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Brighton Zoning Board of Appeals 11/01/17

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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON NOVEMBER 1ST,
5 2017 AT APPROXIMATELY 7:15 **P.M.**

6

November 1st, 2017
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

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9 PRESENT:

10 DENNIS MIETZ, Chairperson
11 JUDY SCHWARTZ
12 DOUGLAS CLAPP
13 JEANNE DALE
14 CHRISTINE CORRADO
15 JENNIFER WATSON
16 ANDREA TOMPKINS WRIGHT

17

18 DAVID DOLLINGER, ESQ.
19 Town Attorney

20

21 RICK DiSTEFANO
22 Secretary

23

24

25

REPORTED BY: RHODA COLLINS, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020

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SHELLY SILVAROLE: And Neil Silvarole is my

father who is helping me finance the property until I get the
repairs made to restore the home.

DAVID BURROWS: We're here to ask for a

variance to allow the construction of a two-car garage where
there's now a one-car garage. The adjacent neighbors, both
across the street and all around this, have two-car garages.
So having a one-car garage in this neighborhood is pretty
unusual.

Shelly has talked to all of her neighbors and
they are all in support of the proposal. So, in addition to
widening the existing garage to a two-car garage, there's
going to be some internal remodeling that will take place
inside of the house.

Plus, if you can see the photographs, the
house has been sitting, I don't know if it was vacant but
definitely uncared for and Shelly has already started
cleaning it up and making it look more presentable.

So the details of the variance are that now

there's a 12.4-foot side setback to the existing garage.

We're required to have a 10.5-foot setback. And we are

building 8'6" onto the existing wall of the -- existing

one-car garage in order to get a 20-foot wide two-car garage.

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3 It will leave a setback of 3'9", so we are encroaching on the
4 required 10.5-foot setback by 6 or so feet.

5 From the front the garage will be basically an
6 extension of the existing one. We will keep the roof line
7 low, keep a hip roof on it, and do what we can to minimize
8 the appearance of the garage.

9 We are also building where there's now a paved
10 area, so we're not increasing the impermeable surface, we're
11 just basically covering what's already there with a garage.

12 And that's it from me, as far as the technical
13 aspects of it, and Shelly's got some comments about why she's
14 doing it.

15 SHELLY SILVAROLE: I'm doing it because I grew
16 up in that neighborhood, I grew up the next street over. And
17 now I'm older and my kids are grown, I'm alone, and so I'm
18 downsizing. The house isn't perfect, but I myself have two
19 cars, and one of my children still live with me. He's got a
20 car.

21 Where I live now I've been parking in the
22 garage. I like it. The fact that I have two cars, he's got
23 a car, that's -- I like that there will be less parking in
24 the driveway, the appearance of the neighborhood is neater.

25 I spoke to neighbors on both side and across

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3 the street and they are all for it. And as you can see, the
4 way that the house looks right now, we've owned it for a
5 little over six months and I'm just -- summer's over with
6 now, I've just gotten in, so I'm moving forward to -- I want
7 to make some repairs to the house and make it look nice and
8 create a nice place for myself and my son to live.

9

10 MS. DALE: So the addition onto the garage,
11 that would go right to the edge of where the asphalt is not
12 the widest in the driveway?

13 DAVID BURROWS: Right. I don't know exactly
14 if it's to the inch, but it's in that same zone.

15 MS. DALE: It just helps to visualize.

16 DAVID BURROWS: Right. Right along the same
17 line as the pavement.

18 MS. DALE: And did you think about at all, I
19 can see from the diagram there's some concrete, you know, in
20 the back behind the garage. Did you think at all about
21 trying to tuck the tilt, to change that angle of the garage
22 and drive through the back so you wouldn't have to have a
23 variance request?

24 DAVID BURROWS: This will be a one-lane,
25 two-car garage, one behind the other.

MS. DALE: Or really, any sort of other

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3 know, a one-lane, two-car garage is somebody is going to have
4 to move their car to get the other one out, so there's a lot
5 of impracticalities in that. So we didn't really explore
6 that because of those reasons.

7 MS. TOMPKINS WRIGHT: The actual width of the
8 garage is 20 feet?

9 DAVID BURROWS: It's proposed to be 20 feet on
10 the outside, so that will be like 19 feet inside.

11 MS. TOMPKINS WRIGHT: Would you consider
12 shortening the depth of it by one foot so you wouldn't need a
13 front yard setback, you would only need a side yard setback?
14 It's hard to visualize on the drawing. It's already one
15 foot --

16 DAVID BURROWS: Right. And I can tell you,
17 the other reason it has to cross the front yard setback is
18 otherwise we'd have an offset front garage. So because of
19 the angle of the front property line, we are forced to cross
20 it by a very small amount.

21 MR. MIETZ: Rick, the side setback includes
22 the overhang, correct, on that?

23 MR. DiSTEFANO: Good question for the
24 architect.

25 MR. MIETZ: Does it, Mr. Burrows?

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DAVID BURROWS: No, that goes to foundation.

4

The overhang would cover that as well, if we had an overhang.

5

6

MR. MIETZ: I'm talking about on the side setback, there will be an overhang on the garage itself?

7

DAVID BURROWS: Yes.

8

9

MR. MIETZ: So when you measured the side setback, where did you measure?

10

11

DAVID BURROWS: It goes to the foundation as it's proposed now. So that's assuming there is no overhang.

12

13

MR. MIETZ: Is there or is there not going to be an overhang?

14

15

DAVID BURROWS: Well, to strictly meet zoning, we would not be able to have an overhang. That's a good point. We probably should have included the overhang in that. So then the setback, if you had an overhang, if you had a 1-foot overhang would be 2'9" to the overhang.

16

17

MR. MIETZ: That was part of my question.

18

19

MS. TOMPKINS WRIGHT: So are you asking for approval of an overhang with the --

20

21

DAVID BURROWS: Yes, I should have added that to the description, yes.

22

23

MR. MIETZ: So it's really 2.9.

24

25

MS. SCHAEFER: Yes, 2'9", if it's a 12-inch

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3 overhang, which I'm not sure it is, but we should allow for
4 12 inches anyway.

5 MR. DiSTEFANO: So the max overhang that you
6 would put in would be 12 inches?

7 DAVID BURROWS: Yes.

8 MS. TOMPKINS WRIGHT: It's hard to tell from
9 the street view but, do you know the side setbacks of other
10 homes in this neighborhood?

