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

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

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PRESENT:

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

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NOT PRESENT:
DOUGLAS CLAPP

15

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DAVID DOLLINGER, ESQ.
Town Attorney

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RICK DiSTEFANO
Secretary

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

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3 CHAIRPERSON MIETZ: Good evening. I'd like to
4 call to order the March 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 March 1, 2018.

9 CHAIRPERSON MIETZ: Okay. Could you please
10 call the roll.

11 MR. DiSTEFANO: Please let the record show
12 that Mr. Clapp is not present.

13 CHAIRPERSON MIETZ: Okay. So let's start with
14 the minutes, Judy.

15 MS. SCHWARTZ: Page 5, Line 11, the word SEQRA
16 is S-E-Q-R-A.

17 Page 7, Line 8, the first word is r-o-a-d.

18 Page 10, Line 13, and throughout the rest of
19 the application is B-e-a.

20 Page 26, Line 8, the first word is neighbors.

21 Page 54, the very last Line 25, it should be
22 A-R-B.

23 Page 57, Line 11, insert the word one after
24 inside.

25 Page 71, Line 11, the fourth word is t-o.

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3 Page 96, Line 18, the last word is building.

4 Page 97, Line 3, insert the word a-r-e after
5 building; Line 6 of the same page the second word is
6 approvals. That's all I have.

7 CHAIRPERSON MIETZ: Motion, please?

8 MS. CORRADO: Motion.

9 (Second by Ms. Tompkins Wright.)

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

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

15 CHAIRPERSON MIETZ: Okay, Rick, whenever
16 you're ready, the first application.

17 MR. DiSTEFANO: Yes, I suggest we take 3A-01
18 and 3A-02 together.

19 APPLICATION 3A-01-18

20 3A-01-18 Application of 1950 Brighton
21 Henrietta Town Road, LP, owner of property located at 1950
22 Brighton Henrietta Town Line Road, for an Area Variance from
23 Section 205-8 to allow impervious lot coverage, after site
24 improvements, to be 74.5% of the lot area in lieu of the
25 maximum 65% allowed by code. All as described on application

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3 and plans on file.

4 APPLICATION 3A-02-18

5 3A-02-18 Application of 1950 Brighton
6 Henrietta Town Road, LP, owner of property located at
7 330 Metro Park, for an Area Variance from Section 205-8 to
8 allow impervious lot coverage, after site improvements, to
9 increase from 73.5% of lot area to 79% in lieu of the maximum
10 65% impervious lot coverage allowed by code. All as
11 described on application and plans on file.

12 PAUL COLUCCI: Good evening, Mr. Chairman, my
13 name is Paul Colucci of the DiMarco Group. Joining me
14 tonight is Matt Tomlinson from Marathon Engineering, here
15 tonight on behalf of the applicant for the two requested area
16 variances that Rick just read.

17 Just a quick background, I know the agenda is
18 lengthy tonight so I won't be overly verbose with my
19 presentation. Our corporate offices, the DiMarco Family and
20 Company corporate offices, are located at 1950 Brighton
21 Henrietta Town Line Road. We've been there for a number of
22 years. That building houses several companies, including
23 DiMarco Constructors, Baldwin Real Estate Management, J.
24 DiMarco Builders, DiMarco Realty Services, and ADMAR Supply.

25 ADMAR Supply, for those of you that are not

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3 familiar is an equipment sales and leasing and maintenance
4 company; heavy construction equipment, aerial lifts, light
5 towers. ADMAR has enjoyed a lot of success in recent years.
6 We're up to 11 branches in three different states now.

7

8 About three years ago we had the opportunity
9 to acquire 330 Metro Park, which is located just to the east
10 of our outdoor storage yard where all of the equipment is
11 stored. This was a unique opportunity for us to acquire a
12 piece of property that was directly adjacent to our corporate
13 offices as ADMAR's branch was looking to relocate out of the
corporate office.

14

15 All of the businesses are growing, we're
16 adding people, we're out of space. And rather than move
17 ADMAR's branch facility out of the town or look for another
18 location, we purchased 330 Metro Park. We are in the process
19 of raising the roof on that building, literally. We're
20 raising the roof nine feet to make it all high base space so
21 that it is a more marketable building. We are before the
22 Planning Board right now. We had an introductory meeting
23 with the Planning Board March 7th, where we presented the
24 site plan modifications to allow the branch to be relocated
25 to 330 Metro Park and have connectivity from 330 to the
outdoor storage yard.

3 As we are doing so and meeting with town staff
4 over the course of several meetings, we looked at bring
5 1950 Brighton Henrietta Town Line Road into compliance.
6 ADMAR has grown considerably and when you own construction
7 equipment and they need more room, they tend to make room for
8 themselves and we're looking to bring that outdoor storage
9 yard back into compliance and have an area variance request
10 to allow greater than the allowable impervious lot coverage
11 on the lot which is 1950 Brighton Henrietta Town Line Road,
12 and move the branch over to 330.

I am going to let Matt go through some of
14 those specifics as he has an exhibit for you, and then we are
15 happy to answer any questions you might have.

MR. DiSTEFANO: And, Paul, just for the
17 record, that Planning Board meeting was February 21st, you
18 said March 7th, which is tonight.

PAUL COLUCCI: Thank you.

MR. DiSTEFANO: Just let the record reflect
21 that.

MATT TOMLINSON: As Paul mentioned, Matt
23 Tomlinson from Marathon. Paul was someplace warm on vacation
24 that day, so that's probably why he forgot about it. I was
25 here though.

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3 As Paul mentioned, we are looking for two area

4 variances and I just want to step -- the numbers are in your

5 packets obviously, but I just want to talk through a little

6 bit what the mitigations are that we are proposing for those

7 variances. Currently on the property there is very minimal

8 storm water management, it actually is up in the corner here,

9 there is a storm system here, and there's a swale that comes

10 through. So we are proposing to construct a storm water

11 management facility that will treat not only the runoff from

12 the new impervious areas but also the areas of the storage

13 area that have grown since the previously permitted portion.

14 So it will be mitigating, if you will, all of the storm water

15 for those areas that are impervious now that may or may not

16 have been in previous approvals.

17 In addition, there's portions of solid fence

18 which come back along the property lines to about the midway

19 point, and then to the rear of that there is not solid fence,

20 which is one of the requirements for outdoor storage areas in

21 the Town of Brighton. So we will be constructing a solid

22 six-foot-high fence around the remainder of that.

23 In addition, through discussions with the

24 Town, the storage yard is required to be 50 feet inside of

25 the property line. One of the ways we're accomplishing

3 conformance with that is we have worked with the ADMAR folks
4 to delineate the 50-foot buffer, 50-foot setback requirement,
5 for that storage yard by constructing paved to binder roadway
6 that will delineate where their equipment limits are, and
7 also allow for better flow and a reduction in traffic that
8 would otherwise be driven between Brighton Henrietta Town
9 Line and Metro to circulate if that connection point wasn't
10 there.

12 So recognizing that's, as Paul mentioned, the
13 construction equipment owned by this company or this use has
14 created a nonconforming issue. We're doing our best to bring
15 that closer to compliance today.

17 And then for 330 Metro, I mentioned the
18 traffic. That increase is as minimal as we could get it to
19 allow for access and functionality of that storage yard with
20 that parcel. So with that, I would be happy to answer --

22 MR. DiSTEFANO: Would you just explain a
23 little bit the interconnection between them and how that's
24 going to work?

25 PAUL COLUCCI: Yes, and Paul can correct me if
I'm wrong, but ADMAR Corporate, so the corporate portion has
equipment brought back to it from the branches if their
on-site maintenance folks can't fix an issue after it comes

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3 back from rentals or if there's specialized equipment coming

4 to and fro, it comes here first and then goes out to the

5 branches if necessary. And so the functionality of some of

6 the service overlaps with the branch because this is -- rents

7 equipment, operates as a branch for contractors. So you have

8 people like myself who might have a large yard project, I

9 need to rent a bobcat or something like that, coming in with

10 pickup trucks, trailers, as well as heavy equipment.

11 So as far as functionality and flow connecting

12 the rear of 330 to that storage yard is going to allow for

13 the branch operation specific to the Rochester branch, and

14 contractors, that kind of thing. Kind of isolating from

15 equipment being loaded onto trailers, larger equipment,

16 flatbeds, lowboys, that kind of thing.

17 In the rear service of equipment that comes in

18 can also come in through the yard, come into the wash and

19 service bays and then go back out to the yard to be staged

20 for the next renter. So it really separates and delineates

21 the operations of those and again allows for that to be

22 internal to the screened storage yard versus more traffic at

23 the external portions of the properties.

24 CHAIRPERSON MIETZ: Just quickly then, the

25 traffic that now comes off of Brighton Henrietta Town Line

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3 Road and then comes up onto the west side of the building to
4 enter, so are we saying that that would be minimized by using
5 the Metro Park entrance? So in other words, if I was the guy
6 with the pickup truck and I'm going to go down Metro Park and
7 enter that way I wouldn't have anything to do with the front
8 of Brighton Henrietta Town Line Road.

9 MATT TOMLINSON: Yeah, the day-to-day leasing
10 of equipment, not necessarily the larger equipment that gets
11 delivered to a job site or picked up, but the day-to-day
12 pickup trucks, surveyors bringing equipment to be serviced,
13 all that would come through the storefront, the showroom and
14 the area on 330.

15 CHAIRPERSON MIETZ: And is there any
16 suggestion that once that change is made that there would be
17 any increase in the amount of larger pieces of equipment
18 coming in or the volume of that due to the expansion of
19 11 locations of ADMAR?

20 PAUL COLUCCI: We don't envision that there's
21 going to be an increase in volume of traffic. As Matt
22 explained, the ADMAR Corporate will remain at 1950 Brighton
23 Henrietta Town Line Road, it will continue to service
24 corporate-related equipment as Matt accurately stated. The
25 branch operation is relocating to 330.

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3 Yes, the company is growing but we also
4 envision that this same volume of business that ADMAR branch
5 is doing is just going to move over to a new location. So
6 now with two driveways the theory is that the traffic out of
7 the westerly entrance at 1950 should go down, because there's
8 not branch traffic coming there. That's going to come off
9 Metro Park and out.

10 CHAIRPERSON MIETZ: And that makes sense. I
11 guess really my question though is, with that as an accepted,
12 we'll accept that then is there going to be more business
13 because of the expansion of ADMAR and elsewhere that the
14 Brighton Henrietta Town Line Road that these pieces of
15 commercial equipment that are being brought in to the then
16 dispensed to somewhere else would increase because you'd have
17 more capacity now on the Brighton Henrietta Town Line Road
18 side.

19 PAUL COLUCCI: It's a valid question. I don't
20 believe that it would. Buffalo similarly has a corporate
21 maintenance facility that services Ohio -- or I'm sorry, the
22 Cleveland, Youngstown, Erie and then this is another node
23 that is supporting Canandaigua, Syracuse, Watertown, Vestal.
24 And so we really don't envision that we're going to explode
25 with volume because we are growing branches. We can only

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3 functionally service equipment within such proximity to the
4 branches.

5 MR. DiSTEFANO: And is it true to say that
6 your storage yard is going to be limited now by the ring road
7 and by this variance that you're requesting so that 1950 is
8 not really going to be able to grow in size.

9 PAUL COLUCCI: No, it will not. And we are
10 actually consolidating the storage yard looking at forcing
11 them to become more judicious with how they organize
12 themselves, more orderly as they maintain the storage yard.
13 If not given boundaries they tend to grow and take liberty,
14 so we're putting the reins on them, so to speak.

15 MATT TOMLINSON: One other item that I
16 neglected to mention, currently there's some outdoor storage
17 trailers out there and DiMarco corporate -- or the
18 construction side of DiMarco also has some storage outside.
19 And a portion of this building that's not occupied by ADMAR,
20 that will be used for the warehousing of some of that
21 material -- for building materials that currently have to be
22 stored inside trailers.

23 PAUL COLUCCI: That's a great point. This
24 building is actually 40,000-square feet, ADMAR's taking the
25 darker portion of it. The rest of this building and this

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3 connection point is for corporate warehousing. So we can
4 actually store DiMarco constructors-related equipment inside
5 of the building rather than in outdoor storage areas and
6 become more orderly with how we maintain that outdoor storage
7 area.

8 CHAIRPERSON MIETZ: So that square footage on
9 the Metro Park building, how would you characterize the
10 percentage of how it's going to be used then? What
11 percentage would be the rental operations or consumers, would
12 you say?

13 PAUL COLUCCI: It's 18 and 22. It's close to
14 50/50 and we broke that down in the parking submittal to the
15 Planning Board.

16 CHAIRPERSON MIETZ: Okay. Other questions?

17 MR. DiSTEFANO: Yeah, I have two questions.
18 One, just I think it might help the Board a little bit and
19 they probably have seen it in the plan, but if you just could
20 give a quick explanation of where you're picking up
21 impervious surface at 330?

22 And then second, with 1950, you got basically
23 two lots that are part of 1950. Why can't that lot line be
24 moved at 1950, so that -- I mean, you're moving it now
25 anyways as part of the project, why can't it be moved so that

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3 you meet code in regards to the green space?

4 MATT TOMLINSON: Sure. So I'll speak to
5 330 Metro first. The rear property line is here and so to
6 provide the connections to the storage yard we're
7 constructing the area that allows the ring road as well as
8 three overhead doors for access to that maintenance portion,
9 and then for the warehousing portion. So that piece is
10 relatively straight forward.

11 This area is not additional impervious, it's
12 existing now but there's recess loading docks that we'll be
13 filling in and just bringing to grade for smaller equipment
14 to get in and out.

15 And then, I don't know if anyone was able to
16 visit the site, but currently there's a split Y connection to
17 the two parking areas that doesn't function real well. So
18 we're just formalizing that and making it easier for two-way
19 traffic to go through that intersection.

