

1 Brighton Zoning Board of Appeals 2/7/18
2

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

5 February 7th, 2018
6 Brighton Town Hall
7 2300 Elmwood Avenue
Rochester, New York 14618

8
9 PRESENT:

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

16 NOT PRESENT:
17 JENNIFER WATSON

18 DAVID DOLLINGER, ESQ.
19 Town Attorney

20 RICK DiSTEFANO
21 Secretary

22
23
24 REPORTED BY: RHODA COLLINS, Court Reporter
25 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 February 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 February 1st, 2018.

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

12 MR. DiSTEFANO: Please let the record show
13 Ms. Watson is not present.

14 CHAIRPERSON MIETZ: We have minutes. Do we
15 have comments, Judy?

16 MS. SCHWARTZ: On Page 13, Line 25, strike the
17 word been. On Page 31, Line 11, the last word is given. And
18 on Page 33, Line 16, delete the word of, and that's all I
19 have.

20 CHAIRPERSON MIETZ: Anybody else?

21 MS. CORRADO: I do. On Page 28, Line 17, the
22 word neighborhoods should be singular, strike the word to and
23 insert the word for between support and the business.

24 On Page 29, Line 12, replace the word it's
25 with as. That's all.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 CHAIRPERSON MIETZ: Okay. Anybody else?

4 Motion?

5 MS. TOMPKINS WRIGHT: I move.

6 (Second by Ms. Schwartz.)

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

8 Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Mietz, yes;

9 Ms. Corrado, yes.)

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

12 CHAIRPERSON MIETZ: Okay, Rick, when you are
13 ready please read the first application.

14 MR. DiSTEFANO: I will read the first four
15 applications.

16 APPLICATION 9A-03-17

17 9A-03-17 Application of Mamasan's Monroe LLC,
18 owner of property located at 2735 Monroe Avenue for an Area
19 Variance from Section 205-7 to allow impervious lot coverage
20 to be 71.7%, after construction of a new restaurant in lieu
21 of the maximum 65% allowed by code. All as described on
22 application and plans on file.

23 APPLICATION 9A-04-17

24 9A-04-17 Application of Mamasan's Monroe LLC,
25 owner of property located at 2735 Monroe Avenue for 1) an

1 Brighton Zoning Board of Appeals 2/7/18

2

3 Area Variance from Section 205-12 to allow for 42 parking

4 spaces in conjunction with a new restaurant, in lieu of the

5 minimum 43 spaces required by code; 2) Area Variances from

6 Section 205-18B to allow pavement and parking to be 4.33 ft.

7 from a side (north) lot line and 1 ft. from the rear (west)

8 lot line where a minimum 10 ft. is required by code; and 3)

9 an Area Variance from Section 207- 14.3D(3) to allow a

10 drive-thru lane to be 4 ft. from a side (south) lot line in

11 lieu of the minimum 10 ft. required by code. All as

12 described on application and plans on file.

13 APPLICATION 9A-05-17

14 9A-05-17 Application of Mamasan's Monroe LLC,

15 owner of property located at 2735 Monroe Avenue for an Area

16 Variance from Section 207-2A to allow a front yard fence to

17 be 49 inches in height with 86 inch posts where the maximum

18 height of any portion of the fence cannot exceed 42 inches as

19 allowed by code. All as described on application and plans

20 on file.

21 Application 9A-06-17

22 9A-06-17 Application of Mamasan's Monroe LLC,

23 owner of property located at 2735 Monroe Avenue for a Sign

24 Variance from Section 207-32B to allow a free standing menu

25 board where not allowed by code. All as described on

1 Brighton Zoning Board of Appeals 2/7/18

2

3 application and plans on file.

4

5 GREG MCMAHON: Good evening, my name is Greg

McMahon and I'm with McMahon LaRue Engineers.

6

7 DWIGHT KANYUCK: Dwight Kanyuck with Knauf

Shaw, attorneys for the business.

8

9 GREG MCMAHON: These applications were

10 initially presented to the Board I believe at their September

11 zoning board meeting, and we have been on hold with this

12 while the Planning Board makes a secret determination, which

13 they did at their January meeting. So the Planning Board has

14 acted on SEQRA and we're back here tonight seeking approval of

15 these variances. And I think I can go through as much or as

little as you would like me to.

16

17 CHAIRPERSON MIETZ: I think since it's been

18 since December, I don't think we need the exhaustive version,

but how about you run through it.

19

20 GREG MCMAHON: I'll go through these. First

21 of all, Section 205-7 we're requesting a maximum coverage of

22 71.7 percent in lieu of the code 65 percent. Current

23 coverage on the site is 70 percent, so the reality is we're

24 seeking about 1.7 percent additional coverage above what is

there right now.

25

We don't believe this is substantial. It is a

1 Brighton Zoning Board of Appeals 2/7/18

2

3 very tight site. These parcels are narrow, they're

4 substandard lots by current zoning standards. And in

5 addition the development in the back of the lot, a lot of

6 what's being done is in somewhat in anticipation of what may

7 happen if development goes across the street with the

8 controlled access.

9 CHAIRPERSON MIETZ: Do you want to just

10 briefly touch on that?

11 GREG MCMAHON: Well, if the development goes

12 through across the street there will be a traffic light that

13 goes in just to the, trying to think, not the hotel side but

14 the other side of the site. And we are providing a cross

15 access easement across the rear of this property, as are

16 other properties, so that vehicles entering and exiting --

17 some of the vehicles entering and exiting this project and

18 several other projects on Monroe Avenue can access at what

19 may be a future traffic light. Again, that's all part of

20 another project, we just are providing the necessary tools

21 for that to happen, if that takes place in the future.

22 CHAIRPERSON MIETZ: Okay.

23 GREG MCMAHON: Our second request is for

24 proposed parking of 42 spaces in lieu of the 43 that are

25 required based on the area calculation for a restaurant of

1 Brighton Zoning Board of Appeals 2/7/18

2

3 this type. Again, we are at this point one space short. We
4 don't see this as an issue with the restaurant. We're
5 providing, we believe, adequate parking, adequate handicapped
6 parking.

7

8 Just as another aside, if this future access
9 rode goes in there will be approximately another half a dozen
10 or so spaces added as a result of this, which would increase
11 our parking, but again, we aren't using that in our
12 computations. It's not being counted and requested as part
of this variance.

13

14 CHAIRPERSON MIETZ: Just in lieu of the
15 comment on the parking, what is the seating for the
restaurant?

16

17 GREG MCMAHON: I've got it here. We've got
indoor seating of 72 and outdoor seating of 16.

18

19 CHAIRPERSON MIETZ: Okay, thank you.

20

21 GREG MCMAHON: The next variance is 207-2A,
22 which is a request for a fence in the front yard. This is
actually an architectural fence that would wrap around the
23 front patio, the outdoor dining, where there will be 16
seats. This fence is the existing fence that's over at
24 Mamasan's across the street. And what we're requesting, the
25 fence itself is 42 inches, but the posts, the decorative

2

3 posts, and there's a sketch as part of your application, are
4 86-inch posts. It does require a variance and it was a
5 variance installed at what we feel is a very nice addition to
6 this project.

7

CHAIRPERSON MIETZ: Okay.

8

9 MR. DiSTEFANO: Just before you go on, Greg,
10 you did skip over a couple under the 9A-04 application which
dealt with the site setbacks for pavement.

11

12 GREG MCMAHON: Yeah, you are right, Rick. I
just read one sheet here and I have another one behind it.

13

14 205-18B, parking pavement less than ten feet
15 from the side and rear property line, specifically one foot
16 from the rear lot line and four feet from the southeast side,
17 which is the side of the parcel towards the hotel, and then
4.63 from the northwest side.

18

19 Again, the property, the parcel is -- we have
20 parking much closer on the adjoining parcels. The existing
21 parking is actually a little bit closer than what we are
22 proposing with the aligned parking. It provides us town code
23 parking places and an aisle to access the site. The one foot
24 at the rear, again takes us up to the rear property line and
25 allows us to get the pavement width that we might need in the
future if that cross access goes in.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 Again, we don't feel this is a substantial
4 variance. We aren't considerably closer than currently
5 exists out there, but with regard to the code we do ask for
6 those variances.

7

CHAIRPERSON MIETZ: Okay.

8

9 GREG MCMAHON: And the last one is a
10 requirement of the town that we have -- we are installing a
11 drive-thru pickup window and at this time our client would
12 like to get approval to put the menu boards. They are not
13 sure at this time if they are going to install them
14 initially. This will be a pickup window for right now. You
15 can call in and place a take-out order.

16

17 At Mamasan's, you have to drive up, go into
18 the restaurant to pick up your order. This window would
19 allow people initially to drive through, but they want to
20 have the option depending on how business goes and things
21 operate, that they could take some orders and have the menu
22 boards. So we are asking for approval to have those menu
23 boards as part of this application.

24

25 CHAIRPERSON MIETZ: A couple questions there.
26 So the plan as I just heard it is that day one there would be
27 no message board and there would be just some instructions
28 for people that they could call in, drive up, and pick up an

1 Brighton Zoning Board of Appeals 2/7/18
2

3 order that they have phoned in. Is that what you're telling
4 us?

5 GREG MCMAHON: Well, rather -- let me defer to
6 the owner's representative here to speak specifically about
7 it.

8 CHAIRPERSON MIETZ: We did discuss this
9 previously, and if I recall, Randy, there was a couple things
10 that kind of changed in between. So this has been since
11 September, so have at it.

12 RANDY PEACOCK: I was going to jump up. I'm
13 Randy Peacock, 70 Linden Oaks. Be does want to put the menu
14 board up right from the start. I apologize, Greg wasn't up
15 to date with us on that. The idea is to offer a limited menu
16 on the menu board. She can't cook everything in the amount
17 of time between somebody orders on the menu board and comes
18 up, but there are many dishes that she has; soups, spring
19 rolls, items like that. So she wants to offer that as just
20 an ability for somebody that's coming in to pick up their
21 order to say, oh, yeah, let me get a couple of spring rolls
22 with that as well. So that's why she wants the menu board at
23 this point in time.

24 CHAIRPERSON MIETZ: So are you proposing some
25 specific menu board with some specific --

1 Brighton Zoning Board of Appeals 2/7/18
2

3 RANDY PEACOCK: Yes. It was presented to the
4 Architectural Review Board.

5 CHAIRPERSON MIETZ: Dust that off a little
6 bit.

7 MR. DiSTEFANO: We never got a copy.

8 GREG MCMAHON: It was attached to the
9 application. Here, Rick.

10 MR. DiSTEFANO: Yes, it was a quite
11 substantial looking display board. I guess from what the
12 comment was, it sounded like it wouldn't be that large.

13 RANDY PEACOCK: It's actually this.

14 MR. DiSTEFANO: We do have it in there.

15 RANDY PEACOCK: It's the one in the middle,
16 the two panel. That's the menu board we presented to the
17 Architectural Review Board and they thought that was
18 appropriate with the building.

19 CHAIRPERSON MIETZ: So you have no proposal of
20 what this menu board is going to say? This is a generic menu
21 board.

22 RANDY PEACOCK: Right. I mean, it will have a
23 certain number of menu items on it. I don't think Be has
24 made that selection yet, exactly what she's going to have
25 prepared and ready to go, but it's set up that you can

1 Brighton Zoning Board of Appeals 2/7/18
2

3 have -- that panel is printed and that would go into the
4 board.

5 CHAIRPERSON MIETZ: I understand how they
6 work.

7 MS. SCHWARTZ: When you were here the first
8 time you talked about people calling in and saying they
9 wanted their order at a certain time and they would be there.
10 And it was also my understanding that people just coming
11 through the drive-thru looking at the menu board would be in
12 the same line. And my question at that time, and it still
13 remains, is: What about the person who says they will be
14 there at 5:30 and there are two or three cars ahead of them
15 who are sitting there saying, geesh, should we get this one?
16 No, I don't want that I want this one. And they really make
17 things run late. How are you going to accommodate?

18 RANDY PEACOCK: Well, first of all, I think
19 you're misunderstanding. You can't really call and say we'll
20 have this ready for you at 5:30. In most instances the way
21 the restaurant works right now is somebody calls in and
22 says -- orders it, it's cooked rather quickly.

23 If it takes -- I've sat there and watched
24 calls being made while we're having a meeting. It takes
25 about ten minutes between the time an order is placed and for

1 Brighton Zoning Board of Appeals 2/7/18
2

3 it to get packaged, waiting for someone to pick up.

4 The way Be is planning to do this is, those
5 orders all get bagged and they get a name on them. When that
6 person comes through they give them their name and you give
7 them that item. As with any drive-up situation, there are
8 sometimes where you may have to wait for somebody in front of
9 you. Whether it's somebody making an order off of the
10 board -- and once again, it's not a complicated menu that's
11 going to be on this board. It's not something where somebody
12 is going to have to wait ten minutes for it, the items on the
13 board are going to be things that are precooked and can be
14 served almost immediately when they're ordered.

15 In terms of the function of it, it's designed
16 to meet town code with the number of stacked, I think it's
17 ten stacked cars. Which is the reason why the town code
18 requires ten stacked cars is so that there's room to
19 accommodate some people waiting in line. That's the intent
20 of how this would function.

21 MS. SCHWARTZ: Another question, many of the
22 people might be regular customers and have gone in to sit
23 down and eat so they know the menu very, very well. And
24 they've called in and they get up there and they say: Oh,
25 we've just, you know, we're such a good customer, it's not on

1 Brighton Zoning Board of Appeals 2/7/18
2

3 the menu but we know what it is, could you add that in? All
4 right. How are you going to accommodate that?