11 DAVID BURROWS: They are closer to meeting
12 code than this one. In fact, I don't know what they all are.
13 They may be more like this one is. We're supposed to have
14 10'5", but it's 7'9", so they probably are all a little off,
15 but they're, you know, closer to --

16 MR. MIETZ: Like some of the ones that you put
17 in the photos here, the garages, are, you know, again we
18 can't look at the survey, but there's, you know, a reasonable
19 distance between these houses, certainly more than seven or
20 eight feet. Okay.

21 DAVID BURROWS: Right.

22 MR. MIETZ: Any other questions by the Board
23 members? No? Okay.

24 Thank you very much.

25 DAVID BURROWS: Thank you.

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

6 APPLICATION 11A-02-17.

7 11A-02-17 Application of Karen Hibbard and
8 Carl Moon, owners of property located at 70 Mandy Lane, for
9 an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to
10 allow a stand-by emergency generator to be located in a side
11 yard in lieu of the rear yard behind the house as required by
12 code. All as described on application and plans on file.

13 MR. MIETZ: Good evening.

14 CARL MOON: Good evening. I'm Carl Moon, and
15 my wife, Karen Hibbard is in the audience, 70 Mandy Lane.
16 I'm asking for a variance to put a stand-by generator at the
17 side of 70 Mandy Lane as opposed to the rear.

18 Let me refer you to the first photograph which
19 is looking at the rear of 70 Mandy Lane. You can see that we
20 have basically a bedroom on the right-hand side, an area on
21 the left-hand side, and a large deck in the middle. The best
22 area to place the stand-by generator would be on the
23 left-hand side. Unfortunately, that area is very wet and I
24 think basically from a stream that runs from our backyard
25 right into our basement, which we have a lot of fun with.

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3 The other aspect, which is not best seen in
4 the photograph, but if you look to the top of the roof of
5 70 Mandy Lane you'll see it's actually a relatively flat roof
6 where a synthetic plastic roofing onto, because of the nature
7 of the roof, and the snow and the ice in the winter, loves to
8 slide off that right into the back area and we get very
9 impressive mounds of ice and snow there.

10 The second photograph then takes you to the
11 side where we're proposing to put the stand-by generator. So
12 it's on the left-hand side of the photograph you're seeing.
13 And I've given you two close ups of that area on the next
14 photograph to indicate where we would like to put it. So,
15 basically, on the left-hand side about halfway along just
16 past the AC unit towards the back of the house.

17 The source of the gas is at the front of the
18 house on the left-hand corner, the electrical panel is on the
19 left-hand side just behind where the AC is, and that area of
20 land is actually quite sandy and is very firm. We've never
21 had a problem with it, it's spectacularly different.

22 And that location is about 75 feet from our
23 next door neighbor and you get an impression of that from the
24 photograph. And on that side of the house he has a single
25 vantage at that point --

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3 MR. MIETZ: I'm sorry, sir?

4 CARL MOON: On -- from our left-hand side of
5 our house --

6 MR. MIETZ: Right, where the unit would be.

7 CARL MOON: -- where the unit would be, it's
8 about 35 feet to the building next door.

9 MR. MIETZ: Thirty-five?

10 CARL MOON: Yes. And on that side of his
11 building is actually a single-wide garage. We have a
12 six-foot high fence all around our property.

13 The last document you'll see on that little
14 presentation I gave you is a letter from my next door
15 neighbor who is actually happy for us to put the generator
16 there.

17 That's sweet and elegant.

18 MR. MIETZ: Okay. So any questions by the
19 Board members?

20 And you said that fence is about, and I saw
21 that, it's about five and a half, six feet?

22 CARL MOON: Yes, a six-foot-high fence.

23 MR. DiSTEFANO: For the record, can you
24 explain size and decibel rating of the generator?

25 CARL MOON: Yes, there was a little package of

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3 information on the decibel rating and there was 67 decibels.
4 The size of the generator, I would have to look it up, it's a
5 ten kilowatt, a very small unit.

6 MR. MIETZ: Very good. Any other questions by
7 the Board members?

8 Okay. Thank you very much.

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

12 APPLICATION 11A-03-17.

13 11A-03-17 Application of Adam and Catherine
14 Towsley, owners of property located at 59 Cheswell Way, for
15 modification of an approved Area Variance (4A-05-17) to allow
16 a porch roof associated with an addition to extend an
17 additional 2 feet into the approved 34 foot front setback
18 where a 40 foot front setback is required by code. All as
19 described on application and plans on file.

20 STEW CHASE: Good evening, Stew Chase,
21 architect and agent for Adam Towsley, who is here. We were
22 here in April to ask for a variance for a front setback as we
23 reconfigured the front of their house. We received that
24 variance, we also received ARB approval for that.

25 During construction into a framing mistake by

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3 our contractor, he built the overhang to four-foot deep
4 instead of two foot, considering that we have a five-foot
5 deep concrete stoop that will be going in front. After
6 looking at it everybody really likes it, believes it's more
7 appropriate than a two-foot overhang would be, it gives a lot
8 more protection to the front door.

9 We have received letters of support from the
10 neighbors in the neighborhood. We went to ARB last week, we
11 received approval from them to extend it the extra two foot.
12 It will be hung with using support brackets, there will be no
13 posts that will go to the ground, so we're talking about air
14 rights.

15 MR. MIETZ: So what we see on the north
16 elevation drawings that you've done, those are angular
17 supports?

18 STEW CHASE: Yes.

19 MR. MIETZ: And they're going to be wood?

20 STEW CHASE: They'll be a fypon polyurethane
21 fiberglass composite.

22 MR. MIETZ: Okay.

23 STEW CHASE: And we specified that with ARB
24 and they specified back that that's exactly what they want.

25 MR. MIETZ: Okay. Questions? Okay.

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3 STEW CHASE: Thank you.

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

7 APPLICATION 11A-04-17.

8 11A-04-17 Application of Ilya and Isanna
9 Voloshin, owners of property located at 2700 East Avenue, for
10 an Area Variance from Section 205-2 to allow an addition to
11 extend 6+/- feet into the 48.4 foot rear setback where a 60
12 foot rear setback is required by code. All as described on
13 application and plans on file.

