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Brighton Zoning Board of Appeals 8/1/18

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON AUGUST 1ST, 2018
AT APPROXIMATELY 7:15 P.M.

August 1st, 2018
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

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

NOT PRESENT:
JEANNE DALE
JUDY SCHWARTZ

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

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CHAIRPERSON MIETZ: Good evening. I'd like to call to order the August 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 July 26, 2018.

CHAIRPERSON MIETZ: Please call the roll.

MR. DiSTEFANO: Please let the record show Ms. Schwartz and Ms. Dale are not present.

CHAIRPERSON MIETZ: We don't have anything to review, Rick?

MR. DiSTEFANO: No. The July minutes we will have to do at the September meeting.

CHAIRPERSON MIETZ: All right. In that case let's read the first application.

MR. DiSTEFANO: Just in case anybody is here for 5A-01-18 and 5A-02-18, they have been adjourned to a later meeting. We will start with 6A-06-18.

APPLICATION 6A-06-18

6A-06-18 Application of John and Pamela Fiorica, owners of property located at 33 Clovercrest Drive, for an Area Variance from Section 207-10E to allow a driveway to expand to the northern side lot line where a

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3 minimum 4 ft. setback is required by code. All as described
4 on application and plans on file.

5 JOHN FIORICA: I know I talked to mostly
6 everybody, I think, last month --

7 CHAIRPERSON MIETZ: Give us your name and
8 address please.

9 JOHN FIORICA: John Fiorica, 33 Clovercrest
10 Drive. So I don't know if you guys -- I don't believe I need
11 to go over everything I talked about last month, because I
12 think the majority of you were here; is that okay?

13 CHAIRPERSON MIETZ: Yes, if it's just the old
14 ground, then no.

15 JOHN FIORICA: So I had spoken to Rick and he
16 and I had discussed some of the things that maybe I could
17 have changed. I listened to some of Rick's suggestions. You
18 can see on the new plans that I had handwrote on the
19 narrative portion and also on the new plans, it's the same
20 size driveway, I just moved the two feet from my neighbor's
21 lot line into my yard.

22 And I also got a letter from the contractor,
23 Rochester Driveways, located at 455 Western Drive, from
24 Charles Brucato, President of the company and the owner.
25 They had guaranteed, I know some of the Board members were

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3 concerned about runoff, with water runoff. Mr. Brucato wrote
4 a letter assuring the Board that would not happen. The way
5 he constructs the driveways all additional waters that come
6 onto the driveway no matter what the season will drain
7 directly into the street, into the storm drains. He wrote a
8 letter saying that.

9 The only difference between last month's and
10 this month's request is I asked last month if I could go
11 right to my lot line. Which I had articulated because of our
12 life changing event where my handicapped brother-in-law is
13 living with us full-time now and we needed the additional
14 driveway space for a handicap van we plan on purchasing if
15 the variance is approved. We need the additional space. We
16 currently have a single-car driveway that does not afford us
17 the space that we're going to need for what my brother-in-law
18 Frankie's needs are.

19 So the new plans, nothing's changed except the
20 2 feet off the lot line from the 4-foot setback and would
21 come in 2 feet. I'm requesting the 2 feet instead of the
22 full four like I asked last month. The driveway would still
23 be 39.1 feet long, but the additional 2 feet that I'm not
24 going to my neighbor's lot line will be then pushed onto our
25 property towards the middle of our yard. That's pretty much

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3 it. I don't want to bore you like I did last month.

4 MS. TOMPKINS WRIGHT: I just have a question.
5 The new plan has the driveway being expanded 2 feet toward --

6 JOHN FIORICA: To the south.

7 MS. TOMPKINS WRIGHT: To the south. But you
8 list only 4.8 feet to the north?

9 JOHN FIORICA: I believe that if you look
10 on -- it should be 4.9 feet to the north if you look at the
11 notes. It's my scribble, it is 4.9.

12 MS. TOMPKINS WRIGHT: But that won't -- the
13 current driveway plus these expansions only add up to 15.9.

14 JOHN FIORICA: So if you look where the line
15 is where it says 12.2 which is the width of my garage, then
16 you can look at 6.9 which is from the base of my garage, the
17 foundation to my lot line is 6'9." I'm requesting only to go
18 4'9", I took 2 feet off. And then if you look at my written
19 explanation --

20 MS. TOMPKINS WRIGHT: The driveway itself
21 doesn't go all the way to the edge of the garage, right,
22 based on the plan as it's currently now?

23 JOHN FIORICA: As it's currently now, no.
24 Yeah, the current driveway, no, but the total width of the
25 driveway will be 17.9, 17'9", which I had spoken last month

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3 not to reiterate, but as Mr. Brucato and other contractors
4 had advised me, a small two-car driveway is 16 feet.
5 Explaining what my needs were relative to one handicap van
6 and dropping a ramp down I would need what traditionally has
7 become American standard, which is 18 feet for a two-car
8 driveway. Did I answer your question?

9 MS. TOMPKINS WRIGHT: Yeah. I was just
10 looking at adding the numbers up and it wasn't adding up. So
11 I think the driveway is being expanded to the north 6.9 feet,
12 or six point --

13 JOHN FIORICA: The total length of it
14 currently now is 9.9 feet. The way the current single-car
15 driveway goes 39.1 down the length, if you look at the plans
16 the total width of the driveway will be 17.9 once you add up
17 everything.

18 MS. TOMPKINS WRIGHT: Right.

19 JOHN FIORICA: Does that make sense?

20 MS. TOMPKINS WRIGHT: What's the technical
21 requirement of the setback?

22 MR. DiSTEFANO: Four, so he's gone from zero
23 to 2 feet, where 4 foot is required.

24 CHAIRPERSON MIETZ: Better than half.

25 JOHN FIORICA: And like I said, I don't need

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3 to reiterate from last month, but it's not for selfish
4 reasons, the reason why we are doing it is for our change of
5 life experience. And to reiterate, the current driveway
6 that's there now I believe when Decca Paving put it in it was
7 three years ago. And it's not like we want to rip out a
8 perfectly good driveway, unselfish needs is why we have to do
9 it.

10 MS. CORRADO: Can I ask you, with the
11 rethinking of where the expanded width of the driveway will
12 go, are you still intending to remove the trees that are
13 currently in front of the garage?

14 JOHN FIORICA: There's only one tree there and
15 it is that lilac. I talked to Steve Miles, he's our
16 landscaper, he's the one that did all our landscaping in our
17 backyard. Steve is looking into pulling that out. I think
18 you asked the same question last month and like I said last
19 month, it tugs at our heart strings. That's something that
20 was given to us by my now deceased mother-in-law that we do
21 not want to get rid of. So we're looking at pulling it out
22 and probably more than likely replanting it somewhere on the
23 property if we could, depending where the roots are.

24 MS. CORRADO: Can you remind me why it needs
25 to come out? Whether the additional paving has to go all the

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3 way up to the driveway -- or the garage.

4 JOHN FIORICA: The concern is that we've had
5 some kind of upgrowth with some of the roots and I'm
6 concerned that it will happen with the new driveway, my
7 second new driveway in three years, that in another couple of
8 years that that's going to happen again. We have some roots
9 that are growing up, so I'm concerned about that.

10 MS. CORRADO: Okay.

11 JOHN FIORICA: It's only the area, if you look
12 at it the area is literally a foot by a foot where that tree
13 is.

14 MS. CORRADO: It does soften the view and
15 especially if you're expanding the pavement and removing the
16 tree at the same time, that creates kind of a stark view for
17 the neighbors.

18 JOHN FIORICA: Yeah, I don't disagree, which
19 is why we want to relocate it to another part of our
20 property, which would still be aesthetically pleasing to
21 people driving by. The additional thing, or the concern that
22 you have, which I totally understand, the way the driveway is
23 going to be constructed, it's going to look like it belongs
24 there, it's not going to look off center. And we don't want
25 to get rid of the tree, we really don't. But -- and the way

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3 my wife parks also with Frankie getting out currently, if she
4 parks closer to the north side, the thing has grown pretty
5 big, the tree. We have concerns for Frankie, him getting out
6 of the van also with some of the branches that do lean over.
7 I don't know if you have come to the property, it kind of
8 leans.

9 CHAIRPERSON MIETZ: It's a limb.

10 JOHN FIORICA: It needs some pruning and
11 trimming. I have had it cut back this year so it is not as
12 bad. But as it does grow it does grow into that part where
13 the driveway would be.

14 MS. CORRADO: Very good. One other question I
15 had about the reconfiguration, and I think I asked this the
16 last time and I'll ask it again, did you give any thought to
17 keeping the curb cut narrow as it is now and then expanding
18 wider giving you that space for unloading the vehicles but
19 not requiring so much pavement?

20 JOHN FIORICA: Yeah, we did. The only concern
21 as I said and like I explained last month, our concern --
22 which, it is a great question, some of our neighbors asked
23 that too -- our concern that we have is that in the months,
24 the non-winter months that's perfectly fine. But in Upstate
25 New York, our winters that we have sometimes the driveway

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3 expansion it's not as wide during those winter months.
4 Sometimes if you come by our house the snowbank is right up
5 to the side of the driveway. Like I said, with Frankie and
6 his handicap and his disability, what ends up happening is
7 with the van that we have, the handicap vans are larger,
8 they're bigger, and sometimes the way it snows in Upstate New
9 York when we clear our driveway out we don't get full
10 clearance sometimes in front of our garage. So sometimes it
11 pushes the cars back a little bit, that would go into that
12 smaller portion of the driveway.

