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Brighton Zoning Board of Appeals 1/3/18

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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JANUARY 3RD, 2018
5 AT APPROXIMATELY 7:15 P.M.

6

January 3rd, 2018
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

7

8

9 PRESENT:

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

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DAVID DOLLINGER, ESQ.
Town Attorney

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RICK DiSTEFANO
Secretary

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

2

3 CHAIRPERSON MIETZ: Good evening. I'd like to
4 call to order the January 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 December 28, 2017.

10 CHAIRPERSON MIETZ: Okay. Will you please
11 call the roll.

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

14 CHAIRPERSON MIETZ: I hope everyone received
15 the minutes. Ms. Schwartz.

16 MS. SCHWARTZ: On Page 10, Line 3, insert the
17 word in after feet. In Line 6, strike the last two words the
18 fence, and then Line 7, the first three words strike as well.
19 In Line 18, insert the word panel after the word this. And
20 after the word enough insert blockage and strike on the
panel. In Line 19, insert the word up after halfway. In
Line 20, insert the word head so it will be headlights.

23 On Page 18, it's just, I don't know. In
24 Line 5, park and circle are proper names so they should be
25 capitalized, and it could read differently.

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3 On Page 19, Line 16, delete the word actually.
4 And on Line 20, delete the word, the second to last word, is,
5 delete that word.

6

7 And on Page 23, Line 19, the word nearly is

8 merely.

9

10 And on Page 29, Line 20, insert the word signs
11 after identification. Line 22, insert the word in after
12 fairly. And Line 25, the last word is with. That's all I
13 have.

14

15 CHAIRPERSON MIETZ: Is that it?

16

17 MS. TOMPKINS WRIGHT: I had one quick one on
18 Page 25, Line 24, there should be a period after the word
19 storage and then the word do should start the next sentence.

20

21 CHAIRPERSON MIETZ: Okay. Anybody else have
22 anything else? We good? Okay. So the motion for the
23 amended minutes.

24

25 MS. CORRADO: I'll motion.

26

27 (Second by Ms. Tompkins Wright.)

28

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

32

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

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3 CHAIRPERSON MIETZ: When you are ready, Rick,
4 read the first application, Number 2.

5 APPLICATION 1A-02-18

6 1A-02-18 Application of Andrew Sunberg, owner
7 of property located at 494 North Landing Road, for Renewal of
8 a Temporary and Revocable Use Permit (1A-08-16) pursuant to
9 Section 219-4 to allow for the sale of pizza, deli items and
10 fried foods in conjunction with a pre-existing nonconforming
11 grocery business in a RLB Residential District. All as
12 described on application and plans on file.

13 ANDREW SUNBERG: How you doing? My name is
14 Andrew Sunberg, I'm here for the Temporary and Revocable Use
15 Permit. We've been there since 2007 now, still going strong.
16 So it's coming up on 11 years in February and we haven't made
17 any changes in the last five or six years. Haven't had any
18 complaints in the neighborhood, so we're just coming in to
19 renew the permit.

20 CHAIRPERSON MIETZ: Any questions?

21 MS. CORRADO: Yes, a quick question. I know
22 when we renewed it last time around one of the limitations on
23 your practice on the business was no eat in and no tables
24 outside. And I've gone by a couple times, I see picnic
25 tables out and I've heard some very positive reviews, but --

ANDREW SUNBERG: Yeah, we did put out picnic tables. We tried adding self-serve and people wanted to stay to eat it, we essentially moved the self-serve. We did get rid of all -- we might have one picnic table left, but nobody uses it right now. We were going to get more next year, but if that does become an issue then we cannot do it.

MS. CORRADO: Certainly, because it was a limitation on your variance the last time around. You need to bring that to us.

ANDREW SUNBERG: Okay.

MS. CORRADO: Rick, have there been any complaints from neighbors about --

MR. DiSTEFANO: No, not at all.

CHAIRPERSON MIETZ: So are you interested in that as an amenity to your business? Because if it is, then we can certainly discuss it.