14 CHARLES SMITH: Hi, Charles Smith, owner of
15 Design Works Architecture.

16 SERGE TSVASMAN: Serge Tsvasman, employee.

17 MR. MIETZ: You are the property owner?

18 SERGE TSVASMAN: We are designers.

19 CHARLES SMITH: The property owner is
20 represented by her brother, who is Serge.

21 SERGE TSVASMAN: Also.

22 MR. MIETZ: Okay.

23 CHARLES SMITH: More than just an agent, blood
24 relationship.

25 MR. MIETZ: Very good, proceed.

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3 SERGE TSVASMAN: So we are asking for a
4 variance on what's considered a rear yard setback in this
5 case. Technically it's a side yard, East Avenue is the front
6 yard in this case.

7 We have a corner lot situation where the
8 existing house portion of it is actually already in the rear
9 yard setback. We're proposing to build on existing
10 foundation that's there for a side patio that's with, also in
11 that same vicinity adjacent to the area that's in the rear
12 yard setback.

13 So we are not proposing new foundation work,
14 but we are proposing adding -- building interior condition
15 space in that location.

16 So to the proposed overhang we would be left
17 with a 42'3" rear yard. Currently there's a 48 -- a little
18 less than 48 and a half feet to the actual corner of the
19 building to the rear yard. So, about a six-foot variance is
20 what we are asking for.

21 CHARLES SMITH: We are asking relief for the
22 fact that we have two large, back, rear yard setbacks on this
23 lot, so --

24 MS. TOMPKINS WRIGHT: Can you explain, this is
25 the only exterior modification being made to the --

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3 SERGE TSVASMAN: It's the only one that's in a
4 setback. It's the only one affecting a setback variance.

5 MS. TOMPKINS WRIGHT: I was trying to compare
6 it to the floor plan. So the only need for it is for the
7 second walk-in closet?

8 SERGE TSVASMAN: We are also extending the
9 bedroom by a little over four feet because it wraps around,
10 so it's on the side as well as the east of the house.

11 MR. DISTEFANO: But it's not the only exterior
12 modification, but for the variance it's the only necessary --

13 MS. TOMPKINS WRIGHT: And the only purpose of
14 this variance is to expand their master bath, bedroom and add
15 a second walk-in closet?

16 SERGE TSVASMAN: Correct.

17 MR. MIETZ: So, just for the record, did you
18 look at any other ways to align those interior spaces?

19 SERGE TSVASMAN: In this case they would be
20 all be in the side yard -- in the rear yard setback.

21 MR. MIETZ: So any other --

22 SERGE TSVASMAN: Any other expansions -- this
23 way the foundation already is in that setback, so we're just
24 asking to build on top of it.

25 CHARLES SMITH: I think that alternatives

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3 would still be in the rear setback, the entire -- almost the
4 entire master bedroom is within that area setback.

5 MR. MIETZ: So would you go a little further
6 to suggest that that's the minimum that you could have done?

7 CHARLES SMITH: Yes, it's the minimum we could
8 do, we considered. Because it's again on an exist
9 foundation, so it's the minimum disturbance of the site.

10 MR. MIETZ: Okay.

11 MS. TOMPKINS WRIGHT: And you've spoken to
12 that neighbor on the southeast side of the property?

13 SERGE TSVASMAN: We have not. There was a
14 notice posted on the property for the duration.

15 MS. TOMPKINS WRIGHT: And it's semi -- there's
16 a treeline separating that in the southeast --

17 SERGE TSVASMAN: There's over 50 feet
18 separating the two buildings, so --

19 MS. TOMPKINS WRIGHT: But it's treed as well?

20 SERGE TSVASMAN: There's a treeline, yes. And
21 a kind of a valley right in there between the two, like a
22 low --

23 CHARLES SMITH: Yes, so the proposed addition
24 does not impact, negatively impact the neighbor or the
25 neighborhood. And that there's no issues of loss of light

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3 and air or impact of drainage for the neighboring property.
4 There's an existing treeline, as you have observed on the
5 site that really pretty well blocks the view between the two
6 houses, so . . .

7 MR. MIETZ: Okay. Any other questions by the
8 Board?

9 Okay. Thank you very much.

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

13 APPLICATION 11A-05-17.

14 11A-05-17 Application of Kevin James Murphy,
15 owner of property located at 105 Roosevelt Road, for 1) an
16 Area Variance from Section 207-10E(5) to allow a driveway
17 expansion to be 3 feet from a side lot line in lieu of the
18 minimum 4 feet required by code, and 2) an Area Variance from
19 Section 207-10E(2) to allow total front yard paved area to be
20 32.3 percent in lieu of the minimum 30 percent allowed by
21 code. All as described on application and plans on file.

22 KEVIN MURPHY: I'm Kevin Murphy, the
23 homeowner. This is my mother, she has been helping me with
24 the paperwork and with the contractor while I have been at
25 work. I just started a new job.

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3 So what I am proposing is just a modification
4 to my driveway, and the variance, there's two variances. One
5 is that it's going to come -- and I wanted to correct part of
6 the application as well, as there's a discrepancy there --
7 but on the left side of the property line it's now going to
8 come within three feet of the property line, where four is
9 code. And so, that's the first variance.

10 In Question 8 of the application it actually
11 lists two feet of the property line, that should be three.
12 There were a number of kind of iterations with the diagram to
13 get it down to as close as possible for the second variance,
14 which is for the 30 percent of the front yard being paved for
15 the driveway.

16 And the other thing I just wanted to correct
17 is the address listed on the agenda and in the letter was
18 105, where it should be 150, 150 is the correct address. And
19 I'd spoken with my neighbors and nobody has a problem with
20 the driveway going from a one-lane driveway to a
21 one-and-a-half. Where it's essentially two wide at the
22 bottom and then it angles back to the curb, or the top I
23 suppose, near the house it's two wide so that I can fit two
24 cars there.

25 When I purchased the house I, about a year

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3 into it I tried to park my car in my driveway and I realized
4 I couldn't open the doors in the garage. So, the schematic
5 that we have with the most -- it was the closest we could get
6 it to be that 30 percent. It's actually I think at
7 32.3 percent, once we take out, there's like a front walk
8 there.

9 And so, yeah, so again, the function of it
10 would just be to, so that we don't have to shuffle cars every
11 morning. And then to the left side of the driveway,
12 expanding it so that it wasn't on the front yard. It was a
13 little bit less of an eyesore that way.