20 So 330 is relatively minimized. As Rick
21 mentioned currently this is Zero West Metro on this side and
22 this is 1950 Brighton Henrietta Town Line Road. As part of
23 this proposal and to get the storage yard ring road,
24 everything else on the same lot, we have before the Planning
25 Board lot line adjustment moving that line here to the

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3 extension of the northern most property of 330 Metro. As
4 Rick mentioned, Zero West Metro goes out to West Metro.

5 In order to bring this into compliance with
6 the current configuration we have to add approximately an
7 acre and a half of that West Metro parcel to 1950 Brighton
8 Henrietta Town Line Road. In order to accomplish that, that
9 would shrink that lot from roughly six acres down to four and
10 a half, 4.4 acres, somewhere in that neighborhood. And
11 DiMarco group currently owns that parcel as well and are
12 always looking for a new tenant, someone to construct for.
13 And we've schematically laid that out and kind of shared that
14 with town staff relative to the amount of variances that
15 would be require for that parcel, if it shrunk by that much
16 to make it financially viable to develop in the future.

17 And it's DiMarco group's contention that
18 additional variances for a parcel and limiting what could be
19 added to the tax base is a fair tradeoff for a single user or
20 single variance for something that we will be mitigating by
21 screening storm water and potential reduction in traffic.

22 So that's kind of what we're trying to balance
23 out here and to Rick's point, we have looked at that with
24 town staff.

25 MS. TOMPKINS WRIGHT: Did you consider any

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3 type of paving that would be more pervious to kind of reduce
4 the impact rather than just asphalt?

5 MATT TOMLINSON: Sure. So the storage yard
6 itself is all crushed stone. So as a pervious pavement
7 that's about as pervious as you can get. Unfortunately the
8 soil's out here are very heavy clay, you don't get a lot of
9 infiltration or anything like that that would be a benefit.

10 And by its nature pervious pavement is
11 typically not recommended for any type of heavy construction
12 equipment, which is primarily what we have out here. So we
13 did look at that but other than crushed stone there's not
14 much we can do there.

15 CHAIRPERSON MIETZ: Okay. Any other
16 questions? Okay. Thank you.

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

20 APPLICATION 3A-03-18

21 3A-03-18 Application of Art Parts Signs, Inc.,
22 contractor, and 2815 Monroe Retail Office, LLC, owner of
23 property located at 2815 Monroe Avenue, for a Sign Variance
24 from Section 207-26D to allow a logo to be 28.75% of the sign
25 area in lieu of the maximum 25% allowed by code. All as

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3 described on application and plans on file.

4 PATTY RANSKO: My name is Patty Ransko and I
5 work at Art Parts Signs. And I have been contracted to take
6 an existing sign that Whelpley and Paul had that was on
7 Monroe Avenue close to the 12 Corners and now use that same
8 sign and put it up at the building that is still on Monroe
9 Avenue, but across from where the old Clover Lanes was.

10 I guess I exceed the amount of square feet by
11 three percent and we would really like to be able to use the
12 old sign, A, for its nostalgia, but also to save the owners
13 the cost of manufacturing an entire new sign. I know that
14 the sign has to be refurbished. It has exposed neon for the
15 internal lighting as it did when it was on other building on
16 Monroe Avenue.

17 So I guess I'm just asking for the allowance
18 of the additional square footage so that we can avoid having
19 to manufacture a new sign for the client.

20 MS. SCHWARTZ: Did you say you would refurbish
21 the other one?

22 PATTY RANSKO: Yes. In general, it's not in
23 great shape, it has some -- we have to sand it and paint it.

24 MS. SCHWARTZ: Is the sign a separate piece
25 from the glasses? Is it two pieces?

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3 PATTY RANSCO: Yes. The Whelpley and Paul are
4 channel letters that are on a raceway and the pair of
5 eyeglasses are a separate piece.

6 MS. SCHWARTZ: I know nostalgia, so, I mean,
7 I've been here forever, but to be more compliant and truly
8 when I drove by it's very nice and neat. The building's not
9 big and each of the signs are roughly the same size. Did you
10 consider just putting up Whelpley and Paul and using, I don't
11 know if you could use the glasses somewhere else, but to be
12 more compliant with code?

13 PATTY RANSCO: Well, that is our plan B, if
14 you deny us the variance then they will and I will propose to
15 them that possibly it could be used inside the building
16 somewhere. But the amount of square footage that we're
17 proposing here is not over what is allowed. We are allowed
18 this square footage, it's just the pair of eye glasses
19 themselves are three percent larger than what they should be.

20 I know that the logo can only be 25 percent of
21 the actual sign package and this is at 28 percent. So we are
22 just asking your good graces to allow the extra three
23 percent.

24 MS. WATSON: And the sign is historic, and the
25 eyeglasses and the logo portion they are still being

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3 consistently used as part of brand imaging?

4 PATTY RANSCO: Yes.

5 MS. TOMPKINS WRIGHT: Has this been before the
6 Architectural Review Board yet?

7 PATTY RANSCO: I believe there was a meeting.

8 MR. DiSTEFANO: Yes.

9 PATTY RANSCO: It went before the
10 Architectural Review Board February 27th, so this is the
11 March 7th meeting for the Board of appeals and then it will
12 go to the Planning Board on March 21st.

13 MS. TOMPKINS WRIGHT: What happened?

14 PATTY RANSCO: It was approved.

15 MR. DiSTEFANO: Do you have that paperwork
16 with you? I believe it was approved with the condition that
17 they get their variance.

18 PATTY RANSCO: Yes.

19 MR. DiSTEFANO: The Architectural Review Board
20 did not have an issue with the sign as presented.

21 CHAIRPERSON MIETZ: Okay. Could you help us
22 with -- you made some comments on the economics of this, so
23 in other words, to say that the sign with the logo was remade
24 and fit the 25 percent, what kind of money would the tenant
25 be spending to create a new set of eyeglasses?

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3 PATTY RANSCO: It would double the cost of
4 sign to him at this point.

5 CHAIRPERSON MIETZ: Restoring the existing one
6 versus --

7 PATTY RANSCO: Uh, huh. The existing one is
8 actually really well made. It's just that it's steel and
9 over time the inside of it, because it's an exposed face
10 sign, needs to be sanded. Rust, you know, there's some rust
11 in there, the paint is a little flaky and we will repaint it.

12 CHAIRPERSON MIETZ: How old is the sign?

13 PATTY RANSCO: 32 or 37 years old, I believe
14 is what I was told.

15 CHAIRPERSON MIETZ: Okay.

16 PATTY RANSCO: And I remember as a
17 six-year-old kid walking to Twelve Corners to get my
18 eyeglasses fixed with the rest of my brothers and sisters.
19 My dad always claimed we had a mortgage there. There were
20 seven kids.

21 MS. CORRADO: Once refreshed what do you
22 project the light to the sign to be?

23 PATTY RANSCO: It will still be exposed neon.
24 So the eyeglasses will light up red as they did at the other
25 location. And the words Whelply and Paul will light up

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3 white.

4

5 MS. CORRADO: And how long do you think the

refurbished sign will last? What's the extended lifetime?

6

7 CHAIRPERSON MIETZ: Do they get another

37 years?

8

PATTY RANSCO: We are hoping so.

9

10 CHAIRPERSON MIETZ: Any other questions? Okay
thank you.

11

12 Is there anyone in the audience who would like
to speak regarding this application? Please come forward.

13

14 MARY SIMPSON: Good evening. We're here
tonight to address the signage of our store, Whelply and Paul
15 Opticians.

16

17 CHAIRPERSON MIETZ: If you can do one thing
for us before you start is just give us your name.

18

19 MARY SIMPSON: My name Mary Simpson, and this
is --

20

21 LINDA SESSA: Linda Sessa, manager of Whelply
and Paul.

22

23 CHAIRPERSON MIETZ: So you're both employees
of Whelply and Paul?

24

MARY SIMPSON: She's the manager of the store.

25

CHAIRPERSON MIETZ: Okay, go ahead.

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3 MARY SIMPSON: And we are hoping to get a
4 variance to put up the sign that had been at our previous
5 location in Brighton at 1790 Monroe Avenue. Which is the big
6 red glasses that served as a way to advise first-time
7 customers how to find us. And once the customers were
8 established it was a beacon to guide them back to us.

9 The historic, I thought it was 50-year-old
10 sign, has led people to come in because their parents brought
11 them to us when they were kids, and they recognized the
12 quality that Whelply and Paul represents. We were so lucky
13 to relocate within the Town of Brighton. At this new
14 location however, people comment on how beautiful the store
15 is but that it would have been easier to find if they -- if
16 our big red glasses were up and restored to its shining
17 example of Brighton history.

18 We would appreciate being able to put that
19 same historic sign back up to serve not only as a beacon for
20 our customers, but to share the same comradery with our new
21 neighbors along with our old neighbors. Thank you.

22 LINDA SESSA: And you guys have pictures
23 already?

24 CHAIRPERSON MIETZ: We do.

25 LINDA SESSA: Okay.

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MR. DiSTEFANO: Can I just get your name again?

5

6

7

8

9

LINDA SESSA: Linda Sessa, S-e-s-s-a. I just wanted to say that Whelply and Paul has been open for 90 years, the sign has been up for just about 50 years. So we just want to bring a part of history back to the new location because it is important to our customers.

10

11

12

13

14

So if people didn't know what it looked like, I did bring a picture, a close-up of what the big glasses used to look like. It's a piece of art more than just assign. So we just want to bring that back to Brighton.

Thank you.

15

16

17

18

CHAIRPERSON MIETZ: Thank you very much. Is there anyone else that would like to speak regarding this application? Then there being none, the public hearing is closed.

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APPLICATION 3A-04-18

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3A-04-18 Application of The Baptist Temple, owner of property located at 1101 Clover Street, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow for a two-day (April 28th & 29, 2018) outdoor educational event in an RLA Single Family District. All as described on application and plans on file.

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3 CANDY TAPER: Good evening, my name is Candy
4 Taper and I'm a representative of Baptist Temple. The
5 140th New York Volunteer Infantry gets together every spring
6 for training. They are reenactors that go all around New
7 York and Pennsylvania talking about living history during the
8 Civil War period. We would like to host, we the Baptist
9 Temple would like to host their training this spring in late
10 April and open it up to the public so that they have an
11 audience to actually work with as they go over their drills
12 and training activities. There is a civilian camp, a
13 northern camp, and a southern camp. We are not in any way,
14 shape, or form asking for a battle reenactment. We're not
15 going down that road.

16

17 But they do need to practice, they do need to
18 work on their costumes and their dialogue and interact with
19 the public, and we would like to provide that for them. It
20 does require three variances in order for them to provide a
21 reenactment. The first is three fire -- campfires in their
22 encampments. They would dig a hole for this and line it with
23 stones, and we do have a security and fire watch volunteers
24 from the Brighton Fire Department that have already committed
25 to cover that for the three days.

26

27 The second is the potential noise ordinance

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3 violation. They would like to be able to discharge their
4 black powder guns between the hours of 11:00 and 3:00 p.m. on
5 Saturday. There are no projectiles with this at all, it will
6 strictly be a noise factor.

7

8 And the third thing is to be able to set up
9 small tents and make the encampments outside for their
10 infantry to sleep in. That's basically it unless you have
some questions.

11

12 MS. DALE: So when you say that they want to
13 have the ability to discharge the rifles and you're talking
14 about, you know, between 11:00 a.m. and 3:00 p.m., so a
15 four-hour window. What are we talking about? I mean, are we
talking about a war for four hours?

16

17 CANDY TAPER: No, absolutely not.

18

19 MS. DALE: How many --

20

21 CHAIRPERSON MIETZ: Approximately.

22

23 CANDY TAPER: I would say they have eight
24 members in their battalion and they are going to practice
25 loading, getting down on a knee, marching to another
location. So you're probably getting six shots of eight guns
at a time, six times an hour for that three-hour period.

24

25 MS. DALE: And how far away do you think the
noise carries? I'm just not familiar with --

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3 CANDY TAPER: It's not as loud as fireworks,
4 but it's louder than firecrackers.

5 MS. DALE: How many people are you thinking
6 are going to be doing this, and sleeping in tents.

7 CANDY TAPER: 40.

8 MS. DALE: Is the 40 people max.

9 CANDY TAPER: Uh-huh, there's 40 reenactors
10 that would be sleeping there, yes.

11 MS. DALE: And in addition it will be open to
12 the public?

13 CANDY TAPER: Yes.

14 MS. DALE: So 40 reenactors and?

15 MR. DOLLINGER: 40 overnight.

16 CANDY TAPER: Yes.

17 MS. DALE: So when they're camping overnight,
18 they're going to have fires going all night?

19 CANDY TAPER: Yes. There will be three fire
20 pits, one in each encampment. And they're located -- there
21 was a map in your packet, they're on different sides of the
22 building, they're on the property. They're small, they're
23 like maybe three foot --

24 CHAIRPERSON MIETZ: Like a fire pit.

25 MS. DALE: So the building would be unlocked?

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3

CANDY TAPER: Yes.

4

5

MS. WATSON: Will the firefighters be sleeping over with them?

6

7

CANDY TAPER: They better not be sleeping, but they will be there 24/7.

8

9

CHAIRPERSON MIETZ: Just maybe before we ask some other questions, I think maybe this is the question we all might have, is that what is the linkage of this event to your facility? In other words, why here and what's your linkage with this effort, as far as your facility is concerned?

14

15

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22

CANDY TAPER: The Baptist Temple opened up the -- we named a portion of our mission to be the Clover Center for Arts and Spirituality. We have the performing arts portion of the reenactment. Education is a huge portion of it and this particular event will end Sunday morning after a community pancake breakfast and a period worship service where we are actually bringing all of the troops together and having hymns and a sermon from that time period. So we're -- it's an educational endeavor.