13 It's something that we considered, it was only
14 brought to my attention by my dad. I have to give him
15 credit, because we were thinking about doing the driveway
16 like that until he said, yeah, it's great Johnny, until it
17 snows. And what happens, when I was over to your house and
18 he explained how the snow sometimes come in front of our
19 garage, we don't get the full use of our driveway.

20 MS. CORRADO: Thank you.

21 CHAIRPERSON MIETZ: Okay. Any other
22 questions?

23 MR. CLAPP: With the new configuration will
24 that allow you to park three vehicles in the driveway without
25 blocking the sidewalk?

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JOHN FIORICA: Yes. Yes, sir.

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CHAIRPERSON MIETZ: Okay. Questions.

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MS. TOMPKINS WRIGHT: At the time last month the property was sold but the current occupant hadn't moved out and the new one hadn't moved in yet.

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JOHN FIORICA: They're not moving in, I believe, until September.

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MS. TOMPKINS WRIGHT: So they haven't had an opportunity to review this and comment?

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JOHN FIORICA: The new purchasers?

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MS. TOMPKINS WRIGHT: Yes.

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JOHN FIORICA: I had asked my wife for permission to reach out and she said she didn't know if it would be appropriate to reach out to their relator and stuff like that. The current home owner who has been there for years had approved my plans and approved of them when I told him what we needed it for. I have not reached out to them. And this is something that we were looking to do sooner than later, because the end of September comes and we're looking to do it sooner than later.

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Because of the paving schedule going into the fall, Mr. Brucato said he had concerns getting me into the schedule even after if it was approved today, he had concerns

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3 about getting me into the fall schedule in preparation for
4 the winter.

5 MR. CLAPP: This is a question maybe for our
6 attorney, since this was held open there's no need to repost
7 the notice so the new owner would not have been required to
8 receive that.

9 MR. DOLLINGER: Yes.

10 CHAIRPERSON MIETZ: Okay. Thank you.

11 JOHN FIORICA: Thank you very much.

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

15 APPLICATION 8A-01-18

16 8A-01-18 Application of Jason Hummell -
17 Fastenal, lessee, and 2710 West Henrietta Rd, LLC, owner of
18 property located at 2710 West Henrietta Road, for a Temporary
19 and Revocable Use Permit pursuant to Section 219-4 to hold a
20 one day grand opening event (August 28, 2018). All as
21 described on application and plans on file.

22 JASON HUMMELL: Jason Hummell, I live at
23 15 Brandywine Terrace, Rochester, New York, 14623. The
24 property location for the grand event is Fastenal, 2710 West
25 Henrietta Road, Rochester, New York, 14623. So Fastenal, if

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3 you are not aware, is a \$4 billion company with 2000
4 locations across the country. We had a branch on the corner
5 of West Henrietta Road and Brighton Henrietta for the last
6 10 or so years and we recently moved up the street to
7 2710, it's about a quarter mile up the road on West
8 Henrietta. We opened the branch in April, but with the
9 weather and not being fully prepared, we didn't try to host
10 any events or anything like that. We wanted to hold it for
11 the summer, wait for a few more things to fall in place.

12 So on August 28th, we're looking to have a
13 grand opening event to increase awareness of our offerings to
14 companies throughout Brighton, Henrietta, Rochester, and
15 surrounding areas that we deal with, show off our new
16 building at the same time. We're pretty proud of it, it's
17 one of the better ones we've got in the state and we would
18 like to show it off.

19 I don't expect a large disturbance or any
20 environmental impact throughout the event or at the event and
21 I think it should go pretty well.

22 CHAIRPERSON MIETZ: Okay, parking you can
23 accommodate I presume.

24 JASON HUMMELL: Yes, we have parking. The
25 neighbor, Wayne, just bought the old Arigato building and he

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3 said it's no problem to use his property for parking or any
4 of the event. So we have the front and the back to utilize.

5 CHAIRPERSON MIETZ: What's basically going to
6 occur? Just describe what's going to occur. People are
7 coming in to tour the facility?

8 JASON HUMMELL: Yeah, tour the facility.
9 Looking to set up some of our vendors, about seven vendors
10 I've got committed. Might bring in 10 by 10 pop-up tents
11 just to stay out of the sun, will have some tables like these
12 set up with their offerings for customers to see, on the
13 outside of the building.

14 We have a couple barbecues brought in from
15 home, household barbecues, for hot dogs, hamburgers, things
16 like that. So we'll feed the customers that show up, show
17 them around, let them see some of the offerings.

18 CHAIRPERSON MIETZ: Your staff will take care
19 of trash, make sure nothing's there.

20 JASON HUMMELL: Yes. We have a Dumpster out
21 back to fill up.

22 MS. TOMPKINS WRIGHT: What type of tents are
23 being put up and how long are they going to be at the
24 location?

25 JASON HUMMELL: Just pop-up tents, the 10 by

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10 pop-ups.

MS. TOMPKINS WRIGHT: They will be set up in the morning and taken down the same day?

JASON HUMMELL: Yes. Just a few hours, the duration of the event, so 10:00 a.m. to 2:00 p.m.

MS. TOMPKINS WRIGHT: And you put in your application 50 to 100 people, but that's sort of coming and going? Because I count maybe 23 parking spaces for guests?

JASON HUMMELL: Yes.

MS. TOMPKINS WRIGHT: You don't anticipate there will be more than 23 at any one time?

JASON HUMMELL: I don't think so, it will be staggered between 10:00 and 2:00.

MS. TOMPKINS WRIGHT: And this sounds like a strange question, but the food that you'll serve, it's not being sold, it's just being given away?

JASON HUMMELL: Yes. No sales, just free of charge for the customers, complementary.

MS. TOMPKINS WRIGHT: Is there a rain date?

JASON HUMMELL: No. One and done. If it rains then they're getting wet, if not, it's a done event.

MS. TOMPKINS WRIGHT: You anticipate that the vendor parking is going to be sufficient for behind that

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3 restaurant?

4 JASON HUMMELL: Used to be the Arigato, but
5 yes.

6 MS. TOMPKINS WRIGHT: You anticipate that will
7 be sufficient for the vendors?

8 JASON HUMMELL: Yes.

9 MS. TOMPKINS WRIGHT: Will there be music?

10 JASON HUMMELL: Maybe a small stereo. I
11 hadn't thought that through, but we could do that. Good
12 idea.

13 MR. DiSTEFANO: No live.

14 JASON HUMMELL: No. No live bands, no stage.

15 MS. TOMPKINS WRIGHT: It wouldn't be
16 amplified?

17 JASON HUMMELL: No. I know you're not too
18 excited, it doesn't sound too fun. It's pretty simple.

19 CHAIRPERSON MIETZ: Okay, simple is good.

20 MR. CLAPP: Rick, do the pop-up tents need a
21 permit?

22 MR. DiSTEFANO: No.

23 CHAIRPERSON MIETZ: Okay, sounds good. Thank
24 you.

25 JASON HUMMELL: Thank you.

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

6 APPLICATION 8A-02-18

7 8A-02-18 Application of Dr. Indra Quagliata,
8 contract vendee, and Jerome Koresko, Sr., owner of property
9 located at 1230 East Henrietta Road for an Area Variance from
10 Section 205-7 to allow a new office building to be
11 constructed with a 10 ft. front setback in lieu of the
12 minimum 30 ft. front setback required by code. All as
13 described on application and plans on file.

14 APPLICATION 8A-03-18

15 8A-03-18 Application of Dr. Indra Quagliata,
16 contract vendee, and Jerome Koresko, Sr., owner of property
17 located at 1230 East Henrietta Road for Area Variances from
18 Section 205-7 to allow maximum gross first floor(s) area to
19 be 7,000 sf in lieu of the maximum 3,500 sf per lot allowed
20 by code, and the maximum total gross floor area (both
21 buildings) to be 14,000 sf in lieu of the maximum 7,000 sf
22 per lot allowed by code, for the purpose of constructing two
23 2-story office buildings on one lot. All as described on
24 application and plans on file.

25 APPLICATION 8A-04-18

1 Brighton Zoning Board of Appeals 8/1/18

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3 8A-04-18 Application of Dr. Indra Quagliata,
4 contract vendee, and Jerome Koresko, Sr., owner of property
5 located at 1230 East Henrietta Road for Area Variances from
6 Section 205-18A to 1) allow front yard parking where not
7 allowed by code, and 2) allow parking, pavement and drive
8 aisles to be 7.5 feet from both the north and south lot lines
9 where a minimum 10 ft. setback is required by code. All as
10 described on application and plans on file.

11 DAVID PRIZZI: Good evening, I'm David Prizzi,
12 I work for Environmental Design & Research, and I'm here
13 representing Dr. Indra Quagliata. And we're coming back in
14 front of this Board, we were in front of you once before back
15 in February 2017. At that point in time all three of these
16 variances were accepted. The reason we're back here today is
17 they have expired and we did not get back in front of you to
18 ask for an extension, so we are now asking for the same three
19 variances that we asked for in 2017.

20 The expiration date was February 2018. The
21 reasoning as to why we did not ask for the extension, we were
22 not on top of the project at the time and the project went
23 into a little extended design time because the interior of
24 the building changed. We hired a specialist to redesign how
25 the inside of the building actually functions as guests came

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3 in and people were moving through the building. So we were
4 in a holding pattern and we simply just didn't come back in
5 and ask for the extension. I can certainly go through and
6 talk to you about where those three different variances
7 occurred.