14 MS. WATSON: Your neighbor whose property line
15 you share with, you spoke with them?

16 KEVIN MURPHY: Yes, and they didn't have a
17 problem with it.

18 MS. WATSON: There's currently a shrub or a
19 large bush right next to your garage, is that going to be
20 coming out as a part of the project?

21 KEVIN MURPHY: No, that won't be coming out.
22 We've talked with the contractor and that specifically is
23 going to stay. It's a lilac bush.

24 MS. WATSON: It's going to start --

25 KEVIN MURPHY: Directly in front of it,

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3 basically.

4 MR. MIETZ: Okay.

5 MS. WATSON: I also noticed your neighbor has

6 a fence that comes pretty close to your property line.

7 KEVIN MURPHY: I think it's -- yeah.

8 MS. WATSON: How close will the driveway be to

9 your neighbor's fence?

10 KEVIN MURPHY: That fence is actually set back

11 a little ways, so it's not going to come -- it's going to be

12 way out in front by about --

13 MS. WATSON: Their fence is way --

14 KEVIN MURPHY: -- I would think at least

15 10 feet, 15 feet, I would say maybe, and then to the left as

16 well, so that's where it would begin.

17 MS. WATSON: Okay.

18 MR. CLAPP: In the notice you're talking about

19 taking out the sidewalk to your front door, and is that new

20 walk going in then off the driveway?

21 LAURA MURPHY: No, that's existing.

22 KEVIN MURPHY: It's a little bit dangerous

23 actually, it gets real slick.

24 LAURA MURPHY: The one in front is slick and

25 slimy --

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3 MR. MIETZ: Ma'am, if you're going to speak --

4 KEVIN MURPHY: Oh, this is my mom.

5 MR. MIETZ: Right, I know who she is, but just
6 for the record, she's got to give her name and address.

7 LAURA MURPHY: Okay. It's Laura Murphy, I
8 live in Pittsford. The front slate walk is there from the
9 '30s and it's very dangerous and slimy. And in order to try
10 and make that 30 percent we are ripping that up, so that we
11 can get as close to that 30 percent as we can.

12 MR. MIETZ: Okay. Any other questions by the
13 Board members?

14 Thank you very much.

15 KEVIN MURPHY: Thank you.

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

19 APPLICATION 11A-06-17.

20 11A-06-17 Application of R. Jon Schick,
21 architect, and Matthew and Erin Witmer, owners of property
22 located at 82 Southern Parkway, for an Area Variance from
23 Section 205-2 to allow a garage addition to extend 1.7 feet
24 into the 15 foot side setback required by code. All as
25 described on application and plans on file.

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3 APPLICATION 11A-07-17.

4 11A-07-17 Application of R. Jon Schick,
5 architect, and Matthew and Erin Witmer, owners of property
6 located at 82 Southern Parkway, for an Area Variance from
7 Sections 203-2.1B(2) and 203-9A(4) to allow an accessory
8 structure/storage shed to be 424 square feet in size in lieu
9 of the maximum 250 square feet allowed by code. All as
10 described on application and plans on file.

11 JOHN SCHICK: Hi, good evening, my name is
12 John Schick, I'm the architect on the project. This is Matt
13 Witmer, he's the owner of the property.

14 Much as Rick described, there is an existing
15 garage, very small, it's undersized. It faces -- it's a
16 side-loaded garage in the backyard. There's 37- or 3800
17 square feet of asphalt. Like a parking lot. Just to get
18 back there and be able to negotiate getting into that garage.
19 It's already being used for all of the pool equipment, so
20 it's kind of compromised already.

21 So the intent would be to do an attached
22 garage on the side of the house, capturing the side-entry
23 door, which is that floor level is already recessed or lower
24 by three steps I believe, from the main living level. So
25 it's like a lot of houses with side entrances, it's below the

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3 main stair and the landing inside of the door is lower than
4 the first floor. So it lends itself very well to accessing
5 the house at that location.

6 And it's on the north side of the house and
7 we're, you know, we encroach on fewer windows there. And
8 it's going to make -- they have a very active family, two
9 very active boys. So this will really make their lives a lot
10 easier. It goes into the mudroom, so that's what we're
11 asking to do.

12 We've made the garage narrower than standard
13 by about a foot and a half or so to minimize the request for
14 the side yard setback variance. And so, we still are looking
15 for about, I think it's 16 or 18 inches out of the 15-foot
16 setback.

17 MR. MIETZ: And it looks like you're -- can
18 you talk a little bit about the construction, as far as what
19 the garage is -- I mean, we can see it, but just for the
20 record what you've attempted to do to --

21 JOHN SCHICK: Yes. The garage will sort of
22 match the house. It will be a pitch roof, the same pitch as
23 the roof on the house. We are -- the shingles will be
24 similar to double, the double-thickness shingle. I think
25 it's like a 13-inch or 14-inch exposure, so it will match

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3 that. The trim will match, the paint colors will match.
4 We'll be eliminating all of the asphalt that is not required
5 to get to the garage. So we will be -- I think we are going
6 to be eliminating almost 2,000 square feet of asphalt. And
7 they'll have full, you know, viewing ability of the backyard
8 from the house, which is important to them as they're boys
9 are very young. So . . .

10 MR. MIETZ: Good.

11 MS. CORRADO: Do you intend to preserve the
12 existing garage and see that it is in the -- the exterior has
13 not been upgraded as the house has over the years? Is there
14 an intent to apply exterior treatment to the existing garage
15 to match the house?

16 MATTHEW WITMER: Yes. It's kind of been
17 neglected a little bit, so we do want to make it kind of like
18 a shed to be utility. In the summertime to, you know, put
19 like stuff for pool equipment and stuff like that, the
20 lawnmower. And then in wintertime put some outside furniture
21 in it just to store it for the winter.

22 But, yeah, we would like to kind of make it a
23 little bit -- like fix it up a little bit. It's kind of
24 been -- pretty much like the house had been for a long time,
25 there's neglect there for a while.

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3 MR. MIETZ: Just for the record, can you state
4 your name?