23

24

25

CHAIRPERSON MIETZ: What would your sense be of the amount of public that is going to be part of the events over the stretches of the day, in other words on each

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3 day. Is there going to be 100 people, 200 people, what are
4 we talking about? Just so we can get a sense for what you
5 anticipate the size of this to be?

6 CANDY TAPER: We hope to draw in about 300,
7 but I doubt that there would ever be more than 75 there at
8 any one time. There's different activities going on
9 throughout the day. There's a cooking demo, a clothing demo,
10 a millinery, the marching outside, and we have a schedule of
11 times so people will come and go.

12 MS. DALE: How many parking spots do you have
13 approximately?

14 CANDY TAPER: I think it's two hundred.

15 MS. DALE: Will there be other sort of normal
16 events that people coming to worship or other activities
17 happening at the building this day or is this the only thing
18 going on?

19 CANDY TAPER: That's the only thing going on
20 that weekend. We have included the worship service into the
21 program.

22 CHAIRPERSON MIETZ: Sunday.

23 CANDY TAPER: Yes.

24 CHAIRPERSON MIETZ: Let's go back. Do you
25 have anything?

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3 MS. TOMPKINS WRIGHT: Just to be clear, only
4 the 40 people who are part of the battalion, whatever this
5 is, they're spread out between the three encampments --

6

CANDY TAPER: Correct.

7

8 MS. TOMPKINS WRIGHT: -- and the outside
public is not invited to be overnight?

9

CANDY TAPER: Only to watch, no.

10

11 MS. TOMPKINS WRIGHT: Have you spoken to any
12 of the neighbors about -- that's hard because you have so
13 many neighbors within earshot. I'm just wondering if this
14 has been made public to neighbors so they have an opportunity
to know that it's going to be really loud.

15

16 CANDY TAPER: We have advertised it around the
17 area and we have spoken to the neighbors. We have had three
18 concerts recently which brought in a lot of neighbors and we
19 have polled them and mentioned it to them. The renaissance
20 on the corner and the two apartment high rises. We have had
no issues brought up so far.

21

22 MS. SCHWARTZ: And not anything that the
people down on Highland Avenue in those houses?

23

CANDY TAPER: We haven't gone down there yet.

24

25 MS. SCHWARTZ: Oh, okay. Have they ever said
anything about your concerts in the summer?

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3

CANDY TAPER: No.

4

MS. DALE: But music is a little different.

5

6

7

8

9

MR. DiSTEFANO: Yeah. And on that note, have you had any discussions with the police department? Have you brought that up to anybody in the police department to say there will be gunshots? You know, although they are blanks, people might not realize that they're --

10

CANDY TAPER: That's true.

11

12

MR. DiSTEFANO: -- like gunshots that are going off, especially if they don't see it but they hear it.

13

14

CANDY TAPER: Agree. We haven't had that conversation because, quite frankly, I wasn't sure we'd get past tonight.

16

CHAIRPERSON MIETZ: That's fair.

17

18

MS. CORRADO: Several questions, so for the paying guest, are they buying a ticket at the door or do they need to get it in advance?

20

21

CANDY TAPER: This is a free event. The only thing we're charging for is the pancake breakfast.

22

23

MS. CORRADO: Okay, so it's come one come all.

Do you have parking management in place --

24

CANDY TAPER: Yes.

25

MS. CORRADO: -- if you draw a tremendous

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3 crowd all at once?

4 CANDY TAPER: Yes. We have the ability --
5 well, we have traffic directors and we also have the ability
6 of bussing people from First Baptist and from the Harley
7 School.

8 MS. CORRADO: And for the general public
9 attending, what time do they leave the site, or do they hang
10 out all night long?

11 CANDY TAPER: No, no. Let's see, there's no
12 one on Friday, so Saturday it closes to the public at
13 4:00 p.m. and Sunday it closes at 1:00.

14 MS. CORRADO: And sanitation and trash, do you
15 have plans for keeping the site tidy.

16 CANDY TAPER: Yes.

17 MS. TOMPKINS WRIGHT: It's similar to the
18 concert series, you have something in place?

19 CANDY TAPER: Yes.

20 MS. CORRADO: And does that include
21 porta-potties on site or are you directing folks into the --

22 CANDY TAPER: They can go inside. They're
23 sufficient inside and there's plenty of water outside. This
24 many people on the campus is not difficult to accommodate.
25 We just don't normally have them sleeping out there.

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3 MS. CORRADO: Right. April weather can be a
4 little dodgy, is there a rain date?

5 CANDY TAPER: No. They will be inside if it's
6 too bad. But they reminded us that during this period they
7 didn't get to dictate what the weather was.

8 MS. CORRADO: So rain or shine. As far as the
9 set up and the breakdown, do they need time on Friday
10 beforehand, Monday afterwards or all of the --

11 CANDY TAPER: They will are arrive between
12 noon on Friday and the campus is to be cleared by 2:00 p.m.
13 on Sunday. We have a concert Sunday night.

14 MS. CORRADO: Okay. So the time frame that
15 you really need the permit for would be Friday noon through
16 Sunday.

17 CANDY TAPER: Correct.

18 MS. CORRADO: So, which is not reflected in
19 the application, but we want to be clear about that. One
20 other question, I think it's pretty self-evident, have you
21 hosted this organization in the past or this is your first
22 experience with them?

23 CANDY TAPER: This is our first hosting
24 experience. We took our youth group to their training camp a
25 few years ago and were part of that. But this is the first

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3 time we've had them on site.

4 MS. DALE: When you went to it, what was
5 hosting it? Was it another church or was it --

6 CANDY TAPER: It was like the Sunshine Club
7 here, a Rotary? It was a Rotary camp that hosted them. They
8 were in Pennsylvania.

9 MS. CORRADO: So a much more remote location,
10 not within --

11 CANDY TAPER: Right, it was not within, right.

12 MS. CORRADO: When -- I have to say, I have
13 some real concerns about the, even the reenactment gunshots
14 in a fairly built-up area. Can you -- what is your plan if
15 there's any panic or concern from neighbors or anybody
attending? This is a touchy subject these day.

17 CANDY TAPER: It is. We have fliers designed
18 which we will put within the neighborhood completely door to
19 door. We intend to notify, were given permission to do so,
20 so that we've given them advance notice that this is going to
happen and happen within this time period. And, of course,
22 we will sit with the Brighton Police Department if we're
23 given permission.

24 MS. CORRADO: Do you have security plans for
25 the visitors at this point or are you waiting until you

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3 discuss with Brighton Police what sort of approach you should
4 take to security?

5 CANDY TAPER: We'll wait until we talk to them,
6 yes. The only thing we have in place right now is the fire
7 protection.

8 MS. TOMPKINS WRIGHT: Just along those lines,
9 what happens if we approve everything except for the noise,
10 the potential noise ordinance violation. I guess it wouldn't
11 be a violation if we approve it, but that issue, does the
12 reenactment go elsewhere or they perform without gunshots?

13 CANDY TAPER: They will perform this year
14 without any gunshots, they will not return.

15 MS. TOMPKINS WRIGHT: And the intent is that
16 this would be a recurrent thing at this location?

17 CANDY TAPER: Yes.

18 MS. CORRADO: One other question and this will
19 be my last one, I'm sorry. So this is the Union Army and is
20 there any potential for having the other side appear? Is
21 that any part of the reenactment?

22 CANDY TAPER: It is part of it and the
23 reenactors actually play either role and they have to
24 rehearse either role in the costumes for which. So in this
25 union troop some will be Confederate, some will be Union.

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3

4

MS. CORRADO: And displaying period flags
and --

5

6

7

CANDY TAPER: Yes. I didn't even ask that, I
assumed yes, because there's a separate camp, yes. So I'm
sure there will be a southern flag.

8

9

10

MS. SCHWARTZ: My questions have been asked.

11

12

13

14

15

MS. WATSON: I'm trying to understand, there's
40 reenactors but only eight guns?

16

17

18

19

CANDY TAPER: Correct.

20

21

22

23

24

25

MS. WATSON: And eight guns will be fired six
times per hour in the course of four hours. You will have
that schedule of gunfire distributed how far of a radius of
neighbors?

CANDY TAPER: As much as you tell me, but
generally when we do an advertisement we cover to the
expressway, all up Highland and, over to St. Thomas More so
that.

MS. WATSON: So that's door to door?

CANDY TAPER: Yes.

MS. SCHWARTZ: Do you ever go down the streets
that are off of Highland --

CANDY TAPER: Yes, that whole section.

MS. SCHWARTZ: -- towards East and then

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3 towards Esplanade as well?

4

CANDY TAPER: Yes.

5

CHAIRPERSON MIETZ: Okay, so other questions?

6

7 MR. DiSTEFANO: I just have one. The tents,
8 how many tents? Are they multiperson tents or does everybody
have individual ones?

9

CANDY TAPER: They're individual.

10

11

MR. DiSTEFANO: So you're going to have 40

tents basically on the site?

12

13

CANDY TAPER: I think they only have 33, but
some people are going to sleep inside.

14

15

CHAIRPERSON MIETZ: Are we set? Thank you

very much.

16

17

18

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

19

APPLICATION 3A-05-18

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3A-05-18 Application of Home Power Systems,
contractor, and Stephen Sanko, owner of property located at
88 Golfside Parkway for an Area Variance from Section 203-
2.1B(6) to allow a standby emergency generator to be located
in a side yard in lieu of the rear yard behind the house as
required by code. All as described on application and plans

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3 on file.

4 KEN STAVALONE: Good evening, how are you
5 tonight? My name is Ken Stavalone, I work for Home Power
6 Systems and I'm here tonight on behalf of Dr. Steve Sanko who
7 resides at 88 Golfside Parkway.

8 We are asking for a variance tonight in relief
9 from the requirement for the generator to be located in the
10 rear of the home and to move the generator to the side of the
11 home at the residence. The rear of the home of the residence
12 there has an entrance to a nice solarium off the side of the
13 house as well as a paved concrete area that overlooks a lily
14 pond. And it would be obviously kind of in the way of the
15 living space in the area there if it was placed on the
16 concrete patio.

17 On the side of the house where we're proposing
18 to locate the generator from the front of the house it's
19 blocked by an oak tree that has to be 300 years old. It's
20 one of the biggest oaks I've ever seen. As well as a metal
21 fence, you can't see through the fence but there is a metal
22 fence there as well. With installation we're proposing that
23 all the lines will be underground so they will be -- the gas
24 and the electric lines will be run underground to the
25 generator. So there will be no unsightly gas lines or

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3 anything running out, you know, five foot to the house.

4 It meets all the side setback requirements and
5 all of the other requirements laid out. And as far as the
6 sound goes the way the generator will be located the exhaust
7 and the sound will be going out towards 490 because of the
8 property's located right, it backs up to 490. So the sound
9 will be going that way and not out towards the other houses.

10 And then to the, I believe it would be the
11 east of the home's location is a stone wall that separates,
12 it's about a five-foot high stone wall. It looks like it's
13 been there forever, that separates the house -- or the lot
14 line from the other next residence next to that home.

15 CHAIRPERSON MIETZ: Questions? And what would
16 you say is the distance to the closest structure from where
17 this unit will be placed?

18 KEN STAVALONE: Yeah, absolutely. So within
19 the New York State Code it has to be five feet from any
20 windows or openings, so we would be five feet from any
21 windows or openings. There's some big windows because that's
22 the area of the house that has the solarium there, so we keep
23 five feet from there.

24 The units are actually rated to be within
25 18 inches but we never typically put them that close. So it

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3 probably would be a minimum of five foot, and again there
4 would be no lines coming out because everything is going to
5 be underground installation.

6

7 CHAIRPERSON MIETZ: How about to the
8 neighboring structures, what would be the closest structure?

9

10 KEN STAVALONE: The closest structure, if I
11 had to estimate probably 80 foot. Those are big old lots
12 there.

13

14 CHAIRPERSON MIETZ: Okay.

15

16 MS. TOMPKINS WRIGHT: Where's the "H" vacuum
17 at on the house in relation to where the generator is going?

18

19 KEN STAVALONE: The "H" vac unit is piled in
20 the corner of the rear of the house by the garage.

21

22 MS. TOMPKINS WRIGHT: And explain again why
23 the generator couldn't go in that?

24

25 KEN STAVALONE: So to meet the five-foot
requirement from any structures or windows it would be placed
on the patio where the "H" vacuum unit is it's pretty much
tied up to there, yeah.

26

27 MS. TOMPKINS WRIGHT: Okay.

28

29 CHAIRPERSON MIETZ: Any other questions?

30

31 Thank you.

32

33 Is there anyone in the audience that would

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3 like to speak regarding this application? There being none,
4 then the Public Hearing is closed.

5 APPLICATION 3A-06-18

6 3A-06-18 Application of Faith Bible Church,
7 owner of property located at 1095 East Henrietta Road for an
8 Area Variance from Section 205-8 to allow a church building
9 addition to be constructed 17.5 ft. from a side (north) lot
10 line in lieu of the minimum 50 ft. required by code. All as
11 described on application and plans on file.

12 BETSY BRUGG: Good evening, my name is Betsy
13 Brugg, I'm an attorney with the firm Woods Oviatt Gilman and
14 I'm here on this application. With me is Pastor Brado and
15 Bob Dyjak from the church, and Matt Tomlinson from Marathon
16 Engineers.

17 So I think this is somewhat of a straight
18 forward application for an area variance. We have the plan
19 here, you should have it in your packets as well. This
20 property is used as a church. The church acquired it from
21 another church that used to be located there. They did not
22 build this building. It's about 10,000-square feet in size.
23 The congregation is happy at this location but they don't
24 have recreation space for programs for their teens and kids.

