

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Brighton Zoning Board of Appeals 1/3/18

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JANUARY 3RD, 2018  
AT APPROXIMATELY 7:15 P.M.

January 3rd, 2018  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

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

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 1/3/18

CHAIRPERSON MIETZ: Good evening. I'd like to call to order the January session of the Zoning Board of Appeals.

Rick, was the meeting properly advertised?

MR. DiSTEFANO: Yes, Mr. Chairman, it was advertised in the Brighton-Pittsford Post of December 28, 2017.

CHAIRPERSON MIETZ: Okay. Will you please call the roll.

MR. DiSTEFANO: Let the record show all members are present.

CHAIRPERSON MIETZ: I hope everyone received the minutes. Ms. Schwartz.

MS. SCHWARTZ: On Page 10, Line 3, insert the word in after feet. In Line 6, strike the last two words the fence, and then Line 7, the first three words strike as well. In Line 18, insert the word panel after the word this. And after the word enough insert blockage and strike on the panel. In Line 19, insert the word up after halfway. In Line 20, insert the word head so it will be headlights.

On Page 18, it's just, I don't know. In Line 5, park and circle are proper names so they should be capitalized, and it could read differently.

## Brighton Zoning Board of Appeals 1/3/18

On Page 19, Line 16, delete the word actually. And on Line 20, delete the word, the second to last word, is, delete that word.

And on Page 23, Line 19, the word nearly is merely.

And on Page 29, Line 20, insert the word signs after identification. Line 22, insert the word in after fairly. And Line 25, the last word is with. That's all I have.

CHAIRPERSON MIETZ: Is that it?

MS. TOMPKINS WRIGHT: I had one quick one on Page 25, Line 24, there should be a period after the word storage and then the word do should start the next sentence.

CHAIRPERSON MIETZ: Okay. Anybody else have anything else? We good? Okay. So the motion for the amended minutes.

MS. CORRADO: I'll motion.

(Second by Ms. Tompkins Wright.)

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

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

Brighton Zoning Board of Appeals 1/3/18

CHAIRPERSON MIETZ: When you are ready, Rick, read the first application, Number 2.

APPLICATION 1A-02-18

1A-02-18 Application of Andrew Sunberg, owner of property located at 494 North Landing Road, for Renewal of a Temporary and Revocable Use Permit (1A-08-16) pursuant to Section 219-4 to allow for the sale of pizza, deli items and fried foods in conjunction with a pre-existing nonconforming grocery business in a RLB Residential District. All as described on application and plans on file.

ANDREW SUNBERG: How you doing? My name is Andrew Sunberg, I'm here for the Temporary and Revocable Use Permit. We've been there since 2007 now, still going strong. So it's coming up on 11 years in February and we haven't made any changes in the last five or six years. Haven't had any complaints in the neighborhood, so we're just coming in to renew the permit.

CHAIRPERSON MIETZ: Any questions?

MS. CORRADO: Yes, a quick question. I know when we renewed it last time around one of the limitations on your practice on the business was no eat in and no tables outside. And I've gone by a couple times, I see picnic tables out and I've heard some very positive reviews, but --

## 1 Brighton Zoning Board of Appeals 1/3/18

2  
3 ANDREW SUNBERG: Yeah, we did put out picnic  
4 tables. We tried adding self-serve and people wanted to stay  
5 to eat it, we essentially moved the self-serve. We did get  
6 rid of all -- we might have one picnic table left, but nobody  
7 uses it right now. We were going to get more next year, but  
8 if that does become an issue then we cannot do it.

9 MS. CORRADO: Certainly, because it was a  
10 limitation on your variance the last time around. You need  
11 to bring that to us.

12 ANDREW SUNBERG: Okay.

13 MS. CORRADO: Rick, have there been any  
14 complaints from neighbors about --

15 MR. DiSTEFANO: No, not at all.

16 CHAIRPERSON MIETZ: So are you interested in  
17 that as an amenity to your business? Because if it is, then  
18 we can certainly discuss it.

19 ANDREW SUNBERG: Yes. I would definitely be  
20 interested in having that allowed. We get a lot of families  
21 and kids. And even if they're not eating there, we get  
22 people that come up from the park and stuff and want to sit  
23 down and they'll at least have a drink. Or they'll ride  
24 their bikes and come up, we get a lot of people that once you  
25 make it up that side of the hill they come in and they kind

Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 of park.

