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Brighton Zoning Board of Appeals 11/7/18

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

November 7th, 2018
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

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

6 Rick, was the meeting properly advertised?

7 MR. DiSTEFANO: Yes, Mr. Chairman, it was
8 advertised in the Brighton-Pittsford Post of
9 November 1, 2018.

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

12 MR. DiSTEFANO: Please let the record show all
13 members are present.

14 CHAIRPERSON MIETZ: Okay. So we have the
15 September minutes to look at.

16 MS. SCHWARTZ: I'm ready. Page 32, Line 11,
17 the last word is plant.

18 Page 35, Line 11, this is you, but I think you
19 delete the second word be, so would there be.

20 Page 37, Line 4, the word is the allowed.

21 Page 61, Line 19, after the word increased
22 insert the word to.

23 Page 72, under Conditions, Number 1, Line 5,
24 insert the number two before the word lots. That's all I
25 have.

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CHAIRPERSON MIETZ: Anyone else have anything?

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MS. CORRADO: I do, just two. Page 55, Line 19, insert the word of between that and not.

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And Page 68, Line 20, insert a comma after the word slab.

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CHAIRPERSON MIETZ: Okay, anything else? Motion?

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MS. SCHWARTZ: So moved.

(Second by Ms. Tompkins Wright.)

(Mr. Clapp, yes; Ms. Schwartz, yes;

Ms. Tomkins Wright, yes; Ms. Dale, yes; Mr. Mietz, yes;

Ms. Watson, yes; Ms. Corrado, yes.)

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

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

APPLICATION 11A-01-18

11A-01-18 Application of Congregation Light of Israel, owner of property located at 1675 Monroe Avenue, for renewal of a Temporary and Revocable Use Permit (1A-01-17) pursuant to Section 219-4 to erect a tent and hold up to six (per year) outdoor special events for the years 2019 and 2020. All as described on application and plans on file.

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3 JERRY GOLDMAN: Good evening, Mr. Chairman,
4 members of the Board, my name is Jerry Goldman, I am the
5 attorney, agent, and member of Congregation Light of Israel.
6 With me tonight on this application is the President of the
7 Congregation, Alan Brodsky, to answer any questions that the
8 Board may have.

9 This application is for a temporary and
10 revocable use permit, similar to one that was granted by this
11 Board first in September of 2013, then in 2015 and in 2017,
12 seeking the opportunity to have a tent in the backyard of the
13 synagogue for special events no more than six times a year.
14 Many of these events are religious events. Certainly one
15 annually is a religious event, others are religious events,
16 some may also be events for members of the synagogue
17 primarily, and those within the generally community.

18 This application was extensively reviewed
19 previously and our February 2015 letter talks about the
20 standards under code. In addition there were a series of
21 conditions that have been imposed and have been carried over
22 in each application which we have followed and which we
23 intend to follow. And we would expect the Board would
24 reimpose should you decide to grant this temporary and
25 revocable use permit for the next two years, starting on

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3 January 1, 2019.

4 I know you have a long agenda tonight, I know
5 most of you have heard this before in one form or another, so
6 we will stop now and answer any questions the Board may have.

7 CHAIRPERSON MIETZ: Questions?

8 MS. TOMPKINS WRIGHT: Rick, I know the answer
9 already, but I'm assuming no one has ever complained about
10 any of the events that they've had?

11 MR. DiSTEFANO: Not that I'm aware of.

12 CHAIRPERSON MIETZ: And nothing's really
13 changed. Their plans haven't changed, what you're going to
14 do hasn't changed.

15 JERRY GOLDMAN: Not at all.

16 ALAN BRODSKY: We typically do this --

17 CHAIRPERSON MIETZ: Just for the record, could
18 you put your name in?

19 ALAN BRODSKY: Yes, Alan Brodsky, President of
20 the Congregation of Israel. We typically have one or two
21 events scheduled. And the other one or two events are events
22 that occur when someone wants to use the outside for a
23 certain thing like a bar Mitzvah or something like that.

24 Each time that we do go in, we go into the
25 fire marshall's office and fill out the application and pay

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3 the fee. And we also make the police aware there's an event
4 going on like that, and we've never, to my knowledge, had any
5 issues with that. And those restrictions, we've never had
6 music or anything. We're a solid bunch.

7 CHAIRPERSON MIETZ: Okay.

8 MS. SCHWARTZ: And you feel about how many
9 events a year?

10 ALAN BRODSKY: Well, we have one scheduled
11 event that we have. And what happens is, especially for bar
12 Mitzvahs that we have, the building itself usually is not
13 amendable to have that many people in there, because their
14 services that's got to be converted over. So it's easier for
15 us if we get a tent, have tables set up, and have it
16 professionally done, that just makes it easier for us. We
17 don't require people to do that, but a lot of people prefer
18 it, obviously during the spring and summer months.

19 JERRY GOLDMAN: The short answer is one fixed
20 time usually around September or October for Simchat Torah, a
21 specific holiday. And in addition to that, it could be a
22 speaker, it could be a dedication of the Torah, it could be
23 an event for somebody, those are the types of events.

24 On average it's probably four to five a year.
25 We look to do six within the permit because there may be a

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year when we may need six.

CHAIRPERSON MIETZ: Sounds reasonable. Any further 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 11A-02-18

11A-02-18 Application of Jerry Nadiak, owner of property located at 105 Penhurst Road, for an Area Variance from Section 207-10E(2) to allow front yard pavement coverage to increase from 34.8% to 37.5% where a maximum 30% coverage is allowed by code. All as described on application and plans on file.

KEVIN THEORE: Kevin Theore, I'm here with Jerry Nadiak, the owner of the house, to give him a hand during the proceeding. I built the garage for Jerry and we got a variance for that, came in front of the Board. And after I finished the garage he decided to widen the driveway so he could get in a new garage door. This was done by a masonry contractor, I didn't take part in that.

At the original ZBA hearing we did discuss widening the driveway, not necessarily widening it all the way to the road and there was no mention that he might need a

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3 variance. I don't think it ever occurred to either one of
4 us. Jerry did go to the highway department prior to doing
5 any work on the driveway and gave them \$40 and got a receipt.
6 I think he just assumed he was done with that process.

7 So we proceeded to excavate the driveway and
8 have a masonry put the driveway in and then he received a
9 letter from the highway, which then he called me in a tizzy.
10 I said yeah, yeah, I would give him a hand filling out the
11 paperwork and come here.

12 Above and beyond that, he does have a porch
13 and a, like, a little paver patio in front of the porch where
14 he has a table which adds to the impervious area in the front
15 yard. So he was, I guess, preexisting nonconforming prior to
16 the driveway, has added to that and now he would be
17 approximately 37 percent instead of 30. He did go and talk
18 to his neighbors and got a whole bunch of signatures that say
19 they are all fine--

20 CHAIRPERSON MIETZ: Give that to Rick, if you
21 would.

22 KEVIN THEORE: -- fine and happy with it. And
23 so he definitely exceeds, he's only asking for another
24 3 percent beyond the 34 he was approximately, if he had
25 37 percent. I don't know, he's got 30 or 40 signatures

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there. There are other homes in the neighborhood that have had a similar situation so it wouldn't be detrimental to the neighborhood.

CHAIRPERSON MIETZ: Rick, are the two abutting neighbors on there?

MR. DiSTEFANO: 97 Penhurst.

CHAIRPERSON MIETZ: Yes, how about 119?

MR. DiSTEFANO: Yes, also 119.

CHAIRPERSON MIETZ: Okay. We will note that. Any questions?

MR. DiSTEFANO: Just something real quick, I'm going to ask to go off the record.

(Whereupon there is a discussion off the record.)

CHAIRPERSON MIETZ: 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 11A-03-18

11A-03-18 Application of Michael McQuinn and Gary Harris, owners of property located at 5 Indian Spring Lane, for an Area variance from Section 203-2.1B(6) to allow a standby emergency generator to be located in a front yard in lieu of the rear yard behind the house as required by

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code. All as described on application and plans on file.

MICHAEL MCQUINN: Good evening, my name is Mike McQuinn, one of the property owners of 5 Indian Spring Lane. This application is to seek putting a standby generator on the northwest corner of the house. By placing it there about 18 inches of it is past the corner of the house which causes it to be placed in what the Town considers the front of the property. We live right on the corner so we have, I guess, two fronts to the property.

We looked into placing it in back of the property but there's standing water in the back often throughout the year, so it causes an unsafe condition in the back. That's on the north side of the house. Placing it on the east side of the house would be a nuisance to the neighbor that borders our property on the east side of the house.

So by placing the generator on the northwest side of the house, it's the furthest from any of the neighbors, so there's not a noise nuisance with the generator. And by putting the generator past the corner of the house 18 inches it doesn't cause us to have to move a sidewalk to move that generator back. So we're seeking that variance for the placement in that area.

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3 MS. DALE: So in addition to the east side not
4 being a good option because of the neighbor, the application
5 also stated that there was an existing concrete patio?

6 MICHAEL MCQUINN: There's a patio on that side
7 of the house. If we were to put it in front of the patio it
8 would be right close to the garage and the garage is on a
9 slab, which is also more towards the front of the neighbor's
10 house.

11 MS. DALE: And in the application I could not
12 tell if you stated that there was already a, I think you said
13 a cedar panel. Are you saying you would put that in after or
14 I didn't --

15 MICHAEL MCQUINN: Yes, so the plan is much of
16 the property is landscaped, we take very well care of the
17 gardens and stuff like that. We really want that generator
18 to go in, so the plan is to actually put cedar panels on two
19 sides of that given the specs of the generator, and that will
20 shield that generator as far as visibility from the neighbors
21 in back and anyone on the Clover side.

22 MS. DALE: Thank you.

23 MS. TOMPKINS WRIGHT: Do you know the decibel
24 rating?

25 MICHAEL MCQUINN: It's in the spec sheet. The

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3 sound rating at 7 meters is, if I read that correctly I think
4 it's 69, is that correct? That's one of the more quiet
5 generators.

6 CHAIRPERSON MIETZ: Okay. Any other
7 questions? 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 APPLICATION 11A-04-18

12 11A-04-18 Application of Robyn Rime, owner of
13 property located at 1863 Westfall Road, for an Area Variance
14 from Section 205-2 to allow an entryway porch to extend 5 ft.
15 into the existing 29 ft. front setback where a 40 ft. front
16 setback is required by code. All as described on application
17 and plans on file.

18 ROBYN RIME: I'm Robyn Rime, I reside at
19 1863 Westfall Road. I'm seeking a variance to rebuild the
20 front steps of their house. They currently extend 4 feet
21 into the existing 29-foot front setback. The rebuild will
22 extend not 4 feet but 5 feet into that setback. I'm moving
23 the steps instead of facing the road, I'll move them to the
24 side and then there will be a landing so the steps will be
25 safer and more attractive.

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3 CHAIRPERSON MIETZ: You mention in the
4 application that you are sort of trying to design a little
5 bit like the property to the east.

6 ROBYN RIME: It looks similar to that.

7 CHAIRPERSON MIETZ: And you are happy with how
8 that looks?

9 ROBYN RIME: Yeah, it's going to be easier to
10 open the door to have a landing there with some railings
11 around it, yes.

12 CHAIRPERSON MIETZ: Very good. Anyone else
13 have questions?

14 MR. DiSTEFANO: Have you gone to the
15 Architectural Review Board yet?

16 ROBYN RIME: Yes, it's passed, we've gotten an
17 approval. There was one small revision that needed to be
18 made which we're making.

19 MR. DiSTEFANO: Okay.

20 CHAIRPERSON MIETZ: Any other questions?
21 Thank you.

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

25 (Whereupon Mr. Mietz has left the room as he has an

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3 interest in the next application. Ms. Corrado will Chair
4 this hearing.)

5 APPLICATION 11A-05-18

6 11A-05-18 Application of Daniel Turner, Turner
7 Engineering, agent, and Brighton Volunteer Ambulance, owner
8 of property located at 1551 Westfall Road, for an Area
9 Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a
10 standby emergency generator to have a noise level of 76.5 dBA
11 in lieu of the maximum 72 dBA allowed by code. All as
12 described on application and plans on file.

13 DANIEL TURNER: Good evening, my name is Dan
14 Turner with Turner Engineering. We are working with Brighton
15 Volunteer Ambulance on the current renovations and additions
16 that they are doing. As part of that project we designed a
17 new 80 Kw emergency generator, two A pole, single phase, and
18 we installed that on the west side of the building and we
19 kind of tucked it in next to the building behind a bump out
20 on the north side.

21 The generator, the front of the generator
22 faces south which is a field, to the west is the Arnett
23 Corporation, and then directly north, which is the backside
24 of the generator, that faces a bump out in the building so
25 it's kind of tucked in behind it. Beyond the building

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3 further north is Westfall Road, and across the street there
4 are some residences that's about 200 feet away from the
5 generator. And then the east side of the generator itself is
6 the structure, that is the Brighton Volunteer Ambulance.

7 So at an unloaded situation the average is
8 70 decibels, I think the Town ordinance is 72. At a fully
9 loaded situation the average is 74.8, the maximum 76.5 coming
10 from the front, which again faces south towards the field.
11 Our load calculations and also we double checked that against
12 what the existing load is that is seen at the Brighton
13 Volunteer Ambulance operating at 30 to 40 percent loading, so
14 that would put the generator average sound pressure level
15 around 72 or slightly under.

16 So I think that being that the nearest house
17 is 200 feet away and the fact that it's tucked in behind the
18 Brighton Volunteer Ambulance I think it won't have an adverse
19 effect on the neighbors.

20 MS. CORRADO: Any questions?

21 DANIEL TURNER: In my application I also
22 included some information about sound pressure, which is kind
23 of confusing. Studies have shown it takes -- about
24 50 percent of the people can hear a 3 decibel change in sound
25 pressure and it has to be about 5 decibels change in sound

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3 pressure for most people to hear the change. So sound isn't
4 linear like we would normally think, so it's kind of unusual.