5 RANDY PEACOCK: Well, I'm sure what they'll do
6 is ask you to come and park the car and wait a moment until
7 it is cooked. You know, if there's people waiting in line
8 it's to the business owner's best interest not to upset
9 everybody behind them. So they would ask them to move
10 through the line and come back around if that were the case.

11 MS. SCHWARTZ: The reason I ask about the time
12 was when we call in to pick up our food, you say the time and
13 they tell you whatever, and you say -- you might call at 4:00
14 and say 6:00. So, you know, that's why I asked.

15 RANDY PEACOCK: Yeah. Honestly, her kitchen
16 works so quickly that -- I've sat there and watched it. An
17 order, I mean, she has people that walk in and order right
18 there at the counter in the afternoon at times, and usually
19 about five or six minutes it takes for that order to be
20 cooked and be in a package ready to go out the door.

21 BE WALTERS: May I answer that?

22 RANDY PEACOCK: Sure, come on up, Be.

23 BE WALTERS: Hello. I been here many times
24 you know who I am. I'm Be Walters, I run Mamasan's. I will
25 answer you about how we do delayed. In case we delay,

1 Brighton Zoning Board of Appeals 2/7/18
2

3 somebody want extra, we will ask you please park the car and
4 I will bring out to you. That happened to many restaurant
5 today, even McDonald's. If they don't bring coffee, they say
6 we bring right out for you. There is spot for you to park.
7 We bring right out. And I see people around town, even us,
8 you have baby. Okay, what your car, where you park, I bring
9 right out for you. One of us will bring it out. So I don't
10 think you have to worry about it. I'm sure I want to keep my
11 business. And it was mixed up many time and nobody come,
12 that my big trouble right there. Been one like that. Okay,
13 I'm go back.

14 CHAIRPERSON MIETZ: Could you stay up here,
15 Ms. Walters, for a couple more minutes?

16 BE WALTERS: Yes, go ahead.

17 CHAIRPERSON MIETZ: I have one: Do you have a
18 concern though about people who have called in for orders and
19 expect to show up at the restaurant, drive up, put their
20 credit card out, and get their food, and mixing that with the
21 people that are looking at the menu board, ordering something
22 and then taking the -- I don't know if that's exactly
23 accurate -- five or six minutes to wait in that same line
24 because there's no escape lane once you get in this
25 drive-thru.

1 Brighton Zoning Board of Appeals 2/7/18
2

3 So do you have a concern about how that will
4 logically work?

5 BE WALTERS: I believe in the menu board for
6 now. I only do things ready made that is big sell for me
7 that the fresh vegetable roll, shrimp roll and chicken roll
8 and fried roll, we only fry in advance. And that's it. And
9 we have Vietnamese coffee, that our specialty, that's all I'm
10 going to serve. If you order menu board, we really have to
11 go. We pack it like that, then you come and buy it, to make
12 it easy. And if you call and we tell you 20 minutes more,
13 nothing else beside it, we will have you pick it up in the
14 window.

15 CHAIRPERSON MIETZ: Questions?

16 MS. CORRADO: Yes, I do. So when you first
17 presented this to us the pickup window was entirely for
18 call-ahead orders, there were not going to be any additional
19 orders on the spot. The sign was intended to be very minimal
20 for only those pickup orders. Now, what we seem to be
21 hearing is that there will be some people who say: Oh,
22 Mamasan's, I'm on my way home, I want to stop in and I want
23 to grab something to go.

24 So now what it sounds like this has morphed
25 into is more of a drive-thru restaurant, more like McDonalds.

1 Brighton Zoning Board of Appeals 2/7/18
2

3 I make my choice in a moment, I drive up, then I go. Which
4 to me suggests greater traffic volume, so that's already a
5 very congested area of Monroe Avenue.

6 I'm curious to know what is your current
7 takeout count on a typical night? And how do you think this
8 is going to change when you move across the street and you
9 have orders in a moment to go?

10 RANDY PEACOCK: I'd like to explain it. We
11 actually had to redo the traffic study that we prepared for
12 the facility based upon a full, high-use takeout restaurant
13 like a McDonald's, even though we had evidence of counts of
14 takeout orders that are much lower than a McDonald's. The
15 town asked the town staff, required us to do that evaluation
16 based on a full McDonald's.

17 So the site has been evaluated as if it were a
18 McDonald's and the traffic report we submitted essentially
19 looks at a traffic count almost at a McDonald's level. So
20 from a safety aspect or safety approach to this the state
21 department of transportation has reviewed that with that
22 level of intensity of traffic on the site. Even though we
23 don't believe that it will ever become that level of traffic
24 on that site --

25 MS. CORRADO: Except that what was presented

1 Brighton Zoning Board of Appeals 2/7/18
2

3 in September was, call ahead, here's your package, come --
4 we're going to make this a little easier, you can drive up
5 and grab it instead of having to drive up, park, and grab it.
6 Now what we are hearing is, drive up and grab it, oh, and you
7 can add additional --

8 RANDY PEACOCK: It's small additional things.
9 It's not a full menu. There are not going to be dishes to be
10 cooked, they're things that are precooked. And the idea
11 there is simply to be able to up sell on some of these items:
12 Oh, let me add a couple of spring rolls to that, or let me
13 get a -- I'd like a Vietnamese coffee.

14 It's not the full menu. It won't work with
15 the full menu in that situation with this type of food. So
16 it's a means of offering a list of pre-made items that are
17 available quickly out of the kitchen that will work in that
18 situation. It's not like you pull up and you order your Phat
19 Thai, you're not going to be able to do that.

20 MS. CORRADO: Is increase in drive-thru and
21 pickup orders desirable? Is that a goal of the business?

22 RANDY PEACOCK: Well, I don't think, no. The
23 goal is to provide the convenience of being able to pick up
24 that item at the window. And I think it would be -- you
25 know, if you pull up and you want to order a full meal you're

1 Brighton Zoning Board of Appeals 2/7/18
2

3 going to be asked to, you know, come in and place that order,
4 or phone the order in and come back at a later time. They
5 wouldn't be able to cook those items.

6 So if somebody comes in there and orders
7 something that is, you know, not on that menu board, it can't
8 be done that way.

9 MS. CORRADO: So the menu board is somewhat
10 superfluous and the pickup window --

11 RANDY PEACOCK: No, we think the menu board's
12 important to be able to do that up sell on a couple of items
13 that can be added to the order.

14 MS. CORRADO: Any up sell isn't possible when
15 someone calls in and says: I want this entree, this entree,
16 this entree. Oh, by the way, would you like this additional
17 item?

18 RANDY PEACOCK: It's something that we would
19 like to offer. So certainly you could do that on the phone
20 and it also works well when it's on a board in front of the
21 consumer.

22 MS. TOMPKINS WRIGHT: My recollection is that
23 that is what was proposed in September.

24 RANDY PEACOCK: It is. That's exactly how we
25 proposed it in September. We have not changed it, I didn't

1 Brighton Zoning Board of Appeals 2/7/18
2

3 want to be argumentative. The minutes reflect that.

4 MS. CORRADO: It seems to be a much greater
5 focus now on the conversation about the business model.

6 RANDY PEACOCK: Well, and I think that focus
7 came about because you guys asked more questions about it.

8 CHAIRPERSON MIETZ: Okay. So I guess
9 follow-up on Christine's then. You obviously have some
10 anticipation other than just generally speaking about up
11 selling as it relates to what you think the volume of this
12 is. You know what the takeout volume is at your current
13 restaurant. So are you expecting that that would continue at
14 the new restaurant, get larger, what is your comment about
15 that?

16 BE WALTERS: I think that my restaurant right
17 now carry 136 and takeout into April. I don't think that,
18 you know, first for me, I'm getting very old. My leg and
19 stuff, not able to do that, to handle that, but I still want
20 to work. Both of us, we can retire, we don't want to do
21 that. Still able to manage that. I have to go to small
22 scale. And we might get kitchen bigger so we have a two
23 group be inside and outside cooks. We could accommodate
24 people calling in.

25 So to be able to pay tax, able to keep that

1 Brighton Zoning Board of Appeals 2/7/18
2

3 place going. We are -- I would like that for convenience of
4 people too. They have the seating, but for winter like this,
5 like the mother coming in carrying the baby, handicapped
6 people walk with a cane and stuff, it very hard. We do it
7 all the time, we attach the food to the people and they
8 walking and I afraid of the falling down too. So that why
9 that I want to have that for a convenience for people.

10 MS. SCHWARTZ: I don't know your site plan so
11 it's more planning, but getting back to the fact that if
12 somebody wants more than they're supposed to get, you're
13 going to say: Oh, go park over, whatever, and we'll bring it
14 to you. How are they going to pull out? Where are they
15 going to turn? Where is this parking going to be so that
16 it's safe for you as workers to come out and serve them? But
17 also if they're in a line, it's all one line, where do they
18 go, where do they turn, and so on?

19 GREG MCMAHON: Are you familiar with the
20 Dunkin Donuts which is just two or three doors down?

21 MS. SCHWARTZ: I only know because I've seen
22 it, but I don't frequent it.

23 GREG MCMAHON: It's a very similar layout. So
24 if you pull up to the drive-thru window and they ask you to
25 pull around to park, you basically come out, you loop around,

1 Brighton Zoning Board of Appeals 2/7/18

2

3 you're now in front of the restaurant. And instead of making

4 a right turn and then going out onto Monroe Avenue, you would

5 make a left turn and all of the parking spaces are right

6 there in front you. You would park your car, come right in

7 the door of the restaurant.

8 MS. SCHWARTZ: In front of the building,

9 you're saying?

10 GREG MCMAHON: Well, the exit from the

11 drive-thru goes across the front of the building.

12 MS. SCHWARTZ: Okay. So you're coming in from

13 the right --

14 GREG MCMAHON: This is Monroe Avenue, so if

15 this is the drive-thru and they come up to the window and

16 they say, please pull around. They would come out here and

17 they could park in any one of the spaces.

18 MS. SCHWARTZ: So they could cross over the

19 traffic.

20 GREG MCMAHON: Well, they would turn, there's

21 traffic coming in but they would turn in here and go into a

22 parking space.

23 MS. SCHWARTZ: Thank you.

24 CHAIRPERSON MIETZ: Any other questions?

25 MS. TOMPKINS WRIGHT: I have a quick question

1 Brighton Zoning Board of Appeals 2/7/18

2

3 about the outdoor seating. That's included in the parking
4 calculation?

5 GREG MCMAHON: Yes, it is.

6 MS. TOMPKINS WRIGHT: How much square footage
7 would you say there is of outdoor seating? That's going to
8 be seasonal, correct?

9 GREG MCMAHON: Yes, seasonal. I can tell you,
10 just one moment.

11 MR. DISTEFANO: You want it by seats or by
12 square footage?

13 MS. TOMPKINS WRIGHT: Well, I think the
14 parking calculations on the site plan are by square footage
15 not by seats.

16 GREG MCMAHON: They are by seats. We have the
17 area calculation, one space per 100 square feet, one space
18 per employee. And the patio is approximately 30-feet wide
19 and about 12-feet, so we are in the neighborhood of say
20 350-square feet of patio area. There are 16 seats which
21 would be probably four tables of four proposed for that patio
22 area.

23 MS. TOMPKINS WRIGHT: So for a portion of the
24 year, more than half of the year, it would meet the parking
25 calculations if you didn't have that.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 GREG MCMAHON: Yes, it meets it for the patio
4 during this time of year, there's in theory extra parking.

5 CHAIRPERSON MIETZ: Any other questions by the
6 Board members on any of the four applications at this point?

7

Okay, thank you.

8

BE WALTERS: Thank you very much.

9

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

13

APPLICATION 1A-01-18

14

1A-01-one Application of William and Linda
15 Stevenson, owners of property located at 12 Creekdale Lane,
16 for an Area Variance from Section 203-2.1B(6) to allow a
17 stand-by emergency generator to be located in a side yard in
18 lieu of the rear yard behind the house as required by code.
19 All as described on application and plans on file.

20

21 LINDA STEVENSEN: Good evening, I'm Linda
22 Stevenson. I would like to thank you for giving me the
23 opportunity to present our application for a generator
24 installation. With me I have my husband Bill Stevenson, and
25 Steve Betlem from Betlem Heating.

26

27 We have lived in our home for 30 years, it was
28 built in 1949. The second owners added the indoor pool,

1 Brighton Zoning Board of Appeals 2/7/18

2

3 which is what necessitates us asking for the generator on the
4 side of the house instead of behind the house. We are, in
5 fact, the third owners. So we're asking to install a
6 generator for two reasons. One, we have radiant heat. For
7 those of you who don't know, radiant heat, our hot water
8 pipes that go through the ceilings, the floors and the walls
9 which heat your rooms, and so some of those walls are around
10 the exterior of the house.

11

12 So we are thinking that if there's a
13 significant winter storm and a power outage there might be
14 problems with the pipes, and then as such we would have to do
15 an awful lot of work breaking through the plaster walls to
get to the pipes.

16

17 The second part, the reason why we're asking
18 is because, as I said, we've lived in the house for 30 years,
19 so we're 30 years older and as it stands our changing health
20 requirements would benefit from having heat during power
outages. So those are the two reasons.