4 So I would like to add that if possible. We  
5 don't need it until springtime, but if that's a possibility I  
6 would like to look into that.

7 CHAIRPERSON MIETZ: How would you propose to  
8 police it so that we don't have trash blowing down?

9 ANDREW SUNBERG: We have people who usually at  
10 least every hour they go out and maintain the parking lot.  
11 We do put garage cans out there because people do stop in as  
12 they're walking their dogs and coming through and throw out  
13 their trash. So we have to keep an eye on the parking lot  
14 anyway. We don't want stuff blowing. We own a bunch of the  
15 properties around there also, so we like to keep the area  
16 clean and fresh looking.

17 MS. SCHWARTZ: Did you find trash to be an  
18 issue last year?

19 ANDREW SUNBERG: No, we never have. The kids  
20 will make a mess out there usually, but it's food waste it's  
21 not garbage waste, as far as, like, trash. Which we do clean  
22 it up still. It's usually like a spilled milkshake or  
23 ketchup all over the ground, something of that nature. And  
24 at that point most of the time we have to hose it off. It's  
25 not something that is blowing around.

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 But, I mean, there's trash even without the  
4 seats. The people pull up and throw their coffee cups out on  
5 the ground or, you know, this, that or the other, there's no  
6 way to really stop them besides going out and cleaning it up.

7 CHAIRPERSON MIETZ: What happens when you  
8 close? Do the tables just stay there? Is that what your  
9 plan would be, the tables would just remain in the same spot  
10 from May to October, or whatever it is?

11 ANDREW SUNBERG: Yeah, that would be the idea.  
12 And for the amount of tables, if I could get it, I would look  
13 for two tables. It wouldn't be 12 tables or something.

14 MS. TOMPKINS WRIGHT: Just, Rick, from a legal  
15 perspective, or Dave, how do we approve eating -- outside  
16 eating without it being an expansion of the nonconforming use  
17 unless they're requiring a full variance?

18 MR. DOLLINGER: Well, remember if that use is,  
19 if that function is part of that use then it's not really an  
20 expansion of the use to allow that function. So you look at  
21 like the gas station where, you know, we always had the one  
22 where they sold a car once a month. And remember we had an  
23 issue about that and we decided, we all kind of got together  
24 and said, well, they have been selling one car a month at gas  
25 stations in Brighton for the last 50 years. So you can sell

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 one car a month, but you can't sell 20 cars a month, you're  
4 doing a different use.

5 We did prohibit it, but we don't know why we  
6 did that, but that doesn't mean sit down isn't part of that  
7 use. That could be -- that really is part of that use.

8 ANDREW SUNBERG: I don't know if it matters,  
9 we don't have any wait staff that are going to be serving at  
10 the tables. It's something that the customers are using on  
11 their own. By putting them out we're not inviting them to  
12 sit down, but we're not turning it into a sit-down restaurant  
13 at that point.

14 CHAIRPERSON MIETZ: So they purchase their  
15 material inside and just go outside --

16 ANDREW SUNBERG: Yeah. And then we do have to  
17 clean it up but we're not going to be putting menus on the  
18 table or trying to draw in people to come.

19 CHAIRPERSON MIETZ: Understood. And that  
20 would be kind of in the lot sort of area where the --

21 ANDREW SUNBERG: Yeah, in the lot tight to the  
22 building. We usually put one in front of -- we have an  
23 overhead door out there and then one up in front of the  
24 building, just because, you know, we keep it out of traffic.

25 MS. CORRADO: How many do they seat?



Brighton Zoning Board of Appeals 1/3/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ANDREW SUNBERG: The ones that we had were three or four per side, so six to eight. They were just the old wooden ones, but they basically started getting a little beat up. So the ones I was looking to get for next year were like the metal with the rubberized just because they last better and they're easier to clean.

CHAIRPERSON MIETZ: Okay. We can discuss that.

Is there any other questions?

MS. CORRADO: Otherwise, your hours of operation remain the same?