5 MATTHEW WITMER: I'm Matt Witmer, I'm the
6 property owner, just recently purchased 82 Southern Parkway.

7 MR. CLAPP: Do you have comments from the
8 adjacent neighbor?

9 MATTHEW WITMER: Yeah, we spoke with them.
10 She didn't mind. She's, you know, happy to do it.

11 MR. MIETZ: Any other questions by the Board?
12 That's the first part of it.

13 JOHN SHICK: The second variance application
14 is to keep the existing garage footprint, which is 474 square
15 foot, or something like that, and we are allowed 250 for
16 accessory structure. I think it would be somewhat difficult
17 to sort of modify the garage to try to make it smaller. It
18 will not be seen at all -- you won't be able to see it at all
19 from the street. It will be completely concealed from the
20 road.

21 It's existing, Matt and Erin would like to,
22 you know, as I was saying, want to improve the aesthetics of
23 it. Right now all of the pool equipment is already in there,
24 they're going to want to use it for basically, a shed or
25 large shed.

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3 MS. CORRADO: Will any additional services be
4 added to the building, plumbing, I mean, will it become a
5 pool house?

6 JOHN SCHICK: I don't think there's any
7 intention of doing that.

8 MS. CORRADO: And so currently it's just
9 electrical to --

10 MATTHEW WITMER: No, it has electric just for
11 the pool equipment, like the pump.

12 MS. SCHWARTZ: And you're saying that garage
13 is not visible from the road? So you're saying the new
14 garage is going to extend all the way over to cover?

15 JOHN SCHICK: There will be some landscaping
16 and stuff that will, you know, fill in the void. But what
17 I'm saying is it's so far back from the road. I mean, it's,
18 I don't know the distance but it's well over 100 feet, I
19 think, yeah.

20 MATTHEW WITMER: We would like to get rid of
21 the asphalt to shorten the driveway. It's just a long way to
22 bring out the garbage can and stuff. It's just too much
23 asphalt.

24 MR. MIETZ: And you're just going to restore
25 that to lawn area?

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3 MATTHEW WITMER: Yes. I'd like to put grass
4 in. I have a four and three-year old, so I would like to
5 plant grass.

6 JOHN SCHICK: Right now, half of the backyard
7 is asphalt and the other half is grass. Well, not half, but
8 there's -- the whole section that's enclosed by the pool
9 fence. What's remaining is half asphalt, half grass. So
10 that will -- by restoring the lawn will really give them a
11 really nice, big lawn to play in.

12 MR. MIETZ: Okay.

13 MR. DiSTEFANO: So just my own clarification,
14 you said the pool equipment, so the pump and the filter, all
15 of that is in the garage now?

16 MATTHEW WITMER: Yes, the chlorinator.

17 MR. DiSTEFANO: So basically the garage is
18 almost a one-car garage now anyways, right, because of the
19 equipment taking --

20 JOHN SCHICK: It's pretty small.

21 MATTHEW WITMER: We never put a car in there.
22 I don't know if the people before were using it as a garage.
23 It's, like, awkwardly situated. You can't go in directly,
24 it's sideways.

25 JOHN SCHICK: I think it's only, like, I don't

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3 know if it's even 20 by 20, it's pretty small.

4 MATTHEW WITMER: We just have the pool
5 equipment and the lawnmower and stuff like that.

6 MR. DiSTEFANO: Okay.

7 MR. MIETZ: Okay. Any other questions from
8 the Board?

9 Thank you very much.

10 JOHN SCHICK: Thank you very much.

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

14 APPLICATION 11A-08-17.

15 11A-08-17 Application of Ying Hui Sun, agent,
16 and Qing Kai Sun, owner of property located at 2775 Monroe
17 Avenue, for a Temporary and Revocable Use Permit pursuant to
18 Section 219-4 to allow for four (4) temporary signs/banners
19 where not allowed by code. All as described on application
20 and plans on file.

21 KEVIN SUN: My name is Kevin, I'm a manager
22 and also a member/owner of the business.

23 MR. DiSTEFANO: Can you give the last name
24 please?

25 KEVIN SUN: Sun, S-u-n.

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3 MR. DiSTEFANO: Thank you.

4 KEVIN SUN: So we originally have a temporary
5 sign out for a new business that we put in behind a building
6 of 2775 Monroe Avenue. Due to the location of the building,
7 it's -- the entrance are located in the back of the building
8 and the business doesn't have any signage. People can't see
9 when we drive past it. That's why we did it, we wanted to
10 see if the Town could approve some temporary signs for us.
11 That's maybe two or three months of grand opening time when
12 we try to do opening sometime coming up soon. So . . .

13 MS. DALE: So could you talk a little bit
14 about why you chose the particular location?

15 KEVIN SUN: Well, that location is owned by
16 our family and we wanted to put something like authentic
17 restaurant a long time ago. And my father-in-law finally
18 come up with a plan to put it in, and we never thought the
19 signage would become an issue at the time when we even
20 started this.

21 But once we realize that there's no signage in
22 the front and people aren't able to see the business and.
23 That's why that request of a temporary sign is very important
24 for the business itself.

25 MS. DALE: So the application asks for a

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3 two-month period. And after that two-month period, all of
4 the proposed signs would be removed?

5 KEVIN SUN: Would be removed. And we are
6 actually putting another application to see in the front sign
7 right there shown on the document, in the front it says,
8 Sakura Home. We tried to merge two signs into one sign, and
9 that application is been drawn up by the signage company.
10 They will also propose that.

11 MS. DALE: So you will be asking for a more
12 permanent solution?

13 KEVIN SUN: Absolutely. That's just a
14 temporary solution right now. We want to do the grand
15 opening and we want, you know, people can see where -- it's
16 just, the building by itself, the entrance is just, you can
17 barely see it when you drive by. So . . .

18 MS. DALE: And can you talk about the proposed
19 lighting or the absence of lighting for the temporary signs?

20 KEVIN SUN: All temporary signs are not
21 illuminated by any means. There's no light to it. It's just
22 straight, I think was a vinyl sign stick on the board. And
23 the other I think is more like a lawn sign, sort of, that we
24 kind of just put on the side of the building for the
25 temporary signs.

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3 MR. DiSTEFANO: Can you for the record just
4 describe the four temporary signs that you're requesting
5 here? Just so it's clear exactly which signs are the
6 temporary signs.

7 KEVIN SUN: Yes. For the large one, I have
8 forgotten the exact dimension of the actual size of that
9 board. But that will be for --

10 (Whereupon papers were handed to Kevin Sun.)