ANDREW SUNBERG: Yes. I would definitely be interested in having that allowed. We get a lot of families and kids. And even if they're not eating there, we get people that come up from the park and stuff and want to sit down and they'll at least have a drink. Or they'll ride their bikes and come up, we get a lot of people that once you make it up that side of the hill they come in and they kind

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3 of park.

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5 So I would like to add that if possible. We
6 don't need it until springtime, but if that's a possibility I
would like to look into that.

7

8 CHAIRPERSON MIETZ: How would you propose to
police it so that we don't have trash blowing down?

9

10 ANDREW SUNBERG: We have people who usually at
least every hour they go out and maintain the parking lot.
11 We do put garage cans out there because people do stop in as
12 they're walking their dogs and coming through and throw out
13 their trash. So we have to keep an eye on the parking lot
14 anyway. We don't want stuff blowing. We own a bunch of the
15 properties around there also, so we like to keep the area
16 clean and fresh looking.

17

18 MS. SCHWARTZ: Did you find trash to be an
issue last year?

19

20 ANDREW SUNBERG: No, we never have. The kids
21 will make a mess out there usually, but it's food waste it's
22 not garbage waste, as far as, like, trash. Which we do clean
23 it up still. It's usually like a spilled milkshake or
24 ketchup all over the ground, something of that nature. And
25 at that point most of the time we have to hose it off. It's
not something that is blowing around.

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3 But, I mean, there's trash even without the
4 seats. The people pull up and throw their coffee cups out on
5 the ground or, you know, this, that or the other, there's no
6 way to really stop them besides going out and cleaning it up.

7

8 CHAIRPERSON MIETZ: What happens when you
9 close? Do the tables just stay there? Is that what your
10 plan would be, the tables would just remain in the same spot
from May to October, or whatever it is?

11

12 ANDREW SUNBERG: Yeah, that would be the idea.
13 And for the amount of tables, if I could get it, I would look
for two tables. It wouldn't be 12 tables or something.

14

15 MS. TOMPKINS WRIGHT: Just, Rick, from a legal
16 perspective, or Dave, how do we approve eating -- outside
17 eating without it being an expansion of the nonconforming use
unless they're requiring a full variance?

18

19 MR. DOLLINGER: Well, remember if that use is,
20 if that function is part of that use then it's not really an
expansion of the use to allow that function. So you look at
21 like the gas station where, you know, we always had the one
22 where they sold a car once a month. And remember we had an
23 issue about that and we decided, we all kind of got together
24 and said, well, they have been selling one car a month at gas
25 stations in Brighton for the last 50 years. So you can sell

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3 one car a month, but you can't sell 20 cars a month, you're
4 doing a different use.

5 We did prohibit it, but we don't know why we
6 did that, but that doesn't mean sit down isn't part of that
7 use. That could be -- that really is part of that use.

8 ANDREW SUNBERG: I don't know if it matters,
9 we don't have any wait staff that are going to be serving at
10 the tables. It's something that the customers are using on
11 their own. By putting them out we're not inviting them to
12 sit down, but we're not turning it into a sit-down restaurant
13 at that point.

14 CHAIRPERSON MIETZ: So they purchase their
15 material inside and just go outside --

16 ANDREW SUNBERG: Yeah. And then we do have to
17 clean it up but we're not going to be putting menus on the
18 table or trying to draw in people to come.

19 CHAIRPERSON MIETZ: Understood. And that
20 would be kind of in the lot sort of area where the --

21 ANDREW SUNBERG: Yeah, in the lot tight to the
22 building. We usually put one in front of -- we have an
23 overhead door out there and then one up in front of the
24 building, just because, you know, we keep it out of traffic.

25 MS. CORRADO: How many do they seat?

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ANDREW SUNBERG: The ones that we had were three or four per side, so six to eight. They were just the old wooden ones, but they basically started getting a little beat up. So the ones I was looking to get for next year were like the metal with the rubberized just because they last better and they're easier to clean.

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CHAIRPERSON MIETZ: Okay. We can discuss that.

Is there any other questions?

MS. CORRADO: Otherwise, your hours of operation remain the same?

ANDREW SUNBERG: We're 10:00 to 8:00. We do close on Sundays in the winter. I don't know if I listed that or not, but we started doing it December. And then we usually go back to normal hours in March, we will be seven days a week, but never changed from the 10:00 to 8:00.