ANDREW SUNBERG: We're 10:00 to 8:00. We do close on Sundays in the winter. I don't know if I listed that or not, but we started doing it December. And then we usually go back to normal hours in March, we will be seven days a week, but never changed from the 10:00 to 8:00.

CHAIRPERSON MIETZ: Any other questions?  
Thank you.

ANDREW SUNBERG: Thank you.

CHAIRPERSON 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 1A-03-18

1 Brighton Zoning Board of Appeals 1/3/18

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1A-03-18 Application of Jeff and Nancy  
Guerdat, owners of property located at 12 Cardiff Park, for  
an Area Variance from Section 205-2 to allow an unenclosed  
porch to extend 6 +/- feet into the 31.6-foot front setback  
where a 40-foot front setback is required by code. All as  
described on application and plans on file.

RANDALL PEACOCK: Good evening, I'm Randy  
Peacock, I'm an architect. My office is at 70 Linden Oaks,  
Suite 110. I'm here tonight for my clients, the Guerdat's.  
And my cold, I apologize, I'm trying to keep it away from you  
guys.

CHAIRPERSON MIETZ: You're standing there.

RANDALL PEACOCK: Exactly, trying to keep it  
away from you guys.

The Guerdat's would like to build a front porch  
on their house, about six feet by eight feet. A couple of  
years ago they put solar panels on their roof, which are  
doing wonderful things for our environment by generating  
electricity. Unfortunately, when it snows, the snow slides  
off those panels and it gets a little dangerous at the front  
door. They have been thinking about doing a front porch for  
a number of years and the concern about people being  
clobbered on their front step by snow sliding off the solar

1 Brighton Zoning Board of Appeals 1/3/18

2  
3 panels has urged them to move this application forward.

4 I apologize, I think I misspoke, it's a  
5 6-foot deep by 11.4-foot roof to porch, open not enclosed.  
6 That little center piece right there (indicating). Right now  
7 the house sits at 31.6 feet off of the setback line. So the  
8 house is already at about the 79 percent of the required  
9 40-foot setback. To the face of the porch we would be  
10 25.7 feet, that puts us at 64.25 percent of the required  
11 setback.

12 We believe that the porch will be a benefit to  
13 the neighborhood. Everybody knows that by putting a front  
14 porch on houses means somebody will sit outside and it  
15 promotes interaction between neighbors and connections in the  
16 neighborhood.

17 This is the minimum possible porch that we  
18 would propose. The six feet, once you take out the depth of  
19 the columns, gives you just enough room, about five feet  
20 inside, for a couple of chairs to sit side by side along the  
21 side of the porch. And that's where we would like to be with  
22 that.

23 We've presented this to the Architectural  
24 Review Board and they've given us an approval on it, it being  
25 in compliance with the proposal to match the architectural

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 style of the existing house. I think from that aspect, if  
4 there's anything else I can answer, I'd be happy to do so.

5 CHAIRPERSON MIETZ: Questions? I have one.  
6 Can you comment on similar structures within the neighborhood  
7 or --

8 RANDALL PEACOCK: There are several. I can't  
9 give you exact addresses, but there are a couple other  
10 porches in the neighborhood where they have an enclosed front  
11 porch. One of them is actually just to the south of this  
12 house.

13 CHAIRPERSON MIETZ: Open porch as well?

14 RANDALL PEACOCK: Yes. So they do exist in  
15 the neighborhood, there's been modifications made in the  
16 past.

17 MR. DiSTEFANO: Randy, can I just clarify, it  
18 is eight feet into the 31.6 foot setback, not six feet,  
19 correct?

20 RANDALL PEACOCK: No, it's six feet. There's  
21 another two feet in steps.

22 MR. DiSTEFANO: Of overhang?

23 RANDALL PEACOCK: So it's up to you how to  
24 count it.

25 MR. DiSTEFANO: Oh, the steps. Okay, the two

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 feet of steps.