25 As you probably know, you know, kids

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3 activities often involve running around, they need some space
4 so they can have more physical activity and really have a lot
5 more flexibility in terms of recreational activities for
6 their congregation.

7 So they're proposing a 7,600-square feet
8 addition that includes a vestibule area. So the recreation
9 space with storage and all is approximately 7,200 feet. They
10 do have relatively expansive amount of space on the property.
11 However, in order to really get this to work from the
12 engineering standpoint, they do need a side setback.

13 So this is the side setback we're talking
14 about. You should a copy of a letter from Flaun Management
15 that owns the adjacent property. They don't have any problem
16 with this variance and they support the application. They
17 would certainly be the only potentially impacted party and
18 they are fine with it.

19 As far as what we need to demonstrate to the
20 Board, we've addressed the standards for the granting of the
21 are variance in writing, but I will just go through it
22 briefly to the extent that we're looking at the benefit to
23 the applicant as weighed against the detriment to the health,
24 safety, and welfare of the community. Obviously, this is a
25 church, in order for the church to conduct activities and be

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3 successfully using their existing building they need to
4 expand their space in order to meet the needs of their
5 congregants. So there's a huge benefit to the church. The
6 success of the church is also a benefit to the community.
7 There's no adverse impact to the community by the granting of
8 this area variance. There's no other neighbor that would be
9 adversely impacted.

10 As far as the criteria, it's consistent with
11 the character of the neighborhood, it's a church and it will
12 continue to be operated as a church, nobody will be adversely
13 impacted by the location of this particular addition. It
14 will not have significant visibility from the street and it's
15 relatively, you know, setback.

16 Whether there's any other means feasible,
17 other than the granting of the variance, and we believe there
18 really is no alternative to this variance. If we are to be
19 able to build something that's suitable we have some
20 engineering issues which Matt can get into if you have
21 specific questions. We would be significantly impacting the
22 availability and convenient parking for congregants and
23 impacting access to natural light and things like that, as
24 well as there's some drainage issues.

25 We don't feel we have really a good

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3 alternative to this particular variance. The variance is not
4 substantial, we're not looking just at the number of feet
5 when we're talking about substantiality, we're looking at the
6 whether it's substantial in its nature and its impact,
7 whether it's meaningful and looking at each application on
8 its own merits I would say that there's no significant
9 impact. So it's not really a substantial variance to the
10 extent of the impact for the nature of the variance in this
11 particular case with this particular property.

12 There's no adverse impact on any physical or
13 environmental conditions. It will be subject to
14 Architectural Review, Planning Board will also get to look at
15 this and approve it. So that will be looked at as well. And
16 is the variance -- is the hardship itself created. And
17 again, they didn't develop this property, they're working
18 with existing conditions and existing building. They're
19 really trying to put on the nicest and most suitable addition
20 onto the building. So I think we meet the criteria. We'd be
21 happy to answer any questions or give you more information,
22 but I hope that that is satisfactory.

23 CHAIRPERSON MIETZ: Questions?

24 MS. DALE: I was just going to say, it's --
25 did the applicant consider if the purpose is to have space

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3 for the youth and recreational activities that could be
4 achieved by playing outside, you know, a playground?

5 BETSY BRUGG: Well, I think they do
6 religious-type activities, they are not all just running
7 around. I think they need space where they can do, you know,
8 circles and things inside of the building. Obviously,
9 weather is sometimes an issue and some of their activities
10 are really more engaging than just running around, so.

11 MS. DALE: Okay.

12 MS. TOMPKINS WRIGHT: Just to clarify, it was
13 in your application, but there's already a garage on site
14 that doesn't comply with the setbacks. In fact, it's close
15 to the lot line where the proposed addition is.

16 BETSY BRUGG: Yes, there's a small garage and
17 it's located right here. It actually --

18 MATT TOMLINSON: It's roughly the same setback
19 yes, 16 or 17 feet.

20 MR. DiSTEFANO: Just say your name again.

21 MATT TOMLINSON: I'm Matt Tomlinson from
22 Marathon Engineering. And just to clarify the first
23 question, night services at the church are Thursday night and
24 it's their main night service, if you will. So obviously
25 daylight and everything else becomes an issue as far as

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3 outside activities.

4

MS. DALE: Thank you.

5

6 CHAIRPERSON MIETZ: So could one of you
7 describe just on a seven-day-a-week basis what the use of
8 this thing is going to be as far as what times of the day and
what types of things, how often?

9

10 PASTOR BOB BRADO: Sure. Good evening, I'm
Bob Brado, B-r-a-d-o, I'm the pastor of Faith Bible Church.

11

12 So Sunday mornings we have most of our people
13 there from 10:00 a.m. to noon-ish, 12 to 12:30-ish. And our
14 children at that time are in their classrooms and our
children's space, we've just outgrown our children space.

15

16 Thursday evenings is a program geared toward
17 our teenagers and also our youth 4 years old up to 6th grade,
18 so all the way through. That is a combined educational
19 program along with game time, so both are utilized. And that
20 would be 7:00 p.m. to about 9:00 p.m. on Thursdays. Those
are the main times that we meet Sundays and Thursdays.

21

22 CHAIRPERSON MIETZ: What will happen with the
space the rest of the time?

23

24 PASTOR BOB BRADO: Honestly, we don't have any
25 plans for it. I don't foresee anything major right now. It
is a gymnasium-type thing there could be some programs,

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3 activities, you know, during the summer but we don't have any
4 current plans for that.

5 CHAIRPERSON MIETZ: And with the mission of
6 the church which was discussed earlier, then there probably
7 wouldn't be a likelihood that you would lease or allow or
8 whatever other users to come in?

9 PASTOR BOB BRADO: Actually, sir, we've not
10 done that. We're really not looking to do that. We don't
11 need to do that from a financial standpoint. And it just
12 gets complicated when you have outside --

13 CHAIRPERSON MIETZ: We're just trying to
14 understand for the record how you will operate it.

15 PASTOR BOB BRADO: Correct.

16 CHAIRPERSON MIETZ: All right, very good.
17 Questions over here? Anything else? Thank you.

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

21 APPLICATION 3A-07-18

22 3A-07-18 Application of Brighton 12 Corners
23 Associates, LLC, owner of property located at 1881 Monroe
24 Avenue, for an Area Variance from Section 205-12 to allow for
25 88 on-site parking spaces to accommodate existing uses and

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3 the establishment of a 3,190-square foot urgent care facility
4 where 129 parking spaces are required by code. All as
5 described on application and plans on file.

6 JAMES CRITICOSE: Good evening everybody, my
7 name is James Criticose, I'm a project engineer B & E
8 Associates. I'm here on behalf of Brighton Twelve Corners
9 Associates, LLC, for the property located at 1881 Monroe
10 Avenue, which is located on the western side of the
11 Twelve Corners intersection. Also here with me this evening
12 is Fred Rinaldi of Brighton Twelve Corners Associates.

13 We had submitted an application requesting an
14 area variance to the property for Town Code Section 205 for
15 the off street parking regulations. The area variance we
16 have requested will allow for a reduction in the required
17 parking from 129 spaces to 88 parking spaces, which is a
18 reduction in 41 spaces.

19 The required number of parking spaces
20 calculated per the existing uses in the proposed medical
21 office use, the new urgent care facility they're proposing
22 located on the property. Previously a variance was granted
23 by the Zoning Board on May 4, 2016, which allowed for a
24 reduction in the required parking from 118 required spaces to
25 88 spaces, which is the current number of space located on

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3 the site and then continued to be maintained.

4 The site is completed, developed, and no site
5 improvements are proposed for the new facility, only sod
6 improvements to the existing building. Which we've already
7 met with and received approval from the Architectural Review
8 Board at their last meeting.

9 At the time the variance was granted
10 previously the proposed use for the vacant space remaining in
11 the building was not known and was allocated at 11 spaces at
12 a rate of one space per 300-square feet. Per the Town Code,
13 medical office use requires a parking ratio of one space to
14 105 square feet, which require a total of 22 parking spaces
15 dedicated for this new urgent care facility.

16 As such, the request to reduce the parking
17 will be an additional 11 spaces beyond what is currently
18 granted for the property. To support the request Twelve
19 Corners Associates had a parking study of the property
20 completed by Burgman Associates which was included with the
21 materials submitted for your review. The study analyzed the
22 88 parking spaces contained on the property and also included
23 an additional six spaces to Aja Noodle which straddle the
24 property line but are associated with the Aja Noodle
25 business, so they were studied.

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3 The study observed the parking utilization on
4 January 26th from 9:00 a.m. to 9:00 p.m. and the study showed
5 that during the peak period of utilization which occurred at
6 1:15 in the afternoon only 50 percent of the 94 parking
7 spaces studied were occupied, or such that 47 spaces were
8 available to be utilized.

9 Parking projections for the urgent care
10 facility were created through consultation with the future
11 tenant facility who also operates several other urgent care
12 facilities in the Rochester region, as well as the ITE trip
13 generation manual.

14 The parking commands provided by the future
15 tenant included both employee and patient loadings and have
16 been incorporated into the study. The parking study included
17 projections for the full development of the property which
18 estimates and approximate an additional 24 spaces may be
19 needed at the facility.

20 CHAIRPERSON MIETZ: Sir, can you slow it down
21 a little bit?

22 JAMES CRITICOSE: Yes, I'm sorry. As I
23 mentioned the parking study included projections for the full
24 development of the property which are projected to be an
25 additional 24 spaces during the peak loading time which

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3 occurs at 1:00 p.m. As indicated in the study, 47 spaces
4 were available at that time and therefore even producing the
5 24 max projected at this loading period but still have
6 23 approximate spaces available at the full build out.

7 The letter of intent that was submitted with
8 the application discussed each of the six factors that you
9 need to consider for the area variance. I'll just go over
10 them very briefly. The first was that it would not result in
11 a substantial change in the character of the neighborhood.
12 As we're not proposing any site improvements or changes to
13 the existing facility, there's going to be no impacts to the
14 site or existing neighbors.

15 Additionally, there are no urgent care
16 facilities in this area of Brighton, so being able to provide
17 in this new facility would be a benefit to the community and
18 the residents in the town.

19 For the second point, the explaining why the
20 difficulty in necessitating the variance cannot be solved in
21 another solution. As I mentioned, the site is completely
22 developed, we don't have the opportunity to create additional
23 parking on the site. But, again, based on the parking study
24 we don't believe it is necessary to support all of the
25 existing proposed use.

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3 How substantial is the area request? As I
4 mentioned, we're requesting a reduction from the required
5 number of spaces of 129 for all of the uses to 88 spaces for
6 a variance of 41. Again, this is only an additional 11
7 spaces being requested from what was previously granted for
8 the facility.

17 Park traffic enters through that and can enter
18 into the facility and park where they choose. There's no
19 reserved areas for any of the businesses. All businesses on
20 the property share all of the parking spaces.

21

difficulty, which leads to the variance request was not self-created. Again, the code is dictating the required number of parking spaces being based on uses. However, based on the parking study and the review of the uses that are

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3 present in the facility, there's sufficient parking to
4 support everything that's is existing in the proposed lot.

5 In summary, the information we provided in the
6 parking study shows there is sufficient parking at the site.
7 If you guys have any questions in regards to the parking
8 study or the operations of the facility, myself or Fred will
9 be happy to answer them.

10 MS. DALE: I do. So for your parking
11 generation table summary, in order to, you know, something
12 like the number of employees on the site per day, I would
13 think it would be pretty easy to confirm and check with the
14 company that's planning on running this business. But as far
15 as the maximum number of patients per hour could you talk a
16 little bit about how you came up with it?

17 JAMES CRITICOSE: Sure. So like I said, the
18 future tenant operates several other urgent care facilities
19 in the Rochester region, most of those facilities are
20 approximately double the size of this as well. They provided
21 us with patient loadings on a given day. The patient loading
22 for these type of facilities typically bimodal. They
23 typically peak at 9:00 a.m. right when they open up and then
24 again after the work hours, 6:00 to 7:00, right when people
25 are getting out of work.

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3 happened over the last five years with regards to parking and
4 traffic analysis has been an incredible illusion of their sim
5 models and they are able to get incredibly specific to the
6 operation and the function. Because this is a Rochester
7 regional instillation, there was incredible background data
8 including data provided by their operators. And Chris Flynn,
9 who is the operator for these units in our market is
10 available to speak on the specifics.

11 But believe it or not, what you find is
12 bizarre patterns. And as a landlord where I have almost
13 every type of product in the market -- I'm kind of a
14 statistics junkie to that effect -- and you will actually
15 have people who show up, who may walk there for a nonserious
16 something. And there was an allocation in the sim model that
17 Burgman used that's used everywhere in the country that we
18 didn't want to excommunicate from the study because they show
19 that.

20 The outlier, which we consider that an anomaly
21 wasn't serious enough for us to go back and understand
22 exactly what that meant because we do feel we have an
23 abundance of parking, even in the peak hours. I didn't want
24 to eliminate that because as we submit these studies to the
25 public, they are public information, I wanted to be accurate

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3 and consistent with the methodology by which the same

4 practice would take place in Texas or California.

5 So believe it or not you will see somebody who

6 will walk to an urgent care facility because of the

7 nonserious injury or symptom that they have the ability to

8 walk.

9 MS. DALE: Okay.

10 MS. SCHWARTZ: What are your hours of

11 operation?

12 FRED RINALDI: The facility --

13 JAMES CRITICOSE: The hours are 9:00 a.m. to

14 9:00 p.m.

15 CHAIRPERSON MIETZ: That would be seven days a

16 week?

17 JAMES CRITICOSE: Correct.

18 MS. WATSON: Did they take into consideration

19 at all any increase in traffic from the CoreLife in the old

20 post office building?

