

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
2 APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK
2 On DECEMBER 7, 2016, COMMENCING AT APPROXIMATELY
2 7:15 P.M.

December 7, 2016
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
CANDICE BAKER LEIT, ESQ.
JEANNE DALE

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DISTEFANO
Secretary

1 CHAIRPERSON MIETZ: So at this time I would like to
2 call the December session of the Brighton Zoning Board of
3 Appeals.

4 Rick, was the meeting properly advertised?

5 MR. DI STEFANO: Yes, Mr. Chairman. It was
6 advertised in the Brighton-Pittsford Post on December 1st,
7 2016.

8 CHAIRPERSON MIETZ: Okay. Please call the roll.

11 CHAIRPERSON MIETZ: So when you are ready, Rick,
12 let's read the first application.

13 Application 11A-08-16. Application of Bret Skirvin, Site
14 Enhancement Services, agent, and Danielle Edwards, owner of
15 property located at 2525 West Henrietta Road, for Sign Variances
16 from Sections 207-26D and 207-32B(1) to 1) allow a 3 sf business
17 identification sign on a second building face where not allowed
18 by code, and 2) allow for a 24+/- sf non-business identification
19 sign with a logo greater than 25% of the sign face where not
20 allowed by code. All as described on application and plans on
21 file.

22 MR. DI STEFANO: Is anybody here for that
23 application?

24 CHAIRPERSON MIETZ: Did you talk to them since the
25 last meeting?

1 MR. DI STEFANO: Not since our last meeting, no.

2 MS. TOMPKINS WRIGHT: Nobody showed up last time.

3 MR. DI STEFANO: No, they showed up. They asked
4 for the postponement to this month.

5 MS. TOMPKINS WRIGHT: Oh, that's right.

6 CHAIRPERSON MIETZ: All right. Let's move on here.

7 MR. DI STEFANO: We will call them at the end.

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1 Application 12A-01-16. Application of Dr. Hossein Hadian/2717
2 Monroe Avenue, LLC, owner of property located at 2717 Monroe
3 Avenue, for a Sign Variance from Section 207-32B (2) to allow
4 business identification signs on two sides of a new retail
5 building (north and south elevations) where business
6 identification signs are allowed on only one building side. All
7 as described on application and plans on file.

8 MR. SUDOL: Good evening, my name is Jeff Sudol
9 from Passero Associates. We are here on behalf of the
10 applicant, 2717 Monroe Avenue, LLC. We were here last
11 month, actually. We had submitted an application to provide
12 signs on all four sides of the proposed City Mattress
13 building, which I think we all kind of agreed was a bit
14 excessive. After that meeting, we went out to the site and
15 took a really hard look with the folks at City Mattress and
16 determined what would be reasonable that could also,
17 potentially, satisfy their needs.

18 If you recall, we did have some discussion about,
19 you know, obviously, we would like to have a sign facing
20 Monroe Avenue and then potentially having one either on the
21 western side eastbound from the city or on the southern side
22 as you would be exiting 590. Our discussion was largely
23 based on an analysis of the way finding, and we would like
24 to have some kind of recognition coming from 590. So as you
25 come around the turn, you know you are going to immediately

1 turn to the right especially when you are using your GPS and
2 things like that. We don't want people necessarily stopping
3 and looking really quickly especially given the amount of
4 traffic on Monroe Avenue. So what we did determine was that
5 it would be best suited to be on the southern side. So that
6 as people were approaching the avenue, they could see where
7 the City Mattress building was.

8 Again, as I mentioned last time, this building is
9 faced on four different sides. And by that I mean a lot of
10 times in these types of buildings in the back you get
11 loading and trash enclosures that may look a little rough.
12 But in this case, we planned on putting the signage on the
13 southern side and really almost treating it as a frontage.
14 So you get a really nice view as you are exiting 590.

15 We also worked with the sign folks to reduce the
16 size of the signs so that it wouldn't require a variance for
17 the actual size. The first application that we submitted
18 and reviewed back in November was requesting size variances
19 in addition to requesting them on multiple faces. So one
20 thing that was requested of us was a perspective drawing.
21 You can see on top here, this is really the idea. As you
22 are approaching and travelling north on 590 and getting off
23 the exit, that's what you would see there kind of hidden
24 behind the existing vegetation. You would be able to see
25 that City Mattress designation. So you would know exactly

1 where you are heading.