4 RANDALL PEACOCK: There's two, 12-inch steep  
5 steps that come up.

6 MR. DiSTEFANO: Okay, that's right.

7 RANDALL PEACOCK: That would get you to eight,  
8 but the actual body of the porch itself is six feet.

9 MR. DiSTEFANO: Okay. We don't include the  
10 steps.

11 RANDALL PEACOCK: Okay. That was easier than  
12 calling, I just put both on there.

13 CHAIRPERSON MIETZ: Rick, from where the  
14 overhang is it's not where the columns from the overhang --

15 MR. DiSTEFANO: It should be to the overhang  
16 point.

17 RANDALL PEACOCK: The overhang would be  
18 12 inches, or seven feet total, would be the actual  
19 requirement.

20 MR. DiSTEFANO: Okay, so it's seven feet,  
21 let's make sure we got that right.

22 RANDALL PEACOCK: I'll meet you in the middle.

23 MS. TOMPKINS WRIGHT: It looks like all of the  
24 homes on that road have similar setbacks, so any porches are  
25 likely to have been required an even greater setback variance

1 Brighton Zoning Board of Appeals 1/3/18

2  
3 as well.

4 RANDALL PEACOCK: Correct, yeah.

5 CHAIRPERSON MIETZ: Other questions? Thank  
6 you.

7 RANDALL PEACOCK: Thank you.

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

11 APPLICATION 1A-04-18

12 1A-04-18 Application of Conor Smith, owner of  
13 property located at 36 Holloway Road, for Area Variances from  
14 Sections 203-2.1B(3) and 203-16A(4) to construct a detached  
15 garage 2 +/- feet from a side lot line and .7 feet from the  
16 rear lot line where a minimum 5 foot setback is required from  
17 all lot lines. All as described on application and plans on  
18 file.

19 CONOR SMITH: Good evening, everyone. My name  
20 is Conor Smith, I live at 36 Holloway Road. I would like to  
21 make one correction on that, it's not .7 feet, it's 1.7 feet.  
22 I do have prints with me if you guys need to see them.

23 MR. DiSTEFANO: Did you change that? I think  
24 I was talking to the contractor and we had that discussion.

25 CONOR SMITH: No, it's been the 1.7.

1 Brighton Zoning Board of Appeals 1/3/18

2

3

MR. DiSTEFANO: Okay.

4

CONOR SMITH: I have the originals and --

5

MR. DiSTEFANO: Okay. Can I see that? I  
6 think what happened was the copies that we got were --

7

CONOR SMITH: You couldn't see them?

8

MR. DiSTEFANO: Yeah, because it had gotten  
9 whited out, so 1.7 feet instead of .7, modify the  
10 application.

11

CHAIRPERSON MIETZ: Okay.

12

CONOR SMITH: Thank you.

13

CHAIRPERSON MIETZ: Go ahead.

14

15

16

17

18

19

20

21

CONOR SMITH: I purchased this house last  
summer. This is my first house. I purchased it hoping I  
would be able to make some renovations to the garage by  
looking at it on site. We have had multiple contractors and  
engineers come out, they have all looked at it, all given us  
their opinion. It is not possible to reconstruct. Once one  
wall gets taken down the whole thing will potentially fall if  
not supported right.

22

23

24

25

And I'm trying to, I guess, kind of upgrade  
the house a little bit, give it a little bit more presence in  
the neighborhood. For myself, use it as storage for my  
tools, vehicles, that kind of stuff, and would like to go

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 bigger.

4 CHAIRPERSON MIETZ: The first question, you're  
5 increasing the size of it, so what is the reasoning behind  
6 that?

7 CONOR SMITH: Well, if I'm tearing it down,  
8 currently it's a two-car garage at 17 feet. I have two  
9 vehicles, one a car, one a truck. And my car fits in there  
10 by a couple inches, so I would like to go bigger.

11 I've worked with our contractor and an  
12 architect to get the current designs of what we would like to  
13 do and I can go bigger potentially. So, that's --

14 CHAIRPERSON MIETZ: So basically, let's make  
15 sure we understand. So the primary difficulty with the  
16 current garage, other than its deteriorated condition, is  
17 it's not big enough.

18 CONOR SMITH: Yes.

19 CHAIRPERSON MIETZ: In other words, you can't  
20 comfortably get two vehicles in there.

21 CONOR SMITH: I can't even get my second  
22 vehicle in there.

23 CHAIRPERSON MIETZ: Okay. And then what about  
24 storage of other stuff, like yard goods and lawnmowers?

25 CONOR SMITH: I have lawnmowers -- or



## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 lawnmower, snow blower, toolbox, I would like some space in  
4 there so I'm not squeezing through things. I would like to  
5 be comfortable.

