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Brighton Zoning Board of Appeals 6/6/18

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JUNE 6TH, 2018 AT
APPROXIMATELY 7:15 P.M.

June 6th, 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

NOT PRESENT:
JENNIFER WATSON

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

REPORTED BY: RHODA COLLINS, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

1 Brighton Zoning Board of Appeals 6/6/18

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3 CHAIRPERSON MIETZ: Good evening. I'd like to
4 call to order the June 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 May 31, 2018.

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

12 MR. DiSTEFANO: Please let the record show
13 Ms. Watson is not present.

14 CHAIRPERSON MIETZ: Okay. We have the minutes
15 of the May meeting all 117 pages. Judy?

16 MS. SCHWARTZ: No, I didn't get a chance,
17 first time in a long time.

18 CHAIRPERSON MIETZ: Okay. Christine?

19 MS. CORRADO: Yes. Page 25, Line 24, insert
20 the word enough between big and for.

21 Page 31, Line 19, change you're, the
22 contraction to your, y-o-u-r.

23 Page 34, Line 22, delete the apostrophe in
24 walls.

25 Page 53, Line 25, delete the apostrophe in

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Jacksons.

Page 65, Line 24, the third word should be
GAP.

Page 72, Line 24, delete the last word in the
line, delete within.

Page 83, Line 25, change the word is to has,
so that it reads has this gone to the historic preservation.

That's all I found, I counted on Judy.

CHAIRPERSON MIETZ: Does anybody have anything
else? Can we do a motion?

MS. TOMPKINS WRIGHT: I move to approve the
minutes from May 2, 2018, with corrections as noted.

(Second by Ms. Dale.)

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

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

CHAIRPERSON MIETZ: Okay. When you're ready,
Rick, read the first application.

APPLICATION 6A-01-18

6A-01-18 Application of Arc of Monroe County,
lessee, and Philippon Group, LP, owner of property located

1 Brighton Zoning Board of Appeals 6/6/18

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3 at 2060 Brighton Henrietta Town Line Road, for a sign
4 variance from Section 207-26D to allow a logo to be 32% of
5 the business identification sign area in lieu of the maximum
6 25% allowed by code. All as described on application and
7 plans on file.

8 MEGAN ALCHOWIAK: Good evening, my name is
9 Megan Alchowiak, my last name is spelled A-l-c-h-o-w-i-a-k.
10 I am with Image 360 of Rochester on behalf of our client, the
11 ARC of Monroe tonight. We are here tonight for a
12 building-face lettering variance for the property located at
13 2060 Brighton Henrietta Town Line Road. And also a
14 modification to the existing freestanding sign variance for
15 the property at 2657 West Henrietta Road.

16 What we are presenting here tonight was
17 brought before the Architectural Review Board at the meeting
18 last Tuesday, May 22nd. The ARB passed through the
19 building-face sign but had recommended modifications to the
20 freestanding sign design, which we have updated based on
21 that.

22 MR. DiSTEFANO: Freestanding we'll take after
23 this, so just stick with the one.

24 MEGAN ALCHOWIAK: Correct. So then that first
25 part of our request to the Zoning Board of Appeals is for the

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3 building-face signage at 2060 Brighton Henrietta Town Line
4 Road. So the drawing is in your packet, as well as some
5 reference photos showing the location of the ARC building and
6 the visibility in both directions on Brighton Henrietta Town
7 Line Road.

8 The Town of Brighton and those in the audience
9 today are actually the first to know that the ARC of Monroe
10 is undergoing a rebranding. For a little bit of background
11 information, the ARC of Monroe is a local chapter of the
12 national ARC organization, which has 655 chapters nationwide
13 and 48 of those are in New York State.

14 So the ARC nationally began a rebrand back in
15 2011, and the chapter locally is in the process of unveiling
16 and updating this logo and the official announcement will
17 take place in two weeks on June 18th.

18 I can go through a little bit of the
19 organization. For those unfamiliar with the organization,
20 the ARC of Monroe County has been in the community over
21 60 years and they provide a variety of programs and services
22 for over 1,700 people with intellectual and developmental
23 disabilities and their families in Rochester. The ARC of
24 Monroe has 40 locations in Monroe County that assist people
25 with disabilities that include autism, down syndrome,

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3 cerebral palsy, and Asperger syndrome among others.

4 So this location at 2060 Brighton Henrietta
5 Town Line Road serves as main administration offices for the
6 ARC staffers, as well as the site for the ARC health clinic.
7 So our variance request for this location is to allow the
8 logo on the building to be larger than the 25 percent as it
9 is in the code. And there's also a packet that shows kind of
10 the different sizing of the logo as it is currently proposed.

11 By nature of this new logo design we can't
12 scale down the logo aspect of the lockup, independently of
13 the other text of the logo to maintain the integrity and the
14 spacing as it is instituted for us to execute. So the way
15 that it is proposed, 32 percent of the signage allotment is
16 allocated towards that logo element.

17 The sign on the building would be a
18 quarter-inch thick aluminum, painted in a matt finish so it
19 would reduce any glare from the sun, and would provide a good
20 contrast on the brick as is depicted in the pictures. This
21 is a sample of just how thick that would be, so it is pretty
22 thin and would be installed directly against the brick on the
23 building and also to the sign height as to code.

24 MS. TOMPKINS WRIGHT: The overall height and
25 size of the sign will meet the code requirements?

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MEGAN ALCHOWIAK: Yes.

CHAIRPERSON MIETZ: Can you talk a little bit about what other signage is on the building?

MEGAN ALCHOWIAK: Currently the only sign that is on the building is the existing logo, which also I believe required a variance when that went up because of the layout of the logo element.

CHAIRPERSON MIETZ: For the record, how far is that sign from the road? I saw you had something for the record.

MEGAN ALCHOWIAK: Yes. Can I go grab my --

CHAIRPERSON MIETZ: Yes.

MEGAN ALCHOWIAK: If I don't have that information right now I can have the linear frontage of the building, but . . .

MS. DALE: Do we know what was the percentage of the existing that required a variance to see how it is different?

MEGAN ALCHOWIAK: We did not do that sign, so I don't know. And I have just the linear frontage of the building, I don't have the setback distance of the building.

CHAIRPERSON MIETZ: Would you approximate it?

MEGAN ALCHOWIAK: I would say because the

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3 linear frontage of the building is about 90 linear feet, I
4 would say that is a fair assessment, 90 to 100 linear feet
5 from the Brighton Henrietta Town Line Road.

6 CHAIRPERSON MIETZ: So in other words, if you
7 are standing at that sign, you'd think it's 90 feet to the
8 road?

9 MEGAN ALCHOWIAK: Yes, and there are some
10 pictures of driving along Brighton Henrietta Town Line Road
11 in both directions. So because of the face of the building
12 where it is at it's only visible as you're slowing down and
13 turning into the property. The other signage that's on the
14 property right now is the 2060, which is just under 2 square
15 feet, as well as a directional as soon as you arrive on the
16 property.

17 MS. SCHWARTZ: And just curiosity, why do you
18 need to work out there?

19 MEGAN ALCHOWIAK: So Eric Scheele is here on
20 behalf of the ARC of Monroe that can talk to that in more
21 depth. I can answer it from what our discussions have been,
22 but since there are a number of chapters in New York, there
23 is another ARC organization that has the ARC New York. So to
24 identify our service area as Monroe County from within New
25 York State, it's intended to identify the service area and

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the state.

MS. SCHWARTZ: And where is the other one located, do you know?

MEGAN ALCHOWIAK: (Moving head side to side).

ERIC SCHEELE: Eric S-c-h-e-e-l-e, 141 Florendin Drive, Henrietta, New York. And so, I serve as the executive director of the ARC foundation and oversee our marketing efforts. The logo that you see here is the nationally approved and standardized format for chapters at a local or county level. The state office as a logo, the ARC New York.

All of the other chapters adopted this brand identifier, this logo, across New York State, and the country, have a similar format. So for example the ARC of Livingston/Wyoming has the ARC Livingston/Wyoming, New York. This is nationally mandated and as you can probably see, copy written trademark and we have to follow it as a chapter of the ARC.

MS. TOMPKINS WRIGHT: And if they are to protect them, the percentage is of the local being higher.

CHAIRPERSON MIETZ: Okay. Is there any other questions of this gentleman from the Board? Okay. Anything else from anyone?

1 Brighton Zoning Board of Appeals 6/6/18

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3 MR. CLAPP: Just for the record as much as
4 anything, what other alternatives have you considered? And
5 I'm assuming they were not acceptable, why wouldn't they
6 work?

7 MEGAN ALCHOWIAK: The scaling of the logo as
8 it relates to the text and to the spacing that we have to
9 maintain, any scaling of that, it still would have accounted
10 for the logo to be larger than the actual text of the sign.