2 Again, we feel that this would satisfy our needs,
3 and we are hoping that you guys, also, would view this as an
4 improvement.

5 MR. DI STEFANO: Jeff, I'm sorry. Which is this?
6 Is this from the ramp?

7 MR. SUDOL: That's as you are getting off the ramp.
8 Yes, on the top.

9 CHAIRPERSON MIETZ: Just describe the signs for the
10 record. How is it going to be lit?

11 MR. SUDOL: It would be a typical back-lit sign.
12 To be perfectly honest, I'm not a sign maker so I don't know
13 the technical --

14 CHAIRPERSON MIETZ: Okay. So they will be
15 illuminated though; right?

16 MR. SUDOL: Correct.

17 MS. SCHWARTZ: Just for the benefit, what is the
18 size of your letters and your logo height-wise?

19 MR. SUDOL: Let me see here.

20 MR. DI STEFANO: It's in your packet.

21 MS. SCHWARTZ: It is?

22 MR. SUDOL: They are roughly four feet.

23 MS. DALE: No more than 4.9 feet tall and 30.5 feet
24 long.

25 CHAIRPERSON MIETZ: It's in the written

1 application, but again, you scaled it off and --

2 MR. SUDOL: Yeah, remember we had that little "Y"
3 that drops down. And the way you do it with putting a box
4 around it, the "Y" was pushing us over. But even with that
5 now, we are under the 150 or 200.

6 CHAIRPERSON MIETZ: All right. So based on the
7 size of the building, they are well within the code as far
8 as the signs. Okay. All right. Is there any other
9 questions of the applicant? Anybody have anything else?
10 No? Okay. I guess we are set.

11 MR. SUDOL: Thank you very much.

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1 Application 12A-02-16. Application of John and Monique
2 Marchioni, owners of property located at 102 Southern
3 Parkway, for Area Variances from Sections 207-6, 203-2.1B(20
4 and 203-9A(4) to 1) allow a detached garage to be 728+/- sf
5 in size, after construction of a 317+/- sf addition, in lieu
6 of the maximum 600 sf allowed by code, and 2) allow said
7 addition to be 3 ft. from a side lot line in lieu of the
8 minimum 5ft. required by code. All as described on
9 application and plans on file.

10 MS. MARCHIONI: Hi, good evening, I'm Monique
11 Marchioni. We are here to seek an application to have a
12 variance to have an addition added to the back of our garage
13 because my husband has too many toys, and I want them
14 covered. So I believe you have the application that my
15 husband filed, but it's putting an addition on to the back
16 of the garage that would match the garage so we could store
17 my husband's toys, snowmobiles and other mobiles.

18 CHAIRPERSON MIETZ: So basically, you are going to
19 poke through the back of the garage, and it will be like a
20 tandem set-up so you can go right through?

21 MS. MARCHIONI: Right through, yep.

22 CHAIRPERSON MIETZ: And as far as the exterior of
23 it, it's going to be built with the same materials?

24 MS. MARCHIONI: Exactly, cedar siding, white.

25 CHAIRPERSON MIETZ: Okay. All right.

1 MS. SCHWARTZ: I was the one who --

2 MS. MARCHIONI: Yes.

3 MS. SCHWARTZ: So all of the things that I saw back
4 there will be housed within your garage?

5 MS. MARCHIONI: Right. Right.

6 MS. SCHWARTZ: Okay.

7 CHAIRPERSON MIETZ: Mr. Marchioni has a few toys
8 back there.

9 MS. MARCHIONI: Yep, he likes his toys.

10 CHAIRPERSON MIETZ: And did you look at other ways
11 to do this?

12 MS. MARCHIONI: We can do a shed, but I don't think
13 it would be esthetically pleasing to have two buildings back
14 to back.

15 CHAIRPERSON MIETZ: Okay.

16 MS. MARCHIONI: It would be easier to attach them
17 to the trailer and pull them out.

18 MS. SCHWARTZ: And the reason you went tandem
19 instead of side by side is what?

20 MS. MARCHIONI: I don't know the particular reason
21 why my husband chose to do it that way, but we do store
22 other -- we have put our other cars there sometimes. So
23 maybe that was the reason why we chose to do it that way.
24 It would be very wide.

25 CHAIRPERSON MIETZ: It was more visible. It was

1 wider.