21 JAMES CRITICOSE: No. We did an initial

22 study -- or a brief review of the ITE trip manuals once we

23 became aware of that CoreLife Eatery was going to be in the

24 facility based on the parking that's available on that

25 property and on the proposed use as reviewed for the ITE trip

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3 manual. They have more than sufficient parking over there to
4 support their needs.

5 FRED RINALDI: The other practical application
6 of the way that our parking facilities are set up, you'll see
7 that we wrap the outer edges of Elmwood and Winton and
8 Monroe. Rochester has very real intricacies in the way that
9 they say it's about convenience. So it's highly unlikely
10 that we will see participants of the rear establishments
11 utilizing this parking facility to then walk to their front
12 door.

13 So we benefit a lot by having that feature.

14 The town has been very good about supporting a shared parking
15 environment. That facility acts like a larger shopping
16 destination. We consider ourselves a part of Brighton
17 Commons. We like that, we like the cross shopping.

18 We allow some bad habits to take place where
19 some of the businesses that are not part of Brighton
20 Twelve Corners Associates. They park their vehicles for
21 advertising, we try to be a good neighbor. The presence of
22 CoreLife Eatery, we view that as a huge win for the tenants.
23 And we don't perceive an impact to the immediate access to
24 parking for our tenants.

25 I can promise you that my biggest concern

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3 after life, safety, is to health, longevity of those
4 businesses because those businesses, in business terms, the
5 collaterale allowing to finance and improve facilities. And
6 this is something we have been working on for a long time to
7 kind of starting a new chapter and get out of the memories of
8 what it was, the Rite Aid era.

9 MS. CORRADO: Relating to parking and
10 operation, and I think you addressed this in when you
11 explained the parking, but I may have missed it, as you went
12 over a lot. Did you say that there will be reserved spots
13 for patients? No?

14 JAMES CRITICOSE: No.

15 MS. CORRADO: So somebody is in need of urgent
16 care, not emergency room critical but it's certainly
17 concerning and they're navigating a tricky parking lot and
18 you anticipate that that's going to be all right with reduced
19 spaces for them to be able to find a place and get into the
20 facility without adding more distress to the situation?

21 FRED RINALDI: So we went through a pretty
22 intense review with the operator and the tenant. We've
23 gone -- you probably can imagine how difficult it is finding
24 an operator that fits with the reality of our infrastructure
25 there and when we found this --

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3 MS. CORRADO: Answer my question --

4

5 FRED RINALDI: When we found this operator
6 they -- every element had a higher sensitivity and we studied
7 that at great length. We found that in the worst cases which
8 we consider peak hours, there wasn't an environment that
9 would allow immediate access to the front door.

10 The nice thing about the Monroe elevation
11 place, it's very visible and easy to navigate. And we can do
12 this going in with ESL because they had trained us to what
13 they envisioned their new existence to look like. And a lot
14 of it was low density, high utilization of the drive-thru,
15 features like that. So we always find ample parking.

16 MS. CORRADO: I still want to press on this
17 though. So I've got my sick kid, the kid's crying, I'm
18 rattled, I pull in there, it's my first time there, it's in a
19 peak dinner hour QDOBA, Aja Noodle, and I pull in, I'm not
20 finding a spot and now I have to circulate around, it's a
21 tricky circulation and I have to go run around the back and
try all over again.

22 You're sure that there's not the opportunity
23 for a couple of reserved spots for this facility? And I
24 recognize that that would have an impact on the overall
25 parking situation, but seems --

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3 FRED RINALDI: My request would be that maybe
4 as if we are so fortunate, a condition of the approval would
5 allow me the opportunity to respond to that. If we found
6 that there were instances where we're running into the
7 situation you described that I have the ability at my expense
8 to come to the Town and ask for a permit to instal a reserved
9 spot. I can promise you both as a owner of -- about a third
10 of our portfolio is medical and we have several pediatrics
11 units. I'm also a father of a 22-month-old son who leads
12 with his head everywhere. And every pediatrics unit that I
13 have visited has not had shared parking.

14 I've also witnessed in my history in operating
15 medical facilities that if somebody is in duress they will
16 park wherever they want to get their family member, patient,
17 whoever into the space. My hope is that through the
18 planning, the coordination of the Town things that don't get
19 utilized heavily on our site like the handicapped parking and
20 other features that offer an opportunity, those will function
21 as flex environments where they may not be --

22 MS. CORRADO: That's problematic.

23 MR. DOLLINGER: I see what you're saying, but
24 I don't think you've explained the down side. It seems to me
25 that we can all acknowledge that you are able to put two

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3 spots in front of the -- there would be a benefit to having
4 two spots in front of the urgent care facility that said, you
5 know, urgent care. That has to have a benefit and I
6 questioned, I just wanted an explanation of what's the
7 downside doing.

8 FRED RINALDI: So in response to that, if the
9 operator has not identified the need, if the Board was moved
10 to allowing to install reserved parking, two spots, in front
11 of their immediate entry, then I will happy to do that.

12 MR. DOLLINGER: Interesting. So I also
13 thought when I looked at it, you could actually put it down,
14 it doesn't have to be right in front because that's close to
15 QDOBA, but somewhere in between that urgent care and the ESL,
16 those spots have to be open on a semiregular basis. Because
17 I agree with you, that the ESL is not a big demand for
18 parking, particularly on that side of the building.

19 So most spaces it seems to me, I mean, I'm a
20 frequent flier at this place or by it, but, you know, those
21 spaces are open a lot. It seems to me you could not impact
22 the rest of the, you know, by putting a couple of spots at --

23 CHAIRPERSON MIETZ: We could probably discuss
24 this issue a little later.

25 MR. DiSTEFANO: I don't really think this has

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3 an impact on the variance.

4 CHAIRPERSON MIETZ: I think it's a discussion
5 we can have, but I think it's fair to suggest for the record
6 that they're saying if we had some thought like that and they
7 would attempt to accommodate it.

8 Did you have any other questions?

9 MS. CORRADO: Yeah. I am not sure if it
10 impacts the parking need or not, but I'm just curious to know
11 oftentimes, from time to time somebody will get to urgent
12 care and it will turn out that they need more critical care,
13 is there thought about things like ambulance, arrival and
14 pick up and transport of the patient from a location like
15 this?

16 FRED RINALDI: So any time I come to the town
17 and ask for any change to an existing anything, future care,
18 it will go through a code review. When I pull a building
19 permit, there's a life, safety analysis. So all of our lanes
20 are of the width allows a pass through by a fire truck or
21 ambulatory. And we believe with both the ingress and egress
22 both on Elmwood and Monroe, that we have the circulation to
23 accommodate an escalated situation. Again, which would be a
24 rare instance, but absolutely we would be able to
25 accommodate.

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3 I mentioned about three or four minutes ago
4 that life, safety review and my civil engineer can tell you
5 the first element on every initial site plan development, it
6 just is. So we have all -- we are to code in all of the
7 safety features available to us.

8 I just wanted to clarify as testimony to your
9 prior point, I am absolutely willing at my expense without
10 any hesitation if the Board seems deems it necessary to
11 install exclusive spots for the urgent care drop off without
12 question so that the mechanism by which that would be elected
13 would be up to your discretion.

14 MS. CORRADO: That doesn't, Rick --

15 MR. DiSTEFANO: No, it becomes a policing
16 matter who's going to police it. Reserved parking spaces
17 just tend to add more issues than they do resolve issues.

18 MR. DOLLINGER: I'm not sure I get that.

19 MR. DiSTEFANO: Again, that's not for this
20 discussion.

21 CHAIRPERSON MIETZ: Let's stick to questions
22 here. Do you have any others?

23 MS. CORRADO: I think I'm good.

24 MS. WATSON: I have a question. I'm just
25 wondering if there's going to be an entrance or exit out of

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3 the rear of the urgent care facility along the back driveway?

4 FRED RINALDI: Yes. So they have with QDOBA a
5 shared vestibule it allows --

6 MS. WATSON: Is it an emergency exit only or
7 do you expect anyone to come in there?

8 FRED RINALDI: Patients can't come in, but if
9 there's an emergency and a patient can't get out Monroe
10 Avenue we have all the signage that in an emergency they can
11 get out. It has to be a push --

12 MS. WATSON: Nobody's going to park at that --

13 FRED RINALDI: No patients would be entering.

14 MS. TOMPKINS WRIGHT: A quick question on the
15 traffic study. Did you consider doing more than one day? I
16 don't think that the parking is usually very busy. I am not
17 used to seeing traffic studies on just one day and time where
18 they take a parking calculation. And the other issue, I'll
19 say my memory is fading already, QDOBA was open?

20 CHAIRPERSON MIETZ: It was early, how long had
21 it been open in January?

22 FRED RINALDI: Just over six or seven months,
23 but the analysis makes several assumptions, so I present
24 almost three nights a week to several municipalities and
25 traffic is always a very important conversation, very

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3 important subject. I had to learn the methodologies used
4 because they provide me with scoping documents that come with
5 very expensive lines at the bottom. I said, so what are you
6 accomplishing, how are you servicing the concerns of the town
7 and the community?

8 So it is actually common practice to
9 identify -- and remember that we had significant base of data
10 to build the scoping document off of because it was captured
11 with QDOBA. So we identified the highest level of
12 participation through the work week. And we used that full
13 day to capture. And that was identified through the Bergman
14 study.

15 My company, we acquired, billed, and managed
16 the projects in perpetuity and I have an on-site manager
17 Teresa Vigianti who is in charge of this. She operates, I
18 consider her to be very good and she is always collecting
19 data because we want to be in front of the concern before our
20 tenants call us, because that's our style.

21 We have found that the Bergman study which was
22 formal by engineer, and our practical application of the data
23 with use of the project, we were consistent with the needs
24 and demands of this application.

25 MS. TOMPKINS WRIGHT: So just be specific

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3 thought, in the first Bergman study that was done for QDOBA,
4 you identified Fridays as being the peak day for parking?

5 FRED RINALDI: Correct. Food really is
6 driving the piece with this. There's a slight adjustment
7 with the utilization of the bank. But by large, it's almost
8 completely plausible. The food operations have a little bit
9 of unpredictability so they build assumptions into it.

10 So we used those to create worst case
11 scenario. These were built off of a worst case scenario.
12 Even in the worst case scenario we have a significant margin
13 of service available to accommodate this need. That also
14 includes you'll see there's a line that includes increases in
15 utilization over the next five years, we're still in
16 incredible shape at that point.

17 MS. TOMPKINS WRIGHT: But speaking of that,
18 the requested variance is to reduce it from 22 spaces for
19 this use, not to be in consideration with shared parking, but
20 this is taking it from 22 to 11. And your parking generation
21 basically says that you'll exceed that by year three. That
22 you'll actually be using 12 spaces in year three, 13 in four
23 and 15 in five.

24 FRED RINALDI: That's what we're asking for,
25 but the model shows that we have in excess of 23. Just to

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3 service the parking is --

4 MR. DiSTEFANO: If I can just interject here,
5 why do you think that there are that many available parking
6 spaces at the site with full capacity, given the fact that we
7 know the banking industry has changed a little bit. There's
8 not as many people that visit a branch. Where are we getting
9 this large reduction in number? Are the uses in there just
10 not generating much traffic? Nobody's not meeting their
11 projections?

12 I get a little concerned that QDOBA goes out
13 for whatever reason and you put maybe a family diner in there
14 that really takes off, now we're banging against those
15 numbers. So I guess my question is, why is there so much
16 excess parking?

17 FRED RINALDI: The simple answer is that the
18 code, when we bring an application in we have to apply it
19 against the Town Code.

20 MR. DiSTEFANO: And banking, I can understand
21 that. The code is probably a little high for the banking and
22 especially the way the banking is done today. But with the
23 UPS, which is a basic retail-type use and the two restaurants
24 at one space for every two seats, I don't think that's a high
25 number of parking that's require for those. So where is the

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3 discrepancy here?

4

5 FRED RINALDI: We feel that the Town
6 retirements are higher than would be demanded by the mix
7 tenants. And even if we swap out a 3,000 square feet tenant,
8 we don't see a future scenario that imposes an environment
9 where it's no longer able to accept patrons, comfortably.
10 And you have to remember that that scenario I just described
11 where I can't service my tenants with our parking
12 infrastructure means I'm probably not going to be able to
lease the space out very easily.

13

14 So I am of the firm belief that we have
15 incredible excess to accommodate our application today and
16 then any transfer or shuffling of the tenants in the future.
17 Because the spaces remember are, I don't have five, six,
18 seven, 10,000-square foot blocks anymore. I have 2,000, 800,
3,000-square foot blocks.

19

20 JAMES CRITICOSE: Kind of in addition to that,
21 Rick, some of the uses in the facility do not peak at the
22 same hours. So like I mentioned the urgent care facility is
23 typically a bi-model peak, so they're peaking, you know, the
24 highest demand is typically right in the morning at 9:00 a.m.
when they open. If facilities like the bank are typically
closed at the dinner hour when, you know, the QDOBA or the

25

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3 Aja Noodle are also on peaks, and they typically peak,
4 restaurant facilities also peak in the afternoon like 12:00
5 to 1:00, which is typically one of the lowest times for the
6 urgent care facility.

7 So the parking study shows it as looking at
8 the utilization across the site. We're not just taking the
9 peak hour traffic generated for each of those and compiling
10 them all into one time. We're, you know, looking at how the
11 distribution of the utilization occurs throughout the period
12 of the day. So based on the uses that, you know, are
13 proposed and existing, the study, you know, clearly shows
14 that we should be able to support all of these practices.