5 MS. SCHWARTZ: Is this one that will test for
6 a fewer minutes than normal because something has changed?

7 DANIEL TURNER: The testing, the time that it
8 tests and the length it tests, that's all user programmable.
9 Brighton Volunteer Ambulance can set that up to be whatever
10 time of day is desired and for however long.

11 MS. SCHWARTZ: Right, but I know some of the
12 people who have come in for these have said now they test for
13 five minutes instead of ten, they can test like every other
14 week instead of every week.

15 DANIEL TURNER: Probably no more than every
16 other week. You want to get it warmed up, so you want to get
17 up to ten minutes or so, and it will probably be tested under
18 no load. It probably won't have load on it so then it will
19 be fairly quiet.

20 MR. CLAPP: Would my assumption be correct
21 that the reason you're specifying this particular generator
22 is to meet the emergency needs and the operation needs of the
23 ambulance? The normal residential would not meet those
24 needs?

25 DANIEL TURNER: Correct, emergency operation.

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3 They want to be able to operate the facility 24/7. And it's
4 an 80 Kw because you don't want to load a generator up to
5 100 percent, you want to have a little bit of headroom for
6 growth. And, you know, usually it's about 30 to 40 percent,
7 but it could be a 90-degree day with all the air conditioning
8 going. We're picking up all the loads in the Volunteer
9 Ambulance.

10 MR. CLAPP: Thank you.

11 MS. TOMPKINS WRIGHT: Can you just confirm, on
12 the site plan you submitted the generator is what's labeled
13 EG1?

14 DANIEL TURNER: Yes, emergency generator.

15 MS. TOMPKINS WRIGHT: Okay.

16 MS. CORRADO: Any further questions? Thank
17 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 11A-06-18

22 11A-06-18 Application of Alexandria Terziev
23 and Allan Greenleaf, owners of property located at 81 Danbury
24 Circle South, for an Area Variance from Sections 203-2.1B(6)
25 and 203-9A(4) to allow a standby emergency generator to be

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3 located in a side yard 6 +/- ft from the property line in
4 lieu of the rear yard behind the house no closer than 10 ft.
5 to a property line as required by code. All as described on
6 application and plans on file.

7 ALEXANDRIA TERZIEV: Hi, I'm Alex Terziev.

8 ALLAN GREENLEAF: And I'm Allan Greenleaf and
9 we live at 81 Danbury Circle South in Meadowbrook.

10 ALEXANDRIA TERZIEV: We're asking to put the
11 standby generator at the side of our garage, which also means
12 not only is it not in the rear of the yard, but because the
13 side of the garage is at 10 feet from the property line it
14 wouldn't make it be closer than 10 feet to the property.

15 We've got several different problems trying to
16 put it in the rear yard. We have an L-shaped house, so the
17 original house is like this and then the elbow is the garage
18 and the addition sits behind it. The electrical panels are
19 at the back of the garage. The trouble with that is it means
20 the rear of the house is just pretty far from the electrical
21 panels because we've got to get behind our kitchen and family
22 room.

23 The gas enters at the middle of the original
24 part of the house, so together if you're trying to run the
25 gas and the electric out to the back it's just farther than

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3 our contractor will do it. Basically, we're working with
4 John Betlem and they just said, basically it needs to be very
5 close to the electrical panels and run the gas over to it.

6 The other problem is that the addition itself
7 is sort of all about light and windows and doors, it's just
8 loaded with banks of windows. So every place that's on one
9 side of the addition, that means you'd have to be 5 feet out,
10 and that means you're in the fronts of the flower beds or
11 you're actually out on the flagstone pathways.

12 The other part of it, with the rear of the
13 house is that the original part of the house, the original
14 clay tile storm sewer still runs the whole length of the back
15 of the house. We know it's failing. We've actually
16 excavated part of the storm sewer twice in the 6 years we've
17 been in the house. So if you put a generator anywhere back
18 there, the excavators told us probably within 10 years we're
19 going to have to replace those original clay tile. You would
20 have to disconnect the gas and the electric again, we'd have
21 to move the generator to get to the storm sewer. So those
22 are our problems with trying to do it in the rear.

23 ALLAN GREENLEAF: And the generator we want to
24 install is a 16 kw unit and we looked for one that was as
25 quiet as possible. So the full load was rated 66 decibels

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3 and 58 during a 5-minute test mode and we can do that weekly
4 or biweekly or monthly. We have spoken to the nearest
5 neighbors on that side and we have a letter from them that's
6 in the file.

7 CHAIRPERSON MIETZ: You can give that to Rick,
8 the letter.

9 ALEXANDRIA TERZIEV: It is in the packet. We
10 did tell them they could pick the schedule. If they want to
11 pick the test schedule, we told the neighbors they could pick
12 it.

13 CHAIRPERSON MIETZ: Okay. Any questions?
14 Thank you.

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

18 APPLICATION 11A-07-18

19 11A-07-18 Application of Matthew Witmer, owner
20 of property located at 82 Southern Parkway, for an Area
21 Variance from Sections 203-2.1B(2) and 203-9A(4) to allow an
22 accessory building/pool house to be 424 sf in size in lieu of
23 the maximum 250 sf allowed by code. All as described on
24 application and plans on file.

25 MATTHEW WITMER: Hello, my name is Matthew

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3 Witmer, I'm the owner of 82 Southern Parkway. I'm here to
4 discuss, we have in the back part of our property when our
5 house was initially built there was a detached garage.
6 Recently we went previously last year through the
7 Architectural Review Board and the Zoning Board to build a
8 detached garage. The initial plan was to use the detached
9 garage as a storage shed.

10 As you know, we haven't finished the attached
11 garage, it's getting towards its completion. Towards the
12 completion of the attached garage we had a change of thinking
13 where because the detached garage is directly adjacent to the
14 pool and there was already a pool pump in the detached
15 garage, and the detached garage as we kind of went over when
16 I was here last year, is falling into disrepair in terms it's
17 tilted, the windows are outdated, there's a whole new back of
18 the garage, the paint is all chipping.

19 So the plan now, at least what we're looking
20 to do is renovate the existing structure and turn that into a
21 pool house so that we could use that in conjunction with the
22 pool. We have two young children, a five and a three-year
23 old that would be regularly using the pool. We didn't get to
24 use it this year because of the work, but ideally be able to
25 use that in conjunction with that.

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3 So that would be the variance. The code calls
4 for 250-square-foot pool cabana and the existing structure
5 not including the side of it which is where the pool housing
6 is, the pool pump. It's actually about 352, as it says in
7 the plans, 352 square feet. So we're looking for the
8 variance to be able to do that work.

9 I have spoken with my adjacent neighbor,
10 actually this morning, who lives right directly adjacent to
11 where the property line is, where the garage is. And she
12 said she is in full support of any work, and if she needs to
13 write a letter to support it, she is happy to do that. She
14 has lived in the house 40 years so we wanted to get her
15 opinion on it before we did any additional work and she's
16 fully supportive of it.

17 So if you look at the plans the idea is just
18 to put a toilet and a sink in there, and then replace the
19 current garage door which is also having trouble with the
20 electronic work and put just sliding glass doors.

21 MS. WATSON: I'm just wondering if you can
22 talk a little bit about the use of the space. What
23 activities will happen in this space. Is there any potential
24 for anyone sleeping in there or dwelling in there?

25 MATTHEW WITMER: Yeah, that's a good question.

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3 We don't have any intention of anyone sleeping there at all
4 or living there at all. It's entirely going to be a pool
5 house intention. There will be no tub in there, the glass
6 doors won't provide any privacy for anyone living there
7 because it will be completely open. You can see directly in
8 there, but there's no intention of anyone staying there.

9 MS. WATSON: And it is strictly a renovation
10 not a demolition?

11 MATTHEW WITMER: No. We would like to save
12 the structure. The house and garage were built in 1942, so
13 it's accumulated just kind of different sort of disrepair,
14 and problems for being that age. So we would like to make
15 it -- it's tilted. I brought some photos if you want to take
16 a look at some of the photos. You can kind of see it is
17 tilted.

18 We talked to the architect and he said, you're
19 going to have to ensure structural integrity for it or it
20 could fall down.

21 CHAIRPERSON MIETZ: So what's going to be done
22 to mitigate that? Tell us, we have seen this.

23 MATTHEW WITMER: They use collar ties is the
24 way that it's structured. I'm not an architect but my
25 impression is that's the way to do that sort of thing. When

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3 you have a flat concrete slab. The way that the building had
4 actually held upright is using collar ties because they just
5 have walls and a concrete slab.

6 CHAIRPERSON MIETZ: Is their objective to
7 right it or are they just going to create a situation that
8 doesn't get anywhere?

9 MATTHEW WITMER: The objective is to right it.

10 CHAIRPERSON MIETZ: And what else are you
11 going to do to the exterior of the structure?

12 MATTHEW WITMER: Oh, we just want to paint it,
13 want to insulate it and paint it.

14 CHAIRPERSON MIETZ: Will it be similar to the
15 house or to match the house?

16 MATTHEW WITMER: Yes, of course. We to want
17 make it identical to the house.

18 CHAIRPERSON MIETZ: Okay.

19 MR. CLAPP: I remember from before there was
20 going to be electric in the existing structure. Did you say
21 you were, that the utilities were just for the pump for the
22 pool? So you are putting in other utilities and a sink?

23 MATTHEW WITMER: Yes. The idea is to have a
24 sink and a toilet. The electric actually currently the way
25 it is, is the detached garage is overhead. I think there's a

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3 line that goes from the house, so the electric goes in the
4 house, and we would actually like to bury that. We don't
5 want the kids playing under it.

6 We took a lot of asphalt to put in the current
7 detached garage, a lot of asphalt was removed, so that's
8 going to be replanted with grass. But the idea would be to
9 bury the electric lines so the kids aren't playing underneath
10 electric wire.

11 MR. CLAPP: Thank you.

12 CHAIRPERSON MIETZ: Any other questions?

13 Thank you.

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

17 APPLICATION 11A-08-18

18 11A-08-18 Application of Brighton Eastbrooke
19 Homeowners, owner of property located at 477 Eastbrooke Lane
20 (Tax ID #150.13-2-94) for 1) an Area Variance from Sections
21 203- 2.1B(3) and 203-23A(4) to allow a garage/maintenance
22 building to be 1,811 sf after construction of a 761 sf
23 addition, in lieu of the maximum 600 sf allowed by code; and
24 2) an Area Variance from Section 203-129B(8) to allow said
25 addition to be 11 ft. from the banks of Allens Creek in lieu

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of the minimum 25 ft. required by code. All as described on application and plans on file.

GLEN THORNTON: Good evening, I'm Glen Thornton of Thornton Engineering. I'm the engineer for the applicant and here with me is Carl Heath representing the Brighton Eastbrooke homeowners who are proposing to build additions on the existing maintenance building that is located within the homeowner's three-acre parcel which is tucked in the southwest corner of the Townhomes of Eastbrooke community. It's kind of along the, just north of the Erie Canal and just east of Winton Road.

The need for the variances and the building expansion stems from the maintenance staff and maintenance equipment that has grown through the years. Right now the maintenance staff is maintaining lawn areas, removing snow from over 400 units, over 7 lane-miles of highway and parking lanes. They have a lot of equipment. They have two snow plow trucks with plows, a bobcat with a plow, they have three large lawnmowers, a lot of leaf blowers and weedwhackers. There's a golf cart, there's a pull-behind leaf blower as well. There's a lot of stuff and they need a place to store this equipment as well as to maintain the equipment.

The existing 1,050-square-foot building that's

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3 out there now is packed full and whenever they want to
4 maintain a piece of equipment they have to take what's being
5 stored, move it outside, and then move it back in at the end
6 of the day. Unfortunately the location of the building
7 adjacent to Allens Creek has created the need for one of the
8 variance requests and that's to extend the building along
9 Allens Creek. It will still be 11 feet away, as is the
10 existing building. The other part of the addition would be
11 out here. We would build more addition here, but we have to
12 maintain at least 25 feet of pavement in front of the
13 building. So that allows us to place some of expansion here,
14 the rest remains here.

15 Currently the building exceeds the
16 600-square-foot size for a detached garage. We want to
17 expand that another 761 feet, up to 1,811 square feet. All
18 space is definitely needed to get this equipment stored
19 inside and so that they can maintain it. The existing
20 building as part of this plan will be resided and reroofed
21 similar to the building addition.

22 The building's in need of some tender loving
23 care and this will kind of clean up that whole area.

24 CHAIRPERSON MIETZ: Questions?

25 MR. CLAPP: What, if any, work needs to be

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3 done to reinforce the bank of Allens Creek because it is
4 quite close and it looks like some kind of -- retaining
5 wall's probably the wrong term --

6 GLEN THORNTON: It's gabion baskets. They
7 have rock filled wire baskets out there. We are going to be
8 11 feet away and it's a slab on-grade structure so we don't
9 see where we'll be impacting the stream at all with what
10 we're doing. Behind the building we will maintain that as a
11 lawn out there.

12 CHAIRPERSON MIETZ: Understood that
13 maintenance will be going on in the building. Is there
14 anyone working on a regular basis or is there going to be an
15 office or is it an office now? Or maintenance personnel, do
16 they come there and report to work?

17 GLEN THORNTON: There will be.

18 CHAIRPERSON MIETZ: Could you speak on what's
19 going on on a daily basis?

20 GLEN THORNTON: This will be a lunch area, a
21 break area, an office area for the maintenance staff, and
22 they will utilize the building on a daily basis. The plan is
23 to sprinkler the building, put in some fire protection within
24 the building to accommodate that space.

25 CARL HEATH: Carl Heath, I'm the vice

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3 president of the board of managers at the Townhomes of
4 Eastbrook, and also the head of the maintenance committee.

5 When the building was originally built they
6 were self-managed and they contracted out a lot of these
7 services, so there was no need to have a lot of this
8 equipment on the property. We have since hired a property
9 management company with an on-site staff so we've bought and
10 purchased a lot of this equipment ourselves that the
11 Townhomes of Eastbrook now owns.

12 With the existing building a lot of the stuff
13 is stored outside, which really shortens the life of a lot of
14 our equipment. So by expanding this building would allow us
15 to store some of the equipment inside rather than outside and
16 expand the life of a lot of the equipment we use.