21

22 I had sent you a deck and I forgot to include
23 a photo. And so, if I may, can I hand it out to you now?
24 What it is is a picture of the view that shows that our
25 neighbors behind us will also not see the generator. And I
forgot to include this in your packet.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 I don't know if you have had a chance to look
4 at the deck or not. If you haven't I can briefly go through
5 it. But in essence, what it shows is, we are well within the
6 requirements for the property line, the decibel level is
7 below what is maximum that is allowed, and that the
8 neighborhoods aren't able to see it.

9

10 So the first page shows where we're going to
11 put the generator if it's approved. And it shows the actual
12 footage from the jog from within the house out to the
13 property -- to the property line.

14

15 The second page is a picture directly from the
16 street that shows where the generator would go. And what's
17 secondary importance to that is that it's being protected by
18 plants that are evergreens, so that it's always green. You
19 won't have that generator showing. Right in front of the
20 generator are the evergreens our neighborhoods put in, and so
they also can't see it. And then you have the backyard
neighbor, he can't see it -- or she can't see it.

21

22 Then the last one are the calculations. And
23 basically what that shows is -- first of all, I made a
24 mistake. The requirements are 10 feet not 12 feet, which
gives us 2 feet to our advantage, which is nice. But when
25 you take the 18 inches from the house and the width of the

1 Brighton Zoning Board of Appeals 2/7/18
2

3 generator we still have 15 feet to the property line when
4 it's only required as 10, so we are within what the code says
5 that we need to be.

6 So given that it's hidden from the neighbors'
7 sight, the property line has not been exceeded, and the
8 decibel level is the maximum allowed, we would like to have
9 this request granted.

10 Bill, do you have anything to add?

11 WILLIAM STEVENSEN: The only thing I would add
12 is that if there's a power --

13 CHAIRPERSON MIETZ: If you could give us your
14 name for the record.

15 WILLIAM STEVENSEN: William Stevenson. If
16 there's a power failure in the winter and it's a prolonged
17 failure, because the pipes with water go all through the
18 house, the house would really be a total loss. So we are
19 thinking -- we lived through the ice storm, but it was warmer
20 and the house only got down to the 50s. But if the
21 temperature was below zero the house would be a total loss
22 just because the water pipes are in the floors, in the walls,
23 in the ceilings throughout. So we realize that and thought
24 we have to do this just for insurance.

25 LINDA STEVENSEN: And I forgot one thing. The

1 Brighton Zoning Board of Appeals 2/7/18

2

3 other reason why it needs to be on the side is that when the
4 owners put in the pool, the pool has its own furnace area
5 because it's a heated pool, heated room, all of that. And
6 that runs into the front of the house where you have the main
7 furnace. So right there is where the gas hookup is, so if we
8 try to put it in the back then that would be, roundtrip,
9 100 extra feet of gas line and an extra electric line in
10 order to get the generator put in. So that's our rationale
11 and I thank you.

12

CHAIRPERSON MIETZ: Okay. Any questions?

13

MR. CLAPP: The only question I have is, have
14 you asked the neighbors if they have any issues whatsoever?

15

LINDA STEVENSEN: Our neighborhood is kind of
16 closed, like, everybody treats their house like an island.
17 So when next door, the Maloney's, wanted to have their
18 extension put on they didn't come over and ask. They just
19 put the sign up and if we wanted to go talk to them, they
20 would. The gentleman, I can't remember -- it's just how it
21 is.

22

MR. CLAPP: Okay.

23

MS. TOMPKINS WRIGHT: But none of the
24 neighbors, this won't be visible to?

25

LINDA STEVENSEN: No, that's why I showed you

1 Brighton Zoning Board of Appeals 2/7/18

2

3 all the pictures and the plantings.

4

5 MS. SCHWARTZ: And you will test it during the

normal --

6

7 LINDA STEVENSEN: You're supposed to test it

once a month or once a week, yes.

8

9 MS. SCHWARTZ: No, I mean the hour of it would

be during the day?

10

LINDA STEVENSEN: Yes, absolutely.

11

CHAIRPERSON MIETZ: Any other questions?

12

Thank you.

13

14 Is there anyone in the audience who would like

15 to speak regarding this application? There being none, then

16 the Public Hearing is closed.

17

APPLICATION 1A-04-18

18

19 1A-04-18 Application of Conor Smith, owner of

20 property located at 36 Holloway Road, for 1) Area Variances

21 from Sections 203-2.1B(3) and 203-16A(4) to construct a 600

22 square foot detached garage two +/- feet from a side lot line

23 and .7 feet from the rear lot line where a minimum five-foot

24 setback from all lot lines is required by code; and 2) an

25 Area Variance from Section 205-2 to allow building coverage

to be 32.8% of the lot area, after construction of said

garage, in lieu of the maximum 25% building coverage (28.25%

1 Brighton Zoning Board of Appeals 2/7/18

2

3 building coverage currently exists) allowed by code. All as
4 described on application and plans on file.

5 CONOR SMITH: Good evening, everyone. As you
6 know I was here before for the side lot variances. I'm Conor
7 Smith. Would you like me to go over those again?

8 CHAIRPERSON MIETZ: Let's talk about, yeah,
9 you can just refresh everybody on the situation and any
10 additional things you would like to say.

11 CONOR SMITH: Okay. So currently I have a
12 garage, it is 383 square feet. It's a garage by definition,
13 however, use, not really. It's currently unsafe, falling
14 apart, used only as storage right now. And it is currently
15 three feet, I believe, from the property line next to me, and
16 behind me is the .7 feet.

17 I am requesting to build on the same
18 foundation so that I can potentially go bigger into my
19 property. I'm not taking space away from anybody else. I
20 did talk to both neighbors at the surrounding properties,
21 none of them have objections to it, they're completely fine
22 with the plan. The neighbor behind me was glad I came over.
23 She was going to inform me that I have weeds growing all up
24 the backside of the garage and she can tell that it's falling
25 apart.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 This is my first house, I'm trying to do
4 improvements. I would like to build bigger, something that
5 would fit the needs that I have. I have two vehicles, a car
6 and a truck. Currently my car fits in the garage just
7 barely. I am pulled up all the way, my front bumper is
8 touching the front wall and I have about three to six inches
9 when I close the garage door.

10

11 I have tools, lawn equipment, all that stuff.
12 So I am asking to build a garage that is 24 by 25 feet, 600
13 square feet total, which is the maximum allowed for a
14 detached garage. It is only a four percent increase from the
15 current size of the garage that I have now.

16

17 CHAIRPERSON MIETZ: You said it was 383 square
18 feet?

19

20 CONOR SMITH: I believe that was my rough
21 numbers.

22

23 MR. DiSTEFANO: I think you mean the coverage
24 is --

25

CONOR SMITH: Yes, the coverage.

26

MR. DiSTEFANO: -- not the square footage.

27

CONOR SMITH: Yes, thank you.

28

MS. TOMPKINS WRIGHT: Let me just confirm
29 something, you said you spoke to both of your neighbors.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 CONOR SMITH: Yes.

4 MS. TOMPKINS WRIGHT: Do you mean the one to
5 the rear and then on both sides, so all three of the
6 properties touching yours?

7 CONOR SMITH: I've actually talked to
8 everybody. I have -- well, yes, the three touching me I have
9 talked to. I know them personally.

10 MS. TOMPKINS WRIGHT: Okay.

11 CHAIRPERSON MIETZ: Okay.

12 MS. TOMPKINS WRIGHT: I have another quick
13 question. In the current plan that you've attached to your
14 application it shows the asphalt drive not reaching the full
15 extent of the driveway. Is that intentional?

16 CONOR SMITH: No, I don't have an answer for
17 why that is. My whole goal right now, I'm experiencing
18 runoff issues at my current house. The driveway has been
19 uncared for, the same way the garage is. I currently get the
20 water coming straight into my basement. When it hits the
21 garage it's either going through the roof, or if it's not,
22 it's going right off the roof dropping right where it is.

23 So with the garage I will be doing a gutter
24 system to a drain, splash drain. And then I would like to
25 redo the driveway as well. So the driveway would be shorter,

1 Brighton Zoning Board of Appeals 2/7/18

2

3 it would take up -- or there would be less asphalt because
4 the garage is moving closer so there would be less surface
5 area actually of the driveway.

6

7 CHAIRPERSON MIETZ: Just a specific question,
8 Connor, if you look at the drawing that you gave us, wherever
9 there's like a radius to the left so if you're driving into
the new garage or towards it --

10

CONOR SMITH: Right.

11

12 CHAIRPERSON MIETZ: -- it's short on the left
13 side by probably, it looks like, I'm guessing maybe six feet
or something.

14

CONOR SMITH: Right.

15

16 CHAIRPERSON MIETZ: Is that what you're really
planning to do?

17

CONOR SMITH: No.

18

19 MS. TOMPKINS WRIGHT: That's just not part of
this application?

20

21 CONOR SMITH: No, not at this point in time.
I am building the garage, getting the garage done and then
22 the driveway is another project once the garage is done. I'm
23 not doing a new driveway and then having to tear that up if I
24 do a garage in the future.

25

CHAIRPERSON MIETZ: Okay.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 MS. TOMPKINS WRIGHT: But just to confirm, I
4 think you said at the last meeting the new garage would be no
5 closer to the rear property line than the current garage is
6 now?

7 CONOR SMITH: Nope, it will be the same
8 foundation.

9 MR. DiSTEFANO: Yeah, though it's 1.7 feet now
10 and the foundation wall is staying the same, where the .7
11 comes in is that according to the contractor there would be
12 about a foot roof overhang. So we have to take that into
13 account also, that's why it might sound a little different
14 than what he's proposing, but the wall is going to be at the
15 existing setback line.

16 CONOR SMITH: I have pictures of the garage if
17 you guys would like to see them. I don't have multiple
18 copies.

19 CHAIRPERSON MIETZ: You can pass it around.
20 So when you say they're going to use the foundation, that's
21 not even 400 square feet. So they're going to just add onto
22 it on one side, or how --

23 CONOR SMITH: It's going to be completely dug
24 up and redone all around. So it's --

25 CHAIRPERSON MIETZ: So you're putting in a new

1 Brighton Zoning Board of Appeals 2/7/18

2

3 foundation for the garage?

4

CONOR SMITH: Yes.

5

6 CHAIRPERSON MIETZ: Okay. So when you said
earlier you're using, you're really not going to use

7

8 CONOR SMITH: No, we are not literally --

9

10 MR. DOLLINGER: The footprint.

11

12 CHAIRPERSON MIETZ: Yes, the footprint, thank you.

13

14 CONOR SMITH: Very good. Any other

15

16 CHAIRPERSON MIETZ: Very good. Any other

17

18 CONOR SMITH: I want to make a little

19

20 MR. DISTEFANO: I want to make a little

21

22 CHAIRPERSON MIETZ: I want to make a little

23

24 CONOR SMITH: I want to make a little

25

26 CONOR SMITH: I want to make a little

1 Brighton Zoning Board of Appeals 2/7/18

2

3 MR. DiSTEFANO: One of the code issues that
4 you've got to be aware of is that in the rear yard you cannot
5 pave more than 35 percent of your rear yard.

6

CONOR SMITH: Right.

7

8 MR. DiSTEFANO: That does not include the
garage area.

9

10 CONOR SMITH: Right. I believe we discussed
11 that and I'm not currently close to that number right now and
I'm taking more driveway away.

12

13 MR. DiSTEFANO: You'll be taking some away but
14 you'll be adding some also. So it might be a wash on the
actual pavement number.

15

CONOR SMITH: Right.

16

17 CHAIRPERSON MIETZ: I guess the point is, you
18 have to watch that so that you don't end up back here again
19 for that issue, is what Rick is trying to help you make sure
20 that you understand. Because, again, it just looks like it
21 wouldn't really feasibly work very well this way if you have
two vehicles.

22

CONOR SMITH: Right.

23

24 CHAIRPERSON MIETZ: First of all, you've taken
half the depth away because the garage is coming closer to
25 the street so you wouldn't be able to get around the other

1 Brighton Zoning Board of Appeals 2/7/18

2

3 vehicle without driving onto the lot.

4

CONOR SMITH: Right.

5

CHAIRPERSON MIETZ: So I think it's pretty

6 obvious you're going to have to do something.

7

Any other questions? Thank you.

8

9 Is there anyone in the audience who would like

10 to speak regarding this application? There being none, then

11 the Public Hearing is closed.

12 APPLICATION 2A-01-18

13 2A-01-18 Application of Craig and Deborah
14 Housel, owners of property located at 140 Alaimo Drive, for
15 an Area Variance from Section 205-2 to allow a front porch
16 addition to extend 4 ft. into the 40 ft. front setback
17 required by code. All as described on application and plans
on file.

18 DEBORAH HOUSEL: Hello, I'm Deb Housel, my
19 husband Craig can't be here. My husband has emphysema and I
20 also have a 91-year-old father. Every step in and out of our
21 house is a different height. We have been there ten years
22 and now my dad can't get in and out of the house.

23 So I have proposed to have a stone entry-level
24 home instead of moving. And to do that I'm asking for four
25 feet. Our little front porch that my husband sits on day and

1 Brighton Zoning Board of Appeals 2/7/18
2

3 night I would like to move it out four feet to give a
4 turnaround for the wheelchair, and to make the appearance of
5 the home look very nice, in my opinion.

6 The issues I have is, I don't want to just
7 have a ramp on my house and my husband and I have made a
8 decision, we would like to stay in our home until we die, if
9 possible. Both my mother-in-law and both my husband's
10 grandmother lived and died in our home and we always
11 accommodated our home to be handicapped accessible. This
12 house is, except you can't get in or out of it.