CHAIRPERSON MIETZ: Any other questions?

Thank you.

ANDREW SUNBERG: Thank you.

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

APPLICATION 1A-03-18

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3 1A-03-18 Application of Jeff and Nancy
4 Guerdat, owners of property located at 12 Cardiff Park, for
5 an Area Variance from Section 205-2 to allow an unenclosed
6 porch to extend 6 +/- feet into the 31.6-foot front setback
7 where a 40-foot front setback is required by code. All as
8 described on application and plans on file.

9 RANDALL PEACOCK: Good evening, I'm Randy
10 Peacock, I'm an architect. My office is at 70 Linden Oaks,
11 Suite 110. I'm here tonight for my clients, the Guerdats.
12 And my cold, I apologize, I'm trying to keep it away from you
13 guys.

14 CHAIRPERSON MIETZ: You're standing there.

15 RANDALL PEACOCK: Exactly, trying to keep it
16 away from you guys.

17 The Guerdats would like to build a front porch
18 on their house, about six feet by eight feet. A couple of
19 years ago they put solar panels on their roof, which are
20 doing wonderful things for our environment by generating
21 electricity. Unfortunately, when it snows, the snow slides
22 off those panels and it gets a little dangerous at the front
23 door. They have been thinking about doing a front porch for
24 a number of years and the concern about people being
25 clobbered on their front step by snow sliding off the solar

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3 panels has urged them to move this application forward.

4 I apologize, I think I misspoke, it's a
5 6-foot deep by 11.4-foot roof to porch, open not enclosed.
6 That little center piece right there (indicating). Right now
7 the house sits at 31.6 feet off of the setback line. So the
8 house is already at about the 79 percent of the required
9 40-foot setback. To the face of the porch we would be
10 25.7 feet, that puts us at 64.25 percent of the required
11 setback.

12 We believe that the porch will be a benefit to
13 the neighborhood. Everybody knows that by putting a front
14 porch on houses means somebody will sit outside and it
15 promotes interaction between neighbors and connections in the
16 neighborhood.

17 This is the minimum possible porch that we
18 would propose. The six feet, once you take out the depth of
19 the columns, gives you just enough room, about five feet
20 inside, for a couple of chairs to sit side by side along the
21 side of the porch. And that's where we would like to be with
22 that.

23 We've presented this to the Architectural
24 Review Board and they've given us an approval on it, it being
25 in compliance with the proposal to match the architectural

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3 style of the existing house. I think from that aspect, if
4 there's anything else I can answer, I'd be happy to do so.

5 CHAIRPERSON MIETZ: Questions? I have one.

6 Can you comment on similar structures within the neighborhood
7 or --

8 RANDALL PEACOCK: There are several. I can't
9 give you exact addresses, but there are a couple other
10 porches in the neighborhood where they have an enclosed front
11 porch. One of them is actually just to the south of this
12 house.

13 CHAIRPERSON MIETZ: Open porch as well?

14 RANDALL PEACOCK: Yes. So they do exist in
15 the neighborhood, there's been modifications made in the
16 past.

17 MR. DiSTEFANO: Randy, can I just clarify, it
18 is eight feet into the 31.6 foot setback, not six feet,
19 correct?

20 RANDALL PEACOCK: No, it's six feet. There's
21 another two feet in steps.

22 MR. DiSTEFANO: Of overhang?

23 RANDALL PEACOCK: So it's up to you how to
24 count it.

25 MR. DiSTEFANO: Oh, the steps. Okay, the two

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3 feet of steps.

4 RANDALL PEACOCK: There's two, 12-inch steep
5 steps that come up.

6 MR. DiSTEFANO: Okay, that's right.

7 RANDALL PEACOCK: That would get you to eight,
8 but the actual body of the porch itself is six feet.

9 MR. DiSTEFANO: Okay. We don't include the
10 steps.

11 RANDALL PEACOCK: Okay. That was easier than
12 calling, I just put both on there.

13 CHAIRPERSON MIETZ: Rick, from where the
14 overhang is it's not where the columns from the overhang --

15 MR. DiSTEFANO: It should be to the overhang
16 point.

17 RANDALL PEACOCK: The overhang would be
18 12 inches, or seven feet total, would be the actual
19 requirement.

20 MR. DiSTEFANO: Okay, so it's seven feet,
21 let's make sure we got that right.

22 RANDALL PEACOCK: I'll meet you in the middle.

23 MS. TOMPKINS WRIGHT: It looks like all of the
24 homes on that road have similar setbacks, so any porches are
25 likely to have been required an even greater setback variance

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3 as well.