17 CHAIRPERSON MIETZ: My follow-up question
18 would be: The homeowners, if they're in need of maintenance
19 would they be coming to this building or is it strictly a
20 building for your personnel to work out of and work on the
21 equipment?

22 CARL HEATH: Strictly for the personnel to
23 work out of and the equipment. There really is no need --
24 the homeowners have their own garages that they would do any
25 of their own personal work.

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3 CHAIRPERSON MIETZ: I'm wondering if they
4 would come there and knock on the door, I need something
5 done, my gutter is falling off.

6 CARL HEATH: Sure, sure.

7 CHAIRPERSON MIETZ: But you don't intend to
8 make it an office?

9 CARL HEATH: No. Just our general area for
10 the employees to report to work in the morning. They are
11 outside working all day long, pretty much it's an area for
12 them to take a break.

13 CHAIRPERSON MIETZ: So it wouldn't be
14 advertised to the owners as an office, maintenance office?

15 CARL HEATH: No, absolutely not.

16 CHAIRPERSON MIETZ: Okay.

17 CARL HEATH: That's all done through the
18 property management company. That kind of service is
19 provided through the property management company which is
20 totally separate.

21 CHAIRPERSON MIETZ: Perfect. Any other
22 questions? Thank you.

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

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APPLICATION 11A-09-18

11A-09-18 Application of Brighton Eastbrooke Homeowners, owner of property located at 477 Eastbrooke Lane (Tax ID #150.13-2-94) for Area Variances from Sections 203-2.1B(3) and 203-23A(4) to 1) allow for a detached garage to be constructed in a front yard in lieu of the rear yard as required by code, and 2) allow said detached garage to be 750 sf in size in lieu of the maximum 600 sf allowed by code. All as described on application and plans on file.

GLEN THORNTON: Again, Glen Thornton of Thornton Engineering for the application, with Carl Heath. This building, this is a strange situation on this lot. It is not a land lot parcel because the front yard actually fronts along Winton Road, even though Winton Road is several feet higher in elevation. There's a tall embankment there, but that ends up being the front yard. Whereas actually that's behind the building, so what's being proposed is a 750-square-foot garage with some storage space, which is behind the building, really won't be seen by anybody. It's going to be built mostly upon the existing paved area behind the building. So that's the game plan is to tuck it behind there.

What will be stored will be two snowplows and

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3 probably some of the pool chemicals and cleaning equipment
4 that's currently stored in the clubhouse building, get it out
5 of that building over in an outside garage.

6 CHAIRPERSON MIETZ: Okay. So the function of
7 this building is just to support the -- there's no expansion
8 of the operation in a sense, you're just moving piles from
9 one place to another?

10 GLEN THORNTON: Right. The snowplows are
11 currently stored outside, we want to get them inside for
12 winter.

13 MS. CORRADO: Access to that building is over
14 that wooden bridge?

15 GLEN THORNTON: Correct.

16 MS. CORRADO: Is that bridge adequate for --

17 GLEN THORNTON: It's a concrete structure, I
18 believe. Isn't it, Carl?

19 CARL HEATH: Yeah, not only that it has steel
20 beams that run 20 feet out underneath it and into the
21 embankment of the creek to support it. They drive the plow
22 trucks over it all the time, things like that, so we've never
23 had any problems. Anything that can fit over that bridge can
24 drive over it. Those beams on that bridge are railroad ties
25 and we just replaced those within the last two or three

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3 years, so we expect those to last many more years,
4 structurally sound.

5 MS. SCHWARTZ: It looks like you are going
6 onto the grass there a bit. Is there any way that you can
7 move that existing blacktop that's there to not infringe upon
8 the lawn?

9 GLEN THORNTON: I'm not sure I'm following
10 that completely. Part of the building is we need it to
11 expand the pavement leading to the garage just so that we can
12 swing the trucks around and get into the overhead doors.

13 CHAIRPERSON MIETZ: Maybe you could on the
14 plan just show the area you're encroaching into the existing
15 grass, I think that's what Judy is asking.

16 GLEN THORNTON: This right here existing grass
17 which will be paved, as would this area here. The existing
18 pavement runs like this. So part of the building here and
19 part of the building here will be situated upon existing lawn
20 area.

21 CHAIRPERSON MIETZ: So it will be fair to say
22 you're minimizing the amount of grass area that you're
23 removing and turning into pavement, so basically using the
24 existing pavement for the building pad.

25 CARL HEATH: Trying to square the pad up to

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the area that's coming up to it.

MR. DiSTEFANO: Will this structure have any office area --

CARL HEATH: No.

MR. DiSTEFANO: So straight storage?

CARL HEATH: Strictly storage. And only electricity running to it so they're putting light in there only.

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 11A-10-18

11A-10-18 Application of Susan O'Toole, owner of property located at 71 Astor Drive, for 1) an Area Variance from Section 207-10E(2) to allow front yard pavement coverage to be 46% in lieu of the minimum 30% allowed by code; 2) an Area Variance from Section 207-10E(3) to allow rear yard pavement coverage to be 60% in lieu of the maximum 35% allowed by code; and 3) an Area Variance from Section 207-10E(5) to allow pavement throughout the site to extend up to property lines where a minimum 4 ft. setback is required

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3 by code. All as described on application and plans on file.

4 MR. HOWE: Good evening, Mr. Chairman and
5 members of the Board, my name is David Howe, I'm an attorney
6 for Ms. O'Toole. She's sitting here with me available to
7 answer any questions you might have.

8 Ms. O'Toole is a long time resident of this
9 property. It's a narrow, somewhat longer piece of property.
10 She has a small garage in the back. She is in the process of
11 trying to landscape her property in a way that makes sense
12 for her and her needs specifically as I indicated in my
13 submission.

14 She has an older mother who has returned back
15 home to live with her, she is the primary caregiver. And
16 part of the landscaping -- she herself has some disabilities
17 as well, which presents some limits on her ability to care
18 for the grass and other parts of the lawn. So part of her
19 plans have included the reconfiguring and to some extent
20 enlargement of the front walkway of her property as well as
21 the rear patio. These are areas that have previously been
22 unconnected to the driveway, therefore lack a stable flat
23 surface for somebody who is walking impaired to traverse from
24 the drive or the house to those locations, so that's required
25 some enlarging of those areas and levelling them out. They

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3 were previously not very even surfaces so they posed a little
4 bit of a hazard.

5 So that's contributed to one of the reasons
6 why the request for the variance for the paving enlargement
7 is before you. But obviously, a significant portion of our
8 ask here tonight is with regard to Ms. O'Toole's desire to
9 have a portion of her property landscaped with what we call
10 stone mulch. Regular organic brown mulch will also be used
11 in portions, but the part we're concerned about here tonight
12 is the use of the stone mulch in various areas.

13 Her property is fairly shaded and so possess a
14 difficult task to maintain decent grass growing. So
15 ordinarily it would be just patches of dirt or weeds there.
16 What she would like to do is to install plantings that are
17 surrounded in those areas with the stone mulch. Stone mulch
18 is not gravel, it's not something that is used to drive over.
19 If you've seen the property, I think you'll have seen
20 pictures. I think you have an idea of what we're talking
21 about.

22 They're small rounded rocks, the kind you
23 might find at the bottom of a river or something like that.
24 And the reason she has chosen to use that as opposed to
25 organic mulch is that, as you know organic mulch needs to be

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3 replaced over time and all that. So this is a little bit
4 more of a permanent installation for her. It's not an
5 impervious or like a driveway or anything like that.
6 Water -- just like you would see at the bottom of a lake or a
7 fish tank, rain water hits it and it just sort of filters
8 through to the grounds. So it doesn't increase any watershed
9 in that regard.

10 And so, what she's asking to do is what you
11 see in the diagram before you. Which is in the rear of the
12 property, and also in the front of the property, and to the
13 side, there will be some plantings associated with that stone
14 mulch installation.

15 In addition to that there's also a small area
16 to the rear of the property adjacent to her garage, where she
17 would like to install some paver stones to be able to
18 facilitate the garbage bins, to put them in a little bit more
19 aesthetically pleasing area, rather than putting them either
20 outside of her driveway or in the garage, which possess
21 access issues because of the location of that. So that's
22 basically the extent of her ask here.

23 CHAIRPERSON MIETZ: Okay. What would be the
24 plan, to work on this this fall or would it be something like
25 a spring project?

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3 MR. HOWE: I believe a portion of the project
4 is already completed in terms of the landscaping.

5 CHAIRPERSON MIETZ: I have seen it.

6 MR. HOWE: Yeah. So when it came time to
7 actually install the stone mulch or a significant portion of
8 that, that's when she became aware of the issue of coming
9 before the Town. So I am not sure if weather or the time of
10 year will allow for that to be completed.

11 SUSAN O'TOOLE: I'm not sure either.

12 CHAIRPERSON MIETZ: Could you come up, please
13 and say your name.

14 SUSAN O'TOOLE: Yeah, I'm Susan O'Toole, the
15 homeowner. I don't know that they can do a lot more. I
16 mean, the stone mulch could be laid because there doesn't
17 have to be the preparation, it's not something that you build
18 up a surface because you don't drive on it or walk on it,
19 really. And I think it depends on whether they can still put
20 in the plantings, the shrubs.

21 They also, my fences on my west and north side
22 that were needing replacement, so they're going to replace
23 those panels as well. I'm just not totally clear on the
24 order in which they will do these things. But I'm not sure
25 that the stone mulch, I think it will be the last thing that

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3 you would lay down after those other things.

4 And the priority was repairing my front steps.
5 They were designed back in 1920-something and there was no
6 railings or any way to add railings for safety purposes. And
7 then again, to be able to get my mother safely down, she
8 can't do it unassisted to the driveway.

9 So the complete focus and the work they did
10 begin was to make that possible so that I could get her to
11 the doctors and whatever from the front of the house, and get
12 her safely because I have been taking her across through mud
13 and dirt because it was unpaved. And so --

14 CHAIRPERSON MIETZ: Okay. Could you just for
15 the record, until the whole project is 100 percent, what part
16 of it is done and what is left? I've seen it, but I don't
17 know exactly every little thing you're going to be doing.

18 SUSAN O'TOOLE: I'm not really sure.

19 CHAIRPERSON MIETZ: Would you say half or --

20 SUSAN O'TOOLE: Well, it's certainly not more
21 than half.

22 CHAIRPERSON MIETZ: Okay, that's close enough.

23 SUSAN O'TOOLE: I think it would be less.
24 Because the main part there was an existing patio and it was
25 not something my mother would have been able to use a roll

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3 aide or eventually a wheelchair because it wasn't smooth.
4 There wasn't any sidewalk, like, that connected that to the
5 driveway. So they really were focussing on repairing my
6 steps.

7 And my back door is really not an appropriate
8 exit for her, but we repaired the stairs because if in the
9 event of a fire if I couldn't get her out the front then at
10 least, you know, that would be a little bit better designed
11 to get her out there. But there's a lot of details --

12 CHAIRPERSON MIETZ: You don't need to go into
13 all of the little projects.

14 SUSAN O'TOOLE: All right. So it would
15 probably be maybe even under 50 percent.

16 CHAIRPERSON MIETZ: That's good enough for us.

17 MS. WATSON: I understand that part of the
18 reasoning for replacing the lawn with stone mulch is to
19 reduce some of the labor that needs to be done with the
20 upkeep, which is mowing the lawn. Is there a plan in place
21 for the maintenance of the stone mulch? Do you foresee weeds
22 becoming a problem and growing in between the rocks?

23 SUSAN O'TOOLE: Not really. Where I have been
24 able to continue to grow grass there's still going to be lawn
25 in those areas. And there's an area of brown mulch where my

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3 dog, because I can't safely walk her, she gets exercise by
4 doing movement in the yard. So there's ground mulch that can
5 accommodate her and that's something she's done for like a
6 decade now.

7 So we were talking about the stone mulch like
8 around the back is where it's really in constant shade. And
9 what had become back there, it wasn't growing grass it was
10 really encouraging weeds or things like fern that just, ivy
11 that takes over, you know, something that's an opportunistic
12 kind of plant for deep shade, and so that was pretty much
13 uncontrollable.

14 My understanding with the stone mulch is that
15 it's just like any wood mulch. You lay a landscape fabric
16 that it still allows water to permeate, but it does do a
17 significant -- reduces the ability for things to grow. And
18 as far as clean up, you can use a -- somebody can come in
19 with a weed blower and remove leaves off it because the
20 stones are, they're not big but they are heavy enough that
21 they don't blow. So that, again, with the heavy tree cover
22 there's a lot of leaves coming down.

23 So there are many of these things. I was
24 having trouble with algae and molds growing and the stone
25 mulch doesn't contribute to that growth, where wood mulch

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3 does encourage that growth of the algae and the artillery
4 fungus.

5 CHAIRPERSON MIETZ: That's good. Any other
6 questions?

7 MR. CLAPP: You mentioned the front steps
8 previously not having railings. Are railings being
9 installed?

10 SUSAN O'TOOLE: They are. That was just part
11 of when everything ground to a halt. And so the landscaper
12 has pretty much ceased work there and they removed all of the
13 materials and haven't been back since sometime early October.

14 And the very first thing when they do go back
15 to work will be to put those railings in because I've found a
16 design where on the railing you can actually have a built-in
17 grab bar. So that, you know, a person that needs to be able
18 to hold on and slide their hand down, so I found a really
19 good design for that, that's the next thing to be put in.

20 And I know that if they can possibly do that
21 before we get any further into winter that that's really
22 important. I fell down those stairs myself a few weeks ago
23 just because -- they're on the same foot print, but it's all
24 kind of different and I am not really accustomed to them yet
25 myself also.

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3 CHAIRPERSON MIETZ: Is there any other
4 questions? Thank you.

5 MS. CORRADO: One quick question, your site
6 plan indicates a kind of a sidewalk to nowhere on the one
7 side of the house. Is that intended to remain? There's an
8 existing concrete sidewalk.