15 CHAIRPERSON MIETZ: Okay. I have a couple
16 questions. More operationally, so I don't know if you guys
17 can answer them as well as the gentleman from the urgent care
18 could answer them, but I'll ask them and you guys can decide
19 who should answer them. The first one is, you made a comment
20 earlier that interested me that because this facility is
21 approximately 3,000 square feet and most of the operations
22 that they operate also are larger than you said, 5- or 6,000
23 square feet. Again, once the name urgent care is on there
24 people are aware there's a place that you can get urgent care
25 services. If they need it they will show up, because most

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3 people don't understand how many square feet are in an urgent
4 care, or how many are in this urgent care, versus any other
5 urgent care. So how are we suggesting that the amount of
6 people will be limited by the 3,000 square feet? Again, they
7 must have data for these other facilities that say for 6,000
8 square feet there's this many patients an hour. And to just
9 divide by two and dial it down so you wouldn't be
10 responsible. So how is that developed, I guess. That's one
11 question.

12

13 And then the second question would be, could
14 we get a little idea of how that facility is designed, how
15 many patient areas are there? How many patients could be
16 actually worked on per se, at one time? We see how many
17 employees there are, but I don't want to assume what those
18 employees do. That there are receptionists, nurse, there are
NP, there are PA.

19

20 FRED RINALDI: To your first point, about a
21 decade ago when the hospitals, University of Rochester and
22 Rochester General, at the time when they put out an
23 initiative that offered two things, take pressure off of the
24 main institutions, the emergency rooms especially, and also
25 to create a more hyper world installation to service
communities in a micro way.

2

3

3 So they went through a huge initiative and
4 they started opening up 6,000- 7,000-square foot urgent cares
5 throughout Monroe County. While that was happening, like
6 anything that has incredible growth, there were private
7 practices that came in, Five Star is an example. When they
8 started installing 5-, 6-, and 7,000-square foot units, what
9 has happened in the last few years is that the hospitals now
10 have said, we're going to take a far more micro approach to
11 these communities.

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So they went through a huge initiative and

they started opening up 6,000- 7,000-square foot urgent cares throughout Monroe County. While that was happening, like anything that has incredible growth, there were private practices that came in, Five Star is an example. When they started installing 5-, 6-, and 7,000-square foot units, what has happened in the last few years is that the hospitals now have said, we're going to take a far more micro approach to these communities.

And now that they have all of this data and

they have identified that these environments where they're

instituting these 3,000 to 3,800, that's the range, they're truly feeling -- they're filling a highly identified niche or void, we will call it.

So they went through an incredible study to make sure that the -- what they call it primary trader, the areas where they're going to be servicing -- that this was a formate both in layout, size, and access, that would accommodate that need. And I can have Chris Flynn speak specifically to the operation.

CHRIS FLYNN: Sure. Good evening, Chris Flynn with Rochester Regional Media Care. We have developed this model based on existing data that we had of the original

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3 three centers that were built in the Rochester area along
4 with our location in Buffalo, New York, which there's five.
5 The trend within urgent care is to go to smaller centers.
6 When we built the original three centers here there was very
7 little competition.

8 CHAIRPERSON MIETZ: Where are they, just for
9 the record?

10 CHRIS FLYNN: The three in Rochester?

11 CHAIRPERSON MIETZ: Yes.

12 CHRIS FLYNN: Greece, Henrietta and Webster,
13 our three original sites. Now we have added two sites, one
14 in Penfield, most recently Irondequoit and now this would
15 actually be the sixth location that we're looking at, with
16 more on the horizon.

17 We assist in operating centers of this
18 magnitude nationwide, so we have data from other locations
19 across the country, California, Texas, Florida, Tennessee,
20 those types of locations, and the trend, as Fred said, has
21 been to go to these smaller models, get out into the
22 neighborhoods. And the hospital system is really getting on
23 board with these models as we've worked in this joint venture
24 arrangement with them because they want to get the low acute
25 of the cases. So folks that really can't physically mobilize

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3 to get into spaces, this is not where they need to go. But,
4 you know, for low acute cases, they get them out of the
5 emergency room so that they're freed up to handle more
6 critical cases. This has been the answer.

7 There's also a cost factor, as most folks have
8 seen, your ER co-pays are continuing to climb up year after
9 year. An ER bill of which we run also of \$15- to \$1800
10 compared to here is much lower, so a couple hundred bucks.
11 So the insurance carriers have gotten on board with these
12 programs and that's some of the drive at the hospitals that
13 had to move to these types of systems.

14 Staffing models are different at these
15 locations than they would be at a medical office facility.
16 For example, a lot of the registration takes place with an
17 automated process. The quicker system that we spoke to
18 earlier assists with some of that patient registration. They
19 also get repeat business, so there's not a need to register
20 again once you're on board in the system. We have good
21 repeat business right on this part of this. So that reduces
22 the amount of staff that we have to have to operate one of
23 the facilities efficiently.

24 MS. TOMPKINS WRIGHT: I think part of it was
25 that we were kind of equating the number of patients per hour

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3 to how big the center was. But the neighbors won't know how
4 big the center is compared to other ones, so is that model of
5 how many patients you expect to get per hour, is that based
6 on the neighborhood these centers are going in, the
7 population, the survey, the radius as to where other urgent
8 cares are, or is it really just based on the square footage?
9 Because that's sort of hard to --

10 CHAIRPERSON MIETZ: Yeah, it doesn't really
11 make a lot of sense.

12 CHRIS FLYNN: So we have seen a decrease in
13 volumes of the larger centers because of the amount of
14 competition that's in the marketplace. So as that's
15 decreased we've lowered the amount of space that we have to
16 treat patients because there's more opportunities.

17 So it's a smaller model. The real trend has
18 been towards, and you don't have them in this area, but a
19 Wegmans, for example, in other parts of the country their
20 equivalency in other parts put in small PA midlevel provider
21 type of facilities inside of the larger retail locations.
22 And that's really the competition that's coming to the
23 marketplace as they've developed those out. Walgreens, CVS,
24 Kroger, which is a Wegmans equivalent in different parts of
25 the country, that is the marketplace they've gone to, and

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3 they are doing smaller locations. Two exam rooms staffed by
4 two individuals maybe four or five, and that's where the
5 competition goes. We are trying to make sure that we are
6 positioned correctly in the market as those start to come
7 into the area, and that will pick up. We just can't sustain
8 the current model that we have as far as the size.

9 FRED RINALDI: And a specific response to
10 answer your question. So in addition to the hospital's data,
11 they engage a market consultant professional, in this case
12 these guys use CB Richard Ellis, which is one of the largest
13 in the market. James Keenan is their rep. What they do is
14 they create sicodem models that do distances, total
15 locations, they'll take census data, there's a lot that gets
16 built in. And that's a segment of the site qualification
17 that is pushed off to a consultant professional like CB.

18 And that's one of the reasons we were excited
19 about this because CB has an incredible reputation servicing
20 successfully these types of installations and we've worked
21 with them quite a bit in the past. So it's a combination of
22 what you heard Chris describe and then a very intense market
23 study that does primary trade rings, secondary trade rings,
24 and it goes through the municipalities and they'll pull units
25 that are in permanent that haven't been built yet, so they

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3 future cast a little bit. So it's a combination of quite a
4 bit of data.

5 CHRIS FLYNN: It's also based on actual
6 daytime traffic, so what's the occupancy of an area during
7 the day versus the occupancy at night because that can be
8 quite different as folks leave and go to work, kids go to
9 school.

10 MR. DOLLINGER: That's my question, a little
11 bit in my mind. And I guess it's somewhat tangential, but I'm
12 wondering, I'm concerned in a way. I mean, I think there's a
13 huge population that is going to be using this particular
14 urgent care. As soon as you put that in there and people
15 drive -- first of all, thousands of cars drive by there all
16 of the time. It's got to be one of the highest traffic
17 places in the county. And every one is going to see it and
18 it seems to me there's a huge population base. I mean, when
19 you look at -- do you know where the nearest --

20 MS. DALE: Pittsford Plaza.

21 MR. DOLLINGER: Right, Pittsford Plaza, but
22 more the nearest one to all of the apartments up at the
23 corner of Clinton and Elmwood and all of that.

24 CHAIRPERSON MIETZ: You also have to remember
25 what the proximity to the hospital is from there. You have

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3 two major hospitals within a mile and a half, two miles.

4 MR. DOLLINGER: I'm not sure people are going
5 to go to that. They're going to see this urgent care and
6 they'll go there. Where's the nearest urgent care to the
7 corner of, do you know where?

8 CHRIS FLYNN: Okay. It is Pittsford Plaza.

9 MR. DOLLINGER: So you're going to draw from a
10 broad area of extremely dense people. There's a lot of
11 population that lives within two miles of this, four miles of
12 this particular urgent care. I just question if you are
13 underestimating the volume.

14 MS. DALE: There's a bunch near by.

15 MR. DOLLINGER: Where's the one near McQuaid?
16 This will be --

17 CHAIRPERSON MIETZ: No, there's nothing.

18 MR. DOLLINGER: That's what I'm saying, that
19 whole entire population, all down Town Line Road --

20 MR. DiSTEFANO: If you do a three-mile radius
21 around this particular, you're hitting a lot of population.

22 MR. DOLLINGER: And this going to be the
23 nearest and --

24 MS. DALE: All those people today are driving
25 to Brighton Henrietta Town Line Road and Pittsford Plaza.

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3 MR. DOLLINGER: They are. But the other
4 interesting thing is, is Pittsford Plaza you don't know it's
5 there unless somebody tells you it's there. This is going to
6 be, hello this is your urgent care place right here. It's
7 going to -- thousand of people are everyday going to drive by
8 and say, oh, if I have a problem I'm going to that urgent
9 care.

10 MS. DALE: I don't know that those other
11 urgent cares are overflowing with people, that people are
12 waiting for a billion hours.

13 CHAIRPERSON MIETZ: Let's hold it for our
14 deliberations.

15 MR. DOLLINGER: Okay.

16 CHAIRPERSON MIETZ: Does anybody have a
17 anymore factual questions of the applicant, as far as the
18 operation, do we understand the operation?

19 MR. DOLLINGER: How many doctors are actually
20 on site? Did we get that?

21 MR. DiSTEFANO: No, didn't hit that.

22 MR. DOLLINGER: There's two doctors typically
23 at all times?

24 CHRIS FLYNN: A midlevel provider and a
25 physician -- PA.

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3 MR. DOLLINGER: Okay. And then there would be
4 one staff coming in, so there's really three to four
5 employees.

6 CHRIS FLYNN: Correct. It's small scale. And
7 we adjust based on volume, so some of the increase in the
8 analysis is actually based on the staffing as you grow.

9 One other point I would like to make is some
10 of the existing centers that we have that are larger, when
11 you look at the breakdown of exam rooms to waiting area,
12 proportions were off balance. It's urgent care, you don't
13 need a large waiting room. With the in quicker system, we've
14 reduced the size of the waiting room because we really want
15 to get folks into the back and really get them seen to get
16 them out the door.

17 So it's a lot about flow and cycle analysis
18 and the point about that we were making earlier about parking
19 and what parking looks like, when you look at typical medical
20 office building parking, we've all experienced that before.
21 We deduce it for an extended period of time because they
22 register a lot of appointments in and then they flow through
23 their cue.

24 So we have more of a continuous cue flow
25 that's related to it, which is more of a retail setting than

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3 it is a medical office setting as folks come through.

4 CHAIRPERSON MIETZ: Okay. Is there any more
5 specific questions? Thank you.

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

9 APPLICATION 3A-08-18

10 3A-08-18 Application of Yuri and Anna
11 Joselson, owners of property located at 10 Chalet Circle, for
12 an Area Variance from Section 205-2 to allow a building
13 addition to extend 7 ft. into the 18.75 ft. side setback
14 required by code. All as described on application and plans
15 on file.

16 YURI JOSELSON: We need to build a first
17 floor.

18 MR. DiSTEFANO: Could you say your name and
19 address for the record?

20 YURI JOSELSON: Yuri Joselson, 10 Chalet
21 Circle, Rochester, New York, 14618.

22 MR. DiSTEFANO: Thank you.

23 YURI JOSELSON: And we need to build a first
24 floor bedroom with bathroom for a child with special needs.
25 And after talking to architect and trying to put something

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3 together we need this bedroom to protrude towards the

4 property line 10 feet, at least, to make the bedroom

5 handicapped accessible. And provide enough space to get into

6 bathroom, closet, et cetera. That's pretty much what is

7 asked for.

8 MS. SCHWARTZ: Are you going across the whole

9 back? I mean, you've got a deck like off the kitchen.

10 YURI JOSELSON: Yes, deck will be gone.

11 MS. SCHWARTZ: So that's all going to be

12 filled in with the interior footage and --

13 YURI JOSELSON: You have a copy?

14 CHAIRPERSON MIETZ: Yes, just visualize it.

15 YURI JOSELSON: If you take a look at -- the

16 back of the house will be extended also 8 feet. Since we are

17 building, we might just as well build it and make it more

18 livable. Because right now kitchen is almost unlivable,

19 three people cannot sit down for dinner and it's all cramped.

20 You know, it's Brighton house, no surprises.

21 But bedroom needs to be -- it's like L-shape

22 addition. I don't know how to say.

23 CHAIRPERSON MIETZ: I think that explains it.

24 Could you talk about, you know, we can obviously see the

25 shape of the lot, was there any other options studied besides

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3 this one that could have potentially been considered?

4 YURI JOSELSON: We looked into probably
5 building bedroom where the deck right now, talking to
6 architect he said that's going to make house just ugly. It
7 doesn't flow.

8 CHAIRPERSON MIETZ: You mean from an elevation
9 perspective?

10 YURI JOSELSON: No, from the perspective of
11 usability. And if house doesn't flow, it will not sell, it
12 will have no value, it just money thrown out, pretty much.