4 RANDALL PEACOCK: Correct, yeah.

5 CHAIRPERSON MIETZ: Other questions? Thank
6 you.

7 RANDALL PEACOCK: Thank you.

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

11 APPLICATION 1A-04-18

12 1A-04-18 Application of Conor Smith, owner of
13 property located at 36 Holloway Road, for Area Variances from
14 Sections 203-2.1B(3) and 203-16A(4) to construct a detached
15 garage 2 +/- feet from a side lot line and .7 feet from the
16 rear lot line where a minimum 5 foot setback is required from
17 all lot lines. All as described on application and plans on
18 file.

19 CONOR SMITH: Good evening, everyone. My name
20 is Conor Smith, I live at 36 Holloway Road. I would like to
21 make one correction on that, it's not .7 feet, it's 1.7 feet.
22 I do have prints with me if you guys need to see them.

23 MR. DiSTEFANO: Did you change that? I think
24 I was talking to the contractor and we had that discussion.

25 CONOR SMITH: No, it's been the 1.7.

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3 MR. DiSTEFANO: Okay.

4 CONOR SMITH: I have the originals and --

5 MR. DiSTEFANO: Okay. Can I see that? I
6 think what happened was the copies that we got were --

7 CONOR SMITH: You couldn't see them?

8 MR. DiSTEFANO: Yeah, because it had gotten
9 whited out, so 1.7 feet instead of .7, modify the
10 application.

11 CHAIRPERSON MIETZ: Okay.

12 CONOR SMITH: Thank you.

13 CHAIRPERSON MIETZ: Go ahead.

14 CONOR SMITH: I purchased this house last
15 summer. This is my first house. I purchased it hoping I
16 would be able to make some renovations to the garage by
17 looking at it on site. We have had multiple contractors and
18 engineers come out, they have all looked at it, all given us
19 their opinion. It is not possible to reconstruct. Once one
20 wall gets taken down the whole thing will potentially fall if
21 not supported right.

22 And I'm trying to, I guess, kind of upgrade
23 the house a little bit, give it a little bit more presence in
24 the neighborhood. For myself, use it as storage for my
25 tools, vehicles, that kind of stuff, and would like to go

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3 bigger.

4 CHAIRPERSON MIETZ: The first question, you're
5 increasing the size of it, so what is the reasoning behind
6 that?

7 CONOR SMITH: Well, if I'm tearing it down,
8 currently it's a two-car garage at 17 feet. I have two
9 vehicles, one a car, one a truck. And my car fits in there
10 by a couple inches, so I would like to go bigger.

11 I've worked with our contractor and an
12 architect to get the current designs of what we would like to
13 do and I can go bigger potentially. So, that's --

14 CHAIRPERSON MIETZ: So basically, let's make
15 sure we understand. So the primary difficulty with the
16 current garage, other than its deteriorated condition, is
17 it's not big enough.

18 CONOR SMITH: Yes.

19 CHAIRPERSON MIETZ: In other words, you can't
20 comfortably get two vehicles in there.

21 CONOR SMITH: I can't even get my second
22 vehicle in there.

23 CHAIRPERSON MIETZ: Okay. And then what about
24 storage of other stuff, like yard goods and lawnmowers?

25 CONOR SMITH: I have lawnmowers -- or

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3 lawnmower, snow blower, toolbox, I would like some space in
4 there so I'm not squeezing through things. I would like to
5 be comfortable.