9 SUSAN O'TOOLE: On which side of the house?

10 MS. CORRADO: Facing the house on the
11 right-hand side. It doesn't appear to be connected to
12 anything.

13 MR. HOWE: I'm not sure --

14 MR. DiSTEFANO: This one right here.

15 MR. HOWE: Oh, that's an existing concrete
16 walkway.

17 SUSAN O'TOOLE: Yeah, because that was the
18 side entrance originally when the house was built in 1928,
19 and at some point I think early 70s there was an addition,
20 one story built on the back. And at that time they put a
21 side door over on the west -- sorry, the south side on the
22 side of the driveway. So that was just an existing narrow
23 along the side because it led to -- and it actually turned,
24 it had come around to the front of the house and had
25 connected to the old narrow sidewalk that then went straight

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3 to the street.

4 MS. CORRADO: And so with this is interesting
5 covering over so much more of the property with pavement, is
6 there any possibility of removing this non-functional stretch
7 of sidewalk to mitigate the impact of so much additional
8 coverage?

9 SUSAN O'TOOLE: Well, these lots are only
10 50-feet wide and there's probably about 10 feet to the next
11 house. They have -- there's very little light that comes in
12 there. It's, again, that's a trouble area for them to grow.
13 They mostly -- he comes out and throws down a package of wild
14 flower seeds just because -- and it's a lot of mosses there.

15 There are plantings there and they are going
16 to mature. There had been Pakistan for which we removed
17 because it was invading across into the neighbor's.

18 MS. CORRADO: But not growing on that
19 sidewalk?

20 SUSAN O'TOOLE: Right.

21 MS. CORRADO: I'm asking is there an intention
22 to remove that and perhaps let things like a Pakistan take
23 over?

24 SUSAN O'TOOLE: Well, it does still go to that
25 door that goes down into my basement. There's a functional

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3 door there and that's where my exterior water faucet is on
4 that side. And it's also a very narrow sidewalk. It's, I
5 think, slightly probably 32 inches, so it's pretty minor.

6 MS. DALE: What if you replaced it with more
7 of the stone mulch though? Would it impede an exterior
8 faucet?

9 SUSAN O'TOOLE: No, although my dog that's
10 part of her loop that she -- her exercise loop. She can't
11 really run on the stone mulch. That's why this part that's
12 in kind of the red that goes around the house and down and
13 then she connects in the back there. So that allows her
14 to -- she's an English Setter and she's a very athletic dog
15 and that really allows her to be self-exercising given that
16 I'm not able to consistently walk her on my own. And so that
17 would be my only concern is that to have it be a surface that
18 she can safely run down there on.

19 CHAIRPERSON MIETZ: Okay.

20 SUSAN O'TOOLE: It's very shady and there's
21 not really problems with water runoff in there, because very
22 little water actually rains down in between our houses at
23 that point. It's pretty sheltered.

24 CHAIRPERSON MIETZ: Okay. Is there any other
25 questions? Thank you.

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3 MR. DiSTEFANO: Would you like to summarize
4 anything more?

5 MR. HOWE: No, I think my submission which I
6 think you all have, summarizes it. Thank you.

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

10 APPLICATION 11A-11-18

11 11A-11-18 Application of Sharon Bidwell-Cerone
12 and James Cerone, owners of property located at 2960 East
13 Avenue, for an Area Variance from Section 203-2.1B(2) to
14 allow a pergola structure to be located in a side yard in
15 lieu of the rear yard as required by code. All as described
16 on application and plans on file.

17 SHARON BIDWELL-CERONE: Good evening, I'm
18 Sharon Bidwell-Cerone, 2950 East Avenue. We are the folks
19 that have just built a house on East Avenue and are currently
20 finishing up their landscaping plan. Phase 1, the front
21 yard, Phase 2, the back yard and now Phase 3, which is a
22 decorative fence and pergola.

23 We did submit a plan for the decorative fence
24 and pergola that does conform with Brighton code. It was
25 accepted, and then upon reflection it became clear that there

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3 was a miscalculation in terms of the location of the pergola
4 pretty much being in a newly planted Cornelian cherry tree.
5 Now, this is a pergola which will be 7-feet deep, 10-feet
6 wide, 8.5-feet tall, built out of cedar, stained gray to
7 match the timbers of the house, eventually to be planted with
8 David Austin pink English roses. So it's designed, the
9 objective is for it to be an aesthetically attractive
10 landscaping element.

11 So upon reflection we realized that the
12 location is not working too well and also, we need to keep in
13 mind that through this portal will be the only entry into the
14 backyard. So the appropriate location and access, complete
15 access through it is going to be important.

16 Hence, I am here tonight asking you for a
17 7-foot variance. The current Brighton code is that any yard
18 structure of this type needs to be behind the back of the
19 house line. And so we are asking that the 7-foot depth of
20 this pergola actually start at the back of the house line and
21 move forward. That means that the pergola would be
22 193 feet from the curb of East Avenue as opposed to
23 approximately 200 feet of the curb of East Avenue. Probably
24 a difference that would be undiscernible by the eye for
25 anybody standing on the sidewalk or driving by on the road.

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3 Now, our neighbors who live closest to us, the
4 2980 East Avenue have been apprised of our plan and they have
5 no objections. And I do want to mention that this is a
6 separate structure from the fence. And so therefore, I guess
7 I will summarize what I'm saying, I don't think it's going to
8 be a big change from the Brighton code. I hope you would
9 agree. I believe you have the illustration that I have up on
10 the blackboard. This is the back of the house, originally
11 the pergola was right here. You can see that it pretty much
12 bumps into the Cornelian cherry, we'd just simply like to
13 place the pergola there.

14 Now, you're probably asking yourselves what
15 happened. I guess I could say we could chalk this up to a
16 miscalculation on where the tree was planted relative to
17 where the pergola was originally planned.

18 So there you have it, that's basically my
19 request to you.

20 CHAIRPERSON MIETZ: Just a couple things,
21 could you describe the location as related to how it would be
22 seen by anyone?

23 SHARON BIDWELL-CERONE: Walking on the
24 sidewalk?

25 CHAIRPERSON MIETZ: The neighbors, walking

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3 down the sidewalk, just describe how it would be seen.

4 SHARON BIDWELL-CERONE: Well, from the curb
5 it's 193 feet, so it's a pretty distant structure. Driving
6 by in a car it will be a mere flash on your peripheral
7 vision. Our neighbors would be the folks who would be the
8 most likely viewing it, and I believe no one would dispute
9 that this will be an asset rather than a cosmetic liability
10 for the neighbors.

11 MR. DiSTEFANO: Just for location purposes,
12 would this structure be in the rear yard of your neighbors'
13 property at 2980?

14 SHARON BIDWELL-CERONE: Yes, it is in the far
15 rear yard of our neighbors' property.

16 CHAIRPERSON MIETZ: As it would have been in
17 the original location.

18 SHARON BIDWELL-CERONE: Correct, either
19 placement is in the rear.

20 CHAIRPERSON MIETZ: Okay. Anyone have any
21 other questions? Thank you.

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

25 APPLICATION 11A-12-18

1 Brighton Zoning Board of Appeals 11/7/18

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3 11A-12-18 Application of Richard Hunt,
4 architect, and Alicia and Kip Davis, owners of property
5 located at 296 Ashbourne Road, for Area Variances from
6 Section 205-2 to 1) allow an entry porch to extend 3 ft. into
7 the 9 ft. side setback required by code, and 2) allow
8 building lot coverage to increase from 31.1% to 33.5%, after
9 construction of two entryway porches, in lieu of the maximum
10 25% allowed by code. All as described on application and
11 plans on file.

12 ALICIA DAVIS: Hello, I'm Alicia Davis, I'm
13 the owner at 296 Ashbourne Road. We wish to build two entry
14 porches needing a lot coverage variance and a side setback
15 variance. If you have any questions.

16 RICHARD HUNT: I'm Rich Hunt, architect to the
17 applicant. The way we look at this project is that this
18 house was built in the early '50s, and the house is between
19 Ashbourne Road and Edgemoor to the north. Originally when
20 this neighborhood was laid out it kind of appears from the
21 old survey map that there was a road that was supposed to go
22 along the side called Templeton, and it never was built. But
23 if you look at the house it's sort of situated with the side
24 of the house facing Ashbourne Road. So when you are driving
25 down the road you can see a side of the house, not real

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3 pretty.

4 So we feel the original intent was to have, it
5 looks like a real entry was never built for it. So that's
6 what we're looking to do with the porch, number one, which is
7 the larger of the two, give it kind of a sense of a real
8 entry to the house.

9 And the smaller porch is, that's not
10 encroaching on the setbacks, that's more coverage to get
11 through from the garage, through the mudroom into the house.
12 But the larger of the two, that will require a 3-foot
13 encroachment into the setback. That, we would like to build
14 that more or less where the current paving is right now, it's
15 just paving. It's kind of built up. So we would like to put
16 some columns in place and a roof over that area.

17 And as far as lot coverage goes, it's
18 currently at I believe 31.1 percent and we're going to need
19 to bump that to 33.5 percent. This is not added living
20 space, it's not mass, it's kind of visually it is permeable,
21 a porch. So that's basically what we would like to do.

22 CHAIRPERSON MIETZ: All right. Questions by
23 the Board?

24 MR. DiSTEFANO: Just for the record, how far
25 away would you say this porch addition, number one, is from

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3 the neighboring house?

4 CHAIRPERSON MIETZ: Roughly.

5 RICHARD HUNT: Yeah, I don't think the next
6 house starts until, according to the survey map, 60, plus
7 another 6, so 66 feet and then some, probably even more so.

8 ALICIA DAVIS: I've asked my neighbors who I'm
9 really good friends with and they love everything I have done
10 to my house and they say, keep it up, keep it up, so . . .

11 CHAIRPERSON MIETZ: Okay.

12 MR. CLAPP: I'm not sure how this might or
13 might not affect, but is the parcel between the two houses
14 actually Town property?

15 MR. DiSTEFANO: It is, and at one point in
16 time it was supposed to be a right of way through there. But
17 it's never going to be built, they're not going to put a road
18 through there, or we're never going to put a road through
19 there. So when I advertise, I advertise it as a side yard
20 not a front yard, just because I don't think there's any way
21 that road will be extended down.

22 MR. CLAPP: That parcel's not large enough
23 that the Town will ever sell it for development?

24 MR. DiSTEFANO: It's 60-foot wide, so it's
25 similar to what's there. That's the distance of the Town

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3 right of way, 60 feet, so when they created it, they created
4 it to make sure it would meet Town requirements. If you look
5 at the applicant's lot, it's 60 feet also. So it could be a
6 legal lot, but --

7 RICHARD HUNT: If that happened, the neighbor
8 to the west would not have a driveway anymore.

9 MR. DiSTEFANO: Well they would, because they
10 would have a driveway off the new road that would be extended
11 through there. But this is hypothetical that I don't think
12 is ever going to --

13 MR. CLAPP: That answers my question.

14 CHAIRPERSON MIETZ: Okay. So any other
15 questions for the applicant? Thank you.

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

19 APPLICATION 11A-13-18

20 11A-13-18 Application of David Waldarek,
21 architect, and Mr. And Mrs. Christopher Senftleben, owners of
22 property located at 137 Southern Parkway, for 1) an Area
23 Variance from Section 205-2 to allow for the construction of
24 a 1,500 sf attached garage in lieu of the maximum 900 sf
25 attached garage allowed by code; and 2) an Area Variance from

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3 Section 207-10E(5) to allow additional pavement (driveway
4 expansion) up to the south lot line where a 4 ft. setback is
5 required by code. All as described on application and plans
6 on file.

7 CHRISTOPHER SENFTLEBEN: Good evening, I'm
8 Chris Senftleben.

9 NICOLE SENFTLEBEN: I'm Nicole Senftleben.

10 DAVID WALDAREK: And I'm David Waldarek, I'm
11 the architect for the project. We are looking for two
12 variances, one is for the area variance for the size of the
13 detached -- or rather attached garage from 900 square feet to
14 1,500. And we're looking for relief in pavement area, that
15 there's 4 feet required between the property line and the
16 edge of the pavement. We're looking to be able to pave all
17 the way over to the property line.

18 It's basically the trajectory of the existing
19 driveway, so when you're plowing snow at 3:00 in the morning
20 you can push it forward instead of having to deal with the
21 greenery there.

22 When we first started looking at the addition
23 for this garage in discussions with people at the building
24 department, we're looking to be able to build, like, five
25 bays of garage. And we would be able to do that within the

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3 confines of the ordinance by building an attached garage of
4 900 square feet and a detached garage, an accessory
5 structure, of 600 square feet.

6 But as we looked at the overall footprint of
7 the two structures we thought it would be less impactful on
8 the overall site if we could combine those. Still get our
9 square footage, but it would basically reduce the footprint
10 of having two structures on the property.

11 And it also helps in the rear setback because
12 this by having a larger attached garage we're able to
13 maintain the 40-foot rear setback, rather than adding an
14 accessory building to the back which we could do within
15 5 feet.

16 And so the rear -- the adjacent neighbor to
17 the rear does not have a structure right within 5 feet not
18 that we would have done that, but we would have been closer.
19 And in this application we would be able to build a structure
20 and have the 40-foot setback adhered to.

21 Now, the other issue here is obviously we are
22 adding paved impervious area to the site. And I have some
23 letters here that have to do with one of them is from Greg
24 McMahon who is a civil engineer. He's already done some
25 calculations for runoff for this property because we realized

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3 that we will have to deal with runoff on the property.

4 And we have located the storm sewer. We have
5 been able to determine that there's actually a separate
6 sanitary and storm sewer. The storm sewer has been -- both
7 of the sewer lines have been videoed and examined and
8 unfortunately the storm sewer does have some damage to it.
9 So we are either going to replace it or we will insert. But
10 one way or the other we are looking at a combination of
11 mediation techniques to deal with the storm runoff so that
12 the neighbor specifically to the south would not be impacted.