13 So I ask -- I believe you have pictures there
14 of what it is and what I would like it to be. But the main
15 concern is to move that front porch out four feet.

16 MS. DALE: So even though you would be moving
17 the front porch out the roof overhang is the same as it is
18 today?

19 DEBORAH HOUSEL: The roof overhang is the
20 same. I probably would come back to visit you if I need a
21 roof. That, I would say maybe five to six years, that roof
22 may need something and I might ask. You know how it sticks
23 out and the architect drew it that it was out. He didn't
24 notice the two setbacks. Can you see on the -- so I really
25 don't intend to do anything with the roof until we would have

1 Brighton Zoning Board of Appeals 2/7/18

2

3 to and that would be a decision maybe to come back and see if
4 I could extend the roof out to the whole porch. And until
5 then we have gutters up there that are more, I think,
6 commercial or industrial. They're wider gutters so it
7 doesn't drop down on the stone.

8

CHAIRPERSON MIETZ: Okay, questions?

9

MS. TOMPKINS WRIGHT: I may have missed this,
10 but by increasing the porch size are you also making the
11 porch more maneuverable for those in wheelchairs or with
12 other mobility concerns?

13

DEBORAH HOUSEL: Yes. You see there's two
14 posts there holding that roof up and they -- you need more
15 turnaround space because of the two posts. Yes, I did look
16 at every -- I love these streets right there, Alaimo, Park,
17 and Dale, and walking through the neighborhoods. There's not
18 one house on those three streets, I've checked every one,
19 that have an entry-level home.

20

We are living longer and my husband and I did
21 go look at entry-level homes, they're going to start at
22 \$100,000 more than what my house is. My house is perfect for
23 us except to get in it.

24

CHAIRPERSON MIETZ: Sure. Okay, other
25 questions? Thank you.

1 Brighton Zoning Board of Appeals 2/7/18
2

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

6 APPLICATION 2A-02-18

7 2A-02-18 Application of Summit at Brighton,
8 owner of property located at 2000 Summit Circle Drive, for
9 Area Variances from Sections 203-30A and 203-2.1B(6) to allow
10 for three (3) stand-by emergency generators, all of which
11 will use diesel fuel in lieu of propane gas or natural gas as
12 required by code, and have a decibel rating of between 77.6
13 and 78.6 dB in lieu of the maximum 72 dB allowed by code.
14 And, allow two of the three generators (#1 and #3) to be
15 located in side yards in lieu of the rear yard as required by
16 code. All as described on application and plans on file.

17 BRIAN DANKER: Good evening, I'm Brian Danker
18 of M/E Engineering. We are representing the Summit this
19 evening. The intent for the project is really to provide for
20 the safety and continued residence for the people living at
21 the Summit during a utility power outage, similar to what
22 they have over at the Tower if you are familiar with that.

23 The variance is the fuel, the intent is to go
24 with diesel for these units. That's more of a typical fuel
25 for the size of the unit than propane and natural gas.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 The decibel ratings we did provide some
4 information for sound calculations at the property line, and
5 those are within the 72 dB. And really the one closest, if
6 you look at the site map -- I don't know if you're familiar
7 with that area, we've got 590 on one side, we have got
8 Winton, and then some commercial on the other side, so I
9 think we are well within that. And then the rear yard, I got
10 to admit I have a hard time determining what the rear yard is
11 for this space.

12

CHAIRPERSON MIETZ: It's a little tricky.

13

14 BRIAN DANKER: Yeah. So that's where we are
15 with those three items. And it really is for the benefit of
the residents there.

16

17 CHAIRPERSON MIETZ: Can you just for the
18 record describe how the fuel will be stored, where it will be
stored?

19

20 BRIAN DANKER: These are going to be units
21 with a subbase tank, so the actual generator will sit on top
of the fuel tank.

22

23 CHAIRPERSON MIETZ: So they will put it in
some kind of a vault?

24

25 BRIAN DANKER: It sits right onto a slab, the
whole unit sits on top of that slab. So you'll have a

1 Brighton Zoning Board of Appeals 2/7/18

2

3 subbase tank that might be this high and then the generator
4 sits on top of that. It's a double wall --

5 CHAIRPERSON MIETZ: So in other words, I guess
6 my question is the tank is sitting on some kind of a slab
7 itself?

8 BRIAN DANKER: Yes.

9 CHAIRPERSON MIETZ: And then we'll call it the
10 footer around it is holding the generator.

11 BRIAN DANKER: The tank itself is holding the
12 generator and it's structurally sound and designed for that.

13 CHAIRPERSON MIETZ: Okay. So then it just has
14 a surface fill of some kind and --

15 BRIAN DANKER: Yes, and they can drive up --

16 CHAIRPERSON MIETZ: -- a service station or
17 anything else.

18 BRIAN DANKER: Yes.

19 CHAIRPERSON MIETZ: Do you know what the
20 capacity with those is, roughly?

21 BRIAN DANKER: Gallon wise, I don't recall off
22 the bat the size of those for a 24-hour backup. We can get
23 that for you.

24 CHAIRPERSON MIETZ: I didn't read it that
25 carefully. I don't know if in the specs you provided it or

1 Brighton Zoning Board of Appeals 2/7/18
2

3 not. We have no mins and max on that size of the fuel tank?

4 MR. DiSTEFANO: No, there's nothing per the
5 code.

6 CHAIRPERSON MIETZ: Nothing that says it can't
7 be under X number of gallons or --

8 MR. DiSTEFANO: No, because we don't allow it.

9 CHAIRPERSON MIETZ: Right. So there's
10 nothing --

11 MR. DiSTEFANO: So there's nothing in there
12 because we don't allow it.

13 CHAIRPERSON MIETZ: I don't know whether you
14 can look it up or not.

15 BRIAN DANKER: Yes, I'm looking it up right
16 now.

17 CHAIRPERSON MIETZ: Even if you can't do it,
18 let us finish and if you can find out it would be nice to
19 know what the size of the fuel tank is.

20 MS. TOMPKINS WRIGHT: The maximum decibel
21 rating in the code, is that for residential and multifamily?

22 MR. DiSTEFANO: Multifamily falls under the
23 resident category, yes.

24 MS. TOMPKINS WRIGHT: But the maximum decibel
25 rating is the same for me putting in a generator at my house

1 Brighton Zoning Board of Appeals 2/7/18
2

3 that it is for an apartment complex --

4 MR. DISTEFANO: Yes.

5 MS. CORRADO: Just for the record, can you
6 explain why diesel is more appropriate for this need than is
7 the permanent natural-gas-type of generator?

8 BRIAN DANKER: A couple items on that. If you
9 look at NFPA 110, if it was like a hospital-type scenario it
10 really requires fuel storage on site. Because with gas,
11 natural gas, that line could be broken and you could lose
12 that.

13 Secondly, it's also cost. Getting into the
14 size of these generators is going to be an additional cost to
15 go to a natural gas just due to the BTU's per volume unit,
16 the unit just has to get bigger.

17 MS. CORRADO: So it's more cost effective and
18 it's more reliable.

19 BRIAN DANKER: Because it's going to be there
20 on site, they're not dependent on that gas line.

21 MS. CORRADO: Thank you.

22 MS. SCHWARTZ: I'm pretty familiar with the
23 campus, but I'm really having trouble deciding where these
24 are going to be placed. But my question is, how far or how
25 close will they be to the nearest residential facility

1 Brighton Zoning Board of Appeals 2/7/18

2

3 building?

4

BRIAN DANKER: Within the Summit?

5

MS. SCHWARTZ: Yes.

6

BRIAN DANKER: I don't have that dimension.

7

Do you have a plan there? Back to your question on storage
8 on the fuel, it's going to be about 1,000 gallon for the
9 larger one we have, two smaller 150.

10

11

CHAIRPERSON MIETZ: Yeah, and the 600 would
have a -- okay.

12

13

MR. DiSTEFANO: I want to get Judy's question
about distance on the record.

14

15

16

BRIAN DANKER: So for the record, offhand I
don't have that information. I would say it's probably 50 to
100 feet and we can verify if need be.

17

18

MS. SCHWARTZ: You are not sure which
buildings it is?

19

20

BRIAN DANKER: We don't have it numbered on
here. I got it but I don't recall the number skew.

21

22

MR. DiSTEFANO: For the record, Brian, you are
proposing a Level 2 enclosure, correct?

23

BRIAN DANKER: A Level 2 enclosure, correct.

24

MR. DiSTEFANO: Acoustical encloser.

25

BRIAN DANKER: Right.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 MS. SCHWARTZ: I guess the reason for my
4 question is this: There's no concern that when they test it
5 that it will be an annoyance to any of the residents there?

6 BRIAN DANKER: They have a generator over by
7 building three currently. They test that, they test the two
8 they have over at the Tower without concerns. So I don't
9 think -- we had talked about it and they don't have concerns.

10 MS. SCHWARTZ: The Tower is a little different
11 though than the cottages and even Wolk, and the Summit too.
12 Okay.

13 BRIAN DANKER: Agreed. And they would
14 probably do it during the day so it's not disturbing --

15 MS. SCHWARTZ: Oh, I know, yeah.

16 BRIAN DANKER: Understood.

17 MS. CORRADO: One more question about the
18 requirements for eldercare facilities. If I understand
19 correctly, with the other portions of the complex state code
20 requires the uninterrupted power supply, does that apply to
21 this need as well?

22 BRIAN DANKER: State code does not require the
23 standby power for this facility. It is solely by the Summit
24 wanting to provide as best they can for their residents
25 during a utility outage. Where would those people go? It

1 Brighton Zoning Board of Appeals 2/7/18
2

3 would be a very huge difficulty for them to move everybody
4 and the residents actually --

5 MS. CORRADO: So this is not mandated, but
6 this is intended to ensure comfort and convenience and
7 safety?

8 BRIAN DANKER: Yes, not a code issue.

9 CHAIRPERSON MIETZ: Right. And what about,
10 are you going to screen these things in some way, for the
11 record, visually?

12 BRIAN DANKER: They had talked about doing
13 that and, you know, visually it's very important how their
14 landscaping looks. It's not part of this project to do that,
15 but they had intended to do kind of on a yearly-type scenario
16 I believe with the groundskeepers.

17 CHAIRPERSON MIETZ: What about enclosures so
18 that someone doesn't get into these things in some fashion?

19 BRIAN DANKER: They have access into them,
20 some side panels, but it's all lockable. They would lock
21 them out to make sure that no one gets into them.

22 CHAIRPERSON MIETZ: So it's a
23 self-contained --

24 BRIAN DANKER: Yes, self-contained, locked
25 off.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 MR. DiSTEFANO: Yes, that's the Level 2
4 acoustical, it helps the noise and plus it's secured.

5 CHAIRPERSON MIETZ: I understand, I was just
6 talking about the security. So for the record they're not
7 taking the position that they're going to screen these in any
8 way, they're going to plop them in the way they're shown.

9 BRIAN DANKER: I think they are pretty
10 personally, but they might in the future do something, I'm
11 not sure.

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

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

17 APPLICATION 2A-03-18

18 2A-03-18 Application of Sakura Home
19 Restaurant, lessee, and Qing Kai Sun, owner of property
20 located at 2775 Monroe Avenue, for a Sign Variance from
21 Section 207-32B(1) to allow business identification signs on
22 a second building face where signage on only the principle
23 building face is allowed by code. All as described on
24 application and plans on file.

25 NELSON BERRAUNIS: Good evening, Nelson

1 Brighton Zoning Board of Appeals 2/7/18

2

3 Berraunis, Premier Sign Company. I also have Kevin Sun here,

4 proprietor of Sakura. I apologize for not having any

5 paperwork, unfortunately at 5:00 tonight I put the folder in

6 my wife's truck who's got 4-wheel drive. I said I'm going to

7 take it. At 6:00 I was like, oh my God, I'm late. Go into

8 my truck, drive it out here, no 4-wheel drive, didn't need

9 it, but the folder is in my wife's truck, so kind of going

10 off memory here.

11

12 What we're asking for is two signs that are

13 non-internally illuminated, they are externally illuminated

14 over each entryway, Sakura and Red Sun. The reasoning is, as

15 you see in those pictures it's a very long building. You can

16 really if you're heading from Wegmans, we'll call it, coming

17 down Monroe Avenue towards the city you will not see the side

18 of that building and these signs at all. Coming up Monroe

19 Avenue towards Wegmans, you would turn right into the

20 building, however you might, might catch a glimpse of Sakura,

but not really head on.

21

22 And the reasoning is when customers come into

23 the facility they may park at Sakura in the front and have

24 reservations at Red Sun. If you went to the establishment

you'd see that's about 100-plus feet to get there.

25 Unfortunately, they've had some, I don't want to say

1 Brighton Zoning Board of Appeals 2/7/18
2

3 complaints, but complaints. Some elderly folk, my father
4 being one of them in a walker, he's, you know, he's not
5 walking. He's not doing that. So we kind of want to give
6 them a little direction: Hey, Red Sun is here, the entry is
7 way over here, and Sakura is way over here. And that's it's
8 more of a safety factor you can blend that into 100 percent
9 reasoning, and 51 percent is safety, and the rest of it is to
10 identify the entryway for each establishment.

11 Again, they are non-internally illuminated,
12 but they will have the lights, the goose lights or whatever
13 you want to call them, above that because they are open at
14 night. And it would be nice to see what they look like and
15 see where you're going.