6 CHAIRPERSON MIETZ: Okay.

7 MS. TOMPKINS WRIGHT: The size of the garage
8 is still within what the code permits for size.

9 CONOR SMITH: Yes.

10 MS. TOMPKINS WRIGHT: The maximum size is
11 600 square feet. And the setbacks that you are requesting,
12 are they smaller, larger, smaller than what the setbacks are
13 on your current garage that's there? You're increasing the
14 size of it, you're not making it any closer to any of the
15 bound --

16 CONOR SMITH: No, it won't be any closer. It
17 will actually technically be farther away because of the roof
18 line. The roof line will be at that mark, so the wall of the
19 physical garage will still be the foot in.

20 CHAIRPERSON MIETZ: So it's basically getting
21 wider and it's moving towards the house a little bit.

22 CONOR SMITH: Yes, it's moving into my
23 property. I have spoke to all my surrounding neighbors in
24 person and they have no problems with it at all. So . . .

25 CHAIRPERSON MIETZ: Okay.

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3 MR. CLAPP: And am I correct, this is to Rick,
4 that actually the proposed garage is the minimum to meet code
5 for?

6 CHAIRPERSON MIETZ: The maximum. So in other
7 words, being built at 600 square feet, which is the maximum
8 for a detached garage without a variance.

9 MR. CLAPP: Okay, but it fits within.

10 CHAIRPERSON MIETZ: Yes.

11 MS. TOMPKINS WRIGHT: If he was able to build
12 it farther away, then he would not need a variance at all for
13 the size.

14 MR. CLAPP: Okay, got you, thank you.

15 CHAIRPERSON MIETZ: Any other questions?

16 Thank you.

17 CONOR SMITH: Thank you.

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

21 APPLICATION 1A-05-18

22 1A-05-18 Application of Pierrepont Visual
23 Graphics, Inc., agent, and Nicholas A. Cutaia, Inc., owner of
24 property located at 2609-2615 West Henrietta Road, for
25 modification of a Sign Variance (5A-01-01) to allow for a

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3 change in graphics on an approved free standing sign. All as
4 described on application and plans on file.

5 SCOTT ZAPPIA: Hello, I'm Scott Zappia, I'm
6 representing the U of R and the landlord for this location.
7 They're looking to -- there's an existing freestanding sign
8 and they're looking to change from the old, you know,
9 appearance, the new logo. It's basically a U of R health
10 center back there for doctors, pharmacies. And other than
11 that there's a Movies 10 to the right, but it was approved by
12 the Architect Board.

13 So any questions? It's kind of setback so
14 they want it to be know where they are, the U of R.

15 MS. TOMPKINS WRIGHT: Nothing's changing
16 except for the graphics on the preexisting sign?

17 SCOTT ZAPPIA: Yeah, just the graphics.

18 MS. SCHWARTZ: It wouldn't be lit?

19 SCOTT ZAPPIA: No. I don't think it's lit at
20 night now. Nothing will change as far as the way it's --

21 MS. SCHWARTZ: Okay. So what we see color
22 wise and everything is going to be what --

23 SCOTT ZAPPIA: Correct.

24 MS. SCHWARTZ: I know they want a brand and so
25 on, but you've got the same U of R shield or whatever back on

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3 the building. Will they ever consider just saying in bigger
4 letters Brighton Health Center with the address?

5 SCOTT ZAPPIA: This is -- you tell me. This
6 is what they want. I mean . . .

7 MS. SCHWARTZ: I just wondered if they would
8 consider it because it's already back on the building. It's
9 a good size, you can see it.

10 SCOTT ZAPPIA: But as you are driving through
11 West Henrietta Road there it's hard to see back there. It
12 kind of gives you a visual ahead of time so you can locate
13 it, the U of R's in here. That entranceway is kind of hard
14 to navigate too.

15 MS. SCHWARTZ: It is, yes.

16 MS. CORRADO: The numbers on the new sign are
17 the same size or bigger than the existing?

18 SCOTT ZAPPIA: Yes, they are.

19 MS. CORRADO: So they would help with
20 identification too.

21 SCOTT ZAPPIA: Right.

22 MR. CLAPP: Rick, is this a situation where
23 the size of the logos --

24 MR. DiSTEFANO: Well, a freestanding sign is
25 not a permitted sign to begin with. So you're basically

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3 allowing if they want a bigger logo it's all part of the
4 original allowed freestanding sign under the variance. And
5 if you're going to modify it then you're modifying the
6 graphics. Whether or not it's all one big logo or -- so it's
7 part of this whole. It doesn't have to require a separate
8 variance for the graphic because you're approving the sign as
9 it reads.

