driveway pulling through to the street.

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PETER MORRIS: That wasn't considered because he wanted additional garage space.

1 Brighton Zoning Board of Appeals 12/06/17

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3 MR. DiSTEFANO: One of the interesting things
4 about this is if you look at the main portion of the driveway
5 it's actually in a town right of way. As the park circle
6 goes, it kind of dead ends and the driveway comes off the
7 back end of that. There's a little area of land I believe is
8 still in the town right of way. I don't think you own that
9 parcel of land, correct?

10 TOM BERNUNZIO: The one in front you're
11 talking about?

12 MR. DOLLINGER: You mean the stub at the end
13 of the --

14 TOM BERNUNZIO: No, we don't.

15 MR. DiSTEFANO: So they can't really do much
16 there. So you really see how much of the front yard gets
17 narrowed down to almost a very little bit of front yard area.
18 So it's almost like there's, I don't want to make your case
19 for you, there's almost basically like if you're going to
20 grant the driveway -- or excuse me, you're going to grant the
21 garage, there would have to be access.

22 MS. WATSON: Yes.

23 MR. DiSTEFANO: And one thing I'd like for the
24 record, that turnaround area you have there now, you are
25 showing on the plans to be removed. You are planning to

Brighton Zoning Board of Appeals 12/06/17

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3 remove that stubbed area, correct?

4 PETER MORRIS: I think that has to be removed,
5 yes.

6 MR. DiSTEFANO: I think your calculations were
7 based on that being removed.

8 PETER MORRIS: Yes.

9 CHAIRPERSON MIETZ: So just understand that
10 that most likely will be a condition that it must be.

11 TOM BERNUNZIO: Well, actually, the new
12 driveway I think would go over part of that.

13 MR. DiSTEFANO: Well, you can see what was
14 submitted, the highlighted area was to be removed.

15 TOM BERNUNZIO: Yes.

16 MR. DiSTEFANO: That actually a portion of the
17 driveway extends onto town land.

18 TOM BERNUNZIO: Yes, that little corner, yes.

19 MR. DiSTEFANO: That's what the plans show,
20 that's why I'm asking you, is that your intention is to
21 remove --

22 TOM BERNUNZIO: Is to take that little piece
23 out.

24 MR. DiSTEFANO: Yeah, because I don't think --
25 if you aren't then your numbers aren't reflective of your

Brighton Zoning Board of Appeals 12/06/17

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3 request.

4 TOM BERNUNZIO: Yes. Our plan was to minimize
5 that space, yes.

6 MR. DiSTEFANO: Okay.

7 Do you guys understand?

8 MS. WATSON: Yes, I believe your application
9 says that you're preserving a mature tree that's right there.

10 TOM BERNUNZIO: We're going to do our best to
11 do that, yes.

12 PETER MORRIS: That was another design
13 consideration.

14 TOM BERNUNZIO: We definitely want to keep
15 that tree, if possible.

16 MS. WATSON: Thank you.

17 CHAIRPERSON MIETZ: So are there any other
18 questions?

19 Thank you.

20 TOM BERNUNZIO: Thank you.

21 CHAIRPERSON MIETZ: Is there anyone in the
22 audience who would like to speak regarding this application?
23 There being none, then the Public Hearing is closed.

24 * * *

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Brighton Zoning Board of Appeals 12/06/17

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 28th day of December, 2017.

At Rochester, New York


Rhoda Collins

Brighton Zoning Board of Appeals 12/06/17

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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON DECEMBER 6TH,
2017 AT APPROXIMATELY 7:44 P.M.

December 6th, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON
DOUGLAS CLAPP
CHRISTINE CORRADO
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON

NOT PRESENT:
JEANNE DALE

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

(The Board having considered the information presented by the
Applicant in each of the following cases and having completed
the required review pursuant to SEQRA, the following
decisions were made:)

REPORTED BY: RHODA COLLINS, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020

Brighton Zoning Board of Appeals 12/06/17

APPLICATION 12A-02-17

12A-02-17 Application of Lori Marra and Lisa Morretto, owners of property located at 145 Shaftsbury Road, for an Area Variance from Section 207-2A to allow a portion of a 6 foot high fence to extend into a front yard where a maximum 3.5 foot high fence is allowed by code. All as described on application and plans on file.

Motion made by Ms. Schwartz to approve Application 12A-02-17 based on the following findings and facts.

FINDINGS OF FACT:

1. The house is situated on a corner lot and therefore requires a variance for the changes/additions to it as the yards are figured differently than the house situated between the two houses earlier in the block.
2. The request for an eight-foot wide by six-foot high fence which encroaches in the front yard is nearly a portion of the entire fence. Over 30 feet of the fence are code compliant in the front yard and comply entirely on the side yard.
3. Because the fence panels are stepped down in the yard due to the sloping topography, the requested variance is minimized and creates a more pleasing aesthetic.
4. There will be no adverse effect on the character of the

Brighton Zoning Board of Appeals 12/06/17

neighborhood or health and safety of the neighbors.