16 CHAIRPERSON MIETZ: So for the record you want
17 to describe what the signage is on that building today?

18 NELSON BERRAUNIS: Sure. Currently there is a
19 sign in the front of the building facing the facade that we
20 have an application in the Town of Brighton to replace it
21 because it's old and beat up. It is illuminated, it has been
22 there for a long time. So we've got a separate
23 application -- not with this Board -- to replace that sign
24 basically, a sign for a sign.

25 The issue is when people come in they don't

1 Brighton Zoning Board of Appeals 2/7/18

2

3 really see the Red Sun, they have a temporary -- permit for a
4 temporary banner to be up for Red Sun. Did you guys put it
5 back up? You took it down.

6

KEVIN SUN: We took it down.

7

NELSON BERRAUNIS: Did you put it back up?

8

KEVIN SUN: We haven't.

9

10 NELSON BERRAUNIS: No, okay. Well, we had

gotten a permit for the temporary banner. They took it down.

11

CHAIRPERSON MIETZ: We recall that one.

12

13 NELSON BERRAUNIS: They took it down because
the time ran out. So that helps, and currently there's no
14 sign for Sakura entrance, and there's like a piece of cloth
15 that they put up for Red Sun. People are really, I don't
16 want to say lost, I don't know what word you want to use, but
17 they are like, you know, where's Red Sun? It's not safe,
18 especially not in the winter, more than anything in the
19 winter, with the slick roads, what have you.

20

MS. TOMPKINS WRIGHT: Just for information
purposes, the sign you're replacing on the front, will that
22 list both Sakura and Red Sun on that front sign.

23

NELSON BERRAUNIS: Yes, it's a split.

24

MR. DiSTEFANO: Kevin, step up so we can hear
25 you.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 KEVIN SUN: We have several people who have
4 drove by and the customer, they didn't see the sign
5 obviously, so they had to come back and forth a few times
6 before they realize it is in the same building. And that
7 happened since last time I was here a few months back to now,
8 I mean, it's happened at least once or twice throughout the
9 weekend.

10

MS. TOMPKINS WRIGHT: That you know of.

11

KEVIN SUN: Yes, and it's that much enough
12 that we get clients inside. We are also in the process of
13 getting them replaced and, you know, right signage for the
14 building so that all the clients can find us.

15

CHAIRPERSON MIETZ: Can you have it -- I
16 realize you don't have a depiction of the sign as it relates
17 to this. However, something we're certainly interested in is
18 understanding how the whole building is going to look. I
19 mean, is the sign that you're proposing to go along Monroe
20 Avenue within code for the building?

21

NELSON BERRAUNIS: One hundred percent. I
22 already sat with Paul White. And again, the main reasoning,
23 even if you pulled in and saw Sakura, Red Sun, you really
24 don't know where you are going. What door do I go in?

25

CHAIRPERSON MIETZ: I understand the point.

1 Brighton Zoning Board of Appeals 2/7/18
2

3 When we are looking at signage we want to understand the
4 signage on the entire building.

5 MS. TOMPKINS WRIGHT: What's the square
6 footage of the signs up front just so we can see what the
7 total signage would be on that. Is it the same size?

8 NELSON BERRAUNIS: Identical.

9 MS. TOMPKINS WRIGHT: So all three signs will
10 each be about 21 square --

11 NELSON BERRAUNIS: No, the one up front is a
12 little bigger, the ones on the side are smaller, definitely
13 smaller.

14 MR. DiSTEFANO: Do you know what that square
15 footage for that new sign is going to be on the front face?

16 NELSON BERRAUNIS: It's -- yeah, I think I
17 have an e-mail.

18 CHAIRPERSON MIETZ: Take a minute and we'll
19 ask other questions.

20 NELSON BERRAUNIS: All right.

21 MS. TOMPKINS WRIGHT: Well, Rick, do you know
22 what the total allowable square footage on, one face
23 obviously, the sign would be.

24 MR. DiSTEFANO: It would be -- I'm trying to
25 read the width of that building but it's 1.5 times the width

1 Brighton Zoning Board of Appeals 2/7/18

2

3 of the building and it's very blurry on the survey.

4

5 NELSON BERRAUNIS: Are you looking at Monroe

Avenue side, or the side side?

6

7 MR. DiSTEFANO: The Monroe Avenue side.

8

9 NELSON BERRAUNIS: Yeah, well, we're well
10 within the square footage, even Paul White said you're under.

I don't want to go any bigger, I'm good. But the side of the
building is 100-something.

11

12 CHAIRPERSON MIETZ: It looks like it's 142,
something, I can barely read it.

13

14 NELSON BERRAUNIS: And you won't even see,
15 even if you're driving on Monroe Avenue towards Wegmans you
16 won't see Red Sun, you won't see that sign, the one I'm
17 proposing tonight. You have to be literally going in to park
in order to see that sign.

18

19 CHAIRPERSON MIETZ: It's quite a bit back from
the road.

20

21 NELSON BERRAUNIS: Yes, it is.

22

23 CHAIRPERSON MIETZ: Okay. Other questions
while he's just trying to figure this front sign out? Any
other questions?

24

25 And you say that you currently have an
application in front of the DRB for that sign?

1 Brighton Zoning Board of Appeals 2/7/18

2

3 NELSON BERRAUNIS: Yes. That sign is 4 by 12,
4 48 square feet. Do you want to see what it looks like? I
5 have a picture.

6 MR. DiSTEFANO: It's 48 square feet, the other
7 two signs are 21 square feet each. Under 90 and --

8 MS. TOMPKINS WRIGHT: It looks like the sides
9 are probably 60 something.

10 MR. DiSTEFANO: -- times 1.5, about 90. So
11 they're probably right at their allowable square footage for
12 the front, they kind of just moved --

13 CHAIRPERSON MIETZ: Divided into the three
14 signs. That's close enough for right now. All right, any
15 other questions? Thank you.

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

19 APPLICATION 2A-04-18

20 2A-04-18 Application of Samuel and Shoshanna
21 Herman, owners of property located at 115 Varinna Drive, for
22 Area Variances from Section 205-2 to 1) allow a porch
23 addition to extend 4 ft. into the existing 39.75 ft. front
24 setback where a 40 ft. front setback is required by code, and
25 allow an addition to extend 1.2 ft. into the 9 ft. side

1 Brighton Zoning Board of Appeals 2/7/18

2

3 setback required by code; and an Area Variance from Section

4 209-10 to allow liveable floor area to be 2,917 sf (after

5 construction of side and rear additions) in lieu of the

6 maximum 2,815 sf allowed by code. All as described on

7 application and plans on file.

8 KEN BRACKER: Good evening, my name is Ken

9 Bracker and I'm the architect for this project. Along with

10 me is Rabbi Herman who is the owner of the house. And I

11 would like to pass these out. This is a front -- I assume

12 everyone has been out there and taken a look at the property.

13 This is the front elevation of the existing house. I will

14 pass this around and everyone can take a look at it.

15 This is, if you're standing at the front of

16 the house and looking at the house, and then you're looking

17 to your left this is what you'd see. It's pretty obscured by

18 the plantings on the neighbor's yard. And then if you are

19 facing the front of the house again and looking to your

20 right, this is what you'd see here. And I will talk a little

21 bit more about these as I continue on here.

22 I've been here before and I always make use of

23 this.

24 CHAIRPERSON MIETZ: Please do.

25 KEN BRACKER: Let me just put up the drawings

1 Brighton Zoning Board of Appeals 2/7/18
2

3 that I made, over here and then I will continue on with this
4 presentation.

5 We are asking for three variances tonight and
6 one of them is driven by the fact that the house does not
7 presently have a garage. At one point in time there was a
8 garage in this house, but I will call it -- and I have only
9 run into this in Brighton probably, because there are older
10 homes in Brighton, and they used to build super narrow
11 garages, and I have been inside of those garages.

12 And we'd like to have a garage such that when
13 you pull your car into it you can open your doors, and they
14 will not be stuck for life with, you know, get out of the car
15 because you can't get out on the passenger side. So that's
16 what drove this side addition right over here.

17 Also aesthetically, by pushing the house a
18 little bit further this way it gave an opportunity to improve
19 the architectural appearance of this house. This house is in
20 definite need of a little bit of loving and I think what we
21 are proposing here, new siding, new roof, adding a decorative
22 stone veneer to the base of the house will greatly improve
23 the appearance. It would be an asset to the Town of
24 Brighton. That drove number one.

25 The number two variance is, when you take a

1 Brighton Zoning Board of Appeals 2/7/18

2

3 look at the pictures you see there's presently this weird

4 overhang. I don't know if you've seen the front elevation or

5 not if you've been to the house. What we're doing is we're

6 adding columns, reworking this so what used to look like a

7 detriment to the house, now we're creating a nice covered

8 entryway over here. Again, that goes into the front setback

9 slightly. It's not very massive, it's not the whole house

10 and certainly it's a way to improve the way the house looks.

11 This is all part of your package.

12 MS. DALE: Not this one.

13 KEN BRACKER: I'm sorry, I thought I submitted

14 three sheets, but I guess I didn't. Well, I wish I would

15 have submitted that as part of the package.

16 Okay. The next item is --

17 MS. DALE: Maybe I missed it.

18 MR. DiSTEFANO: It's in most of them.

19 KEN BRACKER: Anyway, next thing is in

20 looking -- when you have an older home and you start to add

21 on to it there's inherent inefficiencies that when you design

22 a house from scratch you can sort of like move things around,

23 you don't have wasted areas. When you have an older house

24 and you say, what would we like to do here? We would like to

25 have a house that when I met with the Rabbi and his wife,

1 Brighton Zoning Board of Appeals 2/7/18

2

3 they would like to have a house here that they can live in
4 for the rest of their lives.

5 And along those lines, they wanted to have
6 enough bedrooms for all of their kids, a master bedroom for
7 themselves, a master bedroom that has the typical amenities
8 that you see in a master bedroom today. And then downstairs
9 they wanted to have a great room. And their great room is
10 not substantially large by, you know, I'm sure you've seen
11 much larger great rooms in your Board history here.

12 The kitchen is probably slightly larger than
13 your typical kitchen, but again, they wanted a kosher
14 kitchen. So effectively you're building two kitchens in one
15 house and that just eats up square footage.

16 They wanted to have a little office. Again,
17 their office is not particularly big, but it adds up to be a
18 little bit more than is allowed by the zoning code. And they
19 wanted to have an upstairs laundry room, again, that's
20 something where the new homes I do today, that is a very
21 popular feature, versus dragging the laundry downstairs. And
22 again, I'm sure you've seen it over the years.

23 There's nothing particularly -- there's no
24 particular item that, you know, we really need that square
25 footage because, well, I think I've stated my case well

1 Brighton Zoning Board of Appeals 2/7/18

2

3 enough there.

4

5 I will bring up one thing. And when I asked
6 for the variance, when you take a look at my actual
7 application I asked for slightly more than what is noted on
8 this application. When I used to do these years ago, you
9 know, I always used to ask for an extra inch or two, or an
extra few square feet.

10

11 And so, I think when I asked for -- let me
12 just look at this -- I asked for livable floor of
13 2,950 square feet. And again, years ago when I was a young
14 man my boss used to tell me, always ask for a few more square
15 feet that way when the house -- oh, guess what, they made it
16 three inches bigger than you thought. It's like, no big
17 deal. I don't ever want to come back here. And I don't want
to come back and say --

18

19 So on all of these I asked for a few more
20 inches. It's not our intent to leave here and say, oh guess,
21 what, we're now making the house 13 square feet bigger. It
22 was just that I called it always, oh, you made an error,
23 don't worry about it. Or an error occurs and would I ever
24 know? No. But maybe 30 years from now it will be like, oh
guess what, you've got a side setback issue because the
25 addition wasn't, you know, four feet it was four feet, one

1 Brighton Zoning Board of Appeals 2/7/18

2

3 and a quarter inches. It's like, fortunately I don't have to
4 worry about anything in 30 years. But still, I want to leave
5 behind a good legacy.

6 So I don't know what that means because when
7 you take a look at our appendix number two, you can see our
8 numbers were slightly different than what is noted in the --
9 right here. I don't know why they were, we can live with
10 these. My only concern is as I expressed, if it turns out to
11 be an inch bigger, I don't want to come back. And I don't
12 want to live in fear that, you know, oh my God. I am not
13 really in fear of anything, but at the same time I'm sure you
14 understand where I am coming from that. I have got the
15 ability to ramble on as long as you would like.

16 CHAIRPERSON MIETZ: Can we have you take a
17 left turn here?

18 KEN BRACKER: Yes.

19 CHAIRPERSON MIETZ: Okay. You came up with
20 this approximate, we'll call it square footage, for the
21 livable area.

22 KEN BRACKER: I did not come up with -- you
23 mean, the way I came up with it was, when you draw with the
24 computer, the computer, you draw a poly line and it gives you
25 a number.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 CHAIRPERSON MIETZ: Yeah.

4

5 KEN BRACKER: So that off of my drawings is
6 the exact number, and then I always ask for a few square feet
more.

7

8 CHAIRPERSON MIETZ: Understood. So the issue
9 here is that we have one of the variances relates to the
total square footage of the new -- or the amended home,
10 correct?

11

KEN BRACKER: Yes.

12

13 CHAIRPERSON MIETZ: Okay. So one of the
14 things that we're concerned about is how does that relate to
15 other things that are in the Varinna neighborhood as it
16 relates to square footage? In other words, how is this house
17 going to compare to other homes that are along Varinna Drive?