8 CHAIRPERSON MIETZ: I think it's a good idea
9 because of the fact that it's a new application. Just
10 quickly, you don't have to go into as much detail as you did
11 last time, if you would not mind.

12 DAVID PRIZZI: No problem, I'm just going to
13 open up the plan that I have here.

14 CHAIRPERSON MIETZ: So while you're looking
15 for that, so if we are looking at the site plan from before
16 or anything else, there's really no changes to that. The
17 only changes to this project relate to the interior
18 configuration of the buildings?

19 DAVID PRIZZI: There are minor changes to the
20 underground utilities, but they don't affect the variances.

21 CHAIRPERSON MIETZ: Where they're entering?

22 DAVID PRIZZI: Correct.

23 CHAIRPERSON MIETZ: Okay.

24 DAVID PRIZZI: So the front yard, the request
25 for the variance in the front yard is actually occurring on

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3 the south side of the building. So if you're on Clay Road,
4 it's more or less sort of a loop road, it's tying it to East
5 Henrietta Road, so that face of the building is within 10
6 feet of the property line and I believe by code 30 feet is
7 allowed.

8 CHAIRPERSON MIETZ: Could you pull your mic up
9 a little bit? Thank you.

10 DAVID PRIZZI: Sure. So that's the first one.

11 MR. DiSTEFANO: And there's quite a bit of
12 right of way there, so actually the distance from that
13 building to the actual pavement of Clay Road is quite
14 expansive, correct?

15 DAVID PRIZZI: That is correct. The distance
16 from the pavement of Clay Road to the base of the building is
17 roughly 45 to 50 feet. I don't have that measured on my
18 drawing.

19 CHAIRPERSON MIETZ: So it's going to look like
20 it's an access road, but it's just a right of way for the
21 road?

22 DAVID PRIZZI: That is correct. So that's the
23 front yard. And the gross floor area, the reason for the
24 variance request for the gross floor area is that initially
25 this was two parcels. So if we left them as two parcels we

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3 wouldn't need an area variance, but we're actually doing a
4 lot consolidation. So we're asking for the area that would
5 have been allowed if we left them as two parcels, but we're
6 combining them to help consolidate disturbance and impervious
7 area and actually ease of access to those two buildings.

8 And then the area variance which is the third
9 request, this is a request to have the asphalt drive aisles
10 in the parking areas closer to the lot line, so we're asking
11 for 7'6" in lieu of the 10-foot setback and that occurs on
12 the south property line as well as the north property line.

13 CHAIRPERSON MIETZ: That's to maintain
14 reasonable width on the access aisles?

15 DAVID PRIZZI: That is correct. It's also to
16 help us meet our parking requirements.

17 CHAIRPERSON MIETZ: Okay.

18 DAVID PRIZZI: So in essence, the width of the
19 asphalt pavement is centered within the lot, so the distance
20 from the north property line and the southern property line
21 is exactly the same, so we're maximizing that distance.

22 CHAIRPERSON MIETZ: Okay. So there are no
23 other underground utilities, no other changes to the
24 configuration of the lot or where the buildings are, the size
25 of the buildings?

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DAVID PRIZZI: That is correct.

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CHAIRPERSON MIETZ: Anyone have questions on what you've heard previously?

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MR. CLAPP: My question is more about the wording, it's probably something we can discuss later.

8

CHAIRPERSON MIETZ: Yes. Okay, great.

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DAVID PRIZZI: Can I add one thing?

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CHAIRPERSON MIETZ: Sure.

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DAVID PRIZZI: I just wanted the Board to realize that we waited to come in to ask for this variance again so that we were working concurrently with the site plan application. So their request was to reestablish the variances first and then go back in front of the Board, the Planning Board, and then moving forward both of the approvals will be working concurrently. So, if in fact we do need an extension in the future it will be easier. I don't foresee that, we're looking for construction next year.

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CHAIRPERSON MIETZ: So providing you read the schedule, when do you think you would be doing construction? Would you be beginning construction this fall?

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DAVID PRIZZI: I don't see this fall, construction is anticipated for the spring of 2019.

CHAIRPERSON MIETZ: So you believe it will

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3 commence prior to August 2019?

4 DAVID PRIZZI: That's correct.

5 CHAIRPERSON MIETZ: Okay, that's fair. Thank
6 you.

7 Is there anyone in the audience that would
8 like to speak regarding this application? There being none,
9 then the Public Hearing on these three applications is
10 closed.

11 APPLICATION 8A-05-18

12 8A-05-18 Application New Monroe Real Estate,
13 LLC, contract vendee, and WSBJ, LLC, owner of property
14 located at 588 White Spruce Blvd., for an Area Variance from
15 Section 203-84B(12) to allow an animal hospital building to
16 be located 30 ft. from a residential district boundary in
17 lieu of the minimum 100 ft. required by code. All as
18 described on application and plans on file.

19 AMY LAUKAITIS: Hi, my name is Amy Laukaitis
20 and I live at 233 Orchard Park Boulevard, Rochester, New
21 York, 14609. I'm here representing New Monroe Real Estate,
22 that we are requesting a variance to be able -- we currently
23 also own 825 White Spruce Boulevard, which is across the
24 street and there are existing services in that building that
25 we're looking to relocate into this building. Those services

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3 are animal rehab services, so it's a very specific service.
4 It's outpatient visits so there's no overnight stay.

5 We did an extensive search in the area to try
6 and identify a location that would be in close proximity to
7 have these services located and be able to utilize the
8 support staff and veterinarians. And this is the location
9 that -- this is the only location that we could find that
10 could accommodate that need.

11 CHAIRPERSON MIETZ: Can you talk to us about
12 the property or the properties next to the location that you
13 are planning to put this in?

14 AMY LAUKAITIS: I'm sorry, I didn't hear you.

15 CHAIRPERSON MIETZ: Can you talk about the
16 properties that would be to the south of you and that are in
17 the row there of the buildings next to 588?

18 AMY LAUKAITIS: So the first building is on
19 the corner, so you mean the next one that has a doctor's
20 office and a physical therapy office, and then the next
21 building over is a building that we own for administrative
22 offices.

23 CHAIRPERSON MIETZ: Okay. So it's kind of
24 mixed in that little section?

25 MR. DiSTEFANO: Right, but directly behind the

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3 Rustic Village apartments.

4 CHAIRPERSON MIETZ: Yes, I'm aware of that.
5 And what's going to happen to 825 once you relocate those
6 services to this building?

7 AMY LAUKAITIS: They will continue to operate.
8 They will not operate this specific service, but they will
9 continue to operate the 24-hour emergency specialty practice
10 that they currently have in there. They have had a growth in
11 the demand for emergency services and they need to -- if we
12 can take a component of the services they provide and
13 relocate them, they will be better able to serve the
14 emergency patients that are coming in.

15 CHAIRPERSON MIETZ: Will there be improvements
16 made to the new building other than interior, will there be
17 anything done to the exterior?

18 AMY LAUKAITIS: We did not plan on doing
19 anything to the exterior at this time.

20 CHAIRPERSON MIETZ: I did not see anything, I
21 was just asking.

22 MR. DiSTEFANO: Could we just kind of go over
23 the way the operation will work? Will there be any overnight
24 boarding of animals there, the hours of operation for that
25 particular facility, any use of the outdoor area? Because I

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3 think the thing about keeping the hundred feet is that if
4 there are any animals barking and that kind of stuff, to kind
5 of minimize any impacts to residential properties. Which,
6 again, you have the apartments right behind you there.

7 AMY LAUKAITIS: So the animals that are coming
8 in are animals that need rehab. So they're typically ones
9 that have just had surgery. So we have in that the treatment
10 they have is outpatient only, so there's no overnight
11 boarding. They come in, they typically have an evaluation
12 and then they may have stretching, they're not active and
13 healthy and loud. Typically they're through surgery so
14 they're a little quieter, so there typically is not a lot of
15 noises associated with this type of service.

16 What else? Not noisy --

17 MS. TOMPKINS WRIGHT: Hours of operation.

18 AMY LAUKAITIS: We try to make it convenient
19 for the owner, so I could see us having potentially Monday
20 through Friday, 8:00 to 8:00, some Saturday hours. I
21 wouldn't anticipate us having Sunday hours unless there was a
22 need for that, but I don't think we see that in our business
23 model initially.

24 MR. DiSTEFANO: And any outdoor use for
25 walking purposes or --

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3 AMY LAUKAITIS: I would not see us using that,
4 trying to --

5 MR. DiSTEFANO: There's not a lot of grass
6 there.

7 AMY LAUKAITIS: There's a section of grass
8 behind there, it is pretty minimal. Once again, those pets
9 are not necessarily ones that you're going to walk outside.
10 They come in, they have a treatment, and they go home,
11 they're not there for extended periods of time.

12 MR. DiSTEFANO: And these animals are only
13 been operated on or are these animals that might have
14 wrenched a knee and they need some physical therapy?

15 AMY LAUKAITIS: It is a combination of that.
16 It could be an animal that had been operated on, it could be
17 an animal that had an injury and they're doing physical
18 therapy before they do surgery or to prevent surgery. It
19 could be an overweight pet that they're trying to condition
20 to lose weight.

21 MR. DiSTEFANO: Okay.

22 CHAIRPERSON MIETZ: Okay.

23 MR. CLAPP: Again, I'm just trying to be clear
24 about the outside use. So basically, the treatment is
25 occurring inside and any walking would be incidental and

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3 minimal, so really barking and things like that would also be
4 minimal?