6 CHAIRPERSON MIETZ: Okay.

7 MS. TOMPKINS WRIGHT: The size of the garage  
8 is still within what the code permits for size.

9 CONOR SMITH: Yes.

10 MS. TOMPKINS WRIGHT: The maximum size is  
11 600 square feet. And the setbacks that you are requesting,  
12 are they smaller, larger, smaller than what the setbacks are  
13 on your current garage that's there? You're increasing the  
14 size of it, you're not making it any closer to any of the  
15 bound --

16 CONOR SMITH: No, it won't be any closer. It  
17 will actually technically be farther away because of the roof  
18 line. The roof line will be at that mark, so the wall of the  
19 physical garage will still be the foot in.

20 CHAIRPERSON MIETZ: So it's basically getting  
21 wider and it's moving towards the house a little bit.

22 CONOR SMITH: Yes, it's moving into my  
23 property. I have spoke to all my surrounding neighbors in  
24 person and they have no problems with it at all. So . . .

25 CHAIRPERSON MIETZ: Okay.

## 1 Brighton Zoning Board of Appeals 1/3/18

2  
3 MR. CLAPP: And am I correct, this is to Rick,  
4 that actually the proposed garage is the minimum to meet code  
5 for?

6 CHAIRPERSON MIETZ: The maximum. So in other  
7 words, being built at 600 square feet, which is the maximum  
8 for a detached garage without a variance.

9 MR. CLAPP: Okay, but it fits within.

10 CHAIRPERSON MIETZ: Yes.

11 MS. TOMPKINS WRIGHT: If he was able to build  
12 it farther away, then he would not need a variance at all for  
13 the size.

14 MR. CLAPP: Okay, got you, thank you.

15 CHAIRPERSON MIETZ: Any other questions?  
16 Thank you.

17 CONOR SMITH: Thank you.

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

21 APPLICATION 1A-05-18

22 1A-05-18 Application of Pierrepont Visual  
23 Graphics, Inc., agent, and Nicholas A. Cutaia, Inc., owner of  
24 property located at 2609-2615 West Henrietta Road, for  
25 modification of a Sign Variance (5A-01-01) to allow for a

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 change in graphics on an approved free standing sign. All as  
4 described on application and plans on file.

5 SCOTT ZAPPIA: Hello, I'm Scott Zappia, I'm  
6 representing the U of R and the landlord for this location.  
7 They're looking to -- there's an existing freestanding sign  
8 and they're looking to change from the old, you know,  
9 appearance, the new logo. It's basically a U of R health  
10 center back there for doctors, pharmacies. And other than  
11 that there's a Movies 10 to the right, but it was approved by  
12 the Architect Board.

13 So any questions? It's kind of setback so  
14 they want it to be know where they are, the U of R.

15 MS. TOMPKINS WRIGHT: Nothing's changing  
16 except for the graphics on the preexisting sign?

17 SCOTT ZAPPIA: Yeah, just the graphics.

18 MS. SCHWARTZ: It wouldn't be lit?

19 SCOTT ZAPPIA: No. I don't think it's lit at  
20 night now. Nothing will change as far as the way it's --

21 MS. SCHWARTZ: Okay. So what we see color  
22 wise and everything is going to be what --

23 SCOTT ZAPPIA: Correct.

24 MS. SCHWARTZ: I know they want a brand and so  
25 on, but you've got the same U of R shield or whatever back on

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 the building. Will they ever consider just saying in bigger  
4 letters Brighton Health Center with the address?

5 SCOTT ZAPPIA: This is -- you tell me. This  
6 is what they want. I mean . . .

7 MS. SCHWARTZ: I just wondered if they would  
8 consider it because it's already back on the building. It's  
9 a good size, you can see it.

10 SCOTT ZAPPIA: But as you are driving through  
11 West Henrietta Road there it's hard to see back there. It  
12 kind of gives you a visual ahead of time so you can locate  
13 it, the U of R's in here. That entranceway is kind of hard  
14 to navigate too.