10 MR. CLAPP: Okay. So it's just a matter of
11 changing the graphics on an existing sign, that's what's
12 required on the variance?

13 MR. DiSTEFANO: Yeah, I think one of the
14 other -- I don't know how much of that previous hearing that
15 you read, I think I sent the minutes in regards to it. One
16 of the big issues were, well you have a plaza of different
17 uses, you know, and now you basically have a plaza with the
18 U of R but you still have a movie theater. Is that really
19 the way you should sign this plaza? That's, you know, that's
20 a part of when they originally came to you with the original
21 application, the Brighton Business Park. Which was kind of
22 a -- they still had retail in there, they still had other
23 uses in there. But they still have the movie theater in
24 there also, so now they're still saying it's U of R medical
25 but you have a movie theater in there.

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3 CHAIRPERSON MIETZ: I think it wasn't the
4 movie theater then when --

5 MR. DiSTEFANO: When it became Brighton
6 Business the movie theater was there, yes, but it was all
7 part of the plaza.

8 SCOTT ZAPPIA: The original variance was for
9 the actual sign, right, the freestanding sign?

10 MR. DiSTEFANO: It was their original
11 freestanding sign, but they also got into heavy discussion
12 about the naming of the plaza.

13 MS. TOMPKINS WRIGHT: And there was a need for
14 the sign that identifies the entire plaza where it wouldn't
15 be identified by building signage in the same way. And maybe
16 that need is different now.

17 MR. DiSTEFANO: Maybe.

18 SCOTT ZAPPIA: The whole back is basically
19 doctors and a pharmacy and --

20 CHAIRPERSON MIETZ: They have a storage part.

21 MS. CORRADO: You can't miss the theater, so
22 it's more the health center part of the --

23 SCOTT ZAPPIA: Yeah.

24 CHAIRPERSON MIETZ: Other questions for this
25 gentleman? Okay, thank you.

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3 SCOTT ZAPPIA: Thank you.

4

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

8 APPLICATION 1A-06-18

9 1A-06-18 Application of Pierrepont Visual
10 Graphics, Inc., agent, and 2561 Lac De Ville Boulevard, owner
11 of property located at 2561 Lac De Ville Boulevard, for a
12 Sign Variance from Section 207-26D to allow a logo to be
13 33.3 percent of the area of the sign in lieu of the maximum
14 25 percent allowed by code. All as described on application
and plans on file.

15 SCOTT ZAPPIA: So basically they're looking to
16 keep their trademark logo.

17 MR. DiSTEFANO: If you can state your name and
18 such again.

19 SCOTT ZAPPIA: Oh, okay. Scott Zappia,
20 representing the U of R. So basically they're looking to
21 keep the shield the same proportions as everything else that
22 they do so it exceeds the standards of 25 percent. The
23 overall square foot of the sign within the permitted, it's
24 not larger than normal.

25 MS. SCHWARTZ: Are all of these signs all the

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3 same size?

4

MS. TOMPKINS WRIGHT: Like the ratio of it.

5

SCOTT ZAPPIA: Yes, the shield, every sign --

6

CHAIRPERSON MIETZ: Proportional to the height

7 the building.

8

SCOTT ZAPPIA: Well, no, the shield itself is
9 proportional to the U of R Medicine everywhere. That's
10 something they got a permit for.

11

CHAIRPERSON MIETZ: Right. But they are not
12 identical, the shields and U of R Medicine, on all of the
13 other properties around town, they're not exactly the same
14 size.

15

SCOTT ZAPPIA: No, no, not the actual size,
16 the proportion of the shield to the lettering is, unless
17 somebody didn't get a permit.

18

MS. TOMPKINS WRIGHT: The percentage of it is
19 the same.

20

SCOTT ZAPPIA: Yes.

21

MS. TOMPKINS WRIGHT: Just so we are clear on
22 the record.