11 MR. DiSTEFANO: If you're looking for the
12 numbers, they're on the second page.

13 KEVIN SUN: Oh, okay. I thought she submitted
14 other temporary sign.

15 MR. DiSTEFANO: Those are the four temporary
16 that you are --

17 KEVIN SUN: Right, right, right, right.

18 MR. DiSTEFANO: I think we just need
19 clarification on exactly what the temporary signs are.

20 KEVIN SUN: Okay. Well, they are for --

21 MR. DiSTEFANO: And the location.

22 KEVIN SUN: They are for the new business we
23 are putting in, but you mean the sizes?

24 MR. DiSTEFANO: Just that there's, you know,
25 one over the entrance door, one in front of the building --

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3 KEVIN SUN: Okay, yes. That is one about
4 15 feet away from the front of the building, right on the
5 side of the curb. That's sign Number 4.

6 And right at Number 3, under the Sakura Home
7 sign there's a -- that one is actually right under -- as you
8 can see it's right under the actual sign right now.

9 MR. DiSTEFANO: The Sakura Home sign is an
10 approved sign.

11 KEVIN SUN: Right, it's an approved sign, but
12 the one right under it, you know, that --

13 MR. DiSTEFANO: It's one of the temporary
14 signs.

15 KEVIN SUN: Right. And then for Number 2, it
16 was just, it's Chinese, a restaurant, when we open we always
17 hang these colorful flags just to show a symbol, these people
18 can see we did a grand opening, or a soft opening right now.

19 And also, for the actual entrance sign,
20 Number 1, that one is actual design will just look like that.

21 MR. DiSTEFANO: When you do the permanent
22 sign.

23 KEVIN SUN: Yes. Even the size is exactly the
24 same. So . . .

25 MR. DiSTEFANO: Is everybody clear on the

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3 signs that are --

4 MR. MIETZ: The one that you have at Number 4
5 which is in the five-gallon bucket, or is that going to be --

6 KEVIN SUN: That should be a stand-up sign,
7 that's why I was referring to it, why she took that picture.
8 But we're supposed to take the actual sign that we had, but I
9 think she misunderstood and took the wrong picture. That
10 sign, the size I think is four feet times eight feet.

11 MR. DiSTEFANO: That's the big one, right?

12 KEVIN SUN: That's the big one, yes. That's
13 the one that's supposed to be on the side of the road, not
14 the small one.

15 MR. DiSTEFANO: That's a pretty big sign. I
16 think that becomes a little bit important because --

17 MR. MIETZ: That's a little different.

18 MR. DiSTEFANO: Yes, that's a lot different
19 than this, and that becomes something that starts creating a
20 visual impact on traffic, people leaving the site. And I
21 think this basically came into the Board under a complaint
22 from us. And I think the big complaint was that you had a
23 big, large, free-standing sign right by the road.

24 KEVIN SUN: Right.

25 MR. DiSTEFANO: So I think that one might have

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3 some issues to it, but when -- your sister or your wife?

4 KEVIN SUN: That was my wife.

5 MR. DiSTEFANO: Your wife came in and did show
6 this one, which is a lot less of an impact than the large one
7 that you're proposing.

8 KEVIN SUN: Okay. I can sense she wanted to
9 change to the smaller sign because big sign was just like you
10 said.

11 MR. DiSTEFANO: We did talk about it.

12 MR. MIETZ: Let's ask this question then. Are
13 you saying that what we're seeing as Number 4 is what you are
14 going to put out there --

15 KEVIN SUN: Yup.

16 MR. MIETZ: -- and not the big sign?

17 KEVIN SUN: Yes, I misunderstood. I think we
18 proposed with smaller signs.

19 MR. MIETZ: Okay. You don't know
20 approximately on this Number 4 how big it is?

21 KEVIN SUN: Oh, yeah, that's 12-inch by
22 24-inch.

23 MS. TOMPKINS WRIGHT: One temporary yard sign
24 says 27 by 18 inches.

25 KEVIN SUN: Is that 27 by 18?

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3 MR. DiSTEFANO: It's 27 by 18.

4 KEVIN SUN: Sorry, 27 by 18.

5 MR. MIETZ: Okay. A foot and a half by two
6 feet.

7 KEVIN SUN: Right.

8 MR. MIETZ: And is it going to be left in the
9 bucket?

10 KEVIN SUN: No, we going to have -- that's
11 just temporary. It was -- we wasn't doing a soft opening, so
12 we kind of just put something together really quick. But
13 yeah, it will be --

14 MR. MIETZ: Yeah, put it in the ground.

15 KEVIN SUN: Right.

16 MS. DALE: So for the time period that you're
17 requesting if this were granted, would you plan for two
18 months starting tomorrow or --

19 KEVIN SUN: Two months starting when the,
20 whenever the Town approves the sign, I would assume.

21 MR. MIETZ: Then you told us a few minutes ago
22 that you're going to come in for a sign application to change
23 the signage on the Sakura, we'll call it the Sakura building
24 at some point.

25 KEVIN SUN: Sure.

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3 MR. MIETZ: And to add different signs or
4 whatever. And when would you be doing that?

5 KEVIN SUN: That actually is -- I thought my
6 signage company already put in an application, I'm not sure.

7 MR. DiSTEFANO: We're not aware of any.

8 KEVIN SUN: Okay. But he's been taking
9 measurements and pictures, and he say he's going to hand it
10 in.

11 MR. MIETZ: Most likely he's going to do that
12 for the December meeting?

13 KEVIN SUN: Yes, absolutely.

14 MR. MIETZ: Okay.

15 MS. SCHWARTZ: Do you feel you still need the
16 flags with the sign?

17 KEVIN SUN: Within a two-month period, because
18 right now we're just doing the soft opening, so we would have
19 to find out if we're able to get a sign. The Town have to
20 approve the sign, if it is then we'll set the grand opening
21 date. That will be two months, if they approved it by the
22 Town. The flag sign, yes?

23 MS. SCHWARTZ: Right. Because that would
24 eliminate one of the signs, you would only need three.

25 MR. DiSTEFANO: You're talking about the

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3 bunting?

4 MS. SCHWARTZ: Yes.

5 MS. TOMPKINS WRIGHT: Are the flags going to
6 be up continuously for the two-month period or are they only
7 going to be -- you're only intending to keep them up for the
8 grand opening?9 KEVIN SUN: It will be possibly the two months
10 to be up there, if it's possible.11 MR. CLAPP: Would you be willing to go without
12 the flags if we were to approve the other three?13 KEVIN SUN: Or maybe just have it the grand
14 opening week, would it be? I don't know if it's reasonable.

