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

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

CHAIRPERSON MIETZ: Give us your name and address please.

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

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

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

And I also got a letter from the contractor, Rochester Driveways, located at 455 Western Drive, from Charles Brucato, President of the company and the owner. They had guaranteed, I know some of the Board members were
concerned about runoff, with water runoff. Mr. Brucato wrote a letter assuring the Board that would not happen. The way he constructs the driveways all additional waters that come onto the driveway no matter what the season will drain directly into the street, into the storm drains. He wrote a letter saying that.

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

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

MS. TOMPKINS WRIGHT: I just have a question.

The new plan has the driveway being expanded 2 feet toward --

JOHN FIORICA: To the south.

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

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

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

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

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

JOHN FIORICA: As it's currently now, no. Yeah, the current driveway, no, but the total width of the driveway will be 17.9, 17'9", which I had spoken last month
not to reiterate, but as Mr. Brucato and other contractors had advised me, a small two-car driveway is 16 feet. Explaining what my needs were relative to one handicap van and dropping a ramp down I would need what traditionally has become American standard, which is 18 feet for a two-car driveway. Did I answer your question?

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

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

    MS. TOMPKINS WRIGHT: Right.
    JOHN FIORICA: Does that make sense?
    MS. TOMPKINS WRIGHT: What's the technical requirement of the setback?
    MR. DiSTEFANO: Four, so he's gone from zero to 2 feet, where 4 foot is required.
    CHAIRPERSON MIETZ: Better than half.
    JOHN FIORICA: And like I said, I don't need
to reiterate from last month, but it's not for selfish reasons, the reason why we are doing it is for our change of life experience. And to reiterate, the current driveway that's there now I believe when Decca Paving put it in it was three years ago. And it's not like we want to rip out a perfectly good driveway, unselfish needs is why we have to do it.

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

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

MS. CORRADO: Can you remind me why it needs to come out? Whether the additional paving has to go all the
way up to the driveway -- or the garage.

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

MS. CORRADO: Okay.

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

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

JOHN FIORICA: Yeah, I don't disagree, which is why we want to relocate it to another part of our property, which would still be aesthetically pleasing to people driving by. The additional thing, or the concern that you have, which I totally understand, the way the driveway is going to be constructed, it's going to look like it belongs there, it's not going to look off center. And we don't want to get rid of the tree, we really don't. But -- and the way
my wife parks also with Frankie getting out currently, if she parks closer to the north side, the thing has grown pretty big, the tree. We have concerns for Frankie, him getting out of the van also with some of the branches that do lean over. I don't know if you have come to the property, it kind of leans.

CHAIRPERSON MIETZ: It's a limb.

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

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

JOHN FIORICA: Yeah, we did. The only concern as I said and like I explained last month, our concern -- which, it is a great question, some of our neighbors asked that too -- our concern that we have is that in the months, the non-winter months that's perfectly fine. But in Upstate New York, our winters that we have sometimes the driveway
expansion it's not as wide during those winter months. Sometimes if you come by our house the snowbank is right up to the side of the driveway. Like I said, with Frankie and his handicap and his disability, what ends up happening is with the van that we have, the handicap vans are larger, they're bigger, and sometimes the way it snows in Upstate New York when we clear our driveway out we don't get full clearance sometimes in front of our garage. So sometimes it pushes the cars back a little bit, that would go into that smaller portion of the driveway.

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

MS. CORRADO: Thank you.

CHAIRPERSON MIETZ: Okay. Any other questions?

MR. CLAPP: With the new configuration will that allow you to park three vehicles in the driveway without blocking the sidewalk?
JOHN FIORICA: Yes. Yes, sir.


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.

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

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

JOHN FIORICA: The new purchasers?

MS. TOMPKINS WRIGHT: Yes.

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.

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

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

MR. DOLLINGER: Yes.

CHAIRPERSON MIETZ: Okay. Thank you.

JOHN FIORICA: Thank you very much.

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

APPLICATION 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.

JASON HUMMELL: Jason Hummell, I live at 15 Brandywine Terrace, Rochester, New York, 14623. The property location for the grand event is Fastenal, 2710 West Henrietta Road, Rochester, New York, 14623. So Fastenal, if
you are not aware, is a $4 billion company with 2000 locations across the country. We had a branch on the corner of West Henrietta Road and Brighton Henrietta for the last 10 or so years and we recently moved up the street to 2710, it's about a quarter mile up the road on West Henrietta. We opened the branch in April, but with the weather and not being fully prepared, we didn't try to host any events or anything like that. We wanted to hold it for the summer, wait for a few more things to fall in place.