11 MR. DiSTEFANO: So basically regardless of the
12 sign's size, it's going to be the logo is going to be
13 32 percent of the sign face?

14 MEGAN ALCHOWIAK: Yes. And we wanted
15 legibility with the letterhead, while falling within code of
16 the size.

17 CHAIRPERSON MIETZ: Any other questions?
18 Okay.

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

22 APPLICATION 6A-02-18

23 6A-02-18 Application of Megan Alchowiak,
24 Image 360, agent, and The ARC of Monroe County, owner of
25 property located at 2657 West Henrietta Road, for

1 Brighton Zoning Board of Appeals 6/6/18

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3 modification of a Sign Variance (9A-14-84 & 10A-OB2-84) to
4 allow for an increase in size of the approved freestanding
5 sign from 16 sf to 23.3 sf and to allow the new sign to be
6 internally lit. All as described on application and plans on
7 file.

8 MEGAN ALCHOWIAK: My name is Megan Alchowiak,
9 I'm here on behalf of Image 360, for my client the ARC of
10 Monroe. This sign that we are to discuss, the variance
11 request for 2657 West Henrietta Road, as I mentioned we did
12 go to the Architectural Review Board and based on their
13 suggestions we're submitting an updated sign design for your
14 review tonight. This is not in your packet right now, but
15 Rick had directed me to bring copies tonight for your
16 consideration.

17 Okay. So in this redesign we wanted to make
18 sure that the most important information on the sign was
19 visible and legible first and foremost. All of the most
20 important information now had the letter height increased in
21 this design. The address height is currently
22 two-and-a-half-inches high and looking on the top of the sign
23 for best visibility, and the black/white contrast also aids
24 in that visibility.

25 The next important information is the Lambert

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3 Campus information, which Lambert is now
4 six-and-three-quarters-inches high, and to ensure that the
5 directional information was most visible, we took the ARB's
6 recommendation to create a visual differentiation between the
7 logo and the directional information.

8 So the sign industry standard as it relates to
9 letter height and visibility is one inch of letter height
10 equals ten feet of clearest visibility to see it, and as you
11 go up that is multiplied. You can see it up to three times
12 that distance like understanding that there's something for
13 you to see and depending on your eyesight how clearly you can
14 see that. But there are factors that can attribute to
15 legibility of a sign design which include the speed of
16 traffic with which you are viewing that sign, as well as
17 location of the sign as it relates to the street. So if it's
18 parallel it's a little bit harder for you to see it unless
19 the sign lettering is higher.

20 If you are familiar with the location of this
21 ARC building then you know that most of the businesses along
22 West Henrietta Road have visible storefronts that are close
23 to the road. The ARC building is set back a great distance
24 from the road. In fact, I took my wheel and measured
25 207 feet, so a large visible freestanding sign in the area in

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3 front of the property is critical to get visitors to and from
4 the property.

5 We are requesting for internal illumination
6 because there are a number of programs that do take place in
7 the evening hours beyond 5:00 and we would respect the
8 Brighton's request of the 10:00 p.m., shut the lights off at
9 10:00 p.m.

10 So in your packet is the original submission,
11 I just provided the updated revised submission, some
12 reference photos showing the location of the current sign.
13 Please note that the new sign would be at the same height as
14 the current sign, it's just larger to accommodate better
15 legibility and the new layout.

16 MS. SCHWARTZ: I have a question. Do you know
17 off hand or can you ballpark the size of the numbers for the
18 address, the lines in feet just for comparison.

19 MEGAN ALCHOWIAK: I know that their sign size
20 is larger. The lines, I don't have that immediate reference
21 but I know that their sign is 33.3 square feet, which is
22 10 feet larger.

23 MS. SCHWARTZ: The reason I ask, even though I
24 knew where I was going, I am very glad you're replacing the
25 sign. But I have a real concern, to me two-and-a-half-inches

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3 high is not very big for a number when you're going down the
4 main thoroughfare. I realize that probably that this family
5 gave money for this building to get their name on it and so
6 on. But you're publicizing and promoting a new logo and so
7 on, to me it's much smaller by comparison to the name of the
8 facility. So personally I would love to see bigger numbers
9 so that people can see it. I think two and a half, that's
10 small.

11 MEGAN ALCHOWIAK: It's larger than it is
12 now --

13 MS. SCHWARTZ: I know, I don't even want to
14 consider it right now because it's really not -- it isn't a
15 very helpful sign, to be honest with you.

16 MEGAN ALCHOWIAK: I would echo that.

17 MS. SCHWARTZ: Okay. So has any thought been
18 given to -- I mean, if you really want to promote your new
19 logo and who you are, to me it's very small with the big
20 name. But do you have to have the more prominent name in the
21 logo?

22 MEGAN ALCHOWIAK: So from a safety and a
23 visibility standpoint, that's where we came to this
24 redesigned sign. We want the ARC branding on the sign
25 itself, but we want the safety of people recognizing that

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3 it's the Lambert campus and the address to be the most
4 prominent. From a branding standpoint we can't treat the ARC
5 logo any differently. We can't stack it. We can't have the
6 ARC logo Monroe, New York, as horizontal. If we could that
7 would have been lovely and we could have made everything a
8 lot larger given this sign area. But we can play around
9 with -- depending on the recommendation tonight, if you have
10 alternative suggestions for treatment, but
11 two-and-a-half-inches high is --

12 MS. SCHWARTZ: The other thing is too, people
13 know I'm assuming that they are on the West Henrietta Road,
14 generally speaking. So that would give room to make your
15 numbers really more prominent.

16 MEGAN ALCHOWIAK: Sure.

17 MS. SCHWARTZ: I just think it's so important.
18 To me, when you see a number, oh, I'm getting close, or gee,
19 I'm past it, or whatever, but you're on the street --

20 MEGAN ALCHOWIAK: I think that's a great
21 suggestion. Yes, if we had less words we could definitely
22 make that larger.

23 MS. SCHWARTZ: To me it's very busy.

24 MEGAN ALCHOWIAK: I think that it would
25 immediately identify that as the address without having to

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3 have the street name, and then that would give it more
4 promise.

5 MS. SCHWARTZ: Thank you.

6 CHAIRPERSON MIETZ: We can discuss that when
7 we do our deliberations. Are there any other questions about
8 just the way the amended sign is?

9 MR. DiSTEFANO: Just for the record, when
10 somebody is looking for that property, are they looking for
11 the ARC, are they looking for 2657 West Henrietta Road, or
12 are they looking for the Lambert campus? For people that you
13 know who are coming there.

14 CHAIRPERSON MIETZ: Let's call the gentleman
15 back since he would know better.

16 ERIC SCHEELE: My name is Eric Scheele,
17 representing the ARC of Monroe, home address 141 Florendin
18 Drive. So this space is unique because it's less about the
19 name of the major donor and more about the fact that across
20 Monroe County in the IDD community, not just for the ARC of
21 Monroe and the people we support, this building is known as
22 the Lambert Campus. And so when people are seeking out this
23 space they do know the address, they have an idea of where it
24 is, they've looked it up online or they've been there before.
25 They're looking for the Lambert Campus and the ARC. Those

1 Brighton Zoning Board of Appeals 6/6/18

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3 are the two pieces that they're looking for most. Most
4 prominently the Lambert Campus is how it's referred to.

5 There are four different services offered out
6 of that space in addition to community events. So when
7 someone is driving down West Henrietta Road that's what
8 they're looking for, not the address itself.

9 MR. DiSTEFANO: So just with going back to
10 what Judy's question was, do you see a problem with taking
11 West Henrietta Road off of that and just leaving a larger
12 number on there?

13 ERIC SCHEELE: I don't. I also don't want to
14 delay our process, so as the chief marketing officer for the
15 organization, we have no issue with doing that. At the same
16 time I wouldn't want to delay this process another how many
17 months to make it go forward.

18 MR. DiSTEFANO: Understandable.

19 CHAIRPERSON MIETZ: Thank you, we will
20 consider that. Any other questions?

21 MR. CLAPP: More for the record, is this the
22 minimum necessary to accomplish what you need to do? Would a
23 bigger sign be better, would a smaller sign work?

24 MEGAN ALCHOWIAK: A smaller sign would not
25 work. We had tried a few iterations of that and that's where

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3 we had netted on this sizing and the scaling. A larger sign,
4 we also want to keep with the integrity of all of the other
5 signage in the neighboring area. We don't want to go too
6 big.

7 MR. CLAPP: Thank you.

8 MR. DiSTEFANO: One other question. One of
9 the suggestions from the Architectural Review Board, they
10 talked about the posts being a little more prominent because
11 it looks like it's a little cheapening of the sign with what
12 was originally proposed. Have you done anything with that or
13 are you just going to say no, this is the post we think is --

14 MEGAN ALCHOWIAK: The reason why we didn't
15 modify that is we spoke with our client and this is a
16 standardized sign. If we went to more custom options it
17 would cost more money and we're trying to be respectful of
18 that.