15 MR. MIETZ: We can discuss it.

16 KEVIN SUN: Okay. It's just a traditional
17 thing that we do, but it's nothing try to --18 MR. MIETZ: All right, I think we understand.
19 Any other questions of the Board members?

20 Judy, do you have anymore questions?

21 MS. SCHWARTZ: No.

22 MR. MIETZ: 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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3 APPLICATION 11A-01-17.

4 11A-01-17 Application of Neal Silvarole, owner
5 of property located at 129 Sunnyside Drive, for Area
6 Variances from Section 205-2 to allow a garage addition to
7 1) extend 6.75 feet into the 10.5 feet side setback, but with
8 an additional for a 1 foot allowance for overhang, and
9 2) extend 1 foot into the 40 foot front setback required by
10 code.

11 Motion made by Ms. Dale to approve Application
12 11A-01-17 based on the following findings and facts.

13 **FINDINGS AND FACTS:**

14 1. The proposed garage will follow the formed roof line and
15 character of the existing house and it will be positioned on
16 an existing paved parking area.

17 2. The required variance will not produce undesirable change
18 on the character of the neighborhood or be a detriment to
19 nearby properties.

20 3. The benefits sought by the applicant cannot be reasonably
21 achieved by another method feasible for the applicants to
22 pursue, other than an area variance as there is insufficient
23 available width for an additional one-car bay without setback
24 encroachments, and there's no other feasible location on the
25 site for a garage.

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4. The variance is the minimum necessary to grant relief from the difficulty allowing for the ability to get in and out of vehicles from inside the garage.

5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.

CONDITIONS :

1. The location and the size of the garage addition shall be as presented in the application and as described in testimony including an allowance of a one-foot roof overhang.

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

(Second by Ms. Corrado.)

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

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

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3 APPLICATION 11A-03-17.

4 11A-03-17 Application of Adam and Catherine
5 Towsley, owners of property located at 59 Cheswell Way, for
6 modification of an approved Area Variance (4A-05-17) to allow
7 a porch roof associated with an addition to extend an
8 additional 2 feet into the approved 34 foot front setback
9 where a 40 foot front setback is required by code. All as
10 described on application and plans on file.

11 Motion made by Ms. Schwartz to approve
12 Application 11A-03-17 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. This variance is very minimal as it merely increases the
16 roof of the front entry 2 feet more than previously granted
17 on a previous variance granted in April of 2017.

18 2. This variance will not increase the footprint of the
19 current addition and still sits back 1 foot from the edge of
20 the stoop. The roof will be supported from the building.

21 3. The 2 foot variance will allow more coverage for people
22 as they enter the house.

23 4. The granting of this variance will not change the
24 character of the neighborhood and will enhance the front
25 entry of the home.

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3 **CONDITIONS:**

4 1. The variance only applies to the 2 foot extension at the
5 front door as was said in the testimony and written
6 application.

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

9 (Second by Ms. Watson.)

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

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

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3 APPLICATION 11A-04-17.

4 11A-04-17 Application of Ilya and Isanna
5 Voloshin, owners of property located at 2700 East Avenue, for
6 an Area Variance from Section 205-2 to allow an addition to
7 extend 6+/- feet into the 48.4 foot rear setback where a 60
8 foot rear setback is required by code. All as described on
9 application and plans on file.

10 Motion made by Ms. Tompkins Wright to approve
11 Application 11A-04-17 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The granting of the requested variance will not produce
15 undesirable changes in character of the neighborhood or be a
16 detriment to the nearby properties. Due to the size of the
17 lots and the distance between homes to the rear of the
18 property, the smaller rear setback will likely not be
19 noticeable. There's also a line of trees separating that
20 adjacent property, such that the neighbor will not be
21 impacted. Further, the lot is a corner lot, and while the
22 southeast yard is considered a rear yard it functions as a
23 side yard which would normally require a smaller setback.

24 2. The requested variance is not substantial as the
25 structure already extends six feet into the setback and the

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3 increase represents only ten percent of the overall required
4 setback.

5 3. The benefits sought by the applicant cannot reasonably be
6 achieved by any other method. The applicant testified they
7 explored other floor plans options but no other option would
8 meet their family's needs without a variance.

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

12 **CONDITIONS:**

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

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

18 (Second by Ms. Schwartz.)

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

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

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3 APPLICATION 11A-05-17.

4 11A-05-17 Application of Kevin James Murphy,
5 owner of property located at 105 Roosevelt Road, for 1) an
6 Area Variance from Section 207-10E(5) to allow a driveway
7 expansion to be 3 feet from a side lot line in lieu of the
8 minimum 4 feet required by code, and 2) an Area Variance from
9 Section 207-10E(2) to allow total front yard paved area to be
10 32.3 percent in lieu of the minimum 30 percent allowed by
11 code. All as described on application and plans on file.

12 Motion made by Ms. Watson to approve
13 Application 11A-05-17 based on the following findings and
14 facts.

15 **FINDINGS AND FACTS:**

16 1. The requested variance is the minimum variance possible
17 to accommodate parking for two cars. The proposed driveway
18 will angle inward in a single lane as it approaches the
19 street, minimizing the area closest to the lot line and
20 minimizing the amount of the lawn coverage.

21 2. Additionally, the applicant will remove the existing
22 slate walkway to reduce the amount of overall paved area. A
23 requested variance to the maximum lawn coverage is not
24 substantial as the proposed driveway will only exceed the
25 limit by 2.3 percent.

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3 3. Any other alternative to alleviate the parking difficulty
4 and achieve the desired result would necessitate greater
5 variance requests.

6 4. No unacceptable change in the character of the
7 neighborhood and no substantial detriment to nearby
8 properties is expected to result from the approval of this
9 variance. Because other homes in the surrounding
10 neighborhood have similarly altered driveways close to lot
11 lines and exceeding lawn coverage maximums.

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

15 **CONDITIONS:**

16 1. This variance will apply only to the driveway as
17 described in the application and testimony. In particular,
18 it will not apply to additional paving or structures
19 considered in the future that are not considered in the
20 present application.

21 2. The existing slate walkway from the road to the house
22 will be removed.

23 3. All necessary highway permits shall be obtained.

24 (Second by Ms. Corrado.)

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

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3 Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Mietz, yes;
4 Ms. Corrado, yes; Ms. Watson, yes.)