13 CHAIRPERSON MIETZ: Okay. So that's really
14 the only other thing that he's shown you as an option?

15 YURI JOSELSON: Yes.

16 CHAIRPERSON MIETZ: Not going further to the
17 other side of the lot or anything, that would not work
18 related to the interior?

19 YURI JOSELSON: Other side of the lot is a
20 garage. And it will be big bump out in the middle of the
21 yard that will break down the property, it will be outright
22 ugly.

23 CHAIRPERSON MIETZ: Yeah, that's kind of
24 important to us to understand why you selected this spot and
25 why you couldn't have done something else.

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YURI JOSELSON: I agree.

4

CHAIRPERSON MIETZ: Any other questions?

5

Thank you.

6

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YURI JOSELSON: The only thing, the letters I received says protrude 7 feet into setback. It's not 7, it's 8. If you add the total is 21.8, if you take a look, they say 18.75. If you subtract 10 feet you will get 8 feet not 7. It's just an honest mistake of calculating.

11

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MR. DISTEFANO: There might be that fact that you actually have an extra foot. You're not at that point now, so there's an extra foot that you already have the ability to go into and then an additional 7 feet besides that. Because the house is not set at the required setback line, there's your required setback line, so you have that free, then it's after that that you have to add the additional footage into.

19

20

YURI JOSELSON: Now I understand what you meant.

21

CHAIRPERSON MIETZ: Thank you.

22

23

24

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

25

APPLICATION 3A-09-18

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4 3A-09-18 Application of John and Judy
5 Teegardin, owner of property located at 201 Inwood Drive, for
6 an Area Variance from Section 205-2 to allow for a fire
7 damaged attached garage to be reconstructed with a 9.5 ft.
8 side setback in lieu of the existing 13.1 ft. side setback
9 where a 15 ft. side setback is required by code. All as
described on application and plans on file.

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RANDY PEACOCK: Good evening, I'm Randy

Peacock, my office is 70 Linden Oaks, Suite 110. I'm here
this evening with John and Judy Teegardin. Around the first
of the year they had a pretty devastating fire that destroyed
the garage portion of their house and did some considerable
damage to the single story portion of the house, the first
floor areas.

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As a result of the fire we are going to be

demolish -- the garage is gone already, that was in a
dangerous condition. So that's been demolished. We also
will end up having to take down the one-story portion of the
house, there's a family room and a small connecting link as
part of the kitchen. The main part of the house wasn't
damaged by the fire, it was severely damaged by smoke. So
that will be gutted out and rebuilt.

25

As part of their plans to rebuild the

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3 Teegardins are looking to make some changes to the house.
4 One of the changes was to try and work out a solution for the
5 garage which they found quite annoying through the years that
6 they've lived there. The house I believe, dates from the
7 early 40s, it's had a 21'4" outside dimension garage, with
8 brick veneer on it. So it's just around 20 foot inside for
9 the width and about 20-foot deep. That's a very minimal
10 sized garage given to the size of today's cars. And they've
11 fought with it for the many years that they've lived there to
12 squeeze two cars in, along with lawnmowers and bicycles and
13 other equipment. As we all know, we use our garages for much
14 for than just our cars.

15 What they would like to do is build a garage a
16 little bit wider. We want to use two 9-foot doors, the
17 previous garage had two 8-foot doors. The original garage
18 sat at a setback of 13.1 feet off of the property line. So
19 they were already shy by just under 2 feet from the required
20 15-foot setback.

21 We would like to take that garage from the
22 21'4" to 24'4" wide, adding about -- I'm sorry, I think it's
23 24'8", adding about three and a half feet to the width of it.
24 That additional three and a half feet comes from going from
25 the 8-foot door to a 9-foot door, there's two of them. And

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3 then Section 602 of the building code, the residential
4 building code requires that I build a portal frame on each
5 side to brace those openings from lateral movement. That
6 takes me to that 24'8" dimension, so that's the minimum
7 dimension we feel we can do.

8 That gives you a little bit more space, that
9 extra foot or two, gives a little bit more maneuverability in
10 the garage and the ability to get in and out of the cars, and
11 allows you a little bit of walk space around the vehicles.
12 The garage would also extend back from its current 20-foot,
13 it would go back 24 feet as well. So we're extending down
14 the length of it as well.

15 We intend to replace the garage with the same
16 type of consideration that was there. It will be a brick
17 veneer, on the side walls there are two windows. The main
18 difference will be the origin garage was just bare frame on
19 the inside, so there was no fire resistance to those walls.
20 The fire resistance will be improved by that because we end
21 up drywalling the entire interior service of the garage. The
22 ceiling and the walls all get dry walled.

23 The fire, from what they understood,
24 originated from the garage, no one is sure exactly how it
25 started, but it did do considerable damage to the house. It

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3 also, because of the heat of the fire, it melted some of the
4 vinyl siding off of the neighbor's house. So there was some
5 damage just from melted siding on that adjacent house.

6 I think John Teegardin had a conversation with
7 his neighbor, they were concerned about the possibility with
8 coming the three feet closer to their property line about the
9 danger of fire and spread of fire across the property lines.
10 I just want to reinforce that this garage is safer than the
11 previous one and it also has a brick wall here.

12 So the actual, the heat that came out of the
13 roof of the garage is what melted that siding. And we are
14 looking to try and contain that in case there ever was
15 another fire there, certainly they're hoping that they will
16 not have another house fire.

17 So we're looking to go from a .87 percent of
18 the setback is what was there to go to a roughly .638. I'd
19 like to calculate those out to the thousandths. But so it
20 would be what we feel is a minimal increase to gain a maximum
21 of usability in the garage itself.

22 MS. TOMPKINS WRIGHT: And just to clarify, the
23 lot is only --

24 RANDY PEACOCK: One hundred feet wide.

25 MS. TOMPKINS WRIGHT: It's not that you have a

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3 lot of -- side lots are minimal anyway.

4 RANDY PEACOCK: Right. That's one of the
5 mitigating -- or one of the contributing factors here is that
6 the lots are smaller, the subdivision was developed at a time
7 prior to the current zoning ordinance.

8 I should point out as well that from a safety
9 standpoint, the New York State Building Code allows me to
10 build with combustible construction up to 5 feet from a
11 property line. This actually will have a noncombustible
12 exterior skin on it and it will be that 9.5 feet from the
13 property line. So we are far exceeding what the minimum
14 safety requirements of the New York State Building Code for
15 residential code would be.

16 MS. TOMPKINS WRIGHT: And you said the
17 neighbor was originally concerned about it getting closer
18 because of the fire, but are there --

19 RANDY PEACOCK: They may have other concerns,
20 I think they're here tonight so you will probably be able to
21 hear from them.

22 MS. TOMPKINS WRIGHT: Are any trees being
23 removed to accommodate --

24 RANDY PEACOCK: No. There may be some tree
25 damage, there's a large tree in the front of the yard that

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3 the heat from the fire rising up through you can see some of
4 the branches were scorched. I think they're waiting that out
5 until the spring to see how the trees leaf out, and if there
6 was any damage to them. So we may have to go back in and
7 trim some of the trees. But for the most part, you know, we
8 do not have to remove any at this point.

9 MS. SCHWARTZ: What will be the materials of
10 the new roof?

11 RANDY PEACOCK: The roof is wood trusses with
12 asphalt shingles on it. But, the difference being between
13 the old garage and the new garage, is that the old garage had
14 just open wood construction. So when a fire started in the
15 garage, immediately it could catch that garage roof on fire.
16 And given the age of the house, the fire separation between
17 the garage and the house was not what it is required to be
18 today, so it spread and went to the roof of house as well.

19 The way we resolve that today, I have to have
20 a 20-minute separation between the house and the garage.
21 That's usually done with a 5/8" type chips and board that
22 lines the inside walls and ceiling of the garage. So I'm
23 creating an envelope inside.

24 MS. SCHWARTZ: Right. But my concern is more
25 for the neighbor next door, to be honest with you, because to

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3 me that's serious damage and a fear.

4 RANDY PEACOCK: Oh, I understand the fear. I
5 think from that aspect, the house burned once and the house
6 has been there close to 70 years. So, you know, the
7 likelihood that they have another fire is probably almost a
8 zero. So and the damage that occurred was the vinyl siding
9 was melted. And I just replaced some vinyl siding on the
10 back of my house that was actually melted by sunlight,
11 bouncing off a window. So vinyl siding is extremely
12 susceptible to heat damage.

13 MS. SCHWARTZ: But a fire is a fire.

14 RANDY PEACOCK: I understand that. That's a
15 very scarey thing. And what I wanted you to know is that
16 this house was built to a higher standard than what we were
17 building in the 40s, when we do this repair and you won't
18 have that risk like you had here.

19 Judy, the other thing I should point out, the
20 brick veneer on this garage was still standing after the
21 inside burnt out. So we had to knock it down because there
22 was nothing supporting it. But that brick alone is an
23 incredible barrier to heat for spreading across the property
24 line.

25 MS. SCHWARTZ: Thank you.

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3 CHAIRPERSON MIETZ: Any other questions from
4 the Board? Thank you.

5 Is there anyone in the audience that would
6 like to speak regarding this application? Sure.

7 STEVE ALEXANDER: Good evening, Steve
8 Alexander, 215 Inwood Drive. I have some photos, I don't
9 know if you --

10 CHAIRPERSON MIETZ: Sure, you can pass them
11 around.

12 STEVE ALEXANDER: So we are next door
13 neighbors to John and Judy Teegardin and we did have a
14 front-row seat to that evening's fire. Without getting too
15 dramatic about the evening, one of the things we kind of came
16 away thinking about was that wider garage could pose a
17 greater risk to us than it did that evening, to our home and
18 to our personal safety.

19 We feel that we did sustain damage to the
20 entire north side of our garage, which is in the photo. A
21 window was cracked and I had damage to my vehicle. Come to
22 find out the existing setback was already being encroached
23 upon. So I thought to myself, if it had been respected would
24 we have suffered less damage from the fire.

25 You know, the most important thing is we have

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3 young children and in the event of another fire the task of
4 evacuating two children, if my wife were away on business,
5 which she is quite often, and if the fire had happened at
6 2:00 in the morning or 3:00 in the morning, would be greatly
7 complicated by that fact.

8

9 We have spent a lot of money and time
10 investigating fire safety in our own home and we've learned
11 that fire alarms placed in a garage space are not effective
12 due to temperature changes. And we have learned about the
13 ineffectiveness of our own vinyl siding as a fire barrier
from the outside.

14

15 I think that the proposed plan includes some
16 windows in the garage, and from what I understand that would
17 reduce the effectiveness of any fire barrier that the drywall
adds to the property.

18

19 Our garage space that was damaged, ours
20 actually happens to have living space above it, which we use
right now as an office and a guest bedroom. But someday
21 we're going to want to -- our children are probably going to
22 want to sleep in that part of the house.

23

24 So it's just looking at the long term view of,
you know, we've lived there three years, we want to live
25 there for 30 years or more. We just feel that, you know,

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3 having the houses closer together would be unsafe for the
4 residents of both properties in the future.

5 MS. TOMPKINS WRIGHT: How far is your home
6 from the shared property line?

7 STEVE ALEXANDER: 15 feet. Our setback is
8 15 feet. The night of the fire I determined that the houses
9 were 28 feet apart and now they're going to be 25 feet apart.

10 CHAIRPERSON MIETZ: Just to follow up, Randy
11 suggested they met with you and discussed this. At some
12 level, that's -- could you characterize that discussion for
13 us?

14 STEVE ALEXANDER: This is my wife, Sylvia.

15 SYLVIA ALEXANDER: Sylvia Alexander,
16 215 Inwood Drive. Yeah, this is actually really hard for us
17 because we have a great relationship with the Teegardins and
18 it's not easy. John came over on Valentines night and
19 chatted with me briefly. I was making Valentine steak and I
20 had my 3-year old running around. And he asked if it would
21 be okay, and I said at the time, yeah, you know what, I think
22 it would be fine, And I think Steve would be okay with it as
23 well.

24 But then after my husband and I had a chance
25 to chat, we started talking about it and it was a very scarey

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3 night. I know it was very scarey for them. And we just
4 don't want to go through that again. That's just really,
5 took some time to think about it.

6

7 STEVE ALEXANDER: We do have a copy of the
8 fire investigation report if that would be -- wanted to add
9 that to the record.

10

CHAIRPERSON MIETZ: You can if you wish.

11

Okay. Do you have anything else?

12

STEVE ALEXANDER: No.

13

CHAIRPERSON MIETZ: Okay, thank you.

14

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

17

APPLICATION 3A-10-18

18

3A-10-18 Application of CoreLife Eatery,
lessee, and Buckingham Properties, owner of property located
at 2600 Elmwood Avenue, for a Sign Variance from
Section 207-26D to allow a business identification sign to be
100% logo where not allowed by code. All as described on
application and plans on file.

23

24

25

CJ HAHNS: Yes, my name is CJ Hahns, I
represent CoreLife, going in at 600 Elmwood Avenue. What we
are asking for is the ability to add a logo to the building

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3 frontage. Based off of our evaluation and looking at the

4 property, we are taking up the complete building at

5 2600 Elmwood. We are surrounded by multi-tenant buildings

6 and our concern is making sure that patrons understand that

7 we are a part of the whole building, CoreLife is the whole

8 building.

9

10 Based off of the architect and what we feel is

11 appropriate, our goal is to try to make the architecture and

12 the sign work together. Therefore, our hope is that by

13 putting the logo on the right side of the building is the

14 most attractive way to accomplish, one, catching people as

15 they coming in from the other tenants and the cut-through

street from Monroe Avenue over to Elmwood.

16

17 In addition, quite frankly, not over-signing

18 the building, trying to keep it aesthetically pleasing and

matching the architecture.

19

20 MS. SCHWARTZ: This is, Rick, this is the

second building face sign though, right?