13 Actually all the way around, because we will
14 be managing the runoff on this property through a means of
15 surface drains, attaching downspouts to the permanent drains
16 and at the catch basins. One way or the other we will be
17 dealing with that. And so this letter's already had
18 calculations done for the property. So if he's dealing with
19 that, it has already been established and we will be doing a
20 total survey to deal with other aspects of the site.

21 CHAIRPERSON MIETZ: Thank you. Could you just
22 either of you for the record just explain what the use of
23 this structure is going to be and how is it going to be used
24 and what it is going to contain?

25 DAVID WALDAREK: The structure itself has been

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3 designed for basically five bays, and there are four cars
4 that are or will be used to store the vehicles. But one of
5 the passions of Chris is to work on vintage cars, and the
6 bay, one bay is going to be used for that purpose. So it's
7 basically car storage for the whole structure. There's some
8 storage above, but other than storage there isn't any --

9 CHAIRPERSON MIETZ: A loft or --

10 DAVID WALDAREK: There's no inhabitable space
11 or useable space --

12 CHAIRPERSON MIETZ: Is there going to be a
13 loft up there or --

14 DAVID WALDAREK: Well, I don't know, I suppose
15 that Chris can maybe identify that, but we have always talked
16 about just storage up there. There will be an added truss
17 situation up there.

18 CHAIRPERSON MIETZ: Could you tell us what's
19 going to be stored up there and how?

20 CHRISTOPHER SENFTLEBEN: It's Chris
21 Senftleben, 137 Southern Parkway. The plan right now is
22 primarily storage. Just, you know, David is correct, I turn
23 wrenches, hand tools, working on an old car, maintaining it
24 in one of the bays.

25 There's parts that go with that that you kind

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3 of hang on to, so that's the intent now. I feel like we're
4 stewards of that property so whatever we do here we want to
5 try and think ahead and protect for the next homeowners as
6 far as flexibility with what we're building.

7 So when David and I are working together we'll
8 try to think about what somebody might choose to do with that
9 in the future. Not us, but, you know, we will plan for
10 storage for our needs now but then looking ahead if someone
11 thought they wanted to put an office in or something later
12 on, the next owners, then we'll try to project for that. But
13 that's the intent here.

14 CHAIRPERSON MIETZ: Okay. Is there any other
15 questions that you guys have?

16 MR. CLAPP: Is there a stairway going up from
17 the ground floor?

18 CHRISTOPHER SENFTLEBEN: Well, that's a great
19 question. What I just told you is what we've been thinking
20 about is where would we locate that so that it made sense for
21 what we're going to use it for.

22 MR. CLAPP: Your use is to get up there?

23 CHRISTOPHER SENFTLEBEN: Yeah, it will be.

24 MS. CORRADO: So with the activity in the
25 garage as you're working on vintage cars, I have a vision of

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3 a body shop or a quick change, the noise that you may get.

4 CHRISTOPHER SENFTLEBEN: You might, sure, yes.
5 So just hand tools and given my commitment to our neighbors
6 on the one side who would be most proximate to this, we will
7 be good neighbors with most respect. It's the last thing in
8 the world that either one of us is interested in is not
9 having good relations with our neighbors, which means
10 respecting the quiet and peacefulness of our neighbors.

11 MS. CORRADO: You don't envision having a bay
12 open, the music blasting, lights on all night long?

13 CHRISTOPHER SENFTLEBEN: You can't do that
14 where we are.

15 NICOLE SENFTLEBEN: I am Chris' wife and if he
16 is out in the garage at that time of night he better not come
17 back in.

18 MS. TOMPKINS WRIGHT: Well, you mentioned that
19 you made it straight back for ease of snow plowing and that.
20 Did you consider -- I understand it would be harder to snow
21 plow, curving it off the property line to give the neighbor a
22 little breathing room on their property and setting that
23 garage a little further back to the north?

24 CHRISTOPHER SENFTLEBEN: So you're saying if
25 we moved it farther over back or --

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3 MS. TOMPKINS WRIGHT: Further north so you
4 could pull some of that impervious coverage off of the
5 property line. I understand that it goes straight back and
6 that seems easiest but attempting to kind of not making it on
7 the property line, you know, right up so that the neighbors
8 literally --

9 DAVID WALDAREK: Well, we considered a couple
10 things here. One of the things that we set this thing at is
11 there's a living room window right here and we used that as
12 the end point of this wall so that when you're in the house
13 you can look straight out, and straight out this way. So if
14 we moved this back too much further we would be interrupting
15 that.

16 And there's about a 25-foot apron in front of
17 those doors right now. That would be enough to, you know,
18 pull out and do a turn and get out. If we had grass all the
19 way over to here, I think it's easier for I think a snow plow
20 to actually move all of that snow rather than trying to start
21 piling it against the neighbors' property there, and
22 therefore when it dissipates or melts it would start leaking
23 on the property.

24 You know, in an anticipation of the drainage
25 swales that we will create to get water out of here we

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3 envision having this edge here, the higher edge so that no
4 water comes onto the neighbors' property. So as it comes
5 down this way we'll probably have a couple of catch basins or
6 surface drain off this way and come back out, have a drain
7 here or something, so we can just tap into the lateral.

8 MS. TOMPKINS WRIGHT: Speaking of that
9 neighboring property, I know there's an e-mail in the file.
10 Have you guys spoken to that neighboring property?

11 NICOLE SENFTLEBEN: We have not seen the
12 letter. We were not made aware of the letter until we
13 arrived here today. I did speak with both of our neighbors
14 and Tom had pointed out the fact that his backyard floods.
15 He has not quite figured out a way to harness that water and
16 our backyard floods. The owners that we purchased the
17 property from, Gail and Gabe Newman, they are Florida
18 residents and for the majority of the year they lived in
19 Florida. So at no point did they ever attempted to manage
20 the water that was pooling in their backyard.

21 So it's our hope that we can not only solve
22 the existing water problem but also take some of the burden
23 off of Tom. So Andrea, I think maybe -- I don't know if we
24 answered your question or not, if you are thinking, you know,
25 why don't we build it further to the north. Aesthetically it

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3 makes the most sense to build it where we are. We would be
4 taking down the dilapidated garage, which is it's not
5 actually even tall enough for us to open our trunk. So we're
6 going to be removing that from the property line which is
7 there now next to Tom and Barb, so we're actually moving the
8 entire unit over more than 25 feet.

9 MS. TOMPKINS WRIGHT: But closer to where
10 their living area is.

11 NICOLE SENFTLEBEN: No.

12 CHRISTOPHER SENFTLEBEN: Further away. In
13 fact, just in the garage you can see from the road that's
14 there that would be removed and what we would construct would
15 be invisible from the road.

16 MS. TOMPKINS WRIGHT: I mean from a front to
17 back standpoint. The existing garage is on the property
18 line, but farther back on the property such that it
19 doesn't -- it's not adjacent to any of their living spaces on
20 their home. As you're moving it closer to that garage, you
21 know, it's going to be adjacent to the living spaces as
22 opposed to being in the backyard.

23 CHRISTOPHER SENFTLEBEN: Let's make sure we're
24 clear. So their structure is not depicted on this diagram,
25 but it is here. Here's the existing garage right here, they

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3 have a patio back here, and what we're talking about is them
4 replacing with the structure here, as one building. So the
5 garage is absolutely farther away from their house.

6 NICOLE SENFTLEBEN: The proposed garage is --
7 the existing garage is exactly on the property line. We're
8 moving it 25 feet to the north, further away from the house.

9 MS. DALE: How many drivers do you have?

10 NICOLE SENFTLEBEN: Chris and I are the only
11 drivers, we have four vehicles. My daughter is in high
12 school and she's probably going to get a vehicle. The
13 existing driveway is one car wide, it's a very thin driveway.
14 If you were to park our vehicles you'd have vehicles, and my
15 parents come to visit, you'd have a lot of cars in the
16 driveway.

17 MS. DALE: So this is a five-bay garage, you
18 have four vehicles for two people, maybe a fifth vehicle for
19 your teenager next year or whenever?

20 NICOLE SENFTLEBEN: Yep, uh-huh.

21 DAVID WALDAREK: There's really four vehicles,
22 and then one bay for Chris' vintage, you know --

23 MS. DALE: Yeah, I wasn't sure how many cars
24 you were --

25 NICOLE SENFTLEBEN: Do you need to know? I

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3 can explain our vehicles better for you.

4 MS. DALE: I'm sorry?

5 NICOLE SENFTLEBEN: I can explain our vehicles
6 better for you.

7 MS. DALE: No, no, I was just trying to figure
8 out how many cars might be being refurbished or worked on at
9 a time.

10 CHRISTOPHER SENFTLEBEN: Currently, just one.

11 NICOLE SENFTLEBEN: So Chris has a
12 1971 Mustang, it was featured in Car Craft magazine. He
13 loves his Mustang and he is really proud of it.

14 MS. DALE: Sure, sure.

15 NICOLE SENFTLEBEN: And when he says he's going
16 to be turning wrenches it means that after he's done with his
17 full-time job as a sales executive, he goes out into the
18 garage and leaves his family behind for about an hour and he
19 pretends he's turning wrenches. It's nothing extraordinary.

20 MS. DALE: Sure. So it's a quite large
21 proposed garage. And I know that you talk about the
22 footprint of it and to the height wouldn't make a difference,
23 but have you thought about either not having it be two
24 stories so that it doesn't seem like such a gigantic
25 structure? Or also there's a foyer on the garage, have you

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3 thought about scaling it down a little bit?

4 NICOLE SENFTLEBEN: A foyer? That little
5 mudroom that I'm hoping they can --

6 DAVID WALDAREK: It's called a foyer on the
7 plan.

8 MS. DALE: It says that on the plan, I didn't
9 make that up.

10 NICOLE SENFTLEBEN: Oh.

11 DAVID WALDAREK: It's only ten feet from this
12 corner to the house. There was an existing bay on the
13 existing house which we are leaving. It is actually a powder
14 room right there. We're allowing for one of the windows to
15 be kept, and the rest of it is just a small area just to be
16 able to get from the house to the garage.

17 MS. DALE: I'm just thinking about some of the
18 requirements being the request for the variance, the minimum
19 necessary to necessitate resolution of the difficulty. And
20 so my questions have to do with, you know, it's a very large
21 request. I didn't know if you are saying it has to be two
22 stories.

23 NICOLE SENFTLEBEN: I don't know if it's a
24 full two stories, like standing two stories. The hope is
25 that we would be able to put my children's sleds in there,

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3 snow tires, things like that.

4 DAVID WALDAREK: The center of the plan --

5 MS. DALE: Looking at the plan it's two
6 stories. I mean, how tall is it?

7 MR. DiSTEFANO: 23 feet.

8 DAVID WALDAREK: The very peak of it is around
9 24 or 25 feet and it's a gambrel roof.

10 MR. DiSTEFANO: I'd call it a two story.

11 MS. DALE: I think the garage is going to be
12 larger than the house, is that correct? The square footage
13 of the garage --

14 MR. DiSTEFANO: If you counted that second
15 story it would be about 3,000 square feet.

16 MS. DALE: So it's about, it's like building a
17 second house on the lot.

18 DAVID WALDAREK: Well, it's a large garage.

19 MS. DALE: It's like the same size as the
20 existing house.

21 CHAIRPERSON MIETZ: Just trying to equate it.

22 MS. DALE: I'm just trying to get a sense of
23 the scope of what we're talking about here. I think it is
24 really big.

25 DAVID WALDAREK: Well, these doors are 16 feet

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3 wide. They're enough minimum for two cars to get in. I
4 mean, an eight-foot garage door is a small width for cars
5 nowadays especially. You're clipping your rearview mirrors.

6 These two, I mean, there's a bay here
7 minimally in here to get two cars in one bay, and two in
8 another and then one in the single so that's five cars in
9 here. The overall length of the structure is really the
10 minimum width of getting a five-car garage in it.

11 CHAIRPERSON MIETZ: Dave, what about the
12 utilities and all of that, what's going to happen?

13 DAVID WALDAREK: What kind of utilities?

14 CHAIRPERSON MIETZ: In that structure, are you
15 going to be putting utilities in there?

16 DAVID WALDAREK: In terms of like --

17 CHAIRPERSON MIETZ: Hot water, cold water,
18 drains, electric.

19 CHRISTOPHER SENFTLEBEN: No drain, electric,
20 yes, probably gas to maintain the temperature if I want to
21 work in the winter. There's no hose bib in the back that's
22 accessible, so probably will try to do that as well. I mean,
23 a lot of stuff is going to be economic and financially
24 driven, but that would be ideal to do those things.

25 The thing I do want to emphasize is the path,

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3 I mean, David described the path that we went down with, you
4 know, what's allowable under the current zoning code, and
5 trying to improve on what that is to what we have. Which
6 given the situation we think that this is the best solution
7 possible for not just us but for our neighbors and for all
8 aspects from an aesthetic standpoint and so on.

9 DAVID WALDAREK: One of the things I wanted to
10 point out is that we're trying to tie in the look of the
11 garage with the house, a Dutch-Colonial look. So this roof
12 is pitched, as you can see it here, it's pitched up like a
13 Cape Cod. So the height, you can see how high this window is
14 here and with the horizontal truss added in here, this is
15 like only six and a half feet or so at the height of that
16 truss area. You know, it's barely enough to stand up in, so
17 it's not like there's this volume of space up there.

18 You have these pitched walls coming back, so
19 you can't utilize these ends in the very end of this area
20 here. So you have a small area, this is 25 feet, you're
21 going to lose probably six feet on either side of the
22 structure of the truss. That's how these attic trusses are
23 made. We didn't make it to have this basketball court or
24 anything, it's a minimal area. And probably have the roof,
25 as we do have to pitch the roof off, especially -- I

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3 shouldn't say especially, but one aspect was to try and match
4 the lines of the house, but by the time they are done you're
5 going to be up at that height. That doesn't mean that you
6 have a full two stories. The height of this ceiling here is,
7 let's see, it was ten and a half feet high to the
8 E-point.

9 So, you know, it's really not this big space
10 that you really are envisioning. I think it's really just a
11 storage area.