18

19 KEN BRACKER: I probably should have gone into
20 the town records and checked the square footages of the
21 houses next to this. But certainly the house to the left, if
22 you're facing the house to the left, has had a massive rear
23 addition to their house very similar to what we have, and I
24 would guess it's comparable in size. I didn't really go down
25 the street to check it out. A sub-three thousand square foot
house is not, you know, a big house in today's day and age.

CHAIRPERSON MIETZ: Okay.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 KEN BRACKER: Again, what you're really seeing
4 is the addition is really to the back, you know, it's not
5 that --

6 CHAIRPERSON MIETZ: What is that roughly, just
7 for argument's sake? What is the addition, roughly? You
8 have a house that's going to be 2,900 or so square feet.

9 KEN BRACKER: If you look at the applications,
10 somewhere in the application I tell you that -- oh, I guess
11 the existing house is 1,661 square feet.

12 CHAIRPERSON MIETZ: Okay.

13 KEN BRACKER: And again, we looked at this in
14 trying to say, could we squeeze an inch out here, could we
15 squeeze an inch out there. And realistically what it does,
16 it just tightens the rooms up that they just become --
17 instead of being --

18 CHAIRPERSON MIETZ: Understood. You are
19 proposing what you believe you would like to do related to
20 making this addition worth doing.

21 KEN BRACKER: Yes.

22 CHAIRPERSON MIETZ: Okay.

23 KEN BRACKER: Thank you.

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

1 Brighton Zoning Board of Appeals 2/7/18

2

3 Is there anyone in the audience who would like
4 to speak regarding this application?

5 BARBARA DOBOSZ: I can answer some of your
6 questions.

7 CHAIRPERSON MIETZ: First, let's start with
8 your name and address.

9 BARBARA DOBOSZ: I live on 120 Glen Ellyn Way,
10 I'd be behind them, Barbara Dobosz. I have been here for
11 27 years. I've been sitting through all of the other people,
12 I'd like to die in my house too, but I'm being encroached on
13 by everyone. The person that they're talking about in the
14 comparable house, had I known they were building this
15 monstrosity -- I have an 1,800 square foot house with a
16 double lot, not a single lot, and I have -- there's no
17 additions. I like my yard. I bought my house for my yard
18 and I feel like I am being crunched in.

19 CHAIRPERSON MIETZ: Could you just give us the
20 address of your house again?

21 BARBARA DOBOSZ: 120 Glen Ellyn Way.

22 CHAIRPERSON MIETZ: Okay. So you've got the
23 double lot.

24 BARBARA DOBOSZ: Yes, 1,800 square feet, I've
25 raised three kids, I have adopted kids, I've had whatever

1 Brighton Zoning Board of Appeals 2/7/18

2

3 foreign students, I've had all kinds of --

4 MS. DALE: So your house though is not
5 directly behind the --

6 BARBARA DOBOSZ: No, it's kitty-corner, but
7 the one directly behind me was a horror story.

8 CHAIRPERSON MIETZ: That's 123.

9 BARBARA DOBOSZ: Yes. I never got a letter
10 like this, that's why I showed up now. And actually, I don't
11 know where the sign is on this one.

12 MS. DALE: But you feel then -- so really it's
13 only that one corner of --

14 BARBARA DOBOSZ: No, but once you build the
15 house you can't remove it, it's there forever. Brighton
16 claims they want open land, open spaces, I came from the
17 city. I lived where houses are right on top of each other.
18 I don't think an inch should be taken from a variance.
19 That's my personal opinion.

20 CHAIRPERSON MIETZ: You said your house was
21 1,800 square feet?

22 BARBARA DOBOSZ: Yes. It's a Cape Cod, it's
23 original, 1949. I don't have a great room, I don't have a,
24 whatever, a family room. I have a living room, I raised
25 kids, I've done fine. We go in the yard, we like our yard.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 I have a garage which I love and that was my major compliant
4 is no garage. You're going to have, just like the guy who
5 wants to build a garage, you're going to have cars all over.
6 You're going to have tools all over, you're going to have
7 toys all over, you're going to have lawn equipment all over.

8 MS. DALE: But don't you think if somebody has
9 a garage to actually place those items into that that's not
10 the case?

11 BARBARA DOBOSZ: It will be an asset, a
12 garage, there's no question. That's missing, because it
13 looks like -- it's very messy. That's not a good thing, but
14 there's no parking. The church is directly across, there's
15 preschool, there's busses, there's religion. I walk around
16 that block everyday, I was hit by a car from the people that
17 lived before in that particular house because there's no
18 vision. It's a little house that's all house.

19 ROBERT DOBOSZ: There's bushes --

20 CHAIRPERSON MIETZ: Hold on, hold on, hold on.
21 Sir, you're welcome to speak, but we just need your name and
22 address.

23 ROBERT DOBOSZ: I'm her husband, Robert
24 Dobosz.

25 CHAIRPERSON MIETZ: Okay, great. Keep going.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 ROBERT DOBOSZ: The problem is, is that when
4 you pull out of the driveway, the neighbor next to them, they
5 have these 6-8 foot high bushes that you can't see. And when
6 people back out, if you're walking down the street if you
7 don't see them and they don't see you, you're going to get
8 hit.

9 BARBARA DOBOSZ: To come further out closer to
10 the street, to me, would be horrible. I mean, I never -- I
11 think that would be horrible.

12 ROBERT DOBOSZ: And the other is, yes, our
13 yard is kitty-corner, but we have the one big building behind
14 us and now we're going to have another one kitty-corner to us
15 is just going to -- I don't think it's an improvement to the
16 neighborhood having those big of a houses there. Most of the
17 houses there are small. They're not -- there's only one or
18 two down our street. There's one across the street that was
19 remodeled, that's got to be close to 2,700, 2,800 square
20 feet. They did the same thing in the back, but they have a
21 much bigger lot. It's just --

22 BARBARA DOBOSZ: I think it's a detriment. I
23 mean, it's nothing personal, I'm sorry, it's not a personal
24 thing.

25 MR. DiSTEFANO: You need to address the Board

1 Brighton Zoning Board of Appeals 2/7/18

2

3 please.

4 BARBARA DOBOSZ: It's not personal. It's just
5 I wouldn't want it regardless. I think I'm going to start
6 coming to meetings because it's horrible. We can't keep on
7 building, building, building, we'll have nothing left. Also,
8 where are the evergreens and all the stuff that hides the
9 house? Everyone else who presented said they're putting
10 evergreens, they talk to their neighbor or they have fences,
11 they have this. I haven't heard about anything, and again, I
12 don't know where that sign is on that house. I walk around
13 the block all the time. I never knew it. Don't you have to
14 post something?

15 MR. DiSTEFANO: Yes, you do need to post the
16 property with a sign.

17 BARBARA DOBOSZ: Can we find out if there is
18 one?

19 MS. DALE: I was there, I thought I saw one.

20 BARBARA DOBOSZ: Where is it?

21 MS. DALE: I thought it was in the front,
22 right in the front.

23 BARBARA DOBOSZ: In the living room window?

24 MR. DiSTEFANO: Maybe in the window, yes.

25 BARBARA DOBOSZ: Oh, it's small then.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 MR. DiSTEFANO: No, it's a fairly big sign,
4 but it can be in the window.

5 CHAIRPERSON MIETZ: I don't remember honestly
6 if I saw that.

7 BARBARA DOBOSZ: Okay. I was just curious
8 because I'm the only neighbor --

9 CHAIRPERSON MIETZ: But you've had no
10 communication with your neighbors about this?

11 BARBARA DOBOSZ: No, but I will now. I just
12 decided to come. I had no idea what it was about.

13 ROBERT DOBOSZ: Walking by we never knew the
14 house was sold.

15 MR. DiSTEFANO: You got notified by mail.

16 BARBARA DOBOSZ: Yes, that's why I showed up.

17 CHAIRPERSON MIETZ: Otherwise no one reached
18 out for you to discuss it or --

19 BARBARA DOBOSZ: No, but I will now.

20 CHAIRPERSON MIETZ: Okay, and that's fine.

21 ROBERT DOBOSZ: The house has been empty, we
22 never knew it got sold until we got this in the mail.

23 CHAIRPERSON MIETZ: Right. Okay, very good.
24 Thank you.

25 Is there anyone in the audience who would like

1 Brighton Zoning Board of Appeals 2/7/18

2

3 to speak regarding this application?

4

5 KEN BRACKER: Could I respond to that for one

6 second?

7

8 CHAIRPERSON MIETZ: No.

9

10 KEN BRACKER: Okay.

11

12 CHAIRPERSON MIETZ: So is there anyone else?

13

14 Okay, then the Public Hearing is closed.

15

16 APPLICATION 2A-05-18

17

18 2A-05-18 Application of James Bourdeau, owner
19 of property located at 71 Westland Avenue, for an Area
20 Variance from Section 207-11D to allow an in-ground swimming
21 pool to be 8 ft. from a side lot line in lieu of the minimum
22 10 ft. required by code. All as described on application and
23 plans on file.

24

25 MARK BODENSTEINER: Good evening, my name is
26 Mark Bodensteiner, I work for HB Cornerstone which is an
27 architectural representative for the owners. And the owners,
28 Jim and Sue Bourdeau, were here to apply for an area variance
29 to allow for an in-ground swimming pool to be eight foot from
30 the side lot line in lieu of the ten-foot minimum required.
31 So I have something I could put up on the board and we've
32 submitted drawings. Rick, did they get packets of all that?

33

34 MR. DiSTEFANO: Yes, the drawings you

1 Brighton Zoning Board of Appeals 2/7/18

2

3 submitted.

4

5 MARK BODENSTEINER: This is just a larger

6

7 CHAIRPERSON MIETZ: Yes. If you want to put

8

9 MR. DiSTEFANO: There might be people in the

10

11 MARK BODENSTEINER: This is the same drawing,

12

13 CHAIRPERSON MIETZ: Okay.

14

15 MARK BODENSTEINER: And what it represents is

16 the pool being placed eight feet off the side property line,

17 ten is requested by the town but we're going for an

18

19 MARK BODENSTEINER: Sorry, my math is bad. So

20 Jim and Sue has assembled quite a team to put this project

21 together and it's a great team. Design Pool and Spa is the

22 pool builders, Brighton Landscaping is the landscapers,

23 Penfield Plumbing is doing the plumbing, McGurk Electric is

24 doing the electric, Eastside Fence is doing the fence.

25

So it's all in compliance with the code for

pools. The fence is a safety fence that complies with all of

1 Brighton Zoning Board of Appeals 2/7/18

2

3 the requirements -- the alarms, the safety devices, the
4 latches, the gate devices -- everything has been looked at.
5 I don't really feel the need to go through everything, but
6 I --

7 MS. DALE: How does this relate to the
8 application from 2012?

9 MARK BODENSTEINER: The previous application
10 that was approved?

11 MS. DALE: Yes.

12 MARK BODENSTEINER: Well, we were just
13 resubmitting.

14 CHAIRPERSON MIETZ: I think that's the
15 question. Is there anything appreciably different about this
16 application than the application of five years ago?

17 MARK BODENSTEINER: Not for this variance, but
18 the pool design has change.

19 MS. DALE: But the request for the variance is
20 the same?

21 MARK BODENSTEINER: Yes. We just thought the
22 beautiful pool might help.

23 CHAIRPERSON MIETZ: So the pool configuration
24 has changed but not its placement?

25 MARK BODENSTEINER: Correct. I wasn't here in

1 Brighton Zoning Board of Appeals 2/7/18

2

3 2012, so I can't speak to what was submitted.

4 CHAIRPERSON MIETZ: Is the owner here?

5 JAMES BOURDEAU: Yes.

6 CHAIRPERSON MIETZ: Just give your name and
7 address.

8 JAMES BOURDEAU: Jim Bourdeau. No, we just
9 submitted last time just an outline as to where a pool would
10 be to show the variance. At this time we're more mature on
11 our design so we're showing you the whole thing, but same
12 placement alongside of our garage.

13 CHAIRPERSON MIETZ: And we don't need to get
14 into all of the reasons why five years later you're back
15 again. However, what is the plan going forward should this
16 variance be approved, as far as the timing of your work?

17 MARK BODENSTEINER: Well, it would be spring
18 construction.

19 CHAIRPERSON MIETZ: You're ready to go, in
20 other words?

21 MARK BODENSTEINER: Yes, we're still
22 assembling the drawings and stuff but we're ready to go.

23 CHAIRPERSON MIETZ: Sure. But you will be --

24 MARK BODENSTEINER: Yes, we're working
25 designing the fence and picking certain elements,

1 Brighton Zoning Board of Appeals 2/7/18
2

3 coordinating where the certain utilities get dug. How we're
4 addressing the storm drainage, because there's a concern to
5 one side for how we're addressing that.

6 MR. DiSTEFANO: Maybe that's a good question,
7 because that was a condition on the previous application
8 where there were some concerns regarding that runoff and
9 being -- because the pavement itself, the walkway around the
10 pool will be up to four feet away?

11 MARK BODENSTEINER: Correct.

12 MR. DiSTEFANO: So I think there were some
13 questions about how we handle that water at that lot line.

14 MARK BODENSTEINER: The short of it is, we're
15 going to install a French drain. I don't know if you're
16 familiar with it, but it's a trench and wrapped, and it
17 collects the water. And we are going to trench the whole
18 entire side here with the French drain and it's going to tie
19 potentially into two locations. One location, we'd like to
20 get into the existing storm drain system which we understand
21 probably would require another variance to tie into that.