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

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

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

JASON HUMMELL: Yes, we have parking. The neighbor, Wayne, just bought the old Arigato building and he
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said it's no problem to use his property for parking or any of the event. So we have the front and the back to utilize.

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

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

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

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

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

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

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

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

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

JASON HUMMELL: Yes.

MS. TOMPKINS WRIGHT: Will there be music?

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

MR. DiSTEFANO: No live.

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

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

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

CHAIRPERSON MIETZ: Okay, simple is good.

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

MR. DiSTEFANO: No.

CHAIRPERSON MIETZ: Okay, sounds good. Thank you.

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

APPLICATION 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.

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.

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 feet 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.

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

The expiration date was February 2018. The reasoning as to why we did not ask for the extension, we were not on top of the project at the time and the project went into a little extended design time because the interior of the building changed. We hired a specialist to redesign how the inside of the building actually functions as guests came...
in and people were moving through the building. So we were
in a holding pattern and we simply just didn't come back in
and ask for the extension. I can certainly go through and
talk to you about where those three different variances
occurred.

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

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

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

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

CHAIRPERSON MIETZ: Where they're entering?

DAVID PRIZZI: Correct.

CHAIRPERSON MIETZ: Okay.

DAVID PRIZZI: So the front yard, the request
for the variance in the front yard is actually occurring on
the south side of the building. So if you're on Clay Road, it's more or less sort of a loop road, it's tying it to East Henrietta Road, so that face of the building is within 10 feet of the property line and I believe by code 30 feet is allowed.

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

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

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

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

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

DAVID PRIZZI: That is correct. So that's the front yard. And the gross floor area, the reason for the variance request for the gross floor area is that initially this was two parcels. So if we left them as two parcels we
wouldn't need an area variance, but we're actually doing a lot consolidation. So we're asking for the area that would have been allowed if we left them as two parcels, but we're combining them to help consolidate disturbance and impervious area and actually ease of access to those two buildings.

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

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

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

CHAIRPERSON MIETZ: Okay.

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

CHAIRPERSON MIETZ: Okay. So there are no other underground utilities, no other changes to the configuration of the lot or where the buildings are, the size of the buildings?
DAVID PRIZZI: That is correct.

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

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

CHAIRPERSON MIETZ: Yes. Okay, great.

DAVID PRIZZI: Can I add one thing?

CHAIRPERSON MIETZ: Sure.

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.

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

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

CHAIRPERSON MIETZ: So you believe it will
commence prior to August 2019?

DAVID PRIZZI: That's correct.

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

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

APPLICATION 8A-05-18

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

AMY LAUKAITIS: Hi, my name is Amy Laukaitis and I live at 233 Orchard Park Boulevard, Rochester, New York, 14609. I'm here representing New Monroe Real Estate, that we are requesting a variance to be able -- we currently also own 825 White Spruce Boulevard, which is across the street and there are existing services in that building that we're looking to relocate into this building. Those services
are animal rehab services, so it's a very specific service. It's outpatient visits so there's no overnight stay.

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

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

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

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

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

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

MR. DiSTEFANO: Right, but directly behind the
Rustic Village apartments.

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

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

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

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

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

MR. DiSTEFANO: Could we just kind of go over the way the operation will work? Will there be any overnight boarding of animals there, the hours of operation for that particular facility, any use of the outdoor area? Because I
think the thing about keeping the hundred feet is that if there are any animals barking and that kind of stuff, to kind of minimize any impacts to residential properties. Which, again, you have the apartments right behind you there.

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

What else? Not noisy --

MS. TOMPKINS WRIGHT: Hours of operation.

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

MR. DiSTEFANO: And any outdoor use for walking purposes or --
AMY LAUKAITIS: I would not see us using that, trying to --

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

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

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

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

MR. DiSTEFANO: Okay.

CHAIRPERSON MIETZ: Okay.

MR. CLAPP: Again, I'm just trying to be clear about the outside use. So basically, the treatment is occurring inside and any walking would be incidental and
minimal, so really barking and things like that would also be minimal?

AMY LAUKAITIS: Correct.

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

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

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

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

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

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

CHAIRPERSON MIETZ: Any other questions?
Thank you.

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

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

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

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

KATHERINE THOMPSON: Uh-huh.

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

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

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

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

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

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

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

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

    KATHERINE THOMPSON: Well, we have a chain link fence that is --
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CHAIRPERSON MIETZ: Yes, I've seen it.

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.

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

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

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

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.

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

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

KATHERINE THOMPSON: Yeah, we were waiting
until we were obviously approved before we did anything.