12 MS. CORRADO: From the outside that's a very
13 large visual mass. Is there any thought on the long expanse
14 of the roof to adding dormer windows, or something to break
15 that up and perhaps make it seem a little less imposing?

16 CHRISTOPHER SENFTLEBEN: Great question.

17 NICOLE SENFTLEBEN: Christine, you read my
18 mind.

19 DAVID WALDAREK: We could certainly do that.
20 That's something we've talked about a little bit, but again
21 we're trying to keep things as uniform and efficient and cost
22 effective at possible without having to add a lot of dormers
23 and things. But we could certainly have a couple of dormers
24 on there.

25 MS. TOMPKINS WRIGHT: Are there other garages

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3 in the neighborhood that meet this size or approach this size
4 for homes in this area?

5 CHRISTOPHER SENFTLEBEN: Just on our walks
6 I've seen a couple three-cars that are kind of hiding back
7 behind houses. But to be honest, a lot of them are hard to
8 see, as ours will be. The north side of our property is all
9 arborvitae that separates us from the neighbor, the rear of
10 our property has a six-foot tall stockade fence.

11 So they exist, though, because when we were
12 looking at variances -- well, there's one, it's kind of what
13 we're thinking of.

14 CHAIRPERSON MIETZ: That was going to be my
15 question too, what was represented in the neighborhood, are
16 structures similar? You would say there may be some and
17 obviously I've seen some of them. They're probably more of
18 the three-car vintage than something like this big.

19 CHRISTOPHER SENFTLEBEN: Yeah, absolutely.

20 CHAIRPERSON MIETZ: All right.

21 MS. CORRADO: Does this go before the
22 Architectural Review Board?

23 MR. DiSTEFANO: No. It can't be seen from the
24 street. Straight on I'm sure you can see it from the street,
25 but at an angle because of its depth, but not straight on.

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3 CHAIRPERSON MIETZ: Okay. Any other
4 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 11A-14-18

9 11A-14-18 Application of Roger Langer, Jr.,
10 architect, and Our Group 5 LLC, owner of property located at
11 1485 Monroe Avenue, for an Area Variance from Section 205-6
12 to allow an accessible ramp to extend 8.3 ft. into the 30 ft.
13 front setback (Sylvan Road) required by code. All as
14 described on application and plans on file.

15 ROGER LANGER: Good evening, I'm Roger Langer
16 from Greater Living Architecture, 3033 Brighton Henrietta
17 Town Line Road. The people that just recently purchased this
18 building are going to be occupying it as Legacy Financial
19 Planning. They have fairly high-end clients and they're
20 trying to portray, you know, a classy image as possible. And
21 this property being located on the corner of Monroe Avenue
22 and Sylvan has two front yard setback requirements.

23 Because they are renovating it and making it
24 into their own space, they exceed the threshold for having to
25 provide handicapped accessibility to the first floor level of

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3 the building. We did several designs trying to get the
4 handicapped ramp inside of the building, but that wound up
5 taking up close to ten percent of the first floor area.
6 Because the code required rise and run of the ramp, the
7 landings that are required at the top and bottom of the ramp,
8 plus we had to give up additional square footage because the
9 ramp couldn't go in certain areas because of head heights.
10 It would have reduced some of the square footage on the
11 second floor level as well.

12 So we looked at putting it as an exterior ramp
13 which wasn't the initial preference because as building
14 owners you don't want to have to maintain more area outside,
15 particularly something that's so crucial as a handicapped
16 ramp. Keeping it free of snow, not slippery, not wanting
17 your clients to end up suing you because you missed a little
18 bit of ice in the winter.

19 So we have located the ramp from, these are
20 the two handicapped parking spaces. The ramp is coming
21 across here, the 30-foot setback line is here, which is
22 pretty much the face of the building. We are looking for
23 21.7-foot setback to the beginning of the bottom of the ramp.
24 Again, the ramp is the minimum size that it has to be in
25 order to get from that grade position up to the first floor

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3 level. The building code tells us all these things, so it's
4 not like I can make it any steeper.

5 CHAIRPERSON MIETZ: Sure.

6 ROGER LANGER: It just doesn't work that way.
7 So I will open it up to questions.

8 CHAIRPERSON MIETZ: Can you talk about the
9 area around you and other structures and other similar
10 situations for the record?

11 ROGER LANGER: I haven't seen that many ramps
12 on Monroe Avenue. Particularly, I don't know because of
13 ownership people aren't putting in the amount of money it
14 kind of triggers accessibility. I know very few of those
15 properties do have first floor accessibility. So no, I have
16 not seen a whole lot of it.

17 You can see in the detail we're going to be
18 raising grade up along the side of our ramp and putting in a
19 simulated stone veneer to dress up this ramp so it's not just
20 exposed concrete. They're making it look like a retaining
21 wall and we're raising grade a little bit so that we can get
22 the plantings a little bit higher up along and minimize the
23 kind of the visual impact of the ramp.

24 CHAIRPERSON MIETZ: Great. Okay, does anyone
25 have any questions about this? Thank you.

1 Brighton Zoning Board of Appeals 11/7/18

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

6 APPLICATION 11A-16-18

7 11A-16-18 Application of Chris Hennessey,
8 architect, and Steve and Meg Jones, owners of property
9 located at 148 Monteroy Road, for 1) an Area Variance from
10 Sections 203- 2.1B(3) and 203-9A(4) to allow for the
11 construction of a 660 sf detached garage in lieu of the
12 maximum 600 sf detached garage allowed by code; and 2) an
13 Area Variance from Section 207-6 to allow said detached
14 garage to be 16.75 ft. in height in lieu of the maximum
15 16 ft. allowed by code. All as described on application and
16 plans on file.

17 APPLICATION 11A-17-18

18 11A-17-18 Application of Chris Hennessey,
19 architect, and Steve and Meg Jones, owners of property
20 located at 148 Monteroy Road, for an Area Variance from
21 Section 209-10 to allow livable floor area to be 3,940 sf,
22 after renovation of an attached garage and construction of an
23 entryway, in lieu of the maximum 3,596 sf allowed by code.
24 All as described on application and plans on file.

25 CHRIS HENNESSEY: Hi, I'm Chris Hennessey, I'm

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3 the architect for Steve and Meg Jones at 148 Monteroy Road.
4 We are asking for the two variances that we just spoke about.
5 The one is for the detached garage. The homeowner currently
6 wants to take the attached two-car garage, very small but
7 it's currently attached to the house, and turn that into a
8 family room because it's adjacent to the kitchen and where
9 the family gathers.

10 And with that they want to add a small mudroom
11 because currently the door from the exterior goes right into
12 the kitchen, bangs into the refrigerator. So they just want
13 to bring their current house up to how families live nowadays
14 with a family room and a mudroom. And the detached garage
15 will be tucked into the rear corner of the property which
16 currently is all asphalt anyway, it's where they park their
17 cars because they can't fit their stuff into the garage.

18 And then they also would like to have a
19 storage area for all of the kids' toys, sports equipment.
20 And they have an in-ground pool that they put in a couple
21 years ago and they want to store the pool supplies in this
22 space as well.

23 The reason then for the height variance is
24 that the house is currently a Tudor-style house. So what I
25 am proposing is to have two individual car doors, overhead

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3 doors creating a Gable. And the variance for the height
4 comes from the steep pitch of the garage to match the steep
5 pitch that's currently on the house. So I tried to bring it
6 down a little bit, but I didn't want it to not match what's
7 currently there on the existing house.

8 As far as the lot coverage they have a pretty
9 sizeable lot. Right now their lot is 20,000 square feet and
10 I did a little chart with all of the surrounding properties.
11 And they are about 3- to 4,000 square feet higher in their
12 lot square footage than their closest large lots around them.

13 And when they add this structure onto the
14 property they still don't come close to the lot coverage that
15 most of their neighbors have. They are pretty small compared
16 to the rest of the properties around them. So that's it.

17 MR. DiSTEFANO: The livable floor area, do you
18 want to talk about that?

19 CHAIRPERSON MIETZ: Are you just carrying the
20 two together?

21 MR. DiSTEFANO: Well, kind of one goes with
22 the other.

23 CHAIRPERSON MIETZ: If you are okay with it
24 that way it makes sense with the way she's taking it down.
25 We're moving into the second part of this one. We're talking

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3 about the --

4 MR. DiSTEFANO: However you want to handle it,
5 I'm sorry.

6 CHRIS HENNESSEY: No, that's all right, I'm
7 just lumping it all in. So the livable floor area, they are
8 going to be 384 square feet over what the current code
9 allows. Some of their neighbors who have much smaller
10 properties are either over -- one is over by 855 square feet,
11 some are under by 200 square feet. But they are not out of
12 the ordinary, there's some way over, there's some way under,
13 they're just some of in the middle.

14 MR. DiSTEFANO: So you would say it's a
15 minimal request?

16 CHRIS HENNESSEY: Yes.

17 CHAIRPERSON MIETZ: 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 11A-18-18

22 11A-18-18 Application of Nancy Carry, owner of
23 property located at 92 Northumberland Road, for an Area
24 Variance from Section 205-2 to allow an entryway porch to
25 extend 5.7 +/- ft, into the 26.2 ft. front setback where a

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3 40 ft. front setback is required by code. All as described
4 on application and plans on file.

5 NANCY CARRY: Hi, good evening, I'm Nancy
6 Carry, I live at 92 Northumberland Road and I'm seeking a
7 variance for the repair of my steps. The previous steps were
8 stone and very pitted and slanted and sinking, and they had
9 pulled away from the house. So in order for those steps to
10 be replaced, they are very narrow steps, almost a hundred
11 years old. We were opening up the steps a little bit more
12 wider to, you know, have it safer and also to add a little
13 bit of a landing. So that when you open up the front door
14 you're not knocking someone off the front step, first step.
15 So that's what I'm seeking, a variance for that.

16 MS. CORRADO: What will the new steps
17 construction be?

18 NANCY CARRY: They'll be wood with a landing
19 and railings that are -- the previous railings were very
20 wobbly. So it was very unsafe and we really didn't use the
21 front steps.

22 CHAIRPERSON MIETZ: Will the landing be a wood
23 deck too?

24 CHRIS HENNESSEY: Yes.

25 MS. DALE: So it's an entryway porch though,

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3 it's not just steps?

4 CHRIS HENNESSEY: Right. It's an entryway
5 with a porch, it's not covered it's just steps that are going
6 up. Kind of like my next door neighbors', it matches with my
7 neighbors in the area. They have similar steps.

8 MR. DiSTEFANO: So the old steps went right to
9 the doorway entry and this has got a landing basically, a
10 step and then a landing of five feet approximately and then
11 the doorway.

12 CHRIS HENNESSEY: Right.

13 CHAIRPERSON MIETZ: Any other questions?
14 Thank you.

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

18 APPLICATION 11A-19-18

19 11A-19-18 Application of Tim Fournier, owner
20 of property located at 150 Old Mill Road, for an Area
21 Variance from Section 207-10E(2) to allow front yard pavement
22 coverage to be 38% in lieu of the maximum 30% allowed by
23 code. All as described on application and plans submitted.

24 JOHN CLARK: Good evening, my name is John
25 Clark, I'm with the DBS Company. Here with me tonight is

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3 Mr. Tim Fournier, he is the owner of 150 Old Mill Road.

4 Mr. Fournier has just constructed a beautiful new home out on
5 Old Mill. During that construction process they made some
6 changes to the driveway and the field. The changes better
7 accommodate traffic flow within the driveway, cars are able
8 to get in and out of the garage while there's a car still
9 parked in the driveway. The driveway is a circular nature so
10 you can actually make that maneuver around the circle while
11 the car is still in the driveway.

12 So it made for a much better flow once they
13 got out in the field and had made those changes. We
14 performed an as built survey and took it to the Town for the
15 C of O, at that point realized we were infringing upon
16 30 percent maximum lot coverage for the front yard. So we
17 are here tonight seeking a variance for that.

18 We would prefer not to remove any of the
19 driveway, it was beautifully done, it really serves a
20 function. It is screened on both the west and east -- or I'm
21 sorry, the north and south sides. There's thick vegetation
22 on both sides, there's a fence on the south side. The
23 neighbors can't see the driveway from where they are in their
24 houses, as 150 Old Mill is located near the very end of a
25 private driveway that is single loaded.

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3 All of the homes are on the east side of the
4 roadway, so there's only one house that is past 150 Old Mill,
5 that's 191 Old Mill. They have provided a letter in support
6 of the variance that has been included in our application.
7 There's not anything that's done on site that is
8 unattractive, it is very well done and very well constructed.

9 The storm water was something that we went
10 over quite a bit during the design phase. There's a very
11 large storm management system that's been installed as part
12 of this project that was oversized to begin with. We have
13 provided calculations to the Town that show this additional
14 impervious area can be handled by the storm system that's in.
15 Those calculations and modeling were prepared and submitted
16 to the Town.

17 At this point really just looking to not make
18 any changes out on the site. It's a unique site that has a
19 pie shape to it which makes it a little different than the
20 neighboring properties. That right there will make the yard
21 a little bit smaller in the front, but also there's a
22 significant slope in the backyard and some significant mature
23 trees back there that we didn't want to impact. So the house
24 was moved forward a bit, actually a little bit further back
25 than the original home that was there. But all that put

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3 together makes for a smaller front yard than the neighbors.
4 Even still, the square footage that is out on site today is
5 slightly less than that of the neighbors to the north and
6 south.

7 So here tonight seeking that variance and will
8 be happy to answer any questions you have.

9 MS. SCHWARTZ: You have a big circle of grass
10 in the middle.

11 JOHN CLARK: Correct.

12 MS. SCHWARTZ: Did you ever consider planting
13 a nice tree there to kind of soften the heart scape? And
14 then as you're facing the house over on the left there's a
15 little bit of a hill and you got some grasses on the road.
16 To me there's still room to put a tree or so just to kind of
17 soften it a little bit. And I wondered if you had given any
18 consideration to that to help mitigate it.