22 MR. DiSTEFANO: Not a variance, maybe a
23 permit.

24 MARK BODENSTEINER: Okay. If that's not
25 viable, we're going to propose putting a kidney-shaped rain

1 Brighton Zoning Board of Appeals 2/7/18

2

3 garden, and also there'd be like a crock, a dry well. That's
4 just a plastic container.

5

CHAIRPERSON MIETZ: Correct.

6

7 MARK BODENSTEINER: And we're going to put a
8 pump in there so it pumps out any water that goes in there so
9 it doesn't become a swamp. It's my understanding, and if you
10 read the application, in the springtime it gets wet back
11 there. If we go with the rain garden idea, it's going to
12 relieve that wet area in the back of the yard. It will help
13 relieve it. I did draw a couple cartoons, I can pass this
14 around. They're just cartoons, Rick's never seen it. In red
is the location of the drain system.

15

16 CHAIRPERSON MIETZ: So you're familiar with
what was requested before in the application in 2012?

17

18 MARK BODENSTEINER: Yes. I helped fill out
the application. And what I didn't give Rick yet, thanks for
19 reminding me, this is signed. So, yes, that's my handwriting
20 on the application.

21

22 CHAIRPERSON MIETZ: Okay. Any other
questions?

23

24 MS. SCHWARTZ: I have one. Is this going to
be at grade or will it come up at all, above?

25

MARK BODENSTEINER: Well, as much as the

1 Brighton Zoning Board of Appeals 2/7/18

2

3 concrete slab would. I mean, you're not going to take ground
4 water from your yard and put it into your pool. It's going
5 to slope away from the pool to the grade. The apron of the
6 pool, that's going to be same height. It's not going to be,
7 like, a foot higher, but we don't any water mitigating from
8 the yard into the pool.

9

MS. SCHWARTZ: Right, okay.

10

11 MARK BODENSTEINER: Does that answer your

question?

12

MS. SCHWARTZ: Yes.

13

14 CHAIRPERSON MIETZ: Thank you. Is there
15 anyone in the audience that would like to speak regarding
this application? Yes, come forward.

16

17 ELLEN GERTZOG: Hi, my name is Ellen Gertzog
18 and I live at 69 Westland and I spoke last time about the
drainage issues. I would just ask that you include that
19 condition on this application also. The houses are tight, we
20 don't mind the pool, we don't mind the variance. Happy to
21 hear pool noises spilling into our yard, that's fine.

22

23 But if the houses are very tight and it's a
very heavy clay soil, so unless there's a way to carry that
24 soil away -- the water away, it potentially compromises the
foundation of our garage. And, you know, we are legitimately

1 Brighton Zoning Board of Appeals 2/7/18

2

3 concerned about that.

4 And actually, I had never thought that much
5 about the fence but -- and I didn't come to look at the
6 application ahead time, but in this neighborhood the lot
7 lines have actually kind of drifted. So our lot line is kind
8 of on the driveway of 67, and the Bourdeau's lot line is on
9 our driveway at 69. And I just want to be sure that wherever
10 the fence goes that it doesn't narrow our driveway which is
11 barely wide enough now to get the car between the two houses,
12 and it becomes an issue with snow removal and many other
13 things. That's it.

14 CHAIRPERSON MIETZ: Thank you. Is there
15 anyone else in the audience? Yes, please come forward.

16 ROSE FELTES: I'm Rose Feltes, I live on the
17 opposite side of the Bourdeau's, and I too have questions
18 about the fence. And I'm not sure if this is the place to
19 bring it up or not, but there are, as Ellen said, the lots
20 are very narrow. And there is existing a hedge there, and my
21 question is does this new fence impact the current greenery?
22 That would be my question.

23 CHAIRPERSON MIETZ: The placement of the new
24 fence?

25 ROSE FELTES: Yes.

1 Brighton Zoning Board of Appeals 2/7/18
2

3 CHAIRPERSON MIETZ: Would it affect the
4 current vegetation?

5 ROSE FELTES: The hedges that are there that
6 divide the properties and offer a nice privacy fence. I've
7 maintained those hedges the last 39 years and I do like them.

8 CHAIRPERSON MIETZ: They are on your property?

9 ROSE FELTES: They are right on the line.

10 CHAIRPERSON MIETZ: The plantings themselves
11 though are on your property?

12 ROSE FELTES: Yes.

13 CHAIRPERSON MIETZ: If you look at your survey
14 they're on your property?

15 ROSE FELTES: I don't know.

16 CHAIRPERSON MIETZ: And they grow probably
17 over a little bit.

18 ROSE FELTES: Yes. I think they go on both.
19 I would be concerned about any actions on those hedges, so
20 just letting it be known.

21 CHAIRPERSON MIETZ: We'll entertain an answer
22 to that question by Mr. Bourdeau.

23 JAMES BOURDEAU: Sorry, Rose, I didn't think
24 it came down your side or I would have came over and talked
25 to you too. Our fence isn't going to run up here, we're no

1 Brighton Zoning Board of Appeals 2/7/18

2

3 longer going to do that. This was just an idea. We're just
4 going to come off the back corner and come down. So your
5 whole hedge and the whole side of the garage will still be
6 open to you just like it is now.

7

ROSE FELTES: The way the plan is --

8

9 JAMES BOURDEAU: No, I don't even want this
gate going across my driveway and all that, so we're
10 redesigning all that.

11

ROSE FELTES: Thank you.

12

13 MR. DOLLINGER: How about the fence on the
other side? I am familiar with some kinds of issues with
14 that. If you put the fence right on the line -- I had a
15 transaction with a client, the fence was two and a half feet
16 off the line and a new buyer bought it and moved the fence
17 right on their line. And it did narrow up the appearance of
18 being able to get through there. How would you respond to
19 that?

20

21 JAMES BOURDEAU: Well, first of all, the fence
is allowed to go where the fence is allowed to go, right?
22 I'm not going to put the fence where it's not allowed, if
23 that's helpful. I'm not going to run my fence down -- we've
24 got bushes here and those bushes I wasn't planning right now
25 in changing. So that's where Ellen's driveway is against it,

1 Brighton Zoning Board of Appeals 2/7/18

2

3 so I'm not going to run my fence down her driveway. She
4 doesn't have to worry about that. My bushes are planted on
5 the lot line now, probably grow a little bit so I'll possibly
6 be out there trimming. So any fence, if I were to rip my
7 bushes out, would actually give her a benefit from where it
8 is versus where it goes now. And whether I'm going to run
9 the fence even that far down my house or just try to handle
10 the backyards, is most important to me.

11

12 CHAIRPERSON MIETZ: Okay. Appreciate the

clarification.

13

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

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18
2

3 PROCEEDINGS HELD BEFORE THE ZONING BOARD
4 OF APPEALS AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON
5 FEBRUARY 7TH, 2018 AT APPROXIMATELY 9:15 **P.M.**

6 February 7th, 2018
7 Brighton Town Hall
8 2300 Elmwood Avenue
9 Rochester, New York 14618

10 PRESENT:

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

17 NOT PRESENT:

18 JENNIFER WATSON

19 DAVID DOLLINGER, ESQ.
20 Town Attorney

21 RICK DiSTEFANO
22 Secretary

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

26 REPORTED BY: RHODA COLLINS, Court Reporter
27 EDITH E. FORBES COURT REPORTING SERVICE
28 21 Woodcrest Drive
29 Batavia, New York 14020

1 Brighton Zoning Board of Appeals 2/7/18

2

3 APPLICATION 1A-01-18

4

5 1A-01-18 Application of William and Linda
6 Stevensen, owners of property located at 12 Creekdale Lane,
7 for an Area Variance from Section 203-2.1B(6) to allow a
8 stand-by emergency generator to be located in a side yard in
9 lieu of the rear yard behind the house as required by code.

9

All as described on application and plans on file.

10

Motion made by Mr. Clapp to approve
11 Application 1A-01-18 based on the following findings and
12 facts.

13

FINDINGS OF FACT:

14

1. The proposed location of the generator is a substantial
15 distance from the neighboring house and will be masked by
16 existing landscaping and will therefore not result in a
17 substantial change to the nature of the neighborhood or have
18 a detrimental effect on the surrounding properties.

19

2. The variance is required as the location of gas and
20 electric utilities in the house is too far from any
21 acceptable location in the rear of the house making
22 installation of a generator in the rear impractical.

23

3. The variance is the minimum necessary to provide a
24 practical location for installation of a standby generator.

25

CONDITIONS:

1 Brighton Zoning Board of Appeals 2/7/18

2

3 1. The variance shall be for the installation of a standby
4 generator as described on application and plans on file.

5 2. All necessary permits shall be obtained

6 (Second by Ms. Schwartz.)

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

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

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18

2

3 APPLICATION 2A-01-18

4

5 2A-01-18 Application of Craig and Deborah
6 Housel, owners of property located at 140 Alaimo Drive, for
7 an Area Variance from Section 205-2 to allow a front porch
8 addition to extend 4 ft. into the 40 ft. front setback
9 required by code. All as described on application and plans
on file.

10

11

Motion made by Ms. Dale to approve Application
2A-01-18 based on the following findings and facts.

12

FINDINGS AND FACTS:

13

14

15

1. The applicant desires to make the home handicapped
accessible and they requested variances, the minimum
necessary, in order to achieve that.

16

17

18

19

2. The benefits sought by the applicant cannot be achieved
by an alternate method as the applicant sees increased
maneuverability on the porch for those with mobility
restrictions.

20

21

22

23

3. The requested variance will not provide undesirable
change in the character of the neighborhood or be a detriment
to nearby properties. The homes in that neighborhood are not
uniform in appearance and this is a minimal request.

24

CONDITIONS:

25

1. Approval is granted for the plans as submitted and the

1 Brighton Zoning Board of Appeals 2/7/18

2

3 testimony given.

4 2. All necessary building permits shall be obtained.

5 (Second by Ms. Schwartz.)

6 (Mr. Clapp, yes; Ms. Tompkins Wright;

7 Mr. Mietz, yes; Ms. Corrado, yes; Ms. Schwartz, yes;

8 Ms. Dale, yes.)

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

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18

2

3 | APPLICATION 2A-04-18

4 2A-04-18 Application of Samuel and Shoshanna
5 Herman, owners of property located at 115 Varinna Drive, for
6 Area Variances from Section 205-2 to 1) allow a porch
7 addition to extend 4 ft. into the existing 39.75 ft. front
8 setback where a 40 ft. front setback is required by code, and
9 allow an addition to extend 1.2 ft. into the 9 ft. side
10 setback required by code and this request is for 7.8 ft.; and
11 an Area Variance from Section 209-10 to allow liveable floor
12 area to be 2,917 sf (after construction of side and rear
13 additions) in lieu of the maximum 2,815 sf allowed by code.
14 All as described on application and plans on file.

15 Motion made by Ms. Dale to approve Application
16 2A-04-18 based on the following findings and facts.

17 FINDINGS AND FACTS:

18 1. The property doesn't currently include a garage. The
19 applicant had undergone a study to evaluate options to
20 provide a functioning garage, aesthetically pleasing curbside
21 appearance, and allow for additional desirable living space.
22 The benefits sought by the applicant cannot be achieved by an
23 alternate method feasible to the applicant to pursue as
24 provided in a garage with adequate room for their vehicle and
25 access to it required to the side and setback lists. The

1 Brighton Zoning Board of Appeals 2/7/18

2

3 applicant's desire for a covered entryway requires a front
4 setback and updating the existing home layout to upgrade the
5 house for modern day living requires a living room floor
6 variance.

7 2. The requested variances will not produce an undesirable
8 change in the character of the neighborhood or be a detriment
9 to nearby properties and rather will improve the neighborhood
10 by updating an older home and increasing the property value.
11 There are other homes in the neighborhood that have undergone
12 similar renovations.

13 3. Across the street from the property is a Catholic school
14 and the property adjacent to the side setback variance
15 request is on a corner with that home to backyard property
16 line leaving the side property line of the applicant, which
17 minimizes any impact to that neighbor.

18 4. The proposed variance will not have an adverse effect or
19 impact on the physical or environmental condition of the
20 neighborhood.

21 **CONDITIONS:**

22 1. Approval is granted for the plans as submitted and
23 testimony given. Any architectural or other town approvals
24 including building permits shall be obtained.

25 (Second by Ms. Schwartz.)

1 Brighton Zoning Board of Appeals 2/7/18

2

3

(Ms. Corrado, yes; Mr. Mietz, yes;

4

Ms. Tompkins Wright, yes; Mr. Clapp, yes; Ms. Schwartz, yes;

5

Ms. Dale, yes.)

6

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18
2

3 APPLICATION 2A-05-18

4 2A-05-18 Application of James Bourdeau, owner
5 of property located at 71 Westland Avenue, for an Area
6 Variance from Section 207-11D to allow an in-ground swimming
7 pool to be 8 ft. from a side lot line in lieu of the minimum
8 10 ft. required by code. All as described on application and
9 plans on file.

10 Motion made by Chairperson Mietz to approve
11 Application 2A-05-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The request variance for the placement of an in-ground
15 pool on the side lot line is minimal as it is about
16 2 feet into the setback and runs alongside the detached
17 garage in the rear of the yard.

18 2. The lots in the entire neighborhood are narrow and deep,
19 therefore most often resulting in the need for variances on
20 the side setback.

21 3. The pool cannot be repositioned or setback any further
22 into the yard because the area is wet in the spring as well
23 as being shady.

24 4. There's an RG&E right-of-way that runs through the rear
25 yard as well and there are overhead wires that would

1 Brighton Zoning Board of Appeals 2/7/18

2

3 compromise the pool if it were setback any further into the
4 yard.