CHAIRPERSON MIETZ: Any other questions?

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

CHAIRPERSON MIETZ: Any other questions?

Thank you.

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

APPLICATION 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.

MARYBETH CERRONE: Hello, I'm Marybeth Cerrone, I live at 105 Wilshire Road. And we applied for this variance because when we came to talk and met with Rick we learned that a side lot has two rear lots -- has two front
lots I should say, so we had a very limited spot in our rear to put a shed. And we already, if you look at the plan, have a brick patio, that infinity-looking -- looks like a pool but it's really a brick patio there that we don't want to disrupt. So that limits how much space we have in our true rear lot, and Rick mentioned that we maybe want to look into a variance. And in doing some looking into that we said, okay, if we had three feet from the line instead of the five we can fit an eight by eight in that corner there.

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

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

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

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

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

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

RANDALL PEACOCK: Concrete.

CHAIRPERSON MIETZ: Any questions? I don't know if everybody remembers everything from last month. We questioned it last month, it wasn't really addressed in the rest of it. We kind of anticipated he would be back because
it would be hard to get along that side unless you're walking sideways. Any other questions? Thank you.

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

APPLICATION 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. front setback is required by code. All as described on application and plans on file.

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

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

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

CHAIRPERSON MIETZ: What detail were they asking for?

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

CHAIRPERSON MIETZ: Right.

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

CHAIRPERSON MIETZ: Right. So you have in essence designed what you would believe to be the minimum
that would make it usable as a porch?

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

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

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

CHAIRPERSON MIETZ: Okay.

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

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

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

ELLEN TOURTELOT: Yes.

MR. DiSTEFANO: No intention to close it off?

ELLEN TOURTELOT: No. We want to sit outside and hang out.
CHAIRPERSON MIETZ: Not in the winter?

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

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

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

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

ELLEN TOURTELOT: Yes.

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

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

CHAIRPERSON MIETZ: Okay.

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

ELLEN TOURTELOT: We're going to take out the bushes.
MR. DiSTEFANO: Are you going to do anything in front of the porch once it's done?
ELLEN TOURTELOT: I'm uncertain. Would that matter?
MR. DiSTEFANO: No, I'm just, you know --
ELLEN TOURTELOT: Okay.
CHAIRPERSON MIETZ: It kind of tends to sort of make it less apparent.
MR. DiSTEFANO: Yeah, break it up from the road.
CHAIRPERSON MIETZ: Not massive bushes, but just something to break it up.
ELLEN TOURTELOT: Okay.
CHAIRPERSON MIETZ: It's not required or anything. You really only come in a foot and a half, so that's fine.

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

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

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

About five years ago we acquired the property at 330 Metro Park and actually we were before this Board for some area variances recently to allow the occupancy of that facility. We're under construction, we raised the roof sufficient to allow ADMAR to do the type of maintenance and operation that they require within the facility. And we are excited for the new home for ADMAR, investing close to
$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 accustom 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
footage that we occupy up to 150 square feet. We've chosen to reduce that to 100 square feet on that primary facade as we've tried to balance the signage needs on both the east elevation facing Metro Park and the south elevation facing Brighton Henrietta Town Line Road.

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

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

CHAIRPERSON MIETZ: I guess just one question. I know you're trying to respect by altering that sign on the east, to get closer to A plus B here. But the two signs the way you have them designed now you're believing that based on the sight lines and what not that those are the minimum letter sizes which then obviously translates into square
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. DI STEFANO: 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
the south, heading north. So I get a little concerned that you're asking for something that, you know, might not be really necessary. And how are you guys different than other buildings on Metro Park that they're going to see that and say, well, I want to get a sign on the side of my building too. So I'm a little concerned.

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

CHAIRPERSON MIETZ: You can pass them out.

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

But driving westerly prior to reaching Brighton Henrietta Town Line Road, this facade is prominent. Of course, we sit in the month of August where unfortunately
we have full foliage right now. We all recognize that that's
at best probably six months out of the year. So much of this
foliage and what is truly screening the view is going to be
leaf off for half of the year or better, and we operate
12 months out of the year.

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

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

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

CHAIRPERSON MIETZ: Okay.

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

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

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

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

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

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

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

PAUL COLUCCI: Correct. In the next picture, in the last picture you get a better view of where that sign would be mounted.
CHAIRPERSON MIETZ: Okay. Any other questions about this?

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

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

CHAIRPERSON MIETZ: How would you achieve that?

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

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

PAUL COLUCCI: Yes.


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-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.