2 MS. MARCHIONI: Right.

3 CHAIRPERSON MIETZ: So at this time, you know, we
4 can't ask you to decide what you are going to do in the
5 future, but you don't see any other need for other accessory
6 buildings back there? There is a lot of coverage back
7 there.

8 MS. MARCHIONI: No, not at this time.

9 CHAIRPERSON MIETZ: If you get this done, then you
10 will run out of money or something?

11 MS. MARCHIONI: Hopefully or buy another building
12 somewhere.

13 CHAIRPERSON MIETZ: Okay. All right.

14 MS. DALE: And the neighbors behind you, there is
15 no concern?

16 MS. MARCHIONI: We haven't received any
17 notification from any neighbors that they have any concerns
18 with the addition.

19 CHAIRPERSON MIETZ: Have you talked to any of them?

20 MS. MARCHIONI: I have talked with the neighbor to
21 the left of us, Penny Stewart. She didn't express any
22 concern. John, my husband, he had spoken to Ron, who is to
23 the right of us, and he didn't express any concern that we
24 are aware of.

25 MS. TOMPKINS WRIGHT: And by "the right," you mean

1 on the side where the garage currently sits?

2 MS. MARCHIONI: Yes.

3 CHAIRPERSON MIETZ: He's the most affected by it.

4 MS. MARCHIONI: Ron; correct.

5 MS. SCHWARTZ: Or the people behind you?

6 MS. MARCHIONI: No, I haven't heard anything from
7 them. And I'm not aware that my husband has spoken to them.

8 CHAIRPERSON MIETZ: Yeah, you can't really see
9 them.

10 MS. MARCHIONI: There is vegetation.

11 CHAIRPERSON MIETZ: Any other questions?

12 MS. MARCHIONI: Great. Thank you.

13 CHAIRPERSON MIETZ: Thank you. Is there anyone in
14 the audience that would like to speak regarding this
15 application? There being none, then the public hearing is
16 closed.

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1 Application 12A-03-16. Application of Anthony J. Costello
2 and Son (Joseph) Development, owner of property located at 1
3 Reserve View Blvd., for extension of an approved variance
4 (1A-05-16) pursuant to Section 219-5F, allowing for the
5 height of an accessory building to be 23.3 ft. In lieu of
6 the maximum 16 ft. Required by code. All as described on
7 application and plans on file.

8 MR. DALY: Good evening, ladies and gentlemen, my
9 name is Bill Daly. I am with the Costello Group. I'm here
10 with Matt Tomlinson with Marathon Engineering. I'm here to
11 request an extension on the approvals we received last year
12 for The Reserve project. Do you want me to do all three or
13 just the boathouse first?

14 MR. DI STEFANO: Do the boathouse first, and then
15 we will do the other two because they were done under
16 different times. So just deal with the boathouse right now.

17 MR. DALY: Okay. The reason for our request for an
18 extension is the project was stalled last year due to, I
19 believe everybody is aware, Mr. Costello got ill and passed
20 away. The project was put on hold. It is being evaluated.
21 So that's why we are here to ask for an extension on the
22 approvals.

23 CHAIRPERSON MIETZ: When you say "the project," can
24 you describe what you mean by "the project"?

25 MR. DALY: Sure. As related to the variances that

1 we received on the loft building, so when Mr. Costello
2 passed away, we kind of lost focus for a little bit on that
3 particular aspect of the project, and we focused on
4 continuing the build. So with his son Brett, we are getting
5 him up to speed. He had a lot to deal with in the past six
6 months. We are getting him up to speed on the new
7 construction of the project and reevaluating it. So that's
8 why we are asking for the extension.

9 CHAIRPERSON MIETZ: So we are talking about
10 everything along the canal. Is that what you are talking
11 about as "the project"?

12 MR. DALY: We got the approvals for the loft
13 building and the boathouse.

14 CHAIRPERSON MIETZ: That's what I was trying to
15 define because he is going to read the rest of it.

16 MR. DALY: Yep. So the boathouse, we were in and
17 asking for a variance for the building to be 23.3 feet in
18 height in lieu of the required maximum of 16 feet by code.
19 We would like to get an extension on that. We are not
20 changing anything. The plans remain the same.

21 CHAIRPERSON MIETZ: Right.

22 MR. DI STEFANO: So why don't you ask about the
23 boathouse, if there are any questions, and then I will read
24 the other two.