5 5. The health, safety, and welfare of the community will not
6 be adversely affected by the pool or the approval of this
7 request.

8

CONDITIONS:

9 1. This variance only applies to the in-ground pool as
10 described in the application and testimony given.

11 2. All improvements shall be constructed in such a manner as
12 not to direct any runoff towards neighboring properties.

13 3. All necessary permits shall be obtained.

14 (Second by Ms. Schwartz.)

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

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

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18
2

3 APPLICATION 1A-04-18

4 1A-04-18 Application of Conor Smith, owner of
5 property located at 36 Holloway Road, for 1) Area Variances
6 from Sections 203-2.1B(3) and 203-16A(4) to construct a 600
7 square foot detached garage two +/- feet from a side lot line
8 and .7 feet from the rear lot line where a minimum five-foot
9 setback from all lot lines is required by code; and 2) an
10 Area Variance from Section 205-2 to allow building coverage
11 to be 32.8% of the lot area, after construction of said
12 garage, in lieu of the maximum 25% building coverage (28.25%
13 building coverage currently exists) allowed by code. All as
14 described on application and plans on file.

15 Motion made by Chairperson Mietz to approve
16 Application 1A-04-18 based on the following findings and
17 facts.

18 **FINDINGS AND FACTS:**

19 1. The size of the proposed garage is the minimum necessary
20 to store equipment and two vehicles owned by the owner as
21 allowed by code.

22 2. The placement of the garage as proposed maximizes the
23 available green space in the backyard and minimizes any
24 further encroachment towards the street.

25 3. No negative effect on the character of the neighborhood

1 Brighton Zoning Board of Appeals 2/7/18

2

3 will result from the approval of this variance since numerous

4 detached garages exist within the subject neighborhood and

5 the new garage is basically replacing an existing garage

6 already in that location.

7 4. The increase in lot coverage while substantial is

8 minimized by the extreme rear placement of the garage and is

9 minimized from the visibility from the street.

10 **CONDITIONS:**

11 1. All necessary permits shall be obtained.

12 2. This variance is based on the testimony given and

13 placement of the garage as depicted in the drawings provided.

14 (Second by Ms. Schwartz.)

15 (Ms. Corrado, yes; Ms. Dale, yes; Ms. Tomkins

16 Wright, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz,

17 yes.)

18 (Upon roll call, motion to approve with

19 conditions carries.)

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18

2

3 | APPLICATION 2A-02-18

4 2A-02-18 Application of Summit at Brighton,
5 owner of property located at 2000 Summit Circle Drive, for
6 Area Variances from Sections 203-30A and 203-2.1B(6) to allow
7 for three (3) stand-by emergency generators, all of which
8 will use diesel fuel in lieu of propane gas or natural gas as
9 required by code, and have a decibel rating of between 77.6
10 and 78.6 dB in lieu of the maximum 72 dB allowed by code.
11 And, allow two of the three generators (#1 and #3) to be
12 located in side yards in lieu of the rear yard as required by
13 code. All as described on application and plans on file.

14

15 Application 2A-02-18 based on the following findings and
16 facts.

17

FINDINGS AND FACTS:

18

19 2. No other alternative can alleviate the dif

30

21 an eldercare facility.

22

23 neighborhood and no substantial detriment to nearby

—

25 variance as the generators are to be used only in a case of

1 Brighton Zoning Board of Appeals 2/7/18

2

3 power interruption not as a primary source of power.

4 4. Due to the size and need of these generators for the
5 population that they will serve the use of diesel fuel is
6 more commonly used.

7 5. The health, safety, and welfare of the community will not
8 be adversely affected by the approval of the variance
9 requested as this backup source of power is essential to
10 continued health, safety, and welfare of the residents of the
11 Summit at Brighton in the event of power outages due to
12 extreme weather or other unexpected circumstances.

13 **CONDITIONS:**

14 1. This variance will apply only to the generators that were
15 described in the application and testimony. In particular,
16 will not apply to any additional generators considered in the
17 future that are not included in the present application.

18 2. No additional aboveground fuel storage tanks shall be
19 permitted.

20 3. All necessary town approvals and building permits shall
21 be obtained.

22 4. All three generators shall incorporate a Level 2
23 acoustical enclosure.

24 (Second by Ms. Schwartz.)

25 (Mr. Clapp, yes; Ms. Tompkins Wright, yes;

1 Brighton Zoning Board of Appeals 2/7/18

2

3 Ms. Dale, yes; Mr. Mietz, yes; Ms. Schwartz, yes;
4 Ms. Corrado, yes.)

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18

2

3 | APPLICATION 2A-03-18

4

6 located at 2775 Monroe Avenue, for a Sign Variance from

7 Section 207-32B(1) to allow business identification signs on

8 a second building face where signage on only the principle

9 building face is allowed by code. All as described on

10 application and plans on file.

11 Motion made by Mr. Clapp to approve

12 Application 2A-03-18 based on the following findings and

13 facts.

14 **FINDINGS AND FACTS:**

15 1. The additional signs are needed to direct customers to

16 two separate restaurants located within the building,

17 especially the Red Sun Restaurant located toward the rear of

18 the buildings.

19 2. The variance is the minimum needed to provide adequate
20 directions to customers to the two separate restaurants in
21 the building.

22 3. The variances will not result in a substantial change in
23 the characteristic of the neighborhood as the signs will not
24 be prominently visible from the street.

25 CONDITIONS:

1 Brighton Zoning Board of Appeals 2/7/18

2

3 1. Total signage from the three signs on the building not to
4 exceed 100 square feet.

5 2. All necessary Architectural Review Board and Planning
6 Board approval shall be obtained.

7 3. The two side signs shall not be internally lit.

8 (Second by Ms. Corrado.)

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

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

14

15

16

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18

2

3 APPLICATION 9A-03-17

4

5 9A-03-17 Application of Mamasan's Monroe LLC,
6 owner of property located at 2735 Monroe Avenue for an Area
7 Variance from Section 205-7 to allow impervious lot coverage
8 to be 71.7%, after construction of a new restaurant in lieu
9 of the maximum 65% allowed by code. All as described on
application and plans on file.

10

11 Motion made by Ms. Tompkins Wright to approve
12 Application 9A-03-17 and adopt a negative declaration and
13 findings statement as prepared by the Town of Brighton
14 Planning Board for the purposes of SEQRA based on the
following findings and facts.

15

FINDINGS AND FACTS:

16

17 1. The granting of the requested variance will not produce
18 an undesirable change in the character of the neighborhood or
19 be a detriment to nearby properties. The vast majority of
20 properties along this stretch of Monroe Avenue do not meet
21 impervious lot coverage requirements and there will be no
22 appreciable difference between this property and its
neighboring properties.

23

24 2. The requested variance is not substantial as it
represents only a little over ten percent increase over the
25 allowable impervious lot coverage per code.

1 Brighton Zoning Board of Appeals 2/7/18

2

3 3. The benefits sought by the applicant cannot reasonably be
4 achieved by any other method as the existing lot is long and
5 narrow.

6

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

9

CONDITIONS:

10 1. The variance granted herein applies only to the plans
11 submitted and the testimony given.

12 2. All necessary Planning Board approval shall be obtained.

13 (Second by Mr. Clapp.)

14 (Ms. Schwartz, no; Ms. Dale, yes; Mr. Mietz,
15 yes; Ms. Corrado, yes; Mr. Clapp, yes; Ms. Tompkins Wright,
16 yes.)

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

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18
2

3 APPLICATION 9A-04-17

4 9A-04-17 Application of Mamasan's Monroe LLC,
5 owner of property located at 2735 Monroe Avenue for 1) an
6 Area Variance from Section 205-12 to allow for 42 parking
7 spaces in conjunction with a new restaurant, in lieu of the
8 minimum 43 spaces required by code; 2) Area Variances from
9 Section 205-18B to allow pavement and parking to be 4.33 ft.
10 from a side (north) lot line and 1 ft. from the rear (west)
11 lot line where a minimum 10 ft. is required by code; and 3)
12 an Area Variance from Section 207- 14.3D(3) to allow a
13 drive-thru lane to be 4 ft. from a side (south) lot line in
14 lieu of the minimum 10 ft. required by code. All as
15 described on application and plans on file.

16 Motion made by Ms. Tompkins Wright to approve
17 Application 9A-04-17 and adopt a negative declaration and
18 findings statement as prepared by the Town of Brighton
19 Planning Board for the purposes of SEQRA based on the
20 following findings and facts.

21 **FINDINGS AND FACTS:**

22 1. The granting of the requested variance will not produce
23 an undesirable change in the character of the neighborhood or
24 be a detriment to properties. With respect to the number of
25 parking spaces the one space deficiency is unlikely to have

1 Brighton Zoning Board of Appeals 2/7/18

2

3 any noticeable effect. Further, a portion of the parking
4 requirements relates to approximately 300 square feet of
5 outdoor seating area which will be seasonal in nature.
6 With respect to the side and rear setback and drive-thru lane
7 setback deficiencies neighboring properties have similar
8 deficiencies so the property will appear to be consistent in
9 the immediate area.

10 2. The requested variance with respect to the number of
11 parking spaces is not substantial being only one parking
12 space for a two percent decrease in what is required by code.
13 While the requested variance with respect to the side, rear,
14 and drive-thru lane setbacks appear substantial, they are not
15 in light of the fact that a portion of the pavement is
16 preexisting. Further, applicant has attempted to minimize
17 the effect of the additional pavement through several rain
18 gardens.

19 3. The benefits sought by the applicant cannot reasonably be
20 achieved by any other method. The existing lot is narrow and
21 the parking has been maximized.

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

25

CONDITIONS:

1 Brighton Zoning Board of Appeals 2/7/18
2

3 1. The variance granted herein applies only to the parking
4 and drive aisles as depicted and described in the application
5 and in the testimony given.

6 2. All necessary Planning Board approvals must be obtained.

7 (Second by Ms. Dale.)

8 (Ms. Corrado, no; Mr. Mietz, yes;
9 Ms. Schwartz, no; Mr. Clapp, yes; Ms. Dale, yes; Ms. Tomkins
10 Wright, yes.)

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

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Brighton Zoning Board of Appeals 2/7/18
2

3 APPLICATION 9A-05-17

4 9A-05-17 Application of Mamasan's Monroe LLC,
5 owner of property located at 2735 Monroe Avenue for an Area
6 Variance from Section 207-2A to allow a front yard fence to
7 be 49 inches in height with 86 inch posts where the maximum
8 height of any portion of the fence can not exceed 42 inches
9 as allowed by code. All as described on application and
10 plans on file.

11 Motion made by Mr. Clapp to approve
12 Application 9A-05-17 and adopt a negative declaration and
13 findings statement as prepared by the Town of Brighton
14 Planning Board for the purposes of SEQRA based on the
15 following findings and facts.

16 **FINDINGS AND FACTS:**

17 1. The fence is an open design and primarily decorative.
18 2. The fence is currently installed at the present Mamasan's
19 location across Monroe Avenue and will have no detrimental
20 effect on the surrounding properties in the new location.

21 **CONDITIONS:**

22 1. The variance applies only to the fence at the location as
23 described on the application and plans on file.
24 2. All necessary permits and approvals shall be obtained.

25 (Second by Ms. Corrado.)

1 Brighton Zoning Board of Appeals 2/7/18
2

3 (Ms. Tompkins Wright, yes; Ms. Dale, yes;
4 Mr. Mietz, yes; Ms. Schwartz, yes; Ms. Corrado, yes;
5 Mr. Clapp, yes.)

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Brighton Zoning Board of Appeals 2/7/18

2

3 APPLICATION 9A-06-17

4 9A-06-17 Application of Mamasan's Monroe LLC,
5 owner of property located at 2735 Monroe Avenue for a Sign
6 Variance from Section 207-32B to allow a free standing menu
7 board where not allowed by code. All as described on
8 application and plans on file.

9 Motion made by Chairperson Mietz to approve
10 Application 9A-06-17 and adopt a negative declaration and
11 findings statement as prepared by the Town of Brighton
12 Planning Board for the purposes of SEQRA based on the
13 following findings and facts.

14 **FINDINGS AND FACTS:**

15 1. Since this applicant is planning to do a drive-thru which
16 is allowed in this district, a menu board is necessary to
17 depict what items are available to be obtained at the
18 drive-thru.

19 2. A menu board is not out of character with the
20 neighborhoods as every drive-thru along this stretch of
21 Monroe Avenue has a menu board sign.

22 3. The proposed location of the menu board will not be
23 visible from Monroe Avenue and not cause any negative effect
24 on the character of the immediate neighborhood.

25 **CONDITIONS:**

1 Brighton Zoning Board of Appeals 2/7/18
2

3 1. The maximum square footage of the menu board sign shall
4 be 15 square feet and located as depicted on the plan.
5 2. All Architectural Review Board and Planning Board
6 approvals shall be obtained.

7 (Second by Ms. Dale.)

8 (Ms. Corrado, no; Mr. Mietz, yes;
9 Ms. Schwartz, no; Mr. Clapp, yes; Ms. Dale, yes; Ms. Tomkins
10 Wright, yes.)

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

13 * * *

14
15
16
17
18
19
20
21
22
23
24
25

1 Brighton Zoning Board of Appeals 2/7/18
2

3 REPORTER CERTIFICATE
4

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 24th day of February, 2018.
13 At Rochester, New York

14
15
16 
Rhoda Collins
17
18
19
20
21
22
23
24
25