5 AMY LAUKAITIS: Correct.

6 MS. TOMPKINS WRIGHT: And to just kind of
7 piggyback on that, would you feel comfortable with a
8 restriction on the property that outdoor use, particularly in
9 the rear yard adjoining the residential use, wouldn't be used
10 for any services, only used for incidental traffic?

11 AMY LAUKAITIS: So I guess I don't know how to
12 answer that because sometimes owners as they come in they let
13 their pet go to the bathroom as they come in.

14 MS. TOMPKINS WRIGHT: That's what I'm saying,
15 incidental, not part of the services offered.

16 AMY LAUKAITIS: Correct, that's our intent.
17 We don't plan on using the outside for any treatments.

18 MS. WATSON: Do you have plans for waste
19 removal?

20 AMY LAUKAITIS: Yes, we do that in all of our
21 facilities. We intend to have things. You have buckets
22 there, you have bags that people can use and you put up signs
23 to encourage them to help the other people so they clean up
24 after themselves.

25 CHAIRPERSON MIETZ: Any other questions?

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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 8A-06-18

8A-06-18 Application of Jason and Katherine Thompson, owner of property located at 43 Sutton Place, for an Area Variance from Section 207-11A to allow an in-ground swimming pool to be located partially in a side yard in lieu of the rear yard only as required by code. All as described on application and plans on file.

KATHERINE THOMPSON: Hi, my name is Katherine Thompson, I live at 43 Sutton Place and this is my husband, Jason Thompson.

JASON THOMPSON: Hi.

KATHERINE THOMPSON: We originally requested a permit for a 16 by 36 pool and realized that our rear yard, based on our irregularly shaped lot, it would surpass the rear yard only. So after talking to Rick DiStefano we kind of went back to the drawing board and decided we would do a 16 by 28. At that point the inspector came out and looked and we realized that the power lines were overhanging about three more feet. So when we adjusted that it caused us to go

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3 into a partial, about 3 to 5 feet of our side yard. So we
4 are requesting the variance that we can partially use part of
5 our side yard to put our in-ground pool in.

6 I think it's important to note that it looks
7 on paper like we have almost a half an acre, and so why put
8 it there. But when you look, we are three quarters into a
9 floodplain because of the creek that we have to the left of
10 us, so that causes quite a disruption to where we can
11 actually put the pool. That kind of leaves us with no other
12 option but the rear right side yard.

13 MS. TOMPKINS WRIGHT: So all of the area south
14 of the existing chain link fence, that's all unusable land
15 for a pool based on the floodplain and the slope of the
16 property?

17 KATHERINE THOMPSON: Uh-huh.

18 MS. TOMPKINS WRIGHT: So where exactly are the
19 power lines that you are trying to stay away from?

20 KATHERINE THOMPSON: The chain link fence is
21 ahead of the power lines. However, there is one line that
22 hangs into our yard, so the north end about three feet into
23 our yard, so behind us is the highway department. And I also
24 have a letter that my adjacent neighbors both signed stating
25 that they would be okay with, fully in support of us

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3 utilizing that area.

4 The only disruption I think to the character
5 of the neighborhood, currently we have a chain link fence,
6 we're not moving that out any more, we are just putting up a
7 privacy fence. So from the actual, when you're driving down
8 the cul-de-sac, really for them visually the only thing that
9 would change would be the privacy fence that we are putting
10 up in lieu of the chain link.

11 MS. TOMPKINS WRIGHT: And the site of where
12 the pool is closest to your neighbor, that's not their living
13 quarters that is the garage side?

14 KATHERINE THOMPSON: Correct. And he actually
15 just -- they started to kind of make their opposite side of
16 their yard more of their hangout area. So they're not
17 utilizing the area that would be closest to the pool.

18 CHAIRPERSON MIETZ: Now the privacy fence
19 you're talking about, where is that going to be located?

20 KATHERINE THOMPSON: The privacy fence will be
21 in place of where our chain link fence currently is.

22 CHAIRPERSON MIETZ: On the sides of the pool
23 or the whole thing?

24 KATHERINE THOMPSON: Well, we have a chain
25 link fence that is --

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CHAIRPERSON MIETZ: Yes, I've seen it.

4

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JASON THOMPSON: It will be two sides, so coming across the front of the house and then the dividing between us and the neighbors, so two pieces.

6

7

8

CHAIRPERSON MIETZ: Yeah, so it will be like a --

9

10

KATHERINE THOMPSON: Yeah, just like a little, yeah.

11

12

CHAIRPERSON MIETZ: And then where it meets the lawn piece in the back will be the chain link.

13

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KATHERINE THOMPSON: Yes. And we're asking for a permit for a fence as well, but we're putting a wrought iron fence in that will enclose the pool completely, so there will be no access from our patio. The privacy fence will have a lock to the gate there and there will be a lock to the wrought iron fence, so there will be no access at all unless we have a key.

20

21

MR. CLAPP: Did you say you were applying for a permit for the fence or that's included in this?

22

23

24

MR. DiSTEFANO: No, the fence does not need a variance. The fence portion of the permit will be part of the pool.

25

KATHERINE THOMPSON: Yeah, we were waiting

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3 until we were obviously approved before we did anything.

4 CHAIRPERSON MIETZ: Any other questions?

5 MR. DiSTEFANO: For the record let me state
6 that residents at 39 Sutton Place and residents at 46 Sutton
7 Place both have signed letters stating the fact that they are
8 in support of the application of the property at 43 Sutton
9 Place.

10 CHAIRPERSON MIETZ: Any other questions?

11 Thank you.

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

15 APPLICATION 8A-07-18

16 8A-07-18 Application of Michelle Lee Chin and
17 Marybeth Cerrone, owners of property located at 105 Wilshire
18 Road, for Area Variances from Section 207-6A(2) to allow a
19 shed to be located 3 ft. from a rear and side lot line in
20 lieu of the minimum 5 ft. required by code. All as described
21 on application and plans on file.

22 MARYBETH CERRONE: Hello, I'm Marybeth
23 Cerrone, I live at 105 Wilshire Road. And we applied for
24 this variance because when we came to talk and met with Rick
25 we learned that a side lot has two rear lots -- has two front

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3 lots I should say, so we had a very limited spot in our rear
4 to put a shed. And we already, if you look at the plan, have
5 a brick patio, that infinity-looking -- looks like a pool but
6 it's really a brick patio there that we don't want to
7 disrupt. So that limits how much space we have in our true
8 rear lot, and Rick mentioned that we maybe want to look into
9 a variance. And in doing some looking into that we said,
10 okay, if we had three feet from the line instead of the five
11 we can fit an eight by eight in that corner there.

12 So that is why we applied for the variance to
13 avoid any disruption of the patio and still allow ourselves
14 space for that shed. Our neighbors on either side have
15 fences so they really don't see anything in our lot at this
16 point as long as their fences are up. We also did speak with
17 them and we have written consent from both of them saying
18 that they don't have any concerns with our three feet as
19 opposed to five feet.

20 CHAIRPERSON MIETZ: What are you going to be
21 using the shed for, generally speaking?

22 MARYBETH CERRONE: It will be lawnmower,
23 bikes, kids plastic riding toys, because we have toddlers and
24 scooters and --

25 MS. WATSON: Any utilities going to go to the

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shed at all, no electric, no water?

MARYBETH CERRONE: No. I don't anticipate any of that, that would be more work to figure out.

MS. TOMPKINS WRIGHT: Just for the record, a eight by eight in that corner is pretty much the smallest size that would accommodate your storage needs?

MARYBETH CERRONE: Yes.

CHAIRPERSON MIETZ: Good? Okay, thank you.

MR. DiSTEFANO: For the record we have received communications from residents at 115 Wilshire Road and 134 Monteroy Parkway I think it is, stating the fact that they are in support of the variance as requested.

CHAIRPERSON MIETZ: Okay.

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

APPLICATION 8A-08-18

8A-08-18 Application of Mathew Devine and Anne Devine, owners of property located at 210 Bonnie Brae Avenue, for an Area Variance from Section 207-10E(5) to allow a sidewalk to be between 14 inches (west end) and 44 inches (east end) from a side lot line in lieu of the minimum 4 ft. required by code. All as described on application and plans

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3 on file.

4 RANDALL PEACOCK: Good evening, Mr. Randall
5 Peacock, offices at 70 Linden Oaks, Suite 110. This is
6 actually a piece of the variance that you granted last month.
7 We do have a sidewalk which wraps around the side of the
8 building. This interpretation when I read this on the code I
9 read pavement, I wasn't thinking sidewalk, it was pavement.

10 There's a sidewalk that will be picked up at
11 the corner of the house, run to the back of the house to an
12 entry door into the mudroom there. The front corner as Rick
13 said is about 14 inches off the property line and that corner
14 is about 3'6" or 42 inches off the property line. That still
15 leaves us a small strip of grass there. There was some
16 landscaping that was going to be modified along that piece.
17 I think hopefully you remember enough from last month, so I
18 don't know if I need to go much further.

19 CHAIRPERSON MIETZ: Probably not. It's going
20 to be constructed of what?

21 RANDALL PEACOCK: Concrete.

22 CHAIRPERSON MIETZ: Any questions? I don't
23 know if everybody remembers everything from last month. We
24 questioned it last month, it wasn't really addressed in the
25 rest of it. We kind of anticipated he would be back because

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3 it would be hard to get along that side unless you're walking
4 sideways. Any other questions? Thank you.

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

8 APPLICATION 8A-09-18

9 8A-09-18 Application of Ellen Tourtelot, owner
10 of property located at 111 Bonnie Brae Avenue, for an Area
11 Variance from Section 205-2 to allow an open porch to extend
12 6 +/- ft. into the existing 30 ft. front setback where a
13 40 ft. front setback is required by code. All as described
14 on application and plans on file.