19 MR. DiSTEFANO: Okay.

20 CHAIRPERSON MIETZ: Something they're using in
21 other words across the network.

22 MEGAN ALCHOWIAK: It's a standard sized, yeah,
23 the manufacture -- other than painting --

24 CHAIRPERSON MIETZ: What is the material?

25 MEGAN ALCHOWIAK: It's an aluminum material,

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yes, with a Lexium insert.

CHAIRPERSON MIETZ: Okay, very good. Any other questions? 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 6A-03-18

6A-03-18 Application of Joshua Weitz, MD, lessee, and Robert Loss, Jr., Southview Realty, owner of property located at 100 White Spruce Blvd., for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and have an outdoor open house event in June of 2018 (6/21/18) and in June 2019 in a BE-1 Office District. All as described on application and plans on file.

OLIVIA ROTONDO: My name is Olivia Rotondo, R-o-t-o-n-d-o and I am representing Dermatology Associates of Rochester. So this June 21st, it's on a Thursday --

CHAIRPERSON MIETZ: What is your business address?

OLIVIA ROTONDO: It's 1349 University Avenue.

CHAIRPERSON MIETZ: Very good. Please proceed.

OLIVIA ROTONDO: This year we are having our

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3 second annual open house for clients and we are asking for a
4 tent permit, outside. From last year's event we did not
5 receive any complaints, so this year we would just like to
6 have the same event over and over and again.

7 MS. CORRADO: What was your total attendance
8 last year?

9 OLIVIA ROTONDO: It was 200 guests.

10 MS. CORRADO: They all were there during the
11 entire course of the event or they were coming and going?

12 OLIVIA ROTONDO: Coming and going. So this
13 year it's going to be set up very similar. The event I will
14 add is also benefitting Camp Good Days and Special Times,
15 Willow Domestic Violence Center, and Verona Street Animal
16 Society, the same charities we had last year.

17 MS. CORRADO: So parking was not a challenge?

18 OLIVIA ROTONDO: No.

19 MS. CORRADO: Catering was able to clear the
20 space, trash was not an issue?

21 OLIVIA ROTONDO: No. This year we will be
22 having Madeline's cater.

23 MS. CORRADO: Last year there was a celebrity,
24 I'm just curious if there's a celebrity this year?

25 OLIVIA ROTONDO: Not this year. This year is

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more of an event to celebrate all of our clients.

MS. CORRADO: And you're applying for two years this time, this summer and next June?

OLIVIA ROTONDO: Yes.

MS. CORRADO: Is the date set yet for next June?

OLIVIA ROTONDO: Not yet, but we are expecting within June, the same month every year.

CHAIRPERSON MIETZ: Any other questions?
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 6A-04-18

6A-04-18 Application of Andersen Water, contractor, and Brian Connolly, owner of property located at 99 Pelham Road, for an Area Variance from Section 203-2.1B(6) 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.

JOYCE CONNOLLY: Good evening, I'm Joyce Connolly, C-o-n-n-o-l-l-y, and I'm here on behalf of my

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3 husband who was held up in a meeting. I don't have any
4 paperwork with me, I was not expecting to be here this
5 evening. But I am here to, I guess, inquire about the
6 application for a generator to be installed in our side yard.

7 We are asking that it be installed in the side
8 instead of behind our house because we have extensive gardens
9 that have been part of this historical property for a long
10 time. And to disrupt the gardens would disrupt the
11 historical nature of the gardens.

12 The side of the house, the north side, has a
13 driveway about 5 feet from the windows, but there's no room
14 to place a generator there. And then the side that we're
15 asking to place it, the south side, already has an air
16 condition unit and it's kind of concealed by vegetation. We
17 plan to install additional shrubs to conceal the generator
18 from viewing from the sidewalk and from the road. We've
19 selected a unit that's very, very quiet. We don't want the
20 neighbors to be disturbed and quite frankly, I don't want to
21 hear it either.

22 MS. TOMPKINS WRIGHT: And the Preservation
23 Board recommended this location?

24 JOYCE CONNOLLY: Yes. The Historical Society
25 has examined both the gardens as well as the other structures

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3 on the property. They feel that the best place to place it
4 is on the south side of the property.

5 MS. SCHWARTZ: So you are not going to have to
6 remove any of the vegetation? It looked like there was an
7 opening and a dirt pad.

8 JOYCE CONNOLLY: Yes, there's an opening and
9 if we do need to replace it, we would. Like I said, we do
10 want to conceal the unit from view both from the road as well
11 as the backyard.

12 MS. TOMPKINS WRIGHT: Do you know the distance
13 between the next closest structure from the location of where
14 the generator will be?

15 JOYCE CONNOLLY: I don't have the paperwork
16 with me. I can get that information for you, but I don't
17 have it with me.

18 MS. SCHWARTZ: You will do the weekly testing
19 during the daytime?

20 JOYCE CONNOLLY: Yes.

21 MR. DiSTEFANO: Can you just estimate the
22 distance between your house and your neighbors? Just, does
23 it look like --

24 JOYCE CONNOLLY: I mean, 20 feet? That's
25 really an estimate, I may be way off.

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3 MR. DiSTEFANO: Probably bigger than that,
4 but -- it's 14 feet from the edge of your house to the
5 property line, so is their house about the same distance?

6 JOYCE CONNOLLY: Yes, about the same, yes.

7 CHAIRPERSON MIETZ: Okay. Any other questions
8 for the applicant? Thank you.

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

12 APPLICATION 6A-05-18

13 6A-05-18 Application of William H. Harvey
14 applicant, and William J. Harvey, owner of property located
15 at 1820 South Clinton Avenue, for a Temporary and Revocable
16 Use Permit pursuant to Section 219-4 to allow for the
17 operation of a food cart selling to the general public for a
18 period of three months (6/6/18 - 9/6/18) where not allowed by
19 code. All as described on application and plans on file.

20 WILLIAM HARVEY: Good evening, my name is
21 William Harvey, I reside at 91 Sibley Road. Last name is
22 spelled H-a-r-v-e-y, and I am the owner of Harvey's Hots,
23 which is a pushcart that sells hot dogs.

24 The request is to operate a mobile food cart
25 at 1820 South Clinton Avenue for a three-month period as

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3 described. We would operate from 11:00 a.m. to 3:00 p.m.,
4 Monday through Friday, with weather permitting. We will
5 primarily be serving Zweigles red hots and white hots along
6 side assorted Lays chips, and Coke products; Coke, Diet Coke,
7 Sprite and water.

8 And our request, we believe there's a need for
9 a fast and affordable food option within the Town of
10 Brighton. More specifically, within the medical business
11 district in that of the surroundings of 1820 South Clinton
12 Avenue. And there are also a number of summer sports and
13 academic camps that McQuaid Jesuit runs. And the food
14 service -- or the cafeteria is not open within the summer
15 months, so we believe that there's a clientele that needs to
16 be served, and that's it.

17 MS. TOMPKINS WRIGHT: You operated last
18 summer?

19 WILLIAM HARVEY: Yes, we did operate last
20 summer.

21 MS. TOMPKINS WRIGHT: No complaints, trash --

22 WILLIAM HARVEY: No. We take everything to
23 the site and take everything off the site. We do recycling
24 and our trash and the cart is cleaned daily.

25 MS. DALE: How many employees do you have?

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3 WILLIAM HARVEY: My partner, me and my
4 brother.

5 CHAIRPERSON MIETZ: How did you do?

6 WILLIAM HARVEY: We did very well last year.

7 CHAIRPERSON MIETZ: You met your projections?
8 We don't need to know the exact numbers, but your
9 expectations were met?

10 WILLIAM HARVEY: Our expectations were met and
11 it was a great experience.

12 MS. TOMPKINS WRIGHT: They want another permit
13 so, obviously.

14 MS. SCHWARTZ: About how many people did you
15 serve?

16 WILLIAM HARVEY: Daily, we would usually serve
17 around 30 to 40 customers. There was no problems with
18 traffic or anything. We have permission from Mr. Drew
19 Dennett, the director of facilities at McQuaid Jesuit, to
20 allow us to use the parking lot. There wasn't an overflow of
21 customers at any specific hours, so generally very easy
22 going.

23 MS. DALE: Weekends also?

24 WILLIAM HARVEY: No, Saturday and Sunday off,
25 just Monday through Friday.

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CHAIRPERSON MIETZ: Any questions? Thank you.