15 MS. SCHWARTZ: It is, yes.

16 MS. CORRADO: The numbers on the new sign are  
17 the same size or bigger than the existing?

18 SCOTT ZAPPIA: Yes, they are.

19 MS. CORRADO: So they would help with  
20 identification too.

21 SCOTT ZAPPIA: Right.

22 MR. CLAPP: Rick, is this a situation where  
23 the size of the logos --

24 MR. DiSTEFANO: Well, a freestanding sign is  
25 not a permitted sign to begin with. So you're basically

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 allowing if they want a bigger logo it's all part of the  
4 original allowed freestanding sign under the variance. And  
5 if you're going to modify it then you're modifying the  
6 graphics. Whether or not it's all one big logo or -- so it's  
7 part of this whole. It doesn't have to require a separate  
8 variance for the graphic because you're approving the sign as  
9 it reads.

10 MR. CLAPP: Okay. So it's just a matter of  
11 changing the graphics on an existing sign, that's what's  
12 required on the variance?

13 MR. DiSTEFANO: Yeah, I think one of the  
14 other -- I don't know how much of that previous hearing that  
15 you read, I think I sent the minutes in regards to it. One  
16 of the big issues were, well you have a plaza of different  
17 uses, you know, and now you basically have a plaza with the  
18 U of R but you still have a movie theater. Is that really  
19 the way you should sign this plaza? That's, you know, that's  
20 a part of when they originally came to you with the original  
21 application, the Brighton Business Park. Which was kind of  
22 a -- they still had retail in there, they still had other  
23 uses in there. But they still have the movie theater in  
24 there also, so now they're still saying it's U of R medical  
25 but you have a movie theater in there.

1 Brighton Zoning Board of Appeals 1/3/18

2  
3 CHAIRPERSON MIETZ: I think it wasn't the  
4 movie theater then when --

5 MR. DiSTEFANO: When it became Brighton  
6 Business the movie theater was there, yes, but it was all  
7 part of the plaza.

8 SCOTT ZAPPIA: The original variance was for  
9 the actual sign, right, the freestanding sign?

10 MR. DiSTEFANO: It was their original  
11 freestanding sign, but they also got into heavy discussion  
12 about the naming of the plaza.

13 MS. TOMPKINS WRIGHT: And there was a need for  
14 the sign that identifies the entire plaza where it wouldn't  
15 be identified by building signage in the same way. And maybe  
16 that need is different now.

17 MR. DiSTEFANO: Maybe.

18 SCOTT ZAPPIA: The whole back is basically  
19 doctors and a pharmacy and --

20 CHAIRPERSON MIETZ: They have a storage part.

21 MS. CORRADO: You can't miss the theater, so  
22 it's more the health center part of the --

23 SCOTT ZAPPIA: Yeah.

24 CHAIRPERSON MIETZ: Other questions for this  
25 gentleman? Okay, thank you.

1 Brighton Zoning Board of Appeals 1/3/18

2

3

SCOTT ZAPPIA: Thank you.

4

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

7

APPLICATION 1A-06-18

8

1A-06-18 Application of Pierrepont Visual  
9 Graphics, Inc., agent, and 2561 Lac De Ville Boulevard, owner  
10 of property located at 2561 Lac De Ville Boulevard, for a  
11 Sign Variance from Section 207-26D to allow a logo to be  
12 33.3 percent of the area of the sign in lieu of the maximum  
13 25 percent allowed by code. All as described on application  
14 and plans on file.

15

SCOTT ZAPPIA: So basically they're looking to  
16 keep their trademark logo.

17

MR. DiSTEFANO: If you can state your name and  
18 such again.

19

20

SCOTT ZAPPIA: Oh, okay. Scott Zappia,  
21 representing the U of R. So basically they're looking to  
22 keep the shield the same proportions as everything else that  
23 they do so it exceeds the standards of 25 percent. The  
24 overall square foot of the sign within the permitted, it's  
25 not larger than normal.

25

MS. SCHWARTZ: Are all of these signs all the

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 same size?

4 MS. TOMPKINS WRIGHT: Like the ratio of it.

5 SCOTT ZAPPIA: Yes, the shield, every sign --

6 CHAIRPERSON MIETZ: Proportional to the height  
7 the building.

8 SCOTT ZAPPIA: Well, no, the shield itself is  
9 proportional to the U of R Medicine everywhere. That's  
10 something they got a permit for.