15 ELLEN TOURTELOT: Hello, I'm Ellen Tourtelot
16 and I live at 111 Bonnie Brae, and the reason for this
17 application is that my front stoop, which right now is
18 covered, is basically crumbling and falling apart, and it's
19 dangerous for the mailman to deliver mail to my mailbox,
20 which is to the left of my front door.

21 We decided we would like to make more curb
22 appeal for the front of the house and fix the problem, so
23 we'd like to put a front porch along the whole front of the
24 house. I have pictures if you would like to see them.

25 CHAIRPERSON MIETZ: You could pass them

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3 around.

4 ELLEN TOURTELOT: I have three copies. And
5 then there's a drawing on the back too, kind of a rough
6 drawing a friend did. We did go to the Architectural Review
7 Board and they really had no objections but they wanted more
8 detailed drawings prior to approving it. So if you guys
9 approve then I will hire someone to do a more detailed
10 drawing.

11 CHAIRPERSON MIETZ: What detail were they
12 asking for?

13 ELLEN TOURTELOT: They wanted to know the side
14 of the roof, what the material would be. They wanted to know
15 about the front door if we -- because the wood around the
16 front door is probably going to need to be replaced also
17 because it's rotting. I did bring samples of the railing to
18 them, it's going to be a white, vinyl railing.

19 CHAIRPERSON MIETZ: Right.

20 ELLEN TOURTELOT: They were okay with that
21 part. So the problem is the house is only 30 feet back and
22 there's a 40-foot setback. We need to come in -- the minimum
23 I think we need is 6 feet.

24 CHAIRPERSON MIETZ: Right. So you have in
25 essence designed what you would believe to be the minimum

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3 that would make it usable as a porch?

4 ELLEN TOURTELOT: Right. We also need a place
5 where we can sit outside, so it would be nice to sit on our
6 front porch. We would also get rid of the black asphalt
7 walkway which I think is very ugly. That will go.

8 CHAIRPERSON MIETZ: Okay, sounds good. And
9 then the roof I would presume --

10 ELLEN TOURTELOT: It will be the same as the
11 upper, we just replaced it two years ago.

12 CHAIRPERSON MIETZ: Okay.

13 MS. TOMPKINS WRIGHT: There are several other
14 homes on Bonnie Brae that have front porches that are just as
15 close to the front.

16 ELLEN TOURTELOT: Yes. There's one diagonally
17 across the street from me and it's kind of halfway up and
18 then open the rest of the way, and a couple doors down it's
19 all enclosed in, so.

20 MR. DiSTEFANO: So your intent is to leave
21 this as an open porch?

22 ELLEN TOURTELOT: Yes.

23 MR. DiSTEFANO: No intention to close it off?

24 ELLEN TOURTELOT: No. We want to sit outside
25 and hang out.

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CHAIRPERSON MIETZ: Not in the winter?

4

ELLEN TOURTELOT: No. And I don't want my
5 mailman leaving me anymore notices.

6

MR. DiSTEFANO: Just for reference in looking
7 at the pictures, your front stoop and including the step,
8 would you say that's going to come out a little further than
9 that?

10

ELLEN TOURTELOT: Yes. I measured it and I
11 put it in the application, I think it was four feet and a
12 little bit.

13

MR. DiSTEFANO: So it is four and a half feet
14 from the doorway to the bottom of the first step?

15

ELLEN TOURTELOT: Yes.

16

MR. DiSTEFANO: So you'd be about a foot and a
17 half further than that.

18

ELLEN TOURTELOT: Yeah, an additional one and
19 three quarters I think is what we need.

20

CHAIRPERSON MIETZ: Okay.

21

MR. DiSTEFANO: Just one other quick question.
22 Are you going to do any landscaping, like landscaping, are
23 you taking out or do anything in front of it?

24

ELLEN TOURTELOT: We're going to take out the
25 bushes.

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3 MR. DiSTEFANO: Are you going to do anything
4 in front of the porch once it's done?

5 ELLEN TOURTELOT: I'm uncertain. Would that
6 matter?

7 MR. DiSTEFANO: No, I'm just, you know --

8 ELLEN TOURTELOT: Okay.

9 CHAIRPERSON MIETZ: It kind of tends to sort
10 of make it less apparent.

11 MR. DiSTEFANO: Yeah, break it up from the
12 road.

13 CHAIRPERSON MIETZ: Not massive bushes, but
14 just something to break it up.

15 ELLEN TOURTELOT: Okay.

16 CHAIRPERSON MIETZ: It's not required or
17 anything. You really only come in a foot and a half, so
18 that's fine.

19 Any other questions? Thank you.

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

23 APPLICATION 8A-10-18

24 8A-10-18 Application of Admar Supply, lessee,
25 and 1950 Brighton Henrietta Town Line, LP, owner of property

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3 located at 330 Metro Park, for a Sign Variance from Section
4 207-32B(1) to allow a sign on a second building face where
5 not allowed by code. All as described on application and
6 plans on file.

7 PAUL COLUCCI: Good evening, Mr. Chairman,
8 members of the Board, my name is Paul Colucci. I'm with the
9 DiMarco Group here tonight on behalf of 1950 Brighton
10 Henrietta Town Line Road and ADMAR Supply, 1950 is the owner
11 of the property, ADMAR Supply is our tenant. Joining me
12 tonight is Joe DiMarco, one of the owners of the property and
13 also the president of ADMAR Supply.

14 We are here tonight for the specific request
15 for consideration of a second business identification sign.
16 You may be familiar with ADMAR Supply and its current
17 operation, it's been located at 1950 Brighton Henrietta Town
18 Line Road since 1998, so 20 years at its present location.

19 About five years ago we acquired the property
20 at 330 Metro Park and actually we were before this Board for
21 some area variances recently to allow the occupancy of that
22 facility. We're under construction, we raised the roof
23 sufficient to allow ADMAR to do the type of maintenance and
24 operation that they require within the facility. And we are
25 excited for the new home for ADMAR, investing close to

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\$2 million into the facility.

Tonight we respectfully request consideration of a second business identification sign. One of the reasons we are making this request is our customer base has been accustomed to visiting at its present location. We believe there is sufficient visibility on the south elevation of that building.

As we've raised the roof we've created a facade that will face the facade over the top of the portion of the building that we didn't raise, and we have identified the need for the second business identification sign for a couple of reasons. One, ADMAR has a retail component which is over-the-counter and the showroom for construction equipment, sales, and supplies. As well as a lot of the contractors that we service have a relationship, want to come into the showroom, order equipment rather than just over the phone and delivery.

The application that I completed addresses I believe the requirements relative to identifying whether there's any adverse environmental impacts or detriment to health, safety, or welfare. Additionally, we would like you to consider that on the primary facade the signage that would be allowed would be up to the maximum based on the lineal

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3 footage that we occupy up to 150 square feet. We've chosen
4 to reduce that to 100 square feet on that primary facade as
5 we've tried to balance the signage needs on both the east
6 elevation facing Metro Park and the south elevation facing
7 Brighton Henrietta Town Line Road.

8 We were before the Architectural Review Board
9 last month, received their positive recommendation to the
10 Planning Board. We presented two different signs on the east
11 elevation, they preferred the one that I have up here, which
12 is individual can-mount letters rather than a cloud sign that
13 we had shown them. So we decide to pursue the one they
14 preferred. That would be 100 square feet whereas 150 would
15 be allowed on that primary sign, the secondary sign would be
16 78 square feet and that would simply state ADMAR.

17 So I know you have a lengthy agenda, I don't
18 want to go on. Happy to answer any questions you have and
19 appreciate your consideration.

20 CHAIRPERSON MIETZ: I guess just one question.
21 I know you're trying to respect by altering that sign on the
22 east, to get closer to A plus B here. But the two signs the
23 way you have them designed now you're believing that based on
24 the sight lines and what not that those are the minimum
25 letter sizes which then obviously translates into square

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footage?

PAUL COLUCCI: Correct. Working with the sign vendor and looking at proportionately, the ADMAR tag line along with the rest of the tag line on the east elevation, we've come up with 100 square feet as necessary for the font height. I believe it's labeled on the actual elevation, but 37 inches and then 16 inches for the tag line, and then 42 inches on the south elevation.

Of course, the south elevation we are hoping is visible from a greater distance than what would be required at Metro Park because Metro Park, the east elevation is much closer to the right of way.

CHAIRPERSON MIETZ: Yes, okay.

MS. TOMPKINS WRIGHT: The total between the two signs will be 178 square feet?

PAUL COLUCCI: That is correct.

MR. DiSTEFANO: Just in regards to that sight distance, I took a drive down Metro Park, and I turned from Town Line onto Metro, and I could not even see the side of the building until I was almost on top of it, and half of that I think was landscaping and the berming from Graybar.

I almost would see the front sign before I'd see the side sign, when you're coming down Metro Park from

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3 the south, heading north. So I get a little concerned that
4 you're asking for something that, you know, might not be
5 really necessary. And how are you guys different than other
6 buildings on Metro Park that they're going to see that and
7 say, well, I want to get a sign on the side of my building
8 too. So I'm a little concerned.