4

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

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APPLICATION 6A-07-18

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6A-07-18 Application of Faith Bible Church, owner of property located at 1095 East Henrietta Road, for a Variance from Section 73-27, Fire Sprinkler Systems, and the requirements of Section 73-29 to allow a church building addition to be constructed without a sprinkler system where one is required by code. All as described on application and plans on file.

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BETSY BRUGG: Good evening members of the Board. It's a pleasure to be here tonight, I'm Betsy Brugg from Woods, Oviatt, Gilman. We're here on a request for a waiver under the sprinkler variance ordinance. So not exactly a variance, but you do have a waiver provision. You should have our letter of intent.

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So Faith Bible Church is in the process of designing and constructing an addition on the existing church. You're probably familiar with it, I'm guessing you've been out to see it across from MCC on East Henrietta Road. They have met with the fire marshall, Chris Roth. I

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3 spoke with Chris. Chris does not issue opinions on this
4 matter, however, Chris did tell me he has no opposition or
5 objection to the granting of the waiver. In fact, he thought
6 it was a reasonable request, I think he had given the option
7 to come in front of this Board.

8 When they had bought this property in 2013 the
9 State law actually had an exemption for churches and they had
10 started their plans to do this addition and then the law
11 changed in 2015. The sprinkler ordinance triggers the
12 requirement for a sprinkler system based on the value of the
13 addition and what that impact is on the assessment of the
14 property.

15 So if you increase the assessment by more than
16 50 percent of the existing value of the existing building
17 based on an equalized assessment you trigger the requirement
18 for the sprinkler system.

19 So in effect, the requirement for a sprinkler
20 in this case was not necessitated by any particular safety
21 concern, but rather by the fact that they are constructing an
22 addition. You have a plan, I'd be happy to put it up if you
23 wanted to go through it. But if you've seen the plan, which
24 I believe you have, this is a very simple addition. It is in
25 the back of the building, it is connected by a small

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1 vestibule.

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4 Under the code, under Section 27-34, the
5 granting of the waiver has to be based upon at lease
6 satisfaction of one out of the possible four factors to be
7 considered by the Board. We've actually addressed all of
8 them in writing. Probably the first and most significant is
9 the undue economic hardship and burden that results from the
10 cost of installation of a sprinkler system. That has been
11 estimated to be over \$100,000. I do have an estimate if you
12 would like that, we can submit that for the record. They did
13 look into it, it's just very costly.

14 MS. DALE: So what we have has one quote,
15 forty-five, and another for fifty-six.

16 BETSY BRUGG: I think it is both items
17 together, correct?

18 CHAIRPERSON MIETZ: Yes.

19 BETSY BRUGG: They together are the complete
20 job of the installation of the sprinkler, over \$100,000.
21 Which obviously, they purchased the property for something in
22 the range of \$350,000 and they're building an addition and
23 this would increase the cost of the addition substantially.

24 MS. TOMPKINS WRIGHT: I'm sorry, I missed
25 that. What was the overall cost of the expansion?

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3 Betsy Brugg: The expansion itself I think is
4 estimated to be around \$500,000 in total. So that would add
5 another \$100,000 to the cost of the addition.

6 The factors to be considered by the Board are
7 whether there's an undue economic hardship or burden and we
8 would argue that a \$100,000 expense is quite substantial.

9 The second is whether the requirements
10 restrict the achievement of a valid state or federal policy.
11 I've given you kind of a narrative, but I think you all are
12 very familiar with the body of law that really holds
13 religious uses to a higher -- they have a higher place in the
14 law. And there's a whole body of law that seeks to protect
15 religious activities and prevent undue exercise by zoning or
16 other regulations.

17 And while regulations are in some instances
18 permitted, there's a whole body of law about not imposing
19 undue hardship. In this case, requiring a \$100,000 addition
20 really would compromise their ability to do the addition, if
21 they had to spend \$100,000 on a sprinkler system. So I've
22 given you some law on that. I think that's a pretty
23 compelling reason alone not to require the sprinkler system.

24 They have been working with their architect
25 however, and they are very aware of the importance of fire

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3 safety. They have been working closely with Chris Roth on
4 this project. So their addition you will see has exits, has
5 doors on all sides of the addition. So there are more doors
6 than are normally required.

7 They're limiting the use of combustible
8 materials in the construction. They have a smoke detection
9 system. There will be connections to the existing fire alarm
10 system, and then they will also have additional fire
11 extinguishers located at all of the exits. So they are
12 taking other precautions which are equally protective in
13 advance of the interest in public safety and fire safety.

14 The third criteria is whether there's any
15 physical or legal impossibility of performance. I would say
16 there really isn't a physical or legal impossibility, as much
17 as an impediment. As you may know, when churches require
18 mortgages they often do require court approval. This would
19 certainly increase the amount of their mortgage if they had
20 to cover this additional expense. It certainly is not
21 something they budgeted for.

22 And then the fourth criteria is whether
23 there's a viable alternative. And in this case I think we've
24 taken other precautions which are equally protective. In
25 reality, we have a situation that I think that the Town has

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3 seen before on occasion where the sprinkler requirement has
4 just been triggered by the simple cost of the addition. And
5 it's expensive to build an addition on a building, so it's
6 really a result of the math.

7 MS. TOMPKINS WRIGHT: And the use of the
8 expansion isn't continuous five days a week? Can you speak a
9 little bit about that?

10 BETSY BRUGG: Yeah. Actually, I believe they
11 were hear a few months ago in connection with the addition.
12 You may recall they needed a side setback variance. So the
13 expansion is intended to really facilitate some youth
14 programming. It's not to increase their operation or their
15 size. They don't anticipate using it regularly more than
16 Sundays or Thursdays, is really what they anticipated use is.

17 They certainly wouldn't want to be prevented
18 from going in on Wednesday or Tuesday someday. I believe
19 that the Board conditioned the previous variance. We did
20 represent that we would not be interested in leasing the
21 space to any other group. So it's really just for the use of
22 the church.

23 MS. CORRADO: With the youth programming do
24 they do any activities overnight, lock-ins or things that
25 have people staying long hours into the night, or camp outs?

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3 BETSY BRUGG: I'm guessing they haven't had
4 those types of programs.

5 BOB BRADO: Good evening, Bob Brado, I'm the
6 Pastor of the Faith Bible Church. We are five years old, we
7 have never done that. We don't have plans to do that, to use
8 it as overnight or anything.

9 CHAIRPERSON MIETZ: Thank you. Okay, more?

10 BETSY BRUGG: No. Do you have any questions?

11 CHAIRPERSON MIETZ: Any other questions? We
12 are set, thank you.

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

16 APPLICATION 6A-08-18

17 6A-08-18 Application of Justin Hamilton,
18 Hamilton Stern Construction, contractor, and Deborah Gordon,
19 owner of property located at 166 Thackery Road, for an Area
20 Variance from Section 205-2 to allow a garage addition to
21 extend 12 ft (14 ft when including the proposed 2 ft roof
22 overhang) into the 19.8 ft side setback where a 21 ft side
23 setback is required by code. All as described on application
24 and plans on file.

25 JUSTIN HAMILTON: I'm Justin Hamilton, one of

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3 the owners at Hamilton Stern Construction. I'm here on
4 behalf of the owners, Michael Gordon and Deborah Gordon.
5 Michael is with me tonight in the audience.

6 We are actually under construction at
7 166 Thackery Road right now for an interior remodel. They're
8 doing a pretty extensive interior remodel at the property
9 right now. Tonight we're here for a variance in area
10 regulation. We're seeking relief from a side setback
11 requirement on the north side of the house. The north side
12 is where the garage is currently located. Here with the
13 driveway, Thackery Road here, north side of the property.

14 It's for a single-car garage addition to make
15 the total of garages on the property of three. The current
16 side setback requirement for the property is calculated as
17 15 percent of the lot width, which is 140 feet which comes in
18 at 21 feet. The current home is existing nonconforming. The
19 northwest corner of the garage is 19.86 feet from the side
20 setback and the rear northeast corner of the garage is
21 actually 20.19, so the house is slightly skewed from the
22 street. That's the northeast corner.

23 We're looking to add roughly a 12-foot wide --
24 or a 12-foot wide single-car garage onto the north side of
25 the property, encroaching onto the side setback. We did get

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3 our approvals from ARB last month on the design portion of
4 the project.

5 The reason for the garage addition is
6 three-fold for my client. My client's actually currently
7 moving from a larger property in the Whitestone neighbor.
8 They are life long residents of Brighton where they currently
9 have a three-car garage and a third vehicle, so he would like
10 somewhere to store that third vehicle.

11 The three-car garage will also provide lawn
12 and garden storage. They're moving from a larger home. This
13 will actually prevent the need for a potential garden shed or
14 accessory building down the road. More importantly it's for
15 security. The neighborhood, unfortunately in Brighton and
16 the Thackery neighborhood there's been cars broken into. His
17 son who lives around the corner, I believe on Pelham Road,
18 had his vehicle broken into the other night. So they want a
19 safe place to park their third car.