11 CHAIRPERSON MIETZ: Right. But they are not  
12 identical, the shields and U of R Medicine, on all of the  
13 other properties around town, they're not exactly the same  
14 size.

15 SCOTT ZAPPIA: No, no, not the actual size,  
16 the proportion of the shield to the lettering is, unless  
17 somebody didn't get a permit.

18 MS. TOMPKINS WRIGHT: The percentage of it is  
19 the same.

20 SCOTT ZAPPIA: Yes.

21 MS. TOMPKINS WRIGHT: Just so we are clear on  
22 the record.

23 SCOTT ZAPPIA: Yes.

24 CHAIRPERSON MIETZ: Any other questions?

25 Thank you.



Brighton Zoning Board of Appeals 1/3/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SCOTT ZAPPIA: Thank you.

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

\* \* \*

Brighton Zoning Board of Appeals 1/3/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 8th day of January, 2018.

At Rochester, New York

  
Rhoda Collins

Brighton Zoning Board of Appeals 1/3/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JANUARY 3RD, 2018  
AT APPROXIMATELY 7:44 P.M.

January 3rd, 2018  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

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

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 1/3/18

1  
2  
3 APPLICATION 1A-02-18

4 1A-02-18 Application of Andrew Sunberg, owner  
5 of property located at 494 North Landing Road, for Renewal of  
6 a Temporary and Revocable Use Permit (1A-08-16) pursuant to  
7 Section 219-four to allow for the sale of pizza, deli items  
8 and fried foods in conjunction with a pre-existing  
9 nonconforming grocery business in a RLB Residential District.  
10 All as described on application and plans on file.

11 Motion made by Ms. Corrado to approve  
12 Application 1A-02-18 based on the following findings and  
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The present owner has an ongoing business in the  
16 community and is a viable part of that community. In fact,  
17 were there no neighborhoods to support the business the  
18 applicant's business would not be sustainable. Additionally  
19 there have been no complaints to the town in regard to any  
20 aspect of the business since the renewal of the variance two  
21 years prior.

22 2. The variance will not alter the essential character of  
23 the neighborhood.

24 3. The alleged hardship is unique in this otherwise  
25 residential area.

## Brighton Zoning Board of Appeals 1/3/18

4. The alleged hardship has not been self-created.

**CONDITIONS:**

1. The use approved in this variance is only for the business as described in the application and testimony.

2. All waste from the business will be properly disposed of as per Section 207-14.2.

3. The hours of operation shall not exceed 7:00 a.m. to 9:30 p.m.

4. External lighting, noise, and odor shall be controlled so it's not to annoy nearby residents.

5. This temporary and revocable use permit shall expire on January 3, 2020.

(Second by Ms. Schwartz.)

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

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

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 APPLICATION 1A-03-18

4 1A-03-18 Application of Jeff and Nancy  
5 Guerdat, owners of property located at 12 Cardiff Park, for  
6 an Area Variance from Section 205-two to allow an unenclosed  
7 porch to extend 6 +/- feet into the 31.6-foot front setback  
8 where a 40-foot front setback is required by code. All as  
9 described on application and plans on file.

10 Motion made by Ms. Dale to approve Application  
11 1A-03-18 based on the following findings and facts.

12 **FINDINGS AND FACTS:**

13 1. Granting of the variance will enhance the esthetic of the  
14 house and provide a positive benefit to the neighborhood.

15 The proposed porch is in harmony with the scale of the house  
16 and the Architectural Review Board has approved the design.

17 2. The houses in the neighborhood have small front yards and  
18 many have roofed porches. The proposed variance is  
19 consistent with surrounding properties and will not have an  
20 adverse impact on the physical or environmental conditions of  
21 the neighborhood.

22 3. The construction of the house pre-dated the existing  
23 zoning code and the 40-foot setback requirement and is  
24 currently at 31.6 feet.

25 4. The variance request is the minimum necessary to allow a

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 usable porch by providing about five feet of space for two  
4 chairs.