25 CHAIRPERSON MIETZ: So for the record, nothing is

1 any different on what you are requesting and what you are
2 planning to do?

3 MR. DALY: Correct.

4 CHAIRPERSON MIETZ: And is it the same with all of
5 these? We will just ask it once. Is the plan to move
6 forward within say the next 2017 building season because we
7 are pretty much at the end of this season --

8 MR. DALY: Correct.

9 CHAIRPERSON MIETZ: -- as far as you know?

10 MR. DALY: Correct. It has to be. We are right in
11 the middle of bringing Brett, his son, up to speed on it.

12 CHAIRPERSON MIETZ: All right. Very good. So go
13 ahead.

14 MS. TOMPKINS WRIGHT: So it's not that you are not
15 sure that you are going to start breaking ground on these in
16 2017, you just need the extensions because you are still
17 reevaluating it?

18 MR. DALY: Correct.

19 MR. DI STEFANO: Any other boathouse questions at
20 this point?

21 MS. DALE: If it's the same as before --

22 CHAIRPERSON MIETZ: Yep.

23 MR. DI STEFANO: Okay. Let me read the other two
24 then.

1 Application 12A-04-16. Application of Anthony J. Costello
2 and Son (Joseph) Development, owner of property located at 1
3 Reserve View Blvd., for extension of approved variances
4 (2A-06-16) pursuant to Section 219-5F, allowing for a
5 portion of underground parking in four buildings to have
6 parking spaces 8.75 ft. in width in lieu of the minimum 9
7 ft. required by code, and 2) allow drive aisles to range in
8 width from 20.35 ft. to 22.33 ft. in lieu of the maximum 24
9 ft. in width as required by code. All as described on
10 application and plans on file.

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12 Application 12A-05-16. Application of Anthony J. Costello and
13 Son (Joseph) Development, owner of property located at 1 Reserve
14 View Blvd., for extension of approved variances (2A-06-16)
15 pursuant to Section 219-5F, allowing for retaining walls to be
16 12 ft. in height in lieu of the maximum 6.5 ft. allowed by code.
17 All as described on application and plans on file.

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19 MR. DALY: So I won't repeat what Mr. DiStefano
20 said, but that's the variance that we are asking for an
21 extension on as well. We are not changing anything with
22 that either.

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CHAIRPERSON MIETZ: Okay. So on either case?

24

MR. DALY: Correct.

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CHAIRPERSON MIETZ: So when approved, you will go

ahead and move forward with the plan that was presented to

1 us before, and the request of the variances has not changed?

2 MR. DALY: Correct.

3 MR. DI STEFANO: Does everyone remember the walls
4 they are referring to, the underground parking that we are
5 referring to? I know everybody was here for those
6 applications, but in case anybody has any kind of -- lost
7 track of them, I can certainly have him show us again, but
8 if everybody is cool then --

9 MS. DALE: No, I remember talking about what the
10 radius was for turning adequately and visibility upon
11 entering, and it was all satisfactory.

12 CHAIRPERSON MIETZ: Does anyone have any questions?
13 Okay. Thank you very much.

14 MR. DALY: Okay. Thank you.

15 CHAIRPERSON MIETZ: Is there anyone in the audience
16 requesting to talk about this variance?

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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF MONROE:

5 I, BRIANA L. JEFFORDS, do hereby certify that I
6 reported in machine shorthand the above-styled cause; and that
7 the foregoing pages were typed by computer-assisted
8 transcription under my personal supervision and constitute a
9 true record of the testimony in this proceeding;

10 I further certify that I am not an
11 attorney or counsel of any parties, nor a relative or employee
12 of any attorney or counsel connected with the action, nor
13 financially interested in the action;

Bianca L Jeffords

BRIANA L. JEFFORDS
Freelance Court Reporter and
Notary Public No. 01JE6325111
in and for Genesee County, New York

1 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF
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9 PRESENT:

10 DENNIS MIETZ, CHAIRMAN
11 JUDY SCHWARTZ
12 ANDREA TOMPKINS WRIGHT
13 CANDICE BAKER LEIT, ESQ.
14 JEANNE DALE

15 DAVID DOLLINGER, ESQ.
16 Town Attorney

17 RICK DISTEFANO
18 Secretary

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21 Reported By: BRIANA L. JEFFORDS
22 Edith Forbes Court Reporting
23 21 Woodcrest Drive
24 Batavia, New York 14020

1 Application 11A-08-16. Application of Bret Skirvin, Site
2 Enhancement Services, agent, and Daniele Edwards, owner of
3 property located at 2525 West Henrietta Road, for Sign Variances
4 from Sections 207-26D and 207-32B(1) to 1) allow a 3 sf business
5 identification sign on a second building face where not allowed
6 by code, and 2) allow for a 24+/- sf non-business identification
7 sign with a logo greater than 25% of the sign face where not
8 allowed by code. All as described on application and plans on
9 file.