20 And it's really for look. They don't want to
21 have a vehicle out in the driveway if they don't need to. So
22 that's what the need for the third car garage is.

23 We feel the garage addition and request for
24 the variance doesn't deter from the character of the
25 neighborhood. The proposed setback will be very much in line

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3 visually with the balance of the side setbacks in the
4 neighborhood and surrounding homes on Thackery. Michael
5 actually brought a picture of a home that appears to be
6 closer than where we're looking to encroach on the side
7 setback as well. Any questions?

8 MS. SCHWARTZ: Will the landscaping go on the
9 side of the house now?

10 JUSTIN HAMILTON: There's a bed up against the
11 home. That will obviously have to go -- it's on the north
12 side of the property here right now -- that will have to go
13 to make room for the garage. But there's a landscaping bed
14 that separates the two properties. The goal is to maintain
15 that or better that.

16 MS. SCHWARTZ: So the big tree will also go,
17 everything that we see --

18 JUSTIN HAMILTON: The cedar on the northwest
19 corner would have to go obviously for the garage addition.

20 MS. CORRADO: Did the applicant consider a
21 tandem garage instead of an addition to the side?

22 JUSTIN HAMILTON: A tandem garage meaning off
23 the back of the garage?

24 MS. CORRADO: Yes.

25 JUSTIN HAMILTON: It kind of ruins the

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3 backyard, which they have grand kids so it really cuts into
4 the backyard property so that wasn't really discussed.

5 MS. CORRADO: This wider configuration,
6 clearly the driveway would have to be wider at the entrance
7 to the garage. Would the entire driveway be --

8 JUSTIN HAMILTON: That's not the plan. The
9 plan is just to cut out as minimal as possible an angle off
10 the existing driveway just to accommodate the third car.

11 CHAIRPERSON MIETZ: Any conversation with the
12 neighbors?

13 If you would like to come up and speak, sir,
14 your name and address please.

15 MICHAEL GORDON: Thank you. My name is
16 Michael Gordon, currently I'm at 88 Whitestone Lane, which
17 we're moving out this month and our permanent address will be
18 166 Thackery. We have been a resident of Brighton basically
19 my whole entire life. We started over certainly at a condo
20 Eastbrooke Lane, we've been on Astor Drive, we built a house,
21 and we moved over to Whitestone Lane about 20 years ago.
22 Yes, about a month ago I did speak to my neighbor next door
23 relative to --

24 CHAIRPERSON MIETZ: On which side, the side
25 where the garage is?

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3 MICHAEL GORDON: Yes. He was certainly aware
4 of it and I have had subsequent conversations within the last
5 week with his wife and himself to reassure them that we will
6 respect, certainly the entire look of the home. The home
7 will look much better when it's done. We will respect the
8 shrubbery. We will respect what they would like us to do.
9 We've always --

10 CHAIRPERSON MIETZ: Could you expound on what
11 it is they would like you to do.

12 MICHAEL GORDON: Other than I am not so sure
13 they would want us to put a garage in, but I think certainly
14 if you look at some other third-car garages that have been
15 added on Thackery. There's one two houses down and I happen
16 to have a picture, you know, of that. Certainly, that's
17 significantly closer, the two homes, than we certainly will
18 be. And basically, there is a bed that is certainly between
19 us. The garage would not encroach upon that bed. Once it's
20 done and we basically said we will maintain it, we will put
21 the plantings in of their choice and we will work with them
22 as we have with all of our neighbors throughout the past
23 years.

24 CHAIRPERSON MIETZ: Okay, that's great. Thank
25 you.

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3 MR. CLAPP: A question for the owner. Is the
4 third car for somebody who resides at the house?

5 MICHAEL GORDON: No. I happen to have two
6 vehicles. I drive an SUV Jeep when I have to haul things
7 around. So it's either going to sit out in the driveway
8 exposed to the neighborhood and the look, okay? Or honestly
9 the better more secure thing for me to add, the smallest
10 third-car garage I could possibly build to put it in.

11 And as Justin said, my son lives on Pelham.
12 He's lived there the last four years. There's two nights he
13 left his car out and the car was broken into. So part of it,
14 quite honestly, is the security issues I have. And also, as
15 I said, a small three-car garage done properly, which we're
16 planning on doing. And landscaping around it along the
17 driveway, that small cut would certainly be much more eye
18 appealing to the neighborhood than just leaving the third car
19 out all of the time.

20 MS. SCHWARTZ: One of the criteria for
21 granting a variance is will it have an adverse effect or
22 change the character of the neighborhood? I know the house
23 you're referring to with the third garage, but the house is
24 not flat across and the third garage is set back a bit. With
25 yours, my understanding is it's going to be just flat.

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3 JUSTIN HAMILTON: It does step back a foot
4 actually in both directions.

5 MICHAEL GORDON: So if you are looking south
6 from my neighbors, as I stood out there on Saturday looking
7 down, you only see the front. You would not see the garage
8 at all.

9 MS. SCHWARTZ: There's only, to my
10 recollection, on the block one other house --

11 MICHAEL GORDON: No, there's more than one
12 house on Thackery that does have a third-car garage.

13 MR. CLAPP: What address is the other one? I
14 only saw one.

15 MICHAEL GORDON: There's more than one, I'm
16 pretty sure. And second of all, the house that we're
17 speaking of that's two houses down, that is a flat front
18 pretty much. You know, maybe it's got some, you know, maybe
19 it has a wing that comes out to the street a little bit
20 closer, okay? But basically, the main part of the house goes
21 north to south.

22 MS. SCHWARTZ: How deep is your backyard, do
23 you have that?

24 JUSTIN HAMILTON: From the rear of the house,
25 from the back of the garage it's almost 75 feet.

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3 MS. SCHWARTZ: And how deep will the garage
4 be?

5 JUSTIN HAMILTON: Twenty-three feet.

6 MS. TOMPKINS WRIGHT: Where this expanded
7 garage would sit is approximately eight feet from the
8 property line.

9 JUSTIN HAMILTON: Correct.

10 MS. TOMPKINS WRIGHT: And then how close is
11 the neighboring property to the property line?

12 JUSTIN HAMILTON: It's got a pretty decedent
13 setback.

14 CHAIRPERSON MIETZ: Do you have a guess?

15 JUSTIN HAMILTON: Fifteen feet maybe, maybe
16 more. In character with Thackery, these homes actually have
17 a little bit wider of a lot. So the other houses on Thackery
18 have narrower lots, and they encroach on each other. My
19 guess is 10 feet from the lot line. The other homes that are
20 on Thackery bordering each other maybe less, some of them.
21 The one he's referring to, the one with the third-car garage,
22 is definitely closer than 10 feet.

23 CHAIRPERSON MIETZ: Okay. Any other
24 questions?

25 MR. CLAPP: Were any other treatments

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3 considered on the side of the house in particularly the
4 treatment of the stone across the new garage rather than a
5 difference in siding?

6 JUSTIN HAMILTON: Yeah, matching the blue
7 stone of the 1950s, I don't think I've ever done. Even if we
8 try to match the stone, it's just not going to look right.
9 We thought adding the Hardy board around the outside since
10 the walls are only about 18-inches wide was a better idea.

11 MICHAEL GORDON: Which is the same as we're
12 doing on the south side and, you know, we are re-siding the
13 house.

14 JUSTIN HAMILTON: There's actually three
15 treatments on the house right now. There's blue stone on the
16 face, there's a red brick, quite honestly a non-attractive
17 brick on the north side and the south side of the existing
18 garage. That's going to get covered with the Hardy board
19 siding as well.

20 So we'll only have two with stone on the front
21 of the house, with the Hardy board continuing for the garage
22 addition and around the property. There's vinyl siding on
23 the back of the house that's planned. The plans are to
24 remove that. The siding color that they have picked, which
25 we got approved at the ARB is a very nice blend. It brings

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3 in the greens and the blues of the blue stone, it's going to
4 look wonderful. And we're changing the roof, which the roof
5 is a sandy beige color that's going to a brown tone that
6 picks up the color and the fleck of the stone as well. It's
7 going to be magnificent.

8 CHAIRPERSON MIETZ: Okay. Any questions?
9 Thank you.

10 Is there anyone in the audience who would like
11 to speak? Come up, ma'am.

12 RENA GOLDMAN: My name is Rena Goldman.

13 DONALD GOLDMAN: And Donald Goldman.

14 CHAIRPERSON MIETZ: What is your address?

15 RENA GOLDMAN: 150 Thackery Road.

16 CHAIRPERSON MIETZ: Okay, proceed.

17 RENA GOLDMAN: I did have something prepared
18 to say, but since the next door owner that has the variance
19 here said certain things I think I should correct that before
20 I say anything.