19 TIM FOURNIER: Hi, I am Tim Fournier, and I
20 live at 150 Old Mill Road, I'm the owner, and great question.
21 We're actually going to put a Pin Oak in there, but I've been
22 told by our landscapers to wait until spring for it to be
23 dug. It's airy, so we'll still be able to see the golf
24 course, but it will provide some of that screening. It will
25 be a large size caliper Pin Oak that will go in that center,

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3 so that is the final piece of the landscaping in the front.
4 Thank you.

5 MS. TOMPKINS WRIGHT: Will that interfere with
6 the catch basin inside of the driveway circle? It looks like
7 there's a catch basin on your as built.

8 TIM FOURNIER: John, you can answer that.

9 JOHN CLARK: Yeah. That catch basin is
10 located within the circle. Tim, the oak is not going inside
11 of the circle.

12 TIM FOURNIER: Yes, it is. And John, you may
13 recall we talked about that. The distance on that catch
14 basin we have the ability to slide that back closer to the
15 pavement so the tree itself could be centered. We decided
16 the way to do that until we got the tree in and do it all at
17 one time and excavate that area accordingly. So, good point.

18 MS. TOMPKINS WRIGHT: And that move of
19 location of catch basin will not affect drainage in that
20 area?

21 JOHN CLARK: No, not at all. That's still
22 going to be a low point. And it's not a standard catch
23 basin, it's more of a field inlet, a large field inlet. So
24 we will move that and make sure the low point is still there.
25 We've got to have drainage there for sure.

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CHAIRPERSON MIETZ: So just for the record could you just quickly describe what the changes that were honestly made were? Just describe them quickly.

JOHN CLARK: Yes. As you can see by the map that's in the packet, there was a little extension of the parking area right in front of the doorway, right in front of the main house, so it extended to the north a little bit more. That's the major area of addition. There's a little addition and subtraction that go out through the driveway to the roadway because the driveway is now perpendicular to the roadway. So we've taken some of that original curb out, so as it came in straighter we added some more impervious to the one side, but reduced to the other side. So the majority of the new impervious area is located to the north. It's all pavers right now.

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.

We will now take about a ten-minute break.

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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 4th day of December, 2018.

At Rochester, New York


Rhoda Collins

Brighton Zoning Board of Appeals 11/7/18

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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON NOVEMBER 7TH,
2018 AT APPROXIMATELY 9:30 P.M.

November 7th, 2018
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

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

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

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

Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-06-18

11A-06-18 Application of Alexandria Terziev and Allan Greenleaf, owners of property located at 81 Danbury Circle South, for an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to be located in a side yard 6 +/- ft from the property line in lieu of the rear yard behind the house no closer than 10 ft. to a property line as required by code. All as described on application and plans on file.

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

FINDINGS OF FACT:

1. The granting of the requested variance will not produce a undesirable change in the character of the neighborhood or be a detriment to nearby properties. The location of the generator in the side yard will be well shielded from view due to the bushes and the shape trees surrounding the generator. The location is also consistent with other mechanical equipment in the side yards of neighboring properties.

2. The requested variance is not substantial given the aforementioned shielding and the fact that the generator is

Brighton Zoning Board of Appeals 11/7/18

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3 of a size and decibel level as to make it less noticeable and
4 intrusive.

5 3. The benefit sought by the applicant cannot reasonably be
6 achieved by any other method given the orientation of the
7 house, windows, doors, landscaping and storm sewer. There
8 are no more appropriate or available locations for a
9 generator that do not pose engineering challenges or would be
10 aesthetically undesirable or destructive of landscaping.

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

15 **CONDITIONS:**

16 1. The variance granted herein applies only to the generator
17 described in and in the location as depicted on the
18 application and in the testimony given.

19 2. All necessary permits must be obtained.

20 (Second by Ms. Schwartz.)

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

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

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APPLICATION 11A-13-18

11A-13-18 Application of David Waldarek, architect, and Mr. And Mrs. Christopher Senftleben, owners of property located at 137 Southern Parkway, for 1) an Area Variance from Section 205-2 to allow for the construction of a 1,500 sf attached garage in lieu of the maximum 900 sf attached garage allowed by code; and 2) an Area Variance from Section 207-10E(5) to allow additional pavement (driveway expansion) up to the south lot line where a 4 ft. setback is required by code. All as described on application and plans on file.

Motion to deny part one made by Ms. Tompkins Wright with prejudice to Application 11A-13-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is substantial. The code permits an attached garage of 900 square feet and the requested variance represents a 67 percent increase over what's allowed by code.

2. The granting of the requested variance may produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties as the garage will likely be visible from the road, although not straight on, and there

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are no other similar sized attached garages in the neighborhood.

(Second by Ms. Corrado.)

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

(Upon roll call, motion to deny with prejudice part one.)

Motion to deny part two made by Ms. Tompkins Wright without prejudice to Application 11A-13-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance may be a detriment to nearby properties. Drainage is already a concern among neighboring properties and applicant failed to present a specific plan and proof that any drainage would be properly handled 11A-19-18 so as not to affect neighboring properties.

(Second by Ms. Watson.)

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

(Upon roll call, motion to deny without prejudice part two.)

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APPLICATION 11A-14-18

11A-14-18 Application of Roger Langer, Jr., architect, and Our Group 5 LLC, owner of property located at 1485 Monroe Avenue, for an Area Variance from Section 205-6 to allow an accessible ramp to extend 8.3 ft. into the 30 ft. front setback (Sylvan Road) required by code. All as described on application and plans on file.

Motion made by Ms. Watson to approve Application 11A-14-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is not substantial. The applicant's building is on a corner lot which therefore has two yards which are considered a front yard. The location of the requested variance would be considered a side yard when viewed from Monroe Avenue and would not require a variance if not for the corner lot.

2. No other alternative can alleviate the difficulty and produce the desired result of providing handicapped accessibility in order to comply with the front yard setback from Sullivan Road. The applicant would need to use almost ten percent of the interior of the existing building which would not be practical.

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3 3. The requested variance is the minimum variance possible
4 because the slope, length, and depth of the ramp is
5 determined by building code requirements. The size of the
6 ramp cannot be reduced and still meet these necessary
7 requirements.

8 4. Granting of the request will not produce an undesirable
9 change in the character of the neighborhood or be a detriment
10 to nearby properties, nor will it have an adverse effect or
11 impact on the physical or environmental conditions of the
12 neighborhood. Providing handicapped accessibility to the
13 property will increase overall safety and the ramp is
14 designed to look like a sidewalk with handrails and
15 landscaping in keeping with the surrounding neighborhood.

16 5. The alleged hardship was not self-created by the
17 applicant as the 2015 International Existing Building Code
18 requires handicapped accessibility for the first floor of a
19 home. Additionally the difficulty of complying with the
20 corner lot's two front setbacks is not self-created by the
21 applicant.

22 **CONDITIONS:**

23 1. This variance will apply only to the accessibility ramp
24 as described in the application and testimony. In
25 particular, it will not apply to additional structures

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considered in the future that are not present in the application.

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

(Second by Ms. Tomkins Wright.)

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

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

Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-19-18

11A-19-18 Application of Tim Fournier, owner of property located at 150 Old Mill Road, for an Area Variance from Section 207-10E(2) to allow front yard pavement coverage to be 38% in lieu of the maximum 30% allowed by code. All as described on application and plans submitted.

Motion made by Mr. Mietz to approve Application 11A-19-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The irregular and narrow shape of the lot creates a smaller front yard as compared to neighboring properties.
2. Additional storm water management was added to the project originally which can now accommodate any additional drainage required by the additional impervious area.
3. The five percent increase in impervious coverage will not create a negative effect on the character of the neighborhood since the containment of vehicle and safe traffic movements are mitigating circumstances.
4. The alignment of the driveway in the proposed condition will not be visible by the adjacent neighbors since it is near the end of the lightly traveled lane.

CONDITIONS:

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3 1. This application is based on the testimony given and
4 drawings submitted as for the location and size of this
5 subject's improvements.

6 2. As testified a tree shall be placed in the interior
7 circle of the driveway.

8 (Second by Ms. Corrado.)

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

12 (Upon roll call, motion to approve with
13 conditions carries.)
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APPLICATION 11A-01-18

11A-01-18 Application of Congregation Light of Israel, owner of property located at 1675 Monroe Avenue, for renewal of a Temporary and Revocable Use Permit (1A-01-17) pursuant to Section 219-4 to erect a tent and hold up to six (per year) outdoor special events for the years 2019 and 2020. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 11A-01-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The application of and related documentation indicates that the events held by this organization are often organized on a short time frame and thus could be cumbersome, sometimes impossible to acquire the zoning approval for each event.

2. The property has been used in similar fashion for limited and short duration events over the course of the last several years without any noted disturbances to neighboring properties.

3. Despite being adjacent to a residential neighborhood proposed events will mostly occur during the day with no sound amplification or lighting, and there is a solid vegetation buffer that screens the property from neighbors to

Brighton Zoning Board of Appeals 11/7/18

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3 the southwest.

4 **CONDITIONS:**

5 1. The tent on all occasions can only be set up two days
6 prior and must be taken down no more than two days after the
7 event.

8 2. There can be no sound amplification at the location.

9 3. Each event shall last no longer than two days.

10 4. All food preparation must be off site or within the
11 synagogue.

12 5. The site must be clear of all litter after the event.

13 6. If lighting is required it is only to be inside the tent
14 itself.

15 7. All events shall be concluded by 11:00 p.m.

16 8. The variance applies only to the duration of January 1,
17 2019, to December 31, 2020.

18 9. All necessary Fire Marshall permits shall be obtained.

19 (Second by Ms. Tompkins Wright.)

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

23 (Upon roll call, motion to approve with
24 conditions carries.)
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Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-02-18

11A-02-18 Application of Jerry Nadiak, owner of property located at 105 Penhurst Road, for an Area Variance from Section 207-10E(2) to allow front yard pavement coverage to increase from 34.8% to 37.5% where a maximum 30% coverage is allowed by code. All as described on application and plans on file.

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

FINDINGS AND FACTS:

1. The requested variance is the minimum variance possible.
2. No other alternative can alleviate the difficulty and produce the desired result mainly a driveway wide enough to allow access to second bay of the newly added garage.
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 these variances as the proposed wider driveway will be appropriate for a two-car garage and in character with other homes in the neighborhood.
4. The alleged hardship was self-created by the applicant only that the home was built with a single-car garage and

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correspondingly narrow driveway, but the current homeowner has now added a second bay to the garage, the wider driveway is appropriate and necessary.

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

CONDITIONS:

1. This variance will apply only to the paving as described in the application and testimony.

2. All necessary highway permits shall be obtained.

(Second by Ms. Tompkins Wright.)

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

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

1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-03-18

4 11A-03-18 Application of Michael McQuinn and
5 Gary Harris, owners of property located at 5 Indian Spring
6 Lane, for an Area variance from Section 203-2.1B(6) to allow
7 a standby emergency generator to be located in a front yard
8 in lieu of the rear yard behind the house as required by
9 code. All as described on application and plans on file.

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

12 **FINDINGS AND FACTS:**

- 13 1. The applicant's property is on a corner lot and the
14 proposed location of the generator would be in the official
15 front yard of the residence which is not allowed by code.
- 16 2. The applicant's proposed location at the northwest corner
17 of the house is the only feasible option for placement of the
18 generator as the east side of the property has an existing
19 concrete patio and block walls, the north side of the
20 property often has standing water and would be unsafe, and
21 the south side of the house is considered a front yard and
22 would be visible to neighbors and anyone passing down the
23 street.
- 24 3. There are existing plantings that will shield the
25 generator from the view of neighbors and the applicant has

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1 testified that the generator will also be shielded from view
2 by new cedar panelling and additional foliage.

3 4. The variance request will not result in a change to the
4 character of the neighborhood or detrimentally affect
5 surrounding properties.

6 5. The variance request is not substantial in relation to
7 the code requirements and the proposed location will have the
8 least impact on neighbors from a noise and visibility
9 perspective.

10 **CONDITIONS:**

11 1. This variance is granted only to the generator described
12 in the application and the afore location specified.

13 2. All necessary permits must be obtained.

14 (Second by Ms. Schwartz.)

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

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

Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-04-18

11A-04-18 Application of Robyn Rime, owner of property located at 1863 Westfall Road, for an Area Variance from Section 205-2 to allow an entryway porch to extend 5 ft. into the existing 29 ft. front setback where a 40 ft. front setback is required by code. All as described on application and plans on file.

Motion made by Mr. Mietz to approve Application 11A-04-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The proposed variance is the minimum variance to meet the requirement of the owner by orienting the steps to the east the variance would be minimized.
2. The proposed entryway is the minimum size to allow for safe ingress and egress.
3. The current home is at 36.5 feet from the front setback where a 40-foot setback is required. The proposed structure will be at 29 feet and it will have a minimal impact.
4. This change will not negatively affect the character of the neighborhood, specifically the proposed design is similar to the adjacent property to the east.

CONDITIONS:

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3 1. All necessary Architectural Review Board approvals and
4 building permits shall be obtained.

5 2. This variance is based on the testimony given and
6 drawings submitted specifically for the proposed structure's
7 location.

8 (Second by Ms. Corrado.)

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

12 (Upon roll call, motion to approve with
13 conditions carries.)
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1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-07-18

4 11A-07-18 Application of Matthew Witmer, owner
5 of property located at 82 Southern Parkway, for an Area
6 Variance from Sections 203-2.1B(2) and 203-9A(4) to allow an
7 accessory building/pool house to be 424 sf in size in lieu of
8 the maximum 250 sf allowed by code. All as described on
9 application and plans on file.

10 Motion made by Ms. Watson to approve
11 Application 11A-07-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance is not substantial in that the
15 structure in question was formerly used as a garage and a new
16 structure is not being erected.

17 2. No other alternative can alleviate the difficulty and
18 produce the desired results in that it would be impractical
19 to require demolition and replacement of an existing garage
20 with a pool cabana scaled to compliance with requirements for
21 an accessory structure.

22 3. No unacceptable change in the character of the
23 neighborhood and no substantial detriment to nearby
24 properties is expected to result in the approval of this
25 variance. The renovation of the neglected garage will

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3 improve the view from neighboring properties.