10 Motion made by Ms. Tompkins Wright
11 to deny without prejudice.

12 Application 11A-08-16.

13 (Seconded by Ms. Baker Leit.)

14 (Ms. Baker Leit, yes; Ms. Dale, yes;
15 Ms. Tompkins Wright, yes; Ms. Schwartz, yes;
16 Mr. Mietz, yes.)

17 (Open roll call, motion to deny carries.)

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1 Application 12A-01-16. Application of Dr. Hossein Hadian/2717
2 Monroe Avenue, LLC, owner of property located at 2717 Monroe
3 Avenue, for a Sign Variance from Section 207-32B (2) to allow
4 business identification signs on two sides of a new retail
5 building (north and south elevations) where business
6 identification signs are allowed on only one building side. All
7 as described on application and plans on file.

8 Motion made by Ms. Corrado to approve

9 Application 12A-01-16.

10 FINDINGS OF FACT:

11 1. The variance to allow building identification signs on two
12 sides of a newly built building on the north and south
13 elevations is not substantial as only one sign will be visible
14 at any one time.

15 2. The requested variance will not produce an undesirable
16 change in the neighborhood given the positioning of the signs
17 and the commercial nature of the site surrounded by 590.

18 3. The benefit sought by the applicant in having a building
19 with signage that can assist with way finding from Route 590
20 cannot be achieved in any other manner.

21 4. The variance is the minimum necessary to grant relief from
22 the difficulty of navigating safely from 590 to the business.

23 5. The proposed variance will not adversely effect the health,
24 safety, and welfare of the community, but will assist in safely
25 directing customers to the business.

1 || CONDITIONS:

2 1. This variance applies only to the two internally illuminated
3 signs described in the application submitted and the testimony
4 given.

5 2. All necessary ARB and Planning Board approvals shall be
6 obtained.

7 (Seconded by Ms. Tompkins Wright.)

8 (Ms. Baker Leit, yes; Ms. Dale, yes;

9 Ms. Tompkins Wright, yes; Ms. Schwartz, yes;

10 Mr. Mietz, yes.)

11 (Open roll call, motion to approve

12 with conditions carries.)

1 Application 12A-02-16. Application of John and Monique
2 Marchioni, owners of property located at 102 Southern Parkway,
3 for Area Variances from Sections 207-6, 203-2.1B(20 and
4 203-9A(4) to 1) allow a detached garage to be 728+/- sf in size,
5 after construction of a 317+/- sf addition, in lieu of the
6 maximum 600 sf allowed by code, and 2) allow said addition to be
7 3 ft. from a side lot line in lieu of the minimum 5ft. required
8 by code. All as described on application and plans on file.

9 Motion made by Mr. Mietz to approve

10 Application 12A-02-16.

11 FINDINGS OF FACT:

- 12 1. The requested variances are the minimum variances possible
13 to meet the desired result.
- 14 2. No other alternative can alleviate the difficulty and
15 produce the desired result, namely, a structure large enough to
16 accommodate storage of the applicant's gardening equipment and
17 recreational vehicles.
- 18 3. No unacceptable change in the character of the neighborhood
19 nor substantial detriment to neighborhood properties is expected
20 to result from the approval of these variances as the proposed
21 garage addition will be in character with the existing home and
22 other homes in the neighborhood. In particular with this
23 expansion of the garage, the applicant will avoid the need to
24 build any separate outbuilding for equipment storage.
- 25 4. The hardship is not self-created as the existing garage is

1 currently 3 feet from the side lot line rather than the minimum
2 5 feet required.

3 5. The health, safety, and welfare of the community will not be
4 adversely effected by the approval of the variances requested.

5 CONDITIONS:

6 1. The variance will apply only to the particular structure
7 described in the application submitted and testimony given.

8 2. The garage addition shall be used for storage purposes as
9 described in the testimony given.