5. This minimal variance will help to shield the headlights from the neighbor's cars that shine directly on the porch of the applicants.

6. The 70-year old beech tree prohibits a vegetative berm due to the advice of an arborist.

CONDITIONS:

1. This variance only applies to the addition of the six-foot high fence panel as described in testimony and shown in the application.

2. All necessary permits or modifications to existing permits shall be obtained.

(Second by Ms. Corrado.)

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

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

Brighton Zoning Board of Appeals 12/06/17

Application 12A-03-17

12A-03-17 Application of Tom and Ginny Bernunzio, owners of property located at 180 Park Lane, for an Area Variance from Section 205-2 to allow for 1,179 square feet of attached garage area in lieu of the maximum 900 square feet allowed by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 12A-03-17 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to the nearby properties. The garage extension is placed to the rear of the property from the cul-de-sac and will not be readily visible.

2. The variance is not substantial in light of the fact that the additional garage is set so far behind the home and not readily visible.

3. The benefit sought by the applicant cannot reasonably or readily be achieved by any other method. The property owners require a four-car garage with additional storage due to site constraints including a desire to keep the home's original

Brighton Zoning Board of Appeals 12/06/17

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3 architectural features is best accomplished through the
4 construction of the additional two-car garage in the location
5 shown in the plans.

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

9 **CONDITIONS:**

10 1. The variance granted herein applies only to the garage
11 addition described in the location that's depicted on the
12 application and in testimony given.

13 2. The garage addition will not be heated and no plumbing
14 may be installed except as necessary to provide for plumbing
15 on a future planned second floor accessible only from inside
16 the home and not from the garage itself.

17 3. All the necessary approvals and permits must be obtained.

18 (Second by Ms. Schwartz.)

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

22 (Upon roll call, motion to approve with
23 conditions carries.)
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Brighton Zoning Board of Appeals 12/06/17

APPLICATION 12A-04-17

12A-04-17 Application of Tom and Ginny Bernunzio, owners of property located at 180 Park Lane, for an Area Variance from Section 207-10E(2) to allow front yard pavement to be 33 percent of the front yard in lieu of the maximum 30 percent allowed by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 12A-04-17 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is not substantial as it is for just three percent more than the maximum pavement coverage. The driveway extension will curve around the existing driveway largely out of site from the cul-de-sac and the existing bump out will be removed improving the overall appearance from the street.
2. No other alternative can grant access to the new garage.
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. The new driveway will be made of gravel and therefore will be permeable and will also curve around and

Brighton Zoning Board of Appeals 12/06/17

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3 preserve the existing mature trees.

4 4. There is no evidence that the health, safety and welfare
5 of the community will be adversely affected by the approval
6 of this variance request.

7 **CONDITIONS:**

8 1. This variance will apply only to the driveway that was
9 described in the application. In particular, it will not
10 apply to additional paving or structures considered in the
11 future that are not included in the present application.

12 2. All necessary approvals and permits shall be obtained.

13 (Second by Ms. Schwartz.)

14 (Mr. Clapp, yes; Ms. Tomkins Wright, yes;
15 Mr. Mietz, yes; Ms. Corrado, yes; Ms. Schwartz, yes;
16 Ms. Watson, yes.)

17 (Upon roll call, motion to approve with
18 conditions carries.)
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Brighton Zoning Board of Appeals 12/06/17

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3 APPLICATION 12A-01-17

4 12A-01-17 Application of Eric Holmquist,
5 architect, and McQuaid Jesuit High School, owner of property
6 located at 1800 South Clinton Avenue, for Sign Variances from
7 Section 207-31B to allow for two (2) additional building face
8 signs totaling 107 square feet to be installed, bringing the
9 total number of signs to seven (7) with a total area of 363
10 square feet, where only one (1) sign no greater than 16
11 square feet is allowed by code. All as described on
12 application and plans on file.

13 Motion made by Mr. Mietz to approve
14 Application 12A-01-17 based on the following findings and
15 facts.

16 **FINDINGS AND FACTS:**

- 17 1. The campus is a large site, comprising multiple buildings
18 along two major roadways.
- 19 2. While the request appears substantial the need for way
20 finding and identification are important within the campus.
- 21 3. The proposed locations for the two signs over 107 square
22 feet will be placed in locations which are fairly visible
23 from any roadway.
- 24 4. The character of the neighborhood will not be negatively
25 impacted due to the commercial nature of the area which

Brighton Zoning Board of Appeals 12/06/17

office and multi-family residential business surrounding the site.

CONDITIONS:

1. The approval is based on drawings submitted and testimony given as to the specific size and locations of the two additional signs.

2. All ARB and Planning Board approvals shall be obtained.

3. The two signs as proposed shall not be illuminated.

(Second by Ms. Tompkins Wright.)

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

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

Brighton Zoning Board of Appeals 12/06/17

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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 28th day of December, 2017.

At Rochester, New York


Rhoda Collins