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

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3 APPLICATION 11A-08-17.

4 11A-08-17 Application of Ying Hui Sun, agent,
5 and Qing Kai Sun, owner of property located at 2775 Monroe
6 Avenue, for a Temporary and Revocable Use Permit pursuant to
7 Section 219-4 to allow for four (4) temporary signs/banners
8 where not allowed by code. All as described on application
9 and plans on file.

10 Motion made by Ms. Dale to approve Application
11 11A-08-17 based on the following findings and facts.

12 **FINDINGS AND FACTS:**

13 1. The applicant is opening a new restaurant that will share
14 the building with an existing restaurant. The applicant
15 would like the public to know the name of the new restaurant
16 and the location for way-finding purposes and that it is open
17 for business.

18 2. The restaurant's location and entrance is behind an
19 existing restaurant which can cause confusion and difficulty
20 for patrons to find the location.

21 3. The applicant has requested temporary signs to be in
22 place for a period of two months to coincide with the
23 restaurant's opening and while working on an application for
24 permanent signage.

25 4. Granting of the request will have no increase in

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3 population density and no effect on available facilities and
4 will not result in a substantial change in the character or
5 be detrimental to surrounding properties.

6 5. The signs will not impact the visibility of traffic and
7 will not hinder the visibility of nearby businesses. The
8 presence of the signs will not endanger the health and safety
9 or general welfare of the community, and rather may be a
10 benefit to those in finding their way safely.

11 **CONDITIONS:**

12 1. The temporary signs will not be illuminated and the signs
13 and the banner shall be in place for no more than two months.
14 The signs and banner shall be the size and placed at the
15 locations specified in the application and as described
16 during testimony, until two months from today, no more than
17 two months, and shall expire on January 1st, 2018.

18 (Second by Ms. Tompkins Wright.)

19 (Ms. Schwartz, no; Mr. Clapp, yes; Mr. Mietz,
20 no; Ms. Watson, yes; Ms. Corrado, yes; Ms. Tompkins Wright,
21 yes; Ms. Dale, yes.)

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

24

25

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3 APPLICATION 11A-02-17.

4 11A-02-17 Application of Karen Hibbard and
5 Carl Moon, owners of property located at 70 Mandy Lane, for
6 an Area Variance from Sections 203-2.1B(6) and 203-9A(4) to
7 allow a stand-by emergency generator to be located in a side
8 yard 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 Mr. Meitz to approve
11 Application 11A-02-17 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The rear of the property has wet areas, a deck and
15 unstable conditions which would not allow for a generator
16 installation.

17 2. The proposed location on the side of the house and will
18 be placed behind a fence and not really visible from the
19 street.

20 3. The proposed location of the generator is approximately
21 35 feet from the nearest neighboring structure which is a
22 garage.

23 **CONDITIONS:**

24 1. This approval is based on the testimony given and
25 drawings submitted as to the size and location of the

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3 generator.

4 2. All necessary permits shall be obtained.

5 (Second by Mr. Clapp.)

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

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

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3 APPLICATION 11A-06-17.

4 11A-06-17 Application of R. Jon Schick,
5 architect, and Matthew and Erin Witmer, owners of property
6 located at 82 Southern Parkway, for an Area Variance from
7 Section 205-2 to allow a garage addition to extend 1.7 feet
8 into the 15 foot side setback required by code. All as
9 described on application and plans on file.

10 Motion made by Mr. Clapp to approve
11 Application 11A-06-17 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance is not substantial because it will
15 only extend 1.7 feet into the required 15-foot setback.

16 2. No other alternative can alleviate the difficulty and, in
17 fact, the architect testified that the design presented is
18 already narrower than the standard garage.

19 3. No unacceptable change in the character of the neighbor
20 and no substantial detriment to nearby properties is expected
21 to result.

22 4. The health, safety, and welfare of the community will not
23 be adversely effected by the approval of this variance
24 request.

25 **CONDITIONS:**

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3 1. The variance will only apply to the structure as
4 described in the application and testimony.

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

7 (Second by Ms. Watson.)

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

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

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3 APPLICATION 11A-07-17.

4 11A-07-17 Application of R. Jon Schick,
5 architect, and Matthew and Erin Witmer, owners of property
6 located at 82 Southern Parkway, for an Area Variance from
7 Sections 203-2.1B(2) and 203-9A(4) to allow an accessory
8 structure/storage shed to be 424 square feet in size in lieu
9 of the maximum 250 square feet allowed by code. All as
10 described on application and plans on file.

11 Motion made by Ms. Corrado to approve
12 Application 11A-07-17 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The requested variance is not substantial in that the
16 structure in question has been in use as a shed since the
17 owner took occupancy of the home.

18 2. No other alternative can alleviate the difficulty and
19 produce the desired result. It would be impractical to
20 require demolition and replacement of the existing garage
21 with a shed scaled in compliance with requirements for an
22 accessory structure.

23 3. No unacceptable change in the character of the
24 neighborhood and no substantial detriment to nearby
25 properties is expected to result in the approval of this

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3 variance as the existing structure is in compliance, it's
4 being used as a garage. Changing the function does not
5 negatively impact the neighbors. In fact, with the
6 replacement of the extensive amount of pavement required for
7 access to the building as a garage with lawn, the property
8 will be more in character of the neighboring properties.

9 4. The alleged hardship was not self-created by the
10 applicant, as already noted the original garage was
11 conforming when built. Changing the design to a storage shed
12 does not negatively impact adjoining properties.

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

16 **CONDITIONS:**

17 1. This variance will apply only to the existing structure
18 as described in application and testimony. In particular, it
19 will not apply to additional or replacement structures
20 considered in the future that are not in the present
21 application.

22 2. As proposed in the application pavement in the rear yard
23 will be removed and replaced with lawn.

24 (Second by Ms. Tompkins Wright.)

25 (Mr. Clapp, yes; Ms. Schwartz, no; Ms. Dale,

1 Brighton Zoning Board of Appeals 11/01/17

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3 yes; Mr. Mietz, yes; Ms. Watson, yes; Ms. Tompkins Wright,
4 yes; Ms. Corrado, yes.)

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

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3 REPORTER CERTIFICATE
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5 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;

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

11
12 Dated this 16th day of November, 2017.

13 At Rochester, New York
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16 
17 Rhoda Collins
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