21 To our knowledge, and I've lived there for
22 45 years, we have lived there over 45 years, there was only
23 one house that has a third-car garage that was built. That
24 was Dr. and Mrs. Sobel who built it. Their mother was
25 widowed, she wanted her mom to live there with her and

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3 unfortunately she passed away some time after. So it was
4 built for a humane reason.

5 To the comment, this is all from memory as I
6 didn't take notes on everything Michael was saying, as far as
7 the other homes that are close together that the contractor
8 was saying if a home is 140-foot frontage it's 15 percent.
9 If a home is narrower, the side setbacks have to be -- don't
10 have to be, but they generally are narrower. So the fact
11 other homes on the block are narrower on the side setback
12 it's because it's required or legally allowed to be narrower.
13 It's not that it's a reason for this to have to happen.

14 As far as the red brick which is not in
15 keeping with the limestone or whatever it is, you can dab the
16 brick with gray paint to match whatever they are doing and
17 you could turn it to a gray tone that is done with brick.

18 Also, our home has a living park next to where
19 the three-car garage will be, where the addition is. The
20 Sobels have their garage, their third-car garage added to
21 where the neighbor has their garage. So it's a garage next
22 to a garage, not a three-car garage with maybe this much
23 space in between.

24 There is a bed there, the Gordons will not be
25 able to bring any equipment, they will have to have an egress

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3 around the entire other side of the home because the
4 lawnmower won't even be able to get through.

5 As far as doing a tandem, which was a
6 suggestion that we had in speaking with a lot of people that
7 know about this, the tandem in our estimation could look very
8 good in their backyard because it will be attached directly
9 to the back of the yard. We would not lose the space
10 between our property and the existing garage.

11 Their existing home has a variance from about
12 10 years ago, maybe 15 years ago, of a bedroom and a large
13 bathroom was added on that goes into the property on the
14 other side of where the garage will be.

15 So basically their house now, how could I show
16 you, this is the add on, this is the back of their home, the
17 garage is here. If there's a tandem they'll basically have a
18 U-shaped house with more than enough room for wonderful
19 grandchildren to run around and play.

20 I think we did this, one of the other
21 alternate suggestions that we thought of which we were not to
22 bring up because it's not part of the variance, but since
23 they brought up and someone brought up an alternate
24 suggestion, to put the third-car garage there's going to have
25 to be, of course, a roof adapted over the third-car garage

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3 going toward us. Another option is to raise the roof, and
4 put the lift in the garage to put the car on a lift if
5 they're not using the car all of the time.

6 It's not everyone that has a three-car garage
7 that basically imposes on a neighbor to have a third-car
8 garage because it's wanted. Our neighborhood as we know and
9 another neighbor will speak, we believe there's only one
10 other one and as I said, the Sobels did that for their
11 elderly mother. Excuse me.

12 (There is a short pause in the proceedings.)

13 Excuse me. Before I even say this, I saw that
14 this was listed with your docket around May 15th. About that
15 time when the post went into the ground with the variance
16 cardboard, which was on the ground when I called by the house
17 because we do a lot of walking in the neighborhood. My
18 husband was told by Mr. Gordon, Michael Gordon, that they're
19 going to be expanding the garage and they're going to put the
20 siding, the gray siding on the side of the house and wherever
21 they're going to configure it.

22 Donald came in and told me just what I said.
23 I said, did you ask any questions? He said no. He said I
24 wasn't going to get into it with them. Because truthfully, I
25 was very surprised that construction already started and then

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3 a variance is coming once construction is started, almost
4 like it's a fait accompli that we are supposed to agree with
5 this.

6 I'll start reading this: So then we received
7 written note from the Board, a tentative time Friday night,
8 five days ago. The neighbors purchased their home
9 December 2017. We never knew any details beforehand. We did
10 go out Saturday afternoon, which was this past Saturday. I
11 have took a tape measure, I asked to see where the dimensions
12 would be. It certainly not what we expected our home to be
13 to have a 12-foot side of a garage against our boundary line.
14 Which basically, for 15 percent of 140 feet should really be
15 21 feet.

16 We are not happy objecting to this proposal of
17 new neighbors. However, we feel it is being forced upon us
18 considering that the construction already started with the
19 entire house. And sincerely, I tried very, very hard once we
20 saw what the numbers would be with the tape to say that we're
21 in agreement. But in consulting with a lot of people that
22 have gone through this before in Brighton and people that
23 know about land leasing and variances, they said if you're
24 not happy say what you want to say. It's your home, you've
25 been in the home since 1971, and this just came upon us. We

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3 put a lot of research into our decision I wrote.

4 From the safety standpoint, one narrow egress
5 is not appropriate. Our son was a fire fighter in Brighton,
6 when he was in high school and beyond, and we spoke with him
7 and he said that is not the optimal way to live. That you
8 have a little area that you have to walk through a bed. If
9 children, barbecue, or anything is having a problem that any
10 safety, fire, police have to go -- and 140 is long -- they
11 have to go all the way around similar to that.

12 We cannot understanding why someone buys a
13 home, starts construction, and then expects us as neighbors
14 to comply to a variance that we didn't want and is out of
15 character and openness of our neighborhood.

16 Let me go to what was told to you and read to
17 you by Mr. Hamilton. We feel that our variance request
18 maintains the current character of the Council Rock
19 neighborhood homes. Bringing our setback closer to the lot
20 line by adding a third-car garage is very much in keeping
21 with the current side setback shared by the majority of the
22 homes on the street.

23 When I saw this, I got the plans from the
24 town, the plans were not give to me. I understand as a
25 person who received a letter to do this in a more informed

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3 manner, I should have received the plans. I asked for the
4 plans and Michael did say he would give them to me Tuesday, I
5 think Tuesday. And I called him, I said I already got them,
6 thank you, but I will be reviewing them.

7 Needless to say, to see the picture of the
8 frontage it looks like there's an appendage added on to what
9 can be a comfortable looking ranch home. To put trees, which
10 we had discussed, I cannot understanding how you can put
11 trees when you have a long home. And then you have the
12 U-shape or the arc or whatever to go in with the extra
13 asphalt. How does one hide that? From my side, yes, from my
14 other neighbor who lives across the street it's impossible to
15 hide it. Unless you put trees on either side to block the
16 whole front of their property.

17 The Sobels have a U-shape driveway, so they
18 have three sets of cluster birches which are huge in the arc
19 of the circular driveway. So that totally tries to
20 camouflage. And then they have another tree where the
21 mother-in-law's apartment would have been, that doesn't
22 really even camouflage anything.

23 And when this was read by Mr. Hamilton, with
24 all due respect, I didn't even know what community he was
25 talking about. Because it looks nothing like our street with

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3 what he said.

4 For the 140-foot frontage, which I said,
5 50 percent should have a setback of 21 feet not 10 feet, and
6 10 feet is basically the bed. Without the bed less than the
7 10 feet you have this much of grass left to walk along the
8 side of the garage.

9 By approving the variance an inappropriate
10 precedent is being set. Thackery Road is very unique. I
11 don't know how many of you know the road, but it's very, very
12 unusual. When people drive down it they say, where am I?
13 How did we get to this road?

14 It is not a through street to East Avenue.
15 And every time I have to give any service person, friend,
16 that has not been there, make sure you don't go through East
17 Avenue because we don't go through East Avenue we're one
18 separate street.

19 As friends in the neighborhood said to me, it
20 used to be the playground for the children on Pelham and
21 Council Rock before the houses were built in the 50s. It's a
22 family oriented, tranquil locale. The open space between our
23 home is what is attractive to all that visit and for those of
24 us that live there.

25 And I think I've said all I wanted to say.

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3 Oh, one other thing, even though I was told not to bring up
4 the options but since the tandem was mentioned, presently
5 there are downspouts on the setback facing us of the garage.
6 The downspouts have extensions of about so far to get your
7 water away from the house, which is logical. To get it away
8 from the house and it goes into the former owner's bed, into
9 Michael's bed.

10 I had mentioned something about storm sewers
11 and I was told they don't know about them yet or location, or
12 whatever. That's understandable. If a new garage is put in
13 those downspouts cannot be on the side of the house because
14 they will just be having the extensions going into our
15 property. Not even into the bed, it will just be flooding
16 the area.

17 And one thing about the neighborhood, and
18 Michael did say this too and I don't remember where he said
19 it was, but there always seems to be water puddling in the
20 back of the homes. They are long homes and because they are
21 long the water somehow, with the construction and the
22 shrubbery, when the water gets there it just doesn't have an
23 easy drain off, like say you do on a driveway or something
24 like that.