10 3. The exterior of the addition shall be completed with
11 harmonious materials to the existing garage.

12 4. All necessary building permits shall be obtained.

13 (Seconded by Ms. Baker Leit.)

14 (Ms. Baker Leit, yes; Ms. Dale, yes;

15 Ms. Tompkins Wright, yes; Ms. Schwartz; yes;

16 Mr. Mietz, yes.)

17 (Open roll call, motion to approve

18 with conditions carries.)

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1 Application 12A-03-16. Application of Anthony J. Costello and
2 Son (Joseph) Development, owner of property located at 1 Reserve
3 View Blvd., for extension of an approved variance (1A-05-16)
4 pursuant to Section 219-5F, allowing for the height of an
5 accessory building to be 23.3 ft. In lieu of the maximum 16 ft.
6 Required by code. All as described on application and plans on
7 file.

8 Motion made by Ms. Dale to approve.

9 Application 12A-03-16.

10 FINDINGS OF FACT:

11 1. This application was previously approved at the January 2016
12 session of the Zoning Board of Appeals, but an extension became
13 necessary because the project was put on hold due to unforeseen
14 circumstances.

15 2. The applicant has testified there are no changes to the
16 application.

17 CONDITIONS:

18 1. All conditions from the previous approval shall be applied
19 to this extension.

20 (Seconded by Ms. Tompkins Wright.)

21 (Ms. Baker Leit, yes; Ms. Dale, yes;

22 Ms. Tompkins Wright, yes; Ms. Schwartz, yes;

23 Mr. Mietz, yes.)

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

1 Application 12A-04-16. Application of Anthony J. Costello and
2 Son (Joseph) Development, owner of property located at 1 Reserve
3 View Blvd., for extension of approved variances (2A-06-16)
4 pursuant to Section 219-5F, allowing for a portion of
5 underground parking in four buildings to have parking spaces
6 8.75 ft. in width in lieu of the minimum 9 ft. required by code,
7 and 2) allow drive aisles to range in width from 20.35 ft. to
8 22.33 ft. in lieu of the maximum 24 ft. in width as required by
9 code. All as described on application and plans on file.

10 Motion made by Mr. Mietz to approve
11 Application 12A-04-16.

12 FINDINGS OF FACT:

13 1. The project did not move forward as planned due to
14 unforeseen circumstances.
15 2. No changes are being requested from the original variance
16 dated January 5th, 2016.

17 CONDITIONS:

18 1. All conditions which applied in the January 5, 2016,
19 approval shall continue to apply to this extension.

20 (Seconded by Ms. Baker Leit.)

21 (Ms. Baker Leit, yes; Ms. Dale, yes;

22 Ms. Tompkins Wright, yes; Ms. Schwartz, yes;

23 Mr. Mietz, yes.)

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

1 Application 12A-05-16. Application of Anthony J. Costello and
2 Son (Joseph) Development, owner of property located at 1 Reserve
3 View Blvd., for extension of approved variances (2A-06-16)
4 pursuant to Section 219-5F, allowing for retaining walls to be
5 12 ft. in height in lieu of the maximum 6.5 ft. allowed by code.
6 All as described on application and plans on file.

7 Motion made by Ms. Schwartz to approve
8 Application 12A-05-16.

9 FINDINGS OF FACT:

10 1. The project did not move forward as planned due to
11 unforeseen circumstances.

12 2. No changes are being requested from the original variance
13 dated February 3, 2016.

14 CONDITIONS:

15 1. All conditions which applied in the February 3, 2016,
16 approval shall continue to apply to this extension.

17 (Seconded by Ms. Baker Leit.)

18 (Ms. Baker Leit, yes; Ms. Dale, yes;

19 Ms. Tompkins Wright, yes; Ms. Schwartz, yes;

20 Mr. Mietz, yes.)

21 (Open roll call, motion to approve

22 with conditions carries.)

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C E R T I F I C A T I O N

STATE OF NEW YORK:
COUNTY OF MONROE:

5 I, BRIANA L. JEFFORDS, do hereby certify that I
6 reported in machine shorthand the above-styled cause; and that
7 the foregoing pages were typed by computer-assisted
8 transcription under my personal supervision and constitute a
9 true record of the testimony in this proceeding;

10 I further certify that I am not an
11 attorney or counsel of any parties, nor a relative or employee
12 of any attorney or counsel connected with the action, nor
13 financially interested in the action;