9 PAUL COLUCCI: A couple of things, I have some
10 photos that I'd like to share. I don't have one for
11 everyone.

12 CHAIRPERSON MIETZ: You can pass them out.

13 PAUL COLUCCI: So the first is the westerly
14 approach driving down Brighton Henrietta Town Line Road and
15 prior to reaching Metro Park, this is the view and that is
16 the actual facade where the ADMAR sign will be mounted. As
17 Rick pointed out, and as you might be familiar, the angle
18 that Metro Park comes into Brighton Henrietta Town Line Road,
19 the Graybar building sits somewhat in front. So, yes, our
20 building is screened primarily from the approach if you are
21 driving easterly on Brighton Henrietta looking to the left or
22 looking north.

23 But driving westerly prior to reaching
24 Brighton Henrietta Town Line Road, this facade is prominent.
25 Of course, we sit in the month of August where unfortunately

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3 we have full foliage right now. We all recognize that that's
4 at best probably six months out of the year. So much of this
5 foliage and what is truly screening the view is going to be
6 leaf off for half of the year or better, and we operate
7 12 months out of the year.

8 But Rick's point is noted. We would not want
9 to invest in a sign that we didn't think would be at all
10 visible. We feel it's important based on the reasons I
11 mentioned, our existing customer base, future customer base.
12 Signs as you know and probably hear routinely, they're
13 important to businesses.

14 MS. TOMPKINS WRIGHT: Is it mostly being added
15 for a way to find it or is it more to direct the people to
16 the entrance door?

17 PAUL COLUCCI: It's primarily way finding,
18 giving our current patrons an opportunity to understand where
19 we are from Brighton Henrietta Town Line Road. And then the
20 position of the primary signage is for identification of the
21 location of ADMAR, as well as the secondary sign. The
22 building will be approximately 60 percent occupied by ADMAR.
23 The remainder of the building is warehouse space for DiMarco
24 Group. We want customers to understand ADMAR is in this new
25 location, and ADMAR is on the side of the building where our

Brighton Zoning Board of Appeals 8/1/18

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3 signage is mounted.

4 CHAIRPERSON MIETZ: Okay.

5 MR. DiSTEFANO: Just for a little
6 clarification, so this picture here this is heading west on
7 Town Line Road, correct? And this is Metro Park, this
8 pavement here?

9 PAUL COLUCCI: Correct. So this is the
10 front --

11 MR. DiSTEFANO: That's the facade which you'll
12 have the ability to have your sign? That's the right of you
13 to have your sign.

14 PAUL COLUCCI: Yes. So that particular one is
15 in the parking lot of the --

16 MR. DiSTEFANO: Okay. But that parking lot is
17 fairly close, I know there's some vegetation, but that's
18 fairly close to the front to Town Line Road, correct?

19 PAUL COLUCCI: Well, it's probably about half
20 the distance up --

21 MR. DiSTEFANO: But just so I -- and the
22 variance that you're asking for is the sign here, correct?

23 PAUL COLUCCI: Correct. In the next picture,
24 in the last picture you get a better view of where that sign
25 would be mounted.

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3 CHAIRPERSON MIETZ: Okay. Any other questions
4 about this?

5 MS. TOMPKINS WRIGHT: If you were to reduce
6 the sign to 50 square feet, which is what your total overall
7 square footage and what the code requires for one sign, split
8 into two, do you believe it wouldn't be visible for its
9 purposes?

10 PAUL COLUCCI: I believe it would be visible
11 and, of course, the blue moniker for ADMAR is the company
12 color. So if the Board felt that that was an equitable
13 resolution we could consider reducing the signage to 150
14 square feet overall.

15 CHAIRPERSON MIETZ: How would you achieve
16 that?

17 PAUL COLUCCI: We would reduce the secondary
18 business identification --

19 CHAIRPERSON MIETZ: So you would leave the
20 100 foot sign there?

21 PAUL COLUCCI: Yes.

22 CHAIRPERSON MIETZ: Okay. Questions? Thank
23 you.

24 Is there anyone in the audience that would
25 like to speak regarding this application? There being none,

Brighton Zoning Board of Appeals 8/1/18

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3 then the Public Hearing is closed.

4 APPLICATION 8A-11-18

5 8A-11-18 Application of the Church of Our Lady
6 Queen of Peace, owner of property located at 601 Edgewood
7 Avenue, for 1) an Area Variance from Sections 203-2.1B(3) and
8 203-9A to allow a detached garage to be 875 sf, after a
9 336 sf addition, in lieu of the maximum 600 sf allowed by
10 code; and 2) an Area Variance from Sections 203-2.1C(1) (a)
11 and 203-9B to allow said garage to be 99 ft. from a lot line
12 in lieu of the minimum 100 ft. allowed by code. All as
13 described on application and plans on file.

14 DAN BROCK: Good evening, my name is Dan Brock
15 from Costich Engineering, located at 217 Lake Avenue. I'm
16 here along with Father Hart representing Church of Our Lady
17 Queen of Peace. They're seeking relief to expand an existing
18 garage by an additional 14 feet. The existing garage is
19 22 by 24. It's on the interior of the lot in the back. It's
20 approximately 539 square feet and it's currently utilized for
21 the convent which is adjacent to the garage.

22 The church has a growing need for storage, so
23 the thought was to put an additional bay onto the existing
24 garage as oppose to putting up an additional shed or
25 something. The additional garage would be used simply for

Brighton Zoning Board of Appeals 8/1/18

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3 storage, ground keeping equipment, holiday decorations, and
4 whatnot. The goal is to build the additional garage, the
5 expansion, to match the facade of the existing, all of the
6 roof lines would match the existing. The goal is to make it
7 look like it was built at the same time as the original
8 garage was built. The colors would match the convent, which
9 matches the garage, and so on.

10 The relief we're seeking is the current garage
11 is 539, this addition would push us over the 600 square feet
12 minimum to 875 square feet. Also, extending the face to the
13 west is the only option due to the convent, which is existing
14 on the east. We'd like to keep the face straight without
15 knocking it back, so we're requesting an additional -- it
16 puts us just about a foot, 10 inches, over that setback line
17 of 100 foot to the nearest property line.

18 CHAIRPERSON MIETZ: Okay.

19 MS. TOMPKINS WRIGHT: For the record, I live
20 in that neighborhood, so it is very well shielded and wooded,
21 very remote.

22 DAN BROCK: I will state that Father Hart has
23 spoken to the property closest to them. I don't have a
24 letter, but he did verbally receive indication that they did
25 not have a problem with the application.

1 Brighton Zoning Board of Appeals 8/1/18

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3 CHAIRPERSON MIETZ: And you'll extend to the
4 existing driveway that's there that services the garage now
5 so you won't need to alter the asphalt?

6 DAN BROCK: No, that is correct. Also, there
7 are no trees being removed. It's a perfect pocket right
8 there that it sits in.

9 CHAIRPERSON MIETZ: Sounds good. Questions?

10 MR. CLAPP: I guess I'm just curious, is the
11 existing wall coming off so it would be an open three bay or
12 is it just merely adding --

13 DAN BROCK: No. I believe the two-car garage
14 will still be maintained and utilized by the convent. This
15 is simply for the church's use.

16 CHAIRPERSON MIETZ: Okay. Any other
17 questions? Thank you.

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

21 APPLICATION 8A-12-18

22 8A-12-18 Application of William and Denise
23 Johnson, owners of property located at 2200 Westfall Road,
24 for an Area Variance from Section 207-2A to allow a front
25 yard wall to range in height from 2.75 ft. to 7 ft. where a

Brighton Zoning Board of Appeals 8/1/18

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3 maximum height of 3.5 ft. is allowed by code. All as
4 described on application and plans on file.

5 WILLIAM JOHNSON: Good evening, my name is
6 William Johnson, 22 Westfall Road. I'll give you a little
7 bit of quick background about this. The variance is about
8 the front yard wall. This is a house built in 1952, and it
9 has a driveway which slopes down into the basement area.
10 That's where the garage is, is underneath the house.

11 There's an existing retaining wall that's
12 about two-and-a-half feet tall. And then an earthen
13 embankment that slopes up to the height of the sidewalk which
14 is about five feet above the lowest part of the driveway,
15 decreasing height as you move out toward Westfall Road.

16 As you come out of the driveway this retaining
17 wall actually vanishes by the time you hit the turnaround.
18 And in the packet we have a sketch of the turnaround. The
19 wall goes to zero height by the time it reaches the
20 turnaround. And I measured it to the point where it was
21 three-and-a-half feet from the base of the driveway. That's
22 30 feet back from the property line towards the house. The
23 remaining 17 feet toward the house is where the variance is
24 being requested.

25 CHAIRPERSON MIETZ: Okay.

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3 MS. CORRADO: Right now you've got that
4 embankment landscaped. You intend to pushing it back and
5 putting in a higher wall, do you intend to keep green space
6 in replacing where the slope is, or do you intend to pave
7 over it all the way up to the wall?

8 WILLIAM JOHNSON: No, there's a limitation on
9 front yard paving, 30 percent. Right now we are actually at
10 42 percent. When we bought the house it was at that level.
11 So I did a quick analysis to see if I had to come for a
12 variance on that, but I don't. It's pretty comparable to
13 what we have.

14 And we're going to put a grass strip.
15 Questionable about how the grass is going to grow, but we're
16 going to try it, and then we don't have to increase the paved
17 area in the vicinity of that wall. The Architectural Review
18 Board actually questioned me on that particular point. They
19 said they thought that actually should be paved, in terms of
20 maintenance. They didn't want the soil running down to the
21 bottom of the driveway and such. Which are all good points,
22 but we thought we would try the first because that way it
23 doesn't change the characteristics in the front yard. So
24 that's our first step.