25 With the downspout situation, with a second

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3 garage, even if the eaves, if the gutters are adapted to be
4 able to accommodate with directing the water down, angling
5 the gutters, even that I see as a problem with water puddling
6 there. And that side of the house has a lot of puddling
7 every spring, summer, and any heavy rain we have. I think I
8 said it all.

9 DONALD GOLDMAN: My name is Donald Goldman and
10 as my wife said and spoke very eloquently, we have been there
11 a long time and we love our space. Openness in Brighton is a
12 very special feature on Thackery Road.

13 One thing I think we should emphasize is the
14 visibility of the home as you drive by, or walk by, or stay
15 across the street and look at the home, it is not -- there
16 are no other homes except Dr. Sobel's home which is
17 comparable, and it really doesn't look very nice.

18 CHAIRPERSON MIETZ: Okay, folks, appreciate
19 it. Thank you.

20 Is there anyone else in the audience who would
21 like to speak?

22 JEAN PARSHALL: Yes.

23 CHAIRPERSON MIETZ: Okay, you can come up.

24 JEAN PARSHALL: Good evening, my name is Jean
25 Parshall, I have lived at 177 Thackery Road for 29 years, and

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3 these are obviously my neighbors. We are very good friends.

4 They have really summarized everything and we
5 have talked about this situation for as long as we remember
6 it was going to happen. The only contact I have had with the
7 family of the new neighbors is with the wife one day when she
8 drove in the driveway, I was going someplace else, I drove
9 in, I said, hello, how are you? I'm Jean, I live across the
10 street. Good luck, blah, blah, and that was the end of it.
11 That's the only conversation I have ever had with anyone
12 involving the building of this home.

13 I do have some concerns slightly -- I agree
14 with everything they have said, but I do have some concerns
15 that I don't believe have been mentioned yet. I agree with
16 the -- let me also say I live directly across the street.

17 CHAIRPERSON MIETZ: We can see where you are.

18 JEAN PARSHALL: There's no space, I look right
19 at it. It is a very -- when I look at it inside of the
20 window of my kitchen which I am in constantly because I love
21 to cook, what I see is a very long house. It's a ranch, so
22 it goes very, very long. And the idea of adding to what's
23 already a very long house and very flat, really, it's pretty
24 but it's very long and very low. I can't quite imagine how
25 an addition of the garage on what's already there is going to

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3 look right.

4 In addition to that, to get a car in that
5 third garage is going to be -- I'm not sure how they're going
6 to do it and camouflage the big driveway that's already there
7 without doing something very different than I can even
8 imagine to get that third car into the garage.

9 The other part of the third-car garage -- I
10 mean, they can have as many cars as they want, I love cars,
11 but the problem is the logistics of it if they should be
12 gone. Because if you're putting three cars in a garage, cars
13 have oil and gas and all kinds of things, and if it should
14 happen that they had a problem, hopefully they wouldn't, but
15 if they had a problem with three cars in the garage and
16 they're not there, it would be hard I believe for the firemen
17 to get in there. Because I have called the firemen to my
18 house and they come instantly. But it still takes a little
19 bit of time for them to get to the house. They are just sort
20 of down the street. So there we go, that would really -- it
21 could possibly be a problem.

22 I do have a lot of concerns about what could
23 possibly happen with the three cars and not have access,
24 except as Rena said to go all the way around the house and
25 come through the back, so that's a concern.

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3 The street that we're on is really very
4 special. And people even come to our street to walk their
5 dogs, which I just learned the other day. But it has a
6 character that is consistent all the way up and down the
7 street. Being there 28 years, I've met almost everybody on
8 the street. We've had problems on occasion, but they have
9 been worked out with all of the people who live there.

10 So I don't see that it's -- to add another
11 dynamic into what's already there and a really good place to
12 live bothers me. Because hopefully I will be there the rest
13 of my life, as will Rena and Donald. We are not annoying,
14 really, we really try to have a wonderful neighborhood and we
15 do have a wonderful neighborhood. Hopefully we'll be able to
16 get through this without having a problem.

17 I'm concerned for me because I look at this
18 house every single day, all of the time. My problem with
19 what's happening with it right now, hopefully we'll be able
20 to solve it. Some of their solutions I think are great. I
21 am concerned about them though, because they have been there
22 longer than I am, and Rena and Donald are very, very --
23 they're as concerned as I am. But I think it's a concern,
24 I'm concerned for them because this is a great stress for me.
25 We've been talking everyday for the last week and neither one

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3 of us has slept all night, which is a little bit unusual when
4 you're at our ages, maybe it isn't, I don't know. But it's
5 not very healthy. And that alone is a stress I don't think
6 either one of us need and certainly Donald doesn't either.
7 But that's just an aside, I'm rambling a little bit.

8 I don't want to go into -- and I agree with
9 the idea that was also suggested to me by my daughter, that
10 if they were to add onto the back of the garage it would not
11 cause the problem that adding another garage right in the
12 front of the house is going to be. It could very well be, I
13 can't imagine what it's going to be. And I'm not an
14 architect either, but I look at it all of the time when I'm
15 in the kitchen. And I'm in the kitchen all of the time.

16 My front door is at the front of the house.
17 The next room over is my office and the third room is a
18 bedroom. So I'm in that house, I don't like to travel, I
19 stay in the house all of the time. And for me to be locked
20 into that situation, especially when the leaves are off the
21 trees, it's going to look very, very different than it does
22 now.

23 Everything that you do to a house I know
24 because I've done stuff to my house, but I've been very
25 careful not to change the character of the house. Because

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3 every house on Thackery things have been done to it as Rena
4 and Donald mentioned. But nobody to my knowledge has ever
5 done anything to change the look of the house so much that
6 you say, my goodness what happened to the house.

7 So I really hope you will take the things into
8 consideration that Rena and Donald have mentioned and the few
9 things I've mentioned. I'm really concerned about the
10 security and I am concerned about, they are right it's a very
11 long house. It's got a different roof, a different front and
12 a different side, and to put that together would be very
13 nice. But if they make it very, very long, it's already very
14 long, and my lot is exactly the same size as theirs. And
15 I've been in that backyard of their house as well as Donald
16 and Rena's. I also have an enormous backyard. There's a lot
17 of room in those backyards, that's the way they were built.

18 So I thank you for your time, your
19 consideration, and I hope you'll think about what we say.

20 CHAIRPERSON MIETZ: Absolutely, thank you. Is
21 there anyone else in the audience that would like to speak
22 regarding this application?

23 JUSTIN HAMILTON: Can I just clarify a couple
24 of things?

25 CHAIRPERSON MIETZ: If the Board needs you to

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3 clarify something, we'll ask but we generally don't go
4 back --

5 JUSTIN HAMILTON: It's stuff they were
6 concerned about. I just wanted to help alleviate that,
7 that's all.

8 CHAIRPERSON MIETZ: Okay. If it's very
9 specific. You need to get up.

10 JUSTIN HAMILTON: A couple things, one was the
11 downspout. There's two conductors -- or there's two
12 downspouts in the house both on the north side of the house,
13 north side of the garage right now. Those are the only two
14 downspouts that actually don't go underground. The plan is
15 with the addition is to put them underground to the storm
16 water system. All of the other ones go underground.

17 CHAIRPERSON MIETZ: Okay.

18 JUSTIN HAMILTON: The other thing is the house
19 is 28 feet on the south side of the house. They're worried
20 about vehicles being able to get to the back of the house,
21 there's 28 feet on the other side from there to the lot line.

22 And the last thing was, a tandem garage is it
23 sounds great on paper until you get a car locked in with a
24 car in front of it and not to mention, locked.

25 CHAIRPERSON MIETZ: Understood.

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JUSTIN HAMILTON: Blocks the back porch from the north view. That was all.

CHAIRPERSON MIETZ: Very good.

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

Let's take until quarter of.

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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 June, 2018.

At Rochester, New York


Rhoda Collins

Brighton Zoning Board of Appeals 6/6/18

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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JUNE 6TH, 2018 AT
APPROXIMATELY 8:45 P.M.

June 6th, 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

NOT PRESENT:
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
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

Brighton Zoning Board of Appeals 6/6/18

APPLICATION 6A-01-18

6A-01-18 Application of Arc of Monroe County, lessee, and Philipppone Group, LP, owner of property located at 2060 Brighton Henrietta Town Line Road, for a sign variance from Section 207-26D to allow to be 32% of the business identification sign area in lieu of the maximum 25% allowed by code. All as described on application and plans on file.