23

SCOTT ZAPPIA: Yes.

24

CHAIRPERSON MIETZ: Any other questions?

25

Thank you.

1 Brighton Zoning Board of Appeals 1/3/18

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SCOTT ZAPPIA: Thank you.

4

5

CHAIRPERSON MIETZ: Is there anyone in the

6

audience that would like to speak regarding this application?

7

There being none, then the Public Hearing is closed.

* * *

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1 Brighton Zoning Board of Appeals 1/3/18

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REPORTER CERTIFICATE

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5

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.

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12

Dated this 8th day of January, 2018.

13

At Rochester, New York

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Rhoda Collins

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Brighton Zoning Board of Appeals 1/3/18

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JANUARY 3RD, 2018
AT APPROXIMATELY 7:44 P.M.

January 3rd, 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
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020

1 Brighton Zoning Board of Appeals 1/3/18
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3 APPLICATION 1A-02-18

4 1A-02-18 Application of Andrew Sunberg, owner
5 of property located at 494 North Landing Road, for Renewal of
6 a Temporary and Revocable Use Permit (1A-08-16) pursuant to
7 Section 219-four to allow for the sale of pizza, deli items
8 and fried foods in conjunction with a pre-existing
9 nonconforming grocery business in a RLB Residential District.

10 All as described on application and plans on file.

11 Motion made by Ms. Corrado to approve
12 Application 1A-02-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The present owner has an ongoing business in the
16 community and is a viable part of that community. In fact,
17 were there no neighborhoods to support the business the
18 applicant's business would not be sustainable. Additionally
19 there have been no complaints to the town in regard to any
20 aspect of the business since the renewal of the variance two
21 years prior.

22 2. The variance will not alter the essential character of
23 the neighborhood.

24 3. The alleged hardship is unique in this otherwise
25 residential area.

1 Brighton Zoning Board of Appeals 1/3/18

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3 4. The alleged hardship has not been self-created.

4

CONDITIONS:

5 1. The use approved in this variance is only for the
6 business as described in the application and testimony.

7 2. All waste from the business will be properly disposed of
8 as per Section 207-14.2.

9 3. The hours of operation shall not exceed 7:00 a.m. to
10 9:30 p.m.

11 4. External lighting, noise, and odor shall be controlled so
12 it's not to annoy nearby residents.

13 5. This temporary and revocable use permit shall expire on
14 January 3, 2020.

15 (Second by Ms. Schwartz.)

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

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

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1 Brighton Zoning Board of Appeals 1/3/18
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3 APPLICATION 1A-03-18

4 1A-03-18 Application of Jeff and Nancy

5 Guerdat, owners of property located at 12 Cardiff Park, for
6 an Area Variance from Section 205-two to allow an unenclosed
7 porch to extend 6 +/- feet into the 31.6-foot front setback
8 where a 40-foot front setback is required by code. All as
9 described on application and plans on file.

10 Motion made by Ms. Dale to approve Application
11 1A-03-18 based on the following findings and facts.

12 **FINDINGS AND FACTS:**

13 1. Granting of the variance will enhance the esthetic of the
14 house and provide a positive benefit to the neighborhood.

15 The proposed porch is in harmony with the scale of the house
16 and the Architectural Review Board has approved the design.

17 2. The houses in the neighborhood have small front yards and
18 many have roofed porches. The proposed variance is
19 consistent with surrounding properties and will not have an
20 adverse impact on the physical or environmental conditions of
21 the neighborhood.

22 3. The construction of the house pre-dated the existing
23 zoning code and the 40-foot setback requirement and is
24 currently at 31.6 feet.

25 4. The variance request is the minimum necessary to allow a

1 Brighton Zoning Board of Appeals 1/3/18

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3 usable porch by providing about five feet of space for two
4 chairs.

5 5. The applicant would like the porch added to the house in
6 order to protect themselves and their visitors from the
7 elements generally and specifically from snow sliding off the
8 solar panels on the roof.

9

CONDITIONS:

10 1. This variance is granted based upon the application
11 submitted and testimony give.

12 2. All necessary buildings permits shall be obtained.

13 (Second by Ms. Schwartz.)