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

The church has a growing need for storage, so the thought was to put an additional bay onto the existing garage as oppose to putting up an additional shed or something. The additional garage would be used simply for
storage, ground keeping equipment, holiday decorations, and whatnot. The goal is to build the additional garage, the expansion, to match the facade of the existing, all of the roof lines would match the existing. The goal is to make it look like it was built at the same time as the original garage was built. The colors would match the convent, which matches the garage, and so on.

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

CHAIRPERSON MIETZ: Okay.

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

DAN BROCK: I will state that Father Hart has spoken to the property closest to them. I don't have a letter, but he did verbally receive indication that they did not have a problem with the application.
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CHAIRPERSON MIETZ: And you'll extend to the existing driveway that's there that services the garage now so you won't need to alter the asphalt?

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

CHAIRPERSON MIETZ: Sounds good. Questions?

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

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

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

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

APPLICATION 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.

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

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

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

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

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

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

I should say the reason we're removing that
earthen embankment, there's no front entry to the basement unless you raise the garage door. To get into the garage you would have to go all the way around to the back door, but actually the previous owner had a break in at that point. He recommended that we leave one of those doorjamb things hooked up there so nobody could force the door, so of course we are doing that.

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

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

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

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

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

So this sort of developed, replacing that retaining wall, the sidewalk is deteriorating, the front porch is deteriorating, which is not a subject of the variance here, but all of the masonry work from 1952 and since then is starting to fall apart. We needed to do
something, so step by step we're actually moved to this solution, so we're trying to do all of this in one shot as we're doing it.

CHAIRPERSON MIETZ: Okay. Other questions? Thank you.

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

We will reconvene at 20 minutes to 9:00.

* * *
Brighton Zoning Board of Appeals 8/1/18

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
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 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
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.
meeting the applicant's needs. For these reasons the
difficulties leading to the requested variance are not
self-created.
3. There is no evidence that the proposed variance would
have an adverse effect or impact on the physical or
environmental conditions on the neighborhood or district.

**CONDITIONS:**

1. The variance granted herein applies only to the pool
described in and the location as depicted on the application
and the testimony given.
2. All necessary permits must be obtained.

(Second by Ms. Watson.)

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

(Upon roll call, motion to approve with
conditions carries.)
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
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.)
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
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.)
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
respect to the maximum square footage variance requested it is not substantial in light of its use as storage supporting a very large church on over an 11-acre parcel property.

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

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

**CONDITIONS:**

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

2. All necessary building permits must be obtained.

   (Second by Ms. Corrado.)

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

   (Upon roll call, motion to approve with conditions carries.)
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
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 as this request is a minimal change to existing conditions and will be insignificant to the view to the street. In addition, this project will slightly reduce the existing paved areas and increase the safety for additional vehicles on the property during family gatherings.

**CONDITIONS:**

1. The retaining wall 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. Mietz, yes; Ms. Tomkins Wright, yes; Mr. Clapp, yes; Ms. Corrado, yes; Ms. Watson, yes.)

   (Upon roll call, motion to approve with conditions carries.)
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
only in that the applicant is attempting to accommodate for the resident's safety and transportation needs.

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

**CONDITIONS:**

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

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

3. All necessary highway permits shall be obtained.

   (Second by Mr. Clapp.)

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

   (Upon roll call, motion to approve with conditions carries.)
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.
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.)
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
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.)
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.
3. No negative effect on the character of the neighborhood will result from the approval of this variance since the lot is large and the property is situated in a heavily trafficked commercial area.

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

**CONDITIONS:**

1. All necessary Planning Board approvals shall be obtained.
2. This variance is based on plans submitted and testimony given specifically to the location of the two proposed buildings and the access points.

  (Second by Ms. Tompkins Wright.)

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

  (Upon roll call, motion to approve with conditions carries.)
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
previously that the required parking is maximized on site to comply with the code and to be compliment with the storm management plan.

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

**CONDITIONS:**

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

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

3. All necessary approvals and permits must be obtained.

   (Second by Ms. Watson.)

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

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

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

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

FINDINGS AND FACTS:

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

CONDITIONS:
1. This variance is based on the testimony given and the plans submitted.
2. No overnight housing of animals shall be allowed on the property.
3. No animals shall be housed outside of the building other than for a travel path.
4. All necessary Planning Board approvals shall be obtained.
   (Second by Mr. Clapp.)
   (Ms. Corrado, yes; Ms. Watson, yes; Ms. Tomkins Wright, yes; Mr. Clapp, yes; Mr. Mietz, yes.)
   (Upon roll call, motion to approve with conditions carries.)
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
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.)
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
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.)

* * *
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