25 I should say the reason we're removing that

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3 earthen embankment, there's no front entry to the basement
4 unless you raise the garage door. To get into the garage you
5 would have to go all the way around to the back door, but
6 actually the previous owner had a break in at that point. He
7 recommended that we leave one of those doorjamber things
8 hooked up there so nobody could force the door, so of course
9 we are doing that.

10 But now to get into the basement if that
11 doorjamb is in place you have to go into the front door of
12 the house, walk to the east almost the full extent of the
13 house to get down the stairs, walk back through the basement
14 to get to the garage. So we would like to not have to keep
15 lifting the garage door every time we want to get in there
16 and just have a pedestrian door.

17 So since the cost of removing the retaining
18 wall that's there now, which is deteriorated, that's as
19 expensive to pull that whole soil and everything out of
20 there, that would expose the block area where we could put a
21 32-inch door to the basement and that's part of the project
22 here.

23 MS. WATSON: You mentioned that you're
24 planting grass along the strip of the driveway. Is there any
25 plans for landscaping or foliage to try to soften the look of

Brighton Zoning Board of Appeals 8/1/18

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3 the concrete wall?

4 WILLIAM JOHNSON: Well, you'd only see that if
5 you're looking -- standing on the west and looking back
6 toward the east. I think driving past the property you
7 really don't see that. Sometimes when I first bought the
8 house I was missing the driveway because it kind of is back
9 from the road quite a bit.

10 So, no, there's no plans to do landscape in
11 there. That grass strip actually helps us with something
12 else. We can't easily park two vehicles side by side in the
13 driveway, and sometimes we have family events that come
14 along. We are not doing it for this reason, but since we're
15 doing this project, we thought how can we get it where a car
16 can park right on the side of the driveway and open the door.
17 Well, now they can step off into the grass area and exit the
18 car and get into the car and that way we don't have cars that
19 are three inches from each other and not able to use their
20 door as they are facing each other.

21 So this sort of developed, replacing that
22 retaining wall, the sidewalk is deteriorating, the front
23 porch is deteriorating, which is not a subject of the
24 variance here, but all of the masonry work from 1952 and
25 since then is starting to fall apart. We needed to do

Brighton Zoning Board of Appeals 8/1/18

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3 something, so step by step we're actually moved to this
4 solution, so we're trying to do all of this in one shot as
5 we're doing it.

6 CHAIRPERSON MIETZ: Okay. Other questions?
7 Thank you.

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

11 We will reconvene at 20 minutes to 9:00.

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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 21st day of August, 2018.

At Rochester, New York


Rhoda Collins

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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON AUGUST 1ST, 2018
AT APPROXIMATELY 8:40 P.M.

August 1st, 2018
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

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

NOT PRESENT:
JEANNE DALE
JUDY SCHWARTZ

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 8/1/18

APPLICATION 8A-06-18

8A-06-18 Application of Jason and Katherine Thompson, owner of property located at 43 Sutton Place, for an Area Variance from Section 207-11A to allow an in-ground swimming pool to be located partially in a side yard in lieu of the rear yard only as required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 8A-06-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The pool will be well shielded from view due to a privacy fence and while located close to the neighboring property, it is adjacent to their garage and not the living spaces. Further, the requested variance is not substantial given the minimal impact on the neighborhood and the nearby properties.

2. The benefits sought by the applicant cannot reasonably be achieved by any other method. Because of the existing power lines, the slope of the yard, and the floodplain, the side yard is the only available location for an in-ground pool

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3 meeting the applicant's needs. For these reasons the
4 difficulties leading to the requested variance are not
5 self-created.

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

9 **CONDITIONS:**

10 1. The variance granted herein applies only to the pool
11 described in and the location as depicted on the application
12 and the testimony given.

13 2. All necessary permits must be obtained.

14 (Second by Ms. Watson.)

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

17 (Upon roll call, motion to approve with
18 conditions carries.)
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Brighton Zoning Board of Appeals 8/1/18

APPLICATION 8A-07-18

8A-07-18 Application of Michelle Lee Chin and Marybeth Cerrone, owners of property located at 105 Wilshire Road, for Area Variances from Section 207-6A(2) to allow a shed to be located 3 ft. from a rear and side lot line in lieu of the minimum 5 ft. required by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 8A-07-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The applicant's home is on a corner lot with limited backyard space made even smaller by the presence of an existing brick patio and the location of a driveway which cuts into the side and backyards. The requested variance is the minimum variance possible because of the proposed location of the shed is the only feasible site available in the small yard.

2. Granting of the request will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties, nor will it have an adverse effect or impact on the physical or environmental conditions of the neighborhood. The existing fencing that lines the rear yard

Brighton Zoning Board of Appeals 8/1/18

will screen the shed from the view of neighbors minimizing the impact of the variance.

CONDITIONS:

1. The shed will be located as per the application and testimony given and will be as described by the applicant.
2. All necessary building permits shall be obtained.

(Second by Ms. Corrado.)

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

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

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APPLICATION 8A-10-18

8A-10-18 Application of Admar Supply, lessee, and 1950 Brighton Henrietta Town Line, LP, owner of property located at 330 Metro Park, for a Sign Variance from Section 207-32B(1) to allow a sign on a second building face where not allowed by code. All as described on application and plans on file.

Motion made by Chairperson Mietz to approve Application 8A-10-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The applicant is desirous of a business application sign along Metro Park.
2. The service business is located at 330 Metro Park and the proposed sign will direct customers to the new building location.
3. No other alternative will meet the desired result of identifying the building as customers proceed towards the building along Brighton Henrietta Town Line Road.
4. No negative effect in the character of the neighborhood will result due to the approval of this variance due to the commercial nature of the area.
5. The nature of the service business, which is the rental

Brighton Zoning Board of Appeals 8/1/18

of construction-related equipment, warrants the need for the location of the business due to larger vehicles attempting to pick up equipment at this location.

CONDITIONS:

1. This application is based on the testimony given and the location of the sign shall be as shown as depicted in testimony and on the drawings as submitted.

2. The size of the second building face sign on the south elevation shall be a maximum of 50 square feet.

3. All ARB and Planning Board applications shall be obtained.

4. This approval is limited to the operation of a construction rental business at this location.

5. The maximum amount of square footage of signage on this building shall not exceed 150 square feet.

(Second by Mr. Clapp.)

(Ms. Corrado, yes; Ms. Watson, yes; Ms. Tomkins Wright, no; Mr. Clapp, yes; Mr. Mietz, yes.)

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

Brighton Zoning Board of Appeals 8/1/18

APPLICATION 8A-11-18

8A-11-18 Application of the Church of Our Lady Queen of Peace, owner of property located at 601 Edgewood Avenue, for 1) an Area Variance from Sections 203-2.1B(3) and 203-9A to allow a detached garage to be 875 sf, after a 336 sf addition, in lieu of the maximum 600 sf allowed by code; and 2) an Area Variance from Sections 203-2.1C(1)(a) and 203-9B to allow said garage to be 99 ft. from a lot line in lieu of the minimum 100 ft. allowed by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 8A-11-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighbor or be a detriment to nearby properties. The location and size of the garage expansion as planned is well shielded from view of all neighboring properties and public roads by heavily wooded areas.

2. The requested variance is not substantial. With respect to the setback variance requested it represents only one percent decrease in the setback required by code and with

Brighton Zoning Board of Appeals 8/1/18

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3 respect to the maximum square footage variance requested it
4 is not substantial in light of its use as storage supporting
5 a very large church on over an 11-acre parcel property.

6 3. The variance requested is the minimum necessary to
7 achieve applicant's goals, as applicant testified the purpose
8 is only to provide storage for the current needs of the
9 church.

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

13 **CONDITIONS:**

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

17 2. All necessary building permits must be obtained.

18 (Second by Ms. Corrado.)

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

21 (Upon roll call, motion to approve with
22 conditions carries.)
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Brighton Zoning Board of Appeals 8/1/18

APPLICATION 8A-12-18

8A-12-18 Application of William and Denise Johnson, owners of property located at 2200 Westfall Road, for an Area Variance from Section 207-2A to allow a front yard wall to range in height from 2.75 ft. to 7 ft. where a maximum height of 3.5 ft. is allowed by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 8A-12-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is the minimum variance possible and presents minimal changes to the existing conditions. The applicant's driveway slopes downward from the street to the garage, which is below grade. The rest of the front yard is level to the front door of the house necessitating a retaining wall to stabilize the yard. The proposed wall is to replace an existing deteriorating wall. Although the portion of the wall closest to the house will be nearly twice the height allowed by code relative to the base of the driveway, the wall will decrease in height with respect to the driveway as it approaches Westfall Road.

2. Granting of the request will not produce an undesirable

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3 change in the character of the neighborhood or be a detriment
4 to nearby properties, nor will it have an adverse effect or
5 impact on the physical or environmental conditions of the
6 neighborhood as this request is a minimal change to existing
7 conditions and will be insignificant to the view to the
8 street. In addition, this project will slightly reduce the
9 existing paved areas and increase the safety for additional
10 vehicles on the property during family gatherings.

11 **CONDITIONS:**

12 1. The retaining wall will be located as per the application
13 and testimony given and will be as described by the
14 applicant.

15 2. All necessary building permits shall be obtained.

16 (Second by Ms. Corrado.)