5 5. The applicant would like the porch added to the house in  
6 order to protect themselves and their visitors from the  
7 elements generally and specifically from snow sliding off the  
8 solar panels on the roof.

9 **CONDITIONS:**

10 1. This variance is granted based upon the application  
11 submitted and testimony give.

12 2. All necessary buildings permits shall be obtained.

13 (Second by Ms. Schwartz.)

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

17 (Upon roll call, motion to approve with  
18 conditions carries.)  
19  
20  
21  
22  
23  
24  
25

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 APPLICATION 1A-04-18

4 1A-04-18 Application of Conor Smith, owner of  
5 property located at 36 Holloway Road, for Area Variances from  
6 Sections 203-2.1B(3) and 203-16A(4) to construct a detached  
7 garage 2 +/- feet from a side lot line and .7 feet from the  
8 rear lot line where a minimum 5-foot setback is required from  
9 all lot lines. All as described on application and plans on  
10 file.

11 CHAIRPERSON MIETZ: I move we table  
12 application 1A-04-18 to provide for clarification on the  
13 coverage ratios of the existing and proposed garage existing  
14 on the site.

15 (Second by Ms. Corrado.)

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

19 (Upon roll call, motion to table carries and  
20 keep the Public Hearing open.)  
21  
22  
23  
24  
25



## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 APPLICATION 1A-05-18

4 1A-05-18 Application of Pierrepont Visual  
5 Graphics, Inc. Agent, and Nicholas A. Cutaia, Inc., owner of  
6 property located at 2609-2615 West Henrietta Road, for  
7 modification of a Sign Variance (5A-01-01) to allow for a  
8 change in graphics on an approved free standing sign. All as  
9 described on application and plans on file.

10 Motion made by Ms. Schwartz to approve  
11 Application 1A-05-18 based on the following findings and  
12 facts.

13 **FINDINGS AND FACTS:**

- 14 1. The plaza in question is large and set very far back from  
15 the road.  
16 2. The proposed road sign is identifying of the plaza only  
17 and identifying the address of the plaza.  
18 3. The size of the sign that we are approving is in keeping  
19 with the size appropriate for speed and traffic on the road.  
20 4. The sign will have no detrimental effect on the character  
21 of the area or nearby businesses.

22 **CONDITIONS:**

- 23 1. This sign modification only applies to the changes in  
24 testimony presented and written application.  
25 2. All approvals must be obtained from the Architectural

Brighton Zoning Board of Appeals 1/3/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Review Board and Planning Board.

(Second by Ms. Watson.)

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

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

## Brighton Zoning Board of Appeals 1/3/18

1  
2  
3 APPLICATION 1A-06-18

4 1A-06-18 Application of Pierrepont Visual  
5 Graphics, Inc., agent, and 2561 Lac De Ville Boulevard, owner  
6 of property located at 2561 Lac De Ville Boulevard, for a  
7 Sign Variance from Section 207-26D to allow a logo to be  
8 33.3 percent of the area of the sign in lieu of the maximum  
9 25 percent allowed by code. All as described on application  
10 and plans on file.

11 Motion made by Ms. Tompkins Wright to approve  
12 Application 1A-06-18 based on the following findings and  
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The granting of the requested variance will not produce a  
16 undesirable change in the character of the neighborhood or be  
17 a detriment to nearby properties. The proposed sign is  
18 within the maximum square feet permitted to signage on this  
19 building in this location and the use of the larger logo will  
20 not confuse town residents due to:

21 (a) the placement of the words UR Medicine  
22 immediately adjacent to the logo and;

23 (b) the repeated use of the logo on all U of R  
24 medical signs in town.

25 2. The benefit sought by the applicant cannot reasonably and

## Brighton Zoning Board of Appeals 1/3/18

readily be achieved by any other method. The ratio of the logo to text is standard on UR Medicine signs in the area and maintain UR Medicine's trademark.

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

**CONDITIONS:**

1. The variance granted herein applies only to the sign described in the application and in the testimony given.

2. No building sign shall be internally lit.

3. All necessary approvals and permits must be obtained.

(Second by Ms. Dale.)

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

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

Brighton Zoning Board of Appeals 1/3/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 8th day of January, 2018.

At Rochester, New York

  
Rhoda Collins