4 4. The alleged hardship was not self-created by the
5 applicant as already noted the original garage was conforming
6 when built. Changing the design to a pool cabana does not
7 negatively impact the adjoining properties.

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

10 **CONDITIONS:**

11 1. The variance will apply only to the existing structure as
12 described in the application and testimony. In particular,
13 it will not apply to additional or replacement structures
14 considered in the future that are not in the present
15 application.

16 2. The interior build-out of this structure shall contain no
17 more than a toilet and sink, and not include a shower, bath,
18 or kitchen.

19 3. All necessary permits shall be obtained

20 (Second by Ms. Schwartz.)

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

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

Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-08-18

11A-08-18 Application of Brighton Eastbrooke Homeowners, owner of property located at 477 Eastbrooke Lane (Tax ID #150.13-2-94) for 1) an Area Variance from Sections 203- 2.1B(3) and 203-23A(4) to allow a garage/maintenance building to be 1,811 sf, after construction of a 761 sf addition, in lieu of the maximum 600 sf allowed by code; and 2) an Area Variance from Section 203-129B(8) to allow said addition to be 11 ft. from the banks of Allens Creek in lieu of the minimum 25 ft. required by code. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 11A-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 detriment to nearby properties as it is an expansion of the current existing structure and located in the far rear of the property.

2. The benefit sought cannot be achieved by some other method as there is no other practical location for expansion of the needed existing structure.

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3 3. Although it is a large variance request, due to the size
4 of the condominium parcel and the number of units it serves
5 it's minimal.

6 4. The applicant will be obtaining necessary environmental
7 protection overlaid district permits from the Planning Board.

8 5. The variance will not have an adverse effect on the
9 physical or environmental conditions in the neighborhood
10 because it will be reviewed by the Planning Board and an EPOD
11 permit will be required.

12 **CONDITIONS:**

13 1. All Planning Board approvals shall be obtained.

14 2. The variance only applies to the structure addition as
15 per plans submitted and testimony given.

16 3. All necessary building permits shall be obtained.

17 (Second by Ms. Schwartz.)

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

21 (Upon roll call, motion to approve with
22 conditions carries.)
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APPLICATION 11A-09-18

11A-09-18 Application of Brighton Eastbrooke Homeowners, owner of property located at 477 Eastbrooke Lane (Tax ID #150.13-2-94) for Area Variances from Sections 203-2.1B(3) and 203-23A(4) to 1) allow for a detached garage to be constructed in a front yard in lieu of the rear yard as required by code, and 2) allow said detached garage to be 750 sf in size in lieu of the maximum 600 sf allowed by code. All as described on application and plans on file.

Motion made by Ms. Corrado to approve Application 11A-09-18 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variances are not substantial. The proposed location of the garage is functionally in a backyard when taking into account the orientation of the clubhouse to the surrounding complex. The structure would not be visible or accessible from Winton Road as the location is adjacent to the steep embankment leading up to the road and well below street grade. In regards to the request to exceed maximum allowed square footage by 150 square feet, the proposed 750-square-foot garage is the minimum needed to accommodate storage of trucks, snowplows, and other seasonal maintenance

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3 equipment out of view of neighbors and under protection from
4 the elements.

5 2. No other alternative can alleviate the difficulty and
6 produce the desired result as any location that is allowable
7 by code would be aesthetically unpleasant and functionally
8 deficient. Further, a smaller structure would not adequately
9 accommodate the equipment necessary for maintaining the
10 community property.

11 3. No unacceptable change in the character of the
12 neighborhood and no substantial detriment to nearby
13 properties is expected to result from the approval of these
14 variances. In fact, placing the garage in the proposed
15 location on the lot ensures it is not visible to neighbors
16 and passers by in the complex.

17 4. The alleged hardship was not self-created by the
18 applicant and the unusual configuration of the parcel in
19 relation to the Canal and Winton Road overpass makes the
20 front yard function more appropriately as a backyard for the
21 purpose of siting an out building.

22 5. The health, safety and welfare of the community will not
23 be adversely affected by the approval of the variance
24 request. In fact, by permitting construction of a garage in
25 the requested location on the lot the property owners will be

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able to store pool supplies and chemicals currently stored in the club house to a more secure location, as well as store maintenance vehicles out of view of residents.

CONDITIONS:

1. This variance applies only to the structure and location as described in the application and testimony. It will not apply to additional structures considered in the future that are not included in the present applications.

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

(Second by Ms. Watson.)

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

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

1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-10-18

4 11A-10-18 Application of Susan O'Toole, owner
5 of property located at 71 Astor Drive, for 1) an Area
6 Variance from Section 207-10E(2) to allow front yard pavement
7 coverage to be 46% in lieu of the minimum 30% allowed by
8 code; 2) an Area Variance from Section 207-10E(3) to allow
9 rear yard pavement coverage to be 60% in lieu of the maximum
10 35% allowed by code; and 3) an Area Variance from Section
11 207-10E(5) to allow pavement throughout the site to extend up
12 to property lines where a minimum 4 ft. setback is required
13 by code. All as described on application and plans on file.

14 Motion made by Ms. Tompkins Wright to table
15 Application 11A-10-18 and request that the applicant submit
16 the following information.

17 **INFORMATION:**

- 18 1. An exact calculation of the impervious coverage in the
19 front and rear yard that consists only of the paved walkways
20 and driveways and patio but excluding any landscaping stones.
21 2. An exact calculation of the impervious coverage in the
22 front and the rear yard as of November 1, 2018.

23 (Second by Mr. Clapp.)

24 (Ms. Schwartz, yes; Ms. Dale, yes; Mr. Mietz,
25 yes; Ms. Watson, yes; Ms. Corrado, yes; Mr. Clapp, yes;

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Ms. Tomkins Wright, yes.)

(Upon roll call, motion to table and leave the
Public Hearing open.)

1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-11-18

4 11A-11-18 Application of Sharon Bidwell-Cerone
5 and James Cerone, owners of property located at 2960 East
6 Avenue, for an Area Variance from Section 203-2.1B(2) to
7 allow a pergola structure to be located in a side yard in
8 lieu of the rear yard as required by code. All as described
9 on application and plans on file.

10 Motion made by Mr. Mietz to approve
11 Application 11A-11-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The location for the pergola structure in the side yard
15 is in the only location which can meet the needs of the
16 applicant.

17 2. The proposed location of the structure is 197 feet,
18 6 inches from the road, versus the 206 feet, 9 inches
19 required by code, which is not substantial.

20 3. No negative effect on the character of the neighborhood
21 will result from the placement of the structure due to it
22 being minimally visible from neighboring properties.

23 **CONDITIONS:**

24 1. The pergola structure will be in the location as shown in
25 plans submitted. This is based on testimony given and plans

Brighton Zoning Board of Appeals 11/7/18

submitted as to the specific location and size of the pergola structure.

2. All necessary building permits shall be obtained.

(Second by Ms. Tompkins Wright.)

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

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

1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-12-18

4 11A-12-18 Application of Richard Hunt,
5 architect, and Alicia and Kip Davis, owners of property
6 located at 296 Ashbourne Road, for Area Variances from
7 Section 205-2 to 1) allow an entry porch to extend 3 ft. into
8 the 9 ft. side setback required by code, and 2) allow
9 building lot coverage to increase from 31.1% to 33.5%, after
10 construction of two entryway porches, in lieu of the maximum
11 25% allowed by code. All as described on application and
12 plans on file.

13 Motion made by Ms. Schwartz to approve
14 Application 11A-12-18 based on the following findings and
15 facts.

16 **FINDINGS AND FACTS:**

- 17 1. The placement of the house on the lot is unusual and
18 compounded by the fact it faces the street that was never
19 completed.
- 20 2. The 3-foot variance request into the required 9-foot side
21 setback may be substantial but will have no adverse impact on
22 the area either through appearance or safety.
- 23 3. The applicant inherited the five percent lot cover
24 overage.
- 25 4. No other alternative can achieve the desired outcome for

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the applicant.

5. The addition of the two porches at each of the entryways to the house will be protection from rain and snow for the occupant and visitors.

6. Aesthetically the detail of the proposed porches adds definition to the home and are nice enhancements.

CONDITIONS:

1. This variance only applies to the two porches and increase in lot coverage as stated in the written application and testimony presented.

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

(Second by Ms. Corrado.)

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

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

Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-16-18

11A-16-18 Application of Chris Hennessey, architect, and Steve and Meg Jones, owners of property located at 148 Monteroy Road, for 1) an Area Variance from Sections 203- 2.1B(3) and 203-9A(4) to allow for the construction of a 660 sf detached garage in lieu of the maximum 600 sf detached garage allowed by code; and 2) an Area Variance from Section 207-6 to allow said detached garage to be 16.75 ft. in height in lieu of the maximum 16 ft. allowed by code. All as described on application and plans on file.

Motion made by Mr. Clapp to approve Application 11A-16-18 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 the design of the garage matches the Tudor-style architecture of the house.
2. The benefit sought by the applicant cannot be achieved by any other methods as the proposed garage is the only practical location on the property.
3. The requested variance is not substantial as compared to

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other properties in the neighborhood.

4. The variance is the minimum necessary to construct the garage as presented in plans with the peaked roof to match the Tudor style of house.

5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood as the design of the garage matches the Tudor style of the house.

CONDITIONS:

1. The approval shall apply only to the project and property as described on the application and testimony given.

2. All necessary building permits shall be obtained.

(Second by Ms. Schwartz.)

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

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

1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-17-18

4 11A-17-18 Application of Chris Hennessey,
5 architect, and Steve and Meg Jones, owners of property
6 located at 148 Monteroy Road, for an Area Variance from
7 Section 209-10 to allow livable floor area to be 3,940 sf,
8 after renovation of an attached garage and construction of an
9 entryway, in lieu of the maximum 3,596 sf allowed by code.
10 All as described on application and plans on file.

11 Motion made by Ms. Corrado to approve
12 Application 11A-17-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The requested variance is not substantial as exceeding
16 the maximum enclosed livable space by 384 square feet is not
17 significant particularly as the home is located in the
18 neighborhood of similarly expansive homes of which several
19 also exceed the allowable maximum. Further, this request is
20 minimal as this is the size of the existing garage that will
21 be converted into living space.

22 2. No other alternative can alleviate the difficulty and
23 produce the desired result. By renovating the existing
24 attached garage to accommodate the family room and mudroom
25 the applicant will gain function without detriment to the

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3 aesthetics of the home.

4 3. No unacceptable change in the character of the
5 neighborhood and no substantial detriment to nearby
6 properties is expected to result in the approval of this
7 variance as the modifications to the exterior will not be
8 visible from the street.

9 4. The alleged hardship was not self-created by the
10 applicant as the home was built in an era where family rooms
11 and mudrooms were not common in homes as they are today.

12 5. The health, safety, and welfare of the community will not
13 be adversely affected by the approval of the variance
14 request.

15 **CONDITIONS:**

16 1. This variance will apply only to the structure as
17 described in the application and testimony. It will not
18 apply to further additions considered in the future that are
19 included in the present application.

20 2. All necessary building permits shall be obtained.

21 (Second by Ms. Watson.)

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

25 (Upon roll call, motion to approve with

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conditions carries.)

1 Brighton Zoning Board of Appeals 11/7/18

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3 APPLICATION 11A-18-18

4 11A-18-18 Application of Nancy Carry, owner of
5 property located at 92 Northumberland Road, for an Area
6 Variance from Section 205-2 to allow an entryway porch to
7 extend 5.7 +/- ft, into the 26.2 ft. front setback where a
8 40 ft. front setback is required by code. All as described
9 on application and plans on file.

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

12 **FINDINGS AND FACTS:**

- 13 1. The variance is the minimum necessary to grant relief
14 from the applicant's difficulty and the difficulty
15 necessitating the variance request cannot be solved by
16 another manner not requiring a variance as the existing site
17 already does not meet code.
- 18 2. Granting the applicant's request will decrease the front
19 setback by 5.7 feet and is not substantial. The steps were
20 original to the house and have become unsafe after decades of
21 exposure to the elements.
- 22 3. Granting of the variance will not result in a negative
23 change to the character of the neighborhood or be a detriment
24 to nearby properties, rather the new entryway will be a
25 benefit to the neighborhood as a home improvement and many

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homes in the area have entryways similar to the one requested.

CONDITIONS:

1. Approval is given as per application submitted and testimony given.

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

(Second by Ms. Schwartz.)

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

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

Brighton Zoning Board of Appeals 11/7/18

APPLICATION 11A-05-18

11A-05-18 Application of Daniel Turner, Turner Engineering, agent, and Brighton Volunteer Ambulance, owner of property located at 1551 Westfall Road, for an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to have a noise level of 76.5 dBA in lieu of the maximum 72 dBA allowed by code. All as described on application and plans on file.

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

FINDINGS AND FACTS:

1. The requested variance for an emergency standby generator to be 4.5 decibels over what is allowed by code is minimal. This is a large generator to service the entire addition to Brighton Volunteer Ambulance.

3. There are no residences or other buildings within a couple of hundred feet so the slight increase in decibel level will not have an adverse effect on the neighborhood.

4. It will not be visible from the street.

5. No other alternative can achieve the desired result for the applicant.

CONDITIONS:

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3 1. This variance only applies to the standby emergency
4 generator as described in written application and testimony
5 presented.

6 2. All necessarily approvals and permits must be obtained.

7 (Second by Ms. Tompkins Wright.)

8 (Ms. Corrado, yes; Ms. Watson, yes; Mr. Clapp,
9 yes; Ms. Schwartz, yes; Ms. Tomkins Wright, yes; Ms. Dale,
10 yes.)

11 (Upon roll call, motion to approve with
12 conditions carries.)
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REPORTER CERTIFICATE

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I, Rhoda Collins, do hereby certify that I did
7 report in stenotype machine shorthand the proceedings held in
8 the above-entitled matter;

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Further, that the foregoing transcript is a true and
accurate transcription of my said stenographic notes taken at
11 the time and place hereinbefore set forth.

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Dated this 4th day of December, 2018.

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At Rochester, New York

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Rhoda Collins

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