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

19 (Upon roll call, motion to approve with
20 conditions carries.)
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Brighton Zoning Board of Appeals 8/1/18

APPLICATION 6A-06-18

6A-06-18 Application of John and Pamela Fiorica, owners of property located at 33 Clovercrest Drive, for an Area Variance from Section 207-10E to allow a driveway to expand to the northern side lot line where a minimum 4 ft. setback is required by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 6A-06-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is the minimum possible to accommodate access in all seasons for a handicap-accessible vehicle for a resident of the home.
2. No other alternative can alleviate the difficulty and produce the desired result, namely safe wheelchair access to an accessible vehicle.
3. No unacceptable change in the character of the neighborhood and no substantial detriment to nearby properties is expected to result in the approval of this variance as the proposed driveway expansion will minimize blockage of the sidewalk by cars parked in the driveway.
4. The alleged hardship was self-created by the applicant

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3 only in that the applicant is attempting to accommodate for
4 the resident's safety and transportation needs.

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

7 **CONDITIONS:**

8 1. The driveway expansion shall be no closer than two feet
9 from the north property line as amended by the applicant.

10 2. The new asphalt must be installed and pitched in such a
11 way as to not to divert water onto the north neighbor's
12 property and ensure that excess water will drain into the
13 street into the storm sewer.

14 3. All necessary highway permits shall be obtained.

15 (Second by Mr. Clapp.)

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

18 (Upon roll call, motion to approve with
19 conditions carries.)
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Brighton Zoning Board of Appeals 8/1/18

APPLICATION 8A-01-18

8A-01-18 Application of Jason Hummell - Fastenal, lessee, and 2710 West Henrietta Rd, LLC, owner of property located at 2710 West Henrietta Road, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to hold a one day grand opening event (August 28, 2018). All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 8A-01-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The timing, size, and scale, the duration of the event will likely have little to no impact on the neighbors given the commercial nature of the surrounding properties and the relatively low traffic volume during the anticipated hours of the event.

CONDITIONS:

1. The temporary and revokable use permit applies only to the one-time event on Tuesday August 28, 2018, between the hours of 10:00 a.m. and 2:00 p.m.

2. Applicant shall not utilize any amplified music.

3. All tents required for the event shall be assembled and removed on the day of the event.

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4. Applicant shall monitor parking such that vendors and visitors do not park on neighboring properties except with express permission of the property owner, or on any adjacent road.

(Second by Ms. Watson.)

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

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

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APPLICATION 8A-02-18

8A-02-18 Application of Dr. Indra Quagliata, contract vendee, and Jerome Koresko, Sr., owner of property located at 1230 East Henrietta Road for an Area Variance from Section 205-7 to allow a new office building to be constructed with a 10 ft. front setback in lieu of the minimum 30 ft. front setback required by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 8A-02-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The property is surrounded by mixed uses with various setbacks.
2. The requested variance is not substantial due to the width of the Clay Road right of way. The property will appear to be setback farther than the 10 feet from the property line.
3. The benefit sought by the applicant cannot be reasonably achieved by any other method. The applicant previously testified that they had reviewed alternative plans and due to

Brighton Zoning Board of Appeals 8/1/18

the location of the driveway and other considerations there's no more acceptable configuration.

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

5. The difficulty in complying with the code is not self-created and stems from the unusual shape of the property and the required width and location of the driveway.

CONDITIONS:

1. The variance granted herein applies only to the proposed buildings as described in and in the location as depicted in the application and in the testimony given.

2. All necessarily approvals and permits must be obtained.

(Second by Ms. Corrado.)

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

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

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APPLICATION 8A-03-18

8A-03-18 Application of Dr. Indra Quagliata, contract vendee, and Jerome Koresko, Sr., owner of property located at 1230 East Henrietta Road for Area Variances from Section 205-7 to allow maximum gross first floor(s) area to be 7,000 sf in lieu of the maximum 3,500 sf per lot allowed by code, and the maximum total gross floor area (both buildings) to be 14,000 sf in lieu of the maximum 7,000 sf per lot allowed by code, for the purpose of constructing two 2-story office buildings on one lot. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 8A-03-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. If this project were to remain on two lots no variances would be necessary. However, the applicant is combining the two lots into one necessitating the need for a variance.
2. The requested square footage of 7,000 square feet per building and 14,000 square feet for the two buildings will not be noticeable due to the 2-story configuration of the buildings and the large distance between the two proposed structures.

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3 3. No negative effect on the character of the neighborhood
4 will result from the approval of this variance since the lot
5 is large and the property is situated in a heavily trafficked
6 commercial area.

7 4. No other alternative can produce the desired result since
8 the southern parcel has limited vehicular access.

9 **CONDITIONS:**

10 1. All necessary Planning Board approvals shall be obtained.

11 2. This variance is based on plans submitted and testimony
12 given specifically to the location of the two proposed
13 buildings and the access points.

14 (Second by Ms. Tompkins Wright.)

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

17 (Upon roll call, motion to approve with
18 conditions carries.)
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APPLICATION 8A-04-18

8A-04-18 Application of Dr. Indra Quagliata, contract vendee, and Jerome Koresko, Sr., owner of property located at 1230 East Henrietta Road for Area Variances from Section 205-18A to 1) allow front yard parking where not allowed by code, and 2) allow parking, pavement and drive aisles to be 7.5 ft from both the north and south lot lines where a minimum 10 ft. setback is required by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 8A-04-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood, be a detriment to nearby properties, and is not substantial. The proposed parking setback is at most only 25 percent less than what is required by code. Further, the eight to nine parking spaces partially located within the 10-foot parking setback area will be well screened from Clay Road by landscaping.
2. The benefit sought by the applicant cannot reasonably be achieved by any other method. The applicant testified

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3 previously that the required parking is maximized on site to
4 comply with the code and to be compliment with the storm
5 management plan.

6 3. The difficulty in complying with the code while
7 self-created stems from the need to provide parking near the
8 proposed buildings.

9 **CONDITIONS:**

10 1. The variance granted herein complies only to the parking
11 spaces and layout as described in the location as depicted on
12 the application and in the testimony given.

13 2. Bicycle parking amenities will be provided as shown on
14 the plans submitted.

15 3. All necessary approvals and permits must be obtained.

16 (Second by Ms. Watson.)

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

19 (Upon roll call, motion to approve with
20 conditions carries.)
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3 APPLICATION 8A-05-18

4 8A-05-18 Application New Monroe Real Estate,
5 LLC, contract vendee, and WSBJ, LLC, owner of property
6 located at 588 White Spruce Blvd., for an Area Variance from
7 Section 203-84B(12) to allow an animal hospital building to
8 be located 30 ft. from a residential district boundary in
9 lieu of the minimum 100 ft. required by code. All as
10 described on application and plans on file.

11 Motion made by Chairperson Mietz to approve
12 Application 8A-05-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

- 15 1. The proposed use of the property at 588 White Spruce
16 Boulevard be integrated into the operation of an existing
17 current animal hospital operation.
- 18 2. Contiguous residential properties are either commercial,
19 condominiums or a large apartment complex.
- 20 3. No negative effect on the character of the neighbor will
21 likely result from the approval since the adjacent properties
22 are used primarily for commercial.
- 23 4. No other option can achieve the desired result of
24 operating efficiencies from using a contiguous property.

25 **CONDITIONS:**

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3 1. This variance is based on the testimony given and the
4 plans submitted.

5 2. No overnight housing of animals shall be allowed on the
6 property.

7 3. No animals shall be housed outside of the building other
8 than for a travel path.

9 4. All necessary Planning Board approvals shall be obtained.

10 (Second by Mr. Clapp.)

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

13 (Upon roll call, motion to approve with
14 conditions carries.)
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APPLICATION 8A-08-18

8A-08-18 Application of Mathew Devine and Anne Devine, owners of property located at 210 Bonnie Brae Avenue, for an Area Variance from Section 207-10E(5) to allow a sidewalk to be between 14 inches (west end) and 44 inches (east end) from a side lot line in lieu of the minimum 4 ft. required by code. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 8A-08-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties as it is integral to the garage expansion previously approved.
2. The variance is not substantial due to the offset location of the house on the lot and cannot be achieved by any other means.
3. The variance is the minimum necessary as there is no feasible way to access the side entrance of the home.

CONDITIONS:

1. This approval is based on plans submitted and testimony

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given.

(Second by Ms. Tompkins Wright.)

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

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

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APPLICATION 8A-09-18

8A-09-18 Application of Ellen Tourtelot, owner of property located at 111 Bonnie Brae Avenue, for an Area Variance from Section 205-2 to allow an open porch to extend 6 +/- ft. into the existing 30 ft. front setback where a 40 ft. setback is required by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 8A-09-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is the minimum variance possible as the porch addition will mitigate structural problems inherent in the home's current design and will not extend further than the currently existing paved front walk.
2. No other alternative can alleviate the difficulty and produce the desired result mainly protection from the elements at the main entry to the home and mitigation of water damage to the home.
3. No unacceptable change in the character of the neighborhood and no substantial detriment to nearby properties is expected to result from the approval of this variance as the proposed porch addition will be in character

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with other homes in the neighborhood with covered entryways.

4. The alleged hardship was not self-created by the applicant.

5. The health, safety, and welfare of the community will not be adversely affected by the approval of the variance request. In fact, the elimination of the front walkway and the orientation of the porch steps will provide for weather protected access to the front door for guests and delivery persons.

CONDITIONS:

1. This variance will apply only to the open porch addition that was described in the application and testimony given. It will not apply to further additions considered in the future that are not included in the present application.

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

(Second by Ms. Tompkins Wright.)

(Mr. Clapp, yes; Mr. Mietz, yes; Ms. Watson, yes; Ms. Tompkins Wright, yes; Ms. Corrado, 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 21st day of August, 2018.

At Rochester, New York


Rhoda Collins