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

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

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1 Brighton Zoning Board of Appeals 1/3/18
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3 APPLICATION 1A-04-18

4 1A-04-18 Application of Conor Smith, owner of
5 property located at 36 Holloway Road, for Area Variances from
6 Sections 203-2.1B(3) and 203-16A(4) to construct a detached
7 garage 2 +/- feet from a side lot line and .7 feet from the
8 rear lot line where a minimum 5-foot setback is required from
9 all lot lines. All as described on application and plans on
10 file.

11 CHAIRPERSON MIETZ: I move we table
12 application 1A-04-18 to provide for clarification on the
13 coverage ratios of the existing and proposed garage existing
14 on the site.

15 (Second by Ms. Corrado.)

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

19 (Upon roll call, motion to table carries and
20 keep the Public Hearing open.)

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1 Brighton Zoning Board of Appeals 1/3/18

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3 APPLICATION 1A-05-18

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5 1A-05-18 Application of Pierrepont Visual
6 Graphics, Inc. Agent, and Nicholas A. Cutaia, Inc., owner of
7 property located at 2609-2615 West Henrietta Road, for
8 modification of a Sign Variance (5A-01-01) to allow for a
9 change in graphics on an approved free standing sign. All as
described on application and plans on file.

10

11 Motion made by Ms. Schwartz to approve
12 Application 1A-05-18 based on the following findings and
facts.

13

FINDINGS AND FACTS:

14

15 1. The plaza in question is large and set very far back from
the road.

16

17 2. The proposed road sign is identifying of the plaza only
and identifying the address of the plaza.

18

19 3. The size of the sign that we are approving is in keeping
with the size appropriate for speed and traffic on the road.

20

21 4. The sign will have no detrimental effect on the character
of the area or nearby businesses.

22

CONDITIONS:

23

24 1. This sign modification only applies to the changes in
testimony presented and written application.

25

2. All approvals must be obtained from the Architectural

1 Brighton Zoning Board of Appeals 1/3/18

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3 Review Board and Planning Board.

4

(Second by Ms. Watson.)

5

6 Wright, yes; Mr. Clapp, yes; Ms. Tomkins
7 Ms. Schwartz, yes.)

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

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1 Brighton Zoning Board of Appeals 1/3/18

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3 APPLICATION 1A-06-18

4 1A-06-18 Application of Pierrepont Visual
5 Graphics, Inc., agent, and 2561 Lac De Ville Boulevard, owner
6 of property located at 2561 Lac De Ville Boulevard, for a
7 Sign Variance from Section 207-26D to allow a logo to be
8 33.3 percent of the area of the sign in lieu of the maximum
9 25 percent allowed by code. All as described on application
10 and plans on file.

11 Motion made by Ms. Tompkins Wright to approve
12 Application 1A-06-18 based on the following findings and
13 facts.

14 FINDINGS AND FACTS:

15 1. The granting of the requested variance will not produce a
16 undesirable change in the character of the neighborhood or be
17 a detriment to nearby properties. The proposed sign is
18 within the maximum square feet permitted to signage on this
19 building in this location and the use of the larger logo will
20 not confuse town residents due to:

21 (a) the placement of the words UR Medicine
22 immediately adjacent to the logo and;

23 (b) the repeated use of the logo on all U of R
24 medical signs in town.

25 2. The benefit sought by the applicant cannot reasonably and

1 Brighton Zoning Board of Appeals 1/3/18

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3 readily be achieved by any other method. The ratio of the
4 logo to text is standard on UR Medicine signs in the area and
5 maintain UR Medicine's trademark.

6 3. There's no evidence that the proposed variance will have
7 an adverse effect or impact on the physical or environmental
8 condition in the neighborhood or district.

9

CONDITIONS:

10 1. The variance granted herein applies only to the sign
11 described in the application and in the testimony given.

12 2. No building sign shall be internally lit.

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

14 (Second by Ms. Dale.)

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

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

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1 Brighton Zoning Board of Appeals 1/3/18

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REPORTER CERTIFICATE

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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.

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Dated this 8th day of January, 2018.

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At Rochester, New York

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Rhoda Collins

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