Motion made by Ms. Dale to approve Application 6A-01-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. There's currently a logo on the building in the same location as the requested new logo, new signage location. This variance request updates the logo to the national organization's mandated branding. The new logo cannot be scaled down independently of the logo text.
2. The overall size of the sign does not require a variance.
3. The logo is the smallest possible to still preserve visibility of the text.
4. The building in question is large and set back very far from the road. The new logo will be in proportional scale to the size of the building and the surrounding neighborhood, which is commercial in nature. The sign will have no

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detrimental effect on the character of the area or nearby businesses.

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

CONDITIONS:

1. This variance only applies to the sign that was described in the application and testimony presented.

2. All necessary Architectural Review Board and Planning Board approvals are to be obtained.

(Second by Ms. Tompkins Wright.)

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

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

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Application 6A-02-18

6A-02-18 Application of Megan Alchowiak, Image 360, agent, and The ARC of Monroe County, owner of property located at 2657 West Henrietta Road, for modification of a Sign Variance (9A-14-84 & 10A-OB2-84) to allow for an increase in size of the approved freestanding sign from 16 sf to 23.3 sf and to allow the new sign to be internally lit. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 6A-02-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The condition is not self-created as the building is set back approximately 200 feet from the road, the signage on the building face will be difficult to read from the road.
2. The variance has already previously been granted for a freestanding sign and need has been shown for a freestanding sign.
3. No alternative design can meet the needs of the applicant and proper identification of the property.
4. No unacceptable change in the character of the neighborhood or detriment to the nearby properties will

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result in the approval of this variance.

CONDITIONS:

1. That thought be given to eliminating the lettering, West Henrietta Road, or W. Henrietta Road, and enlarging the numerals of the street address, 2657.
2. All lighting be turned off per code.
3. This variance is based on the application design as submitted in the application, given specifically the size and location as presented in testimony and documents submitted.
4. All necessary Architectural Review Board and Planning Board approvals shall be obtained.

(Second by Ms. Schwartz.)

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

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

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Application 6A-03-18

6A-03-18 Application of Joshua Weitz, MD, lessee, and Robert Loss, Jr., Southview Realty, owner of property located at 100 White Spruce Blvd., for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and have an outdoor open house event in June of 2018 (6/21/18) and in June 2019 in a BE-1 Office District. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 6A-03-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested temporary revocable use permit is not substantial as the applicant has made appropriate arrangements to ensure adequate parking for daytime customers while the tent is erected prior to, during and briefly during the day following the planned event.

2. The requested temporary revocable use permit will not alter the essential character of the neighborhood as the event is one evening only in a primarily commercial location.

3. The health, safety and welfare of the community will not be adversely affected by the approval of the temporary revocable use permit requested, as the applicant has made

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arrangements for overflow parking and has contracted with reliable vendors.

CONDITIONS:

1. The use approved in this temporary revocable use permit is only for the tent and event described in the application as submitted and testimony given.

2. The event, including live music and food service shall conclude by 9:30 p.m.

3. Cleanup of catering and trash shall be completed immediately following the conclusion of the event. Tent and furniture removal shall be completed by the close of business the following day.

4. This temporary revocable use permit is valid for an event in June of 2018, and an event in 2019.

5. All necessary permits from the fire marshall shall be obtained.

(Second by Ms. Schwartz.)

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

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

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3 APPLICATION 6A-05-18

4 6A-05-18 Application of William H. Harvey
5 applicant, and William J. Harvey, owner of property located
6 at 1820 South Clinton Avenue, for a Temporary and Revocable
7 Use Permit pursuant to Section 219-4 to allow for the
8 operation of a food cart selling to the general public for a
9 period of three months (6/6/18 - 9/6/18) where not allowed by
10 code. All as described on application and plans on file.

11 Motion made by Chairperson Mietz to approve
12 Application 6A-05-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The variance is not substantial and its hours of
16 operation, 11:00 to 3:00 p.m., will be well within the
17 general business hours of the surrounding properties.
18 Further, the cart is contact and will not be housed on site
19 outside of business hours.

20 2. The requested temporary revocable use permit will not
21 alter the essential character of the neighborhood as the
22 location is primarily commercial in nature.

23 3. The health, safety and welfare of the community will not
24 be adversely affected by the approval of the temporary
25 revocable use permit requested as the applicant has

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demonstrated competence by securing the appropriate Monroe County Health Department certification required.

CONDITIONS:

1. The use approved is only for a hot dog cart operation as described in the application submitted and testified to during this meeting.

2. The hours of operation shall be limited to 11:00 a.m. to 3:00 p.m., five days a week.

3. The cart shall be stored off site when not in operation and trash shall be collected and removed daily.

4. All additional signage shall be permitted other than what is described in the application and testimony on the umbrellas.

5. All appropriate certifications shall be obtained and this temporary revocable use permit shall expire September 6, 2018.

(Second by Ms. Schwartz.)

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

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

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APPLICATION 6A-07-18

6A-07-18 Application of Faith Bible Church, owner of property located at 1095 East Henrietta Road, for a Variance from Section 73-29 - Fire Sprinkler Systems and the requirements of Section 73-29 to allow a church building addition to be constructed without a sprinkler system where one is required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 6A-07-18 for a waiver, based on the following findings and facts.

FINDINGS AND FACTS:

1. The requirement of a sprinkler system is an undue economic hardship or burden. The overall cost of the expansion is \$500,000 and the additional cost of a sprinkler system of \$100,000 represents a 20 percent increase in the overall cost of the project, which is unduly burdensome on a religious not-for-profit entity.

2. The requirement of a sprinkler system is unnecessary as viable alternatives meet the intended objectives of the fire prevention and building construction code. Applicant testified that the addition will be built with additional safeguards including minimized use of combustible materials,

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3 additional exit doors, smoke detection system connection to
4 the existing fire alarm system and additional fire
5 extinguishers located at each exit. Given the intermittent
6 use of the expansion, which applicant plans to be only a few
7 days per week, the additional safeguards will provide
8 adequate safety measures.

9 **CONDITIONS:**

10 1. Applicant shall construct the expansion with additional
11 safeguards including minimized use of combustibile materials,
12 additional exit doors, including no fewer than four exit
13 doors, smoke detection system connection to the existing fire
14 alarm system, and additional fire extinguishers located at
15 each exit.

16 2. This waiver applies only to the expansion as depicted in
17 the plans and as testified to by the applicant.

18 3. All necessary Planning Board approvals and permits shall
19 be obtained.

20 (Second by Ms. Schwartz.)

21 (Mr. Clapp, yes; Ms. Dale, yes; Ms. Corrado,
22 yes; Mr. Mietz, yes; Ms. Schwartz, yes; Ms. Tomkins Wright,
23 yes.)

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

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APPLICATION 6A-08-18

6A-08-18 Application of Justin Hamilton, Hamilton Stern Construction, contractor, and Deborah Gordon, owner of property located at 166 Thackery Road, for an Area Variance from Section 205-2 to allow a garage addition to extend 12 ft (14 ft when including the proposed 2 ft roof overhang) into the 19.8 ft side setback where a 21 ft side setback is required by code. All as described on application and plans on file.

Motion made by Ms. Corrado to deny Application 6A-08-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The proposed variance request is substantial because it reduces the side setback to roughly 6 percent of the lot width instead of the 15 percent required by code.
2. Other alternatives, such as parking the car in the driveway, storing lawn equipment in the rear yard shed could alleviate the alleged hardship.
3. The alleged hardship is self-created. The request for housing a third car is a convenience not a need.
4. If approved, a substantial detriment to nearby properties would likely occur because the new garage would exceptionally close to the northern neighbors' dwelling and would be out of

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3 character with the neighborhood.

4 5. The health, safety and welfare of the community could
5 adversely affected because of the extreme proximity between
6 structures and lack of access on the north side of the
7 property for emergency vehicles.

8 (Second by Ms. Schwartz.)

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

12 (Upon roll call, motion to deny carries.)
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Application 6A-04-18

6A-04-18 Application of Andersen Water, contractor, and Brian Connolly, owner of property located at 99 Pelham Road, for an Area Variance from Section 203-2.1B(6) 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 Ms. Dale to approve Application 6A-04-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The Brighton Historical Preservation Board has recommended the placement of the generator in the applicant's side yard in order to preserve the applicant's garden in their rear yard.
2. The requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties as it will be shielded from view by existing and new plantings. And the generator will be placed next to an existing air conditioning unit on the south side of the property.
3. The requested variance is not substantial as the generator will be shielded from view of the neighbors and the

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difficulty which leads to this variance request is not self-created as the gardens in the applicant's rear yard were placed there by previous property owners.

CONDITIONS:

- 1. Application is approved based upon the location of the generator which shall be as specified in the application.
- 2. And new plantings shall be added as per the application and testimony.
- 3. All necessary building permits shall be obtained.

(Second by Ms. Schwartz.)

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

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

* * *

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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 June, 2018.

At Rochester, New York


Rhoda Collins