21

22 MR. DiSTEFANO: Yes, which they are permitted.

23

24 MS. SCHWARTZ: They can have two?

25

MR. DiSTEFANO: They can have ten, as long as

they don't go over their allotted number of square footage.

MS. SCHWARTZ: Why do we have some businesses

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3 coming in then for a variance for a building face sign?

4

5 MR. DiSTEFANO: Because they're on two
6 different sides, maybe. This is all on the same side, it's
7 all on the one face.

8

9 MS. SCHWARTZ: All the more reason they only
10 need one. I mean, there's one entryway when you come in,
11 there's only going to be one doorway to get into the place,
12 right?

13

14 CJ HAHNS: Correct, yes, ma'am.

15

16 MS. SCHWARTZ: So once you walk in you're
17 going to know this is the whole place.

18

19 CJ HAHNS: Sure. The concern is getting them
20 to the door. Our goal is to make sure we identify that we
21 have the whole building to the person that's either at the
22 other --

23

24 MS. SCHWARTZ: Are you changing the entryway
25 in any way from what it is today? Are you taking the steps
out or changing the door? Because right now it is very
prominent, you know, that's the only way to get into the
building.

26

27 CJ HAHNS: Yes, it's a new design of the
28 building.

29

30 MS. SCHWARTZ: In other words, you're changing

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2

3 the entryway dramatically from what it's been all these
4 years?

5

CJ HAHNS: Yes, ma'am.

6

7 MS. DALE: So if it was not 100 percent logo,
8 you just said CoreLife a second time, that would be allowed,
Rick?

9

MR. DiSTEFANO: Yes.

10

11 MS. DALE: So Judy, the only thing we have
here is not two signs or one, it's a logo versus saying

12 CoreLife --

13

14 MS. SCHWARTZ: I think CoreLife is big enough
that you're going to see it from wherever you're coming in.

15

MS. DALE: You can have two.

16

17 CHAIRPERSON MIETZ: Okay. We can discuss it

in our deliberations.

18

19 MS. SCHWARTZ: Okay. Thank you for the
information.

20

CJ HAHNS: Yes, ma'am.

21

22 CHAIRPERSON MIETZ: So are there more
questions about the sign?

23

24 MS. TOMPKINS WRIGHT: Do you use the logo on
its own or prominently display it at other locations?

25

CJ HAHNS: We do this at several locations

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3 across the country. Many times, again, when you go into a
4 space the size that we go into, you want to identify the main
5 entrance. And then you also, we use this as the logo and we
6 often times split it off to the side.

7 MS. TOMPKINS WRIGHT: Okay. We've been to the
8 Henrietta one, I just can't remember.

9 CJ HAHNS: Right, no, it's different.

10 CHAIRPERSON MIETZ: It's a narrower
11 storefront.

12 CJ HAHNS: Exactly.

13 MS. CORRADO:

14 MS. WATSON: Does this need to and/or has this
15 already gone through ARB?

16 MR. DiSTEFANO: Yes, and I believe, yes.

17 MS. WATSON: Anything to comment on about the
18 Architectural Review Board process?

19 CJ HAHNS: No, ma'am, not that I'm aware of.

20 MR. DiSTEFANO: No, basically their condition
21 was to get your variances.

22 MS. CORRADO: And at this time you intend only
23 to have signage on the east facing side of the building,
24 nothing on the Elmwood Avenue side.

25 CJ HAHNS: Correct, yes, ma'am.

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3 MS. WATSON: Is that a cauliflower logo?

4

CJ HAHNS: Yes, ma'am.

5

6 MS. WATSON: It's set back far enough from the
7 street, I'm wondering if you can comment on the visibility of
the logo of the sign from either Elmwood or Monroe?

8

9 CHAIRPERSON MIETZ: Is that -- or maybe the
10 follow up is that what you're trying to do or are you trying
11 to somehow gain people who are already into the parking lot
12 that realize your business is there? Which are you trying to
do, or both?

13

CJ HAHNS: Probably both, being quite frank.

14

15 You know, one, you have the cut through street that cuts
16 through. You want to make sure that you catch people. And I
17 understand that you'd probably see it with the CoreLife on
18 the left side. The people that are in the -- because this is
19 a big parking lot area. In addition to that, we just want to
20 make sure that we also identify, hey, this isn't a whole
bunch of different restaurants, or this isn't empty space.
21 This is part of CoreLife.

22

23 MS. WATSON: I'm just trying to tease on
24 whether it would be fair of me to say that the primary use of
this is for people who are already in the plaza.

25

CJ HAHNS: Yes, ma'am.

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3 CHAIRPERSON MIETZ: You know how many feet it
4 is back from the CoreLife building?

5 CJ HAHNS: We're approximately about 62 feet
6 away from the CoreLife sign itself.

7 CHAIRPERSON MIETZ: Okay.

8 MR. DiSTEFANO: I guess the other point too,
9 if you took this and you stuck it right next to CoreLife,
10 there wouldn't be a variance necessary. The other thing too,
11 is if you drew a box around the whole thing so you didn't
12 need a logo variance, then they'd have too much signage on
13 the building even though it would be all blank wall. So you
14 can't call it one sign.

15 CHAIRPERSON MIETZ: Plus, didn't you tell us
16 this logo is not presented next to the main sign as many
17 businesses do? It is not depicted that way in generality,
18 the logo?

19 CJ HAHNS: Oftentimes not no, sir. Oftentimes
20 we have the logo and then we'll have a blade sign that
21 depicts the bowl or we'll have the logo off to a separate
22 area.

23 CHAIRPERSON MIETZ: Okay. I think I
24 understand that. Any other questions? Thank you.

25 CJ HAHNS: Thank you.

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

6 APPLICATION 3A-11-18

7 3A-11-18 Application of Josh Schmieder,
8 contractor, and Lisa Curwin, owner of property located at
9 One Pelham Road, for an Area Variance from
10 Section 203-2.1B(2) to allow a shed/gazebo structure to be
11 510 square feet in size in lieu of the maximum 250 square
12 feet allowed by code. All as described on application and
13 plans on file.

14 JOSH SCHMIEDER: Good evening, my name is Josh
15 Schmieder as you mentioned earlier. I appreciate you taking
16 the time. I know you guys have plans in front of you.
17 Basically what's happening is my customer we're doing all of
18 the designs for, wanted to create a pool house/storage area,
19 as well as a covered patio area.

20 They have elderly parents and other in their
21 family that it gets very hot with the sun in back of the
22 house on the existing pool area. We're actually recreating
23 and doing some new patio area and recreating their backyard
24 space that they currently have. They did want to cover a
25 part of that patio with a nice post and beam style, a covered

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3 patio. They also wanted a spot to store their pool
4 equipment, toys, things like that, to have a clean space to
5 use those.

6 They had thought about building two separate
7 structures, which is possible because of the square foot
8 requirement of 250 square feet I believe, that is. But when
9 we designed that up it just looked very messy in their
10 backyard and didn't keep with the upscale look of the
11 neighborhood. So they thought that creating a pool house and
12 covered patio combination actually looked much more classy
13 and then just really fit the style of the neighborhood.

14 So we are presenting instead of two separate
15 structures, a tacky looking shed, 10x12 or something in the
16 corner, spending the extra money to kind of make it look like
17 an actual exterior structure or pool house, per se.

18 We did check with the neighbors and since we
19 filed the application and the neighbor next to them did write
20 a letter saying they're perfectly fine with this as well. So
21 I do have some copies here if you would like to add that to
22 your file. And so, the neighbors really don't have any
23 concerns unless there's somebody here I'm not aware of. But
24 the ones that would be directly affected by this don't have
25 any concerns and wrote that letter. So, any questions?

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3 MS. SCHWARTZ: You said the letter's from the
4 neighbors?

5 JOSH SCHMIEDER: The one directly next to it.

6 MS. SCHWARTZ: What about the one behind?
7 Because you can see it too.

8 JOSH SCHMIEDER: Let me look at which one this
9 is. This is from Jeffrey Goldstein, if you want to pass it
10 around.

11 MR. DISTEFANO: Is it just one letter?

12 JOSH SCHMIEDER: I just have the one neighbor,
13 just the one letter. So the one neighbor really isn't
14 affected, I think it's the one to the left, because the house
15 and all of the heavy screening is, they really won't even see
16 it. So the one, this is actually a mistake, and this is the
17 one behind which has the actual, yard's actually touch. This
18 is Mr. Goldstein, which is -- correct, and so they did
19 approach him.

20 The one to the side, it's heavily screened, so
21 I stand corrected, that is Mr. Goldstein behind, and he was
22 perfectly fine with that. I believe you have 3-D renderings
23 as well to get a concept of the style.

24 CHAIRPERSON MIETZ: One concern would be that,
25 again, we appreciate what they're trying to do, so you don't

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3 think there's any possibility that a further enclosure of
4 this structure will be something they would be considering?

5 JOSH SCHMIEDER: They really can't unless they
6 just want to throw out tens of thousands of dollars, because
7 they are going to have a double-sided fireplace that they
8 would have to somehow remove and, you know, and do completely
9 different, which is a feature that's tens of thousands of
10 dollars. So without them wasting a lot of money, as well as
11 their outdoor kitchen, they're going to have a grill and what
12 not, off to the side. They would have to remove that because
13 now it's going to be enclosed and grilling in an enclosed
14 area is not wise. I don't see how throwing away tens of
15 thousands of dollars that they would ever enclose the rest of
16 the structure. Which if they did, I guess they would have to
17 come to you.

18 CHAIRPERSON MIETZ: Well, it depends on how we
19 condition it in writing. Other questions?

20 MR. DiSTEFANO: For the record, the height of
21 the structure?

22 JOSH SCHMIEDER: I had that, it was below the
23 height requirement in the code, it was two and a half feet
24 lower than what was in the code.

25 MR. DiSTEFANO: So approximately 14 feet in

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3 height?

4 JOSH SCHMIEDER: Yes, about 14, 14 and a half
5 feet in height.

6 CHAIRPERSON MIETZ: Okay. Questions? Thank
7 you.

8 JOSH SCHMIEDER: Thank you.

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

12 APPLICATION 3A-12-18

13 3A-12-18 Application of Jack Sigrist,
14 architect, and Tom Huber, owner of property located at
15 2 Parsons Lane, for an Area Variance from Section 209-10 to
16 allow livable floor area to increase from 4,129 square feet
17 to 4,154 square feet where a maximum 3,291 square feet is
18 allowed by code. All as described on application and plans
19 on file.

20 CHAIRPERSON MIETZ: I presume you are well
21 rested then?

22 JACK SIGRIST: Yes, I am. I'm Jack Sigrist,
23 the architect for the project, Tom and Cathy Huber own
24 property at 2 Parsons Lane. They are hoping to enclose a
25 roofed-over porch that exceeds the size of the house for the

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3 property by 25 square feet. You can see the outline of the
4 property, the porch is right there. The intent is to get a
5 larger mudroom because the mudroom right now is probably 5x6.
6 And it has the entrance from the kitchen and the entrance to
7 another room and an entrance from the outside that are all
8 crammed in there. They're trying to expand and get some
9 space. Did anybody get this?

10 MR. DiSTEFANO: Did you submit it with the
11 application?

12 JACK SIGRIST: It's the only one I've got.

13 MR. DiSTEFANO: So you're just showing us
14 what --

15 JACK SIGRIST: Where it is, what the --

16 MR. DiSTEFANO: Why don't you just show them
17 and just kind of point it out them. You can kind of tell off
18 the plans, but it does get a little confusing. So, Jack, in
19 essence, it is a roofed-over area already, it's just
20 enclosing of a roofed-over area that already exists, of
21 25 square feet.

22 JACK SIGRIST: Correct. I think it's 3.5x6.

23 MS. CORRADO: I know it's a little hard to see
24 on the plans, and also a little hard to see when one stops by
25 the house. Is the work completed already?

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3 JACK SIGRIST: No. They got the ARB gave us
4 their approval, we started some material renovations that we
5 have a building permit for, we're waiting on the porch to see
6 if we get approval of that.

7 MS. CORRADO: Okay.

8 MS. TOMPKINS WRIGHT: And this is an area of
9 Brighton that many other properties exceed the livable
10 allowable square footage?

11 JACK SIGRIST: Yes. Right across the street
12 is a similar situation, 8 Parsons.

13 CHAIRPERSON MIETZ: Any questions? Very good,
14 thank you.

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

18 Let's take a five-minute or so break.

19 * * *

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4 REPORTER CERTIFICATE
5

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

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

12

13 Dated this 3rd day of April, 2018.

14 At Rochester, New York

15

16

17 
Rhoda Collins

18

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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON MARCH 7TH, 2018
5 AT APPROXIMATELY 9:40 P.M.

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

10 PRESENT:

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

17 NOT PRESENT:

18 DOUGLAS CLAPP

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 FORBES REPORTING SERVICES, LLC
28 21 Woodcrest Drive
29 Batavia, New York 14020

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3 APPLICATION 3A-01-18

4

5 Henrietta Town Road, LP, owner of property located at 1950

6 Brighton Henrietta Town Line Road, for an Area Variance from

7 Section 205-8 to allow impervious lot coverage, after site

improvements, to be 74.5% of the lot area in lieu of the

maximum 65% allowed by code. All as described on application

10 and plans on file.

11 Motion made by Ms. Schwartz to approve

12 | Application

14 FINDINGS AND FACTS:

15 1. The requested variance to increase the impervious lot
16 coverage is 09.5 percent over what is allowed by code on a
17 lot of ten and a half acres in a light industrial zone.

18 2. The requested variance will allow for the construction of
19 a paved access road resulting in a more simplified
20 circulation of the equipment.

21 3. The storage yard has been expanded as need in the past
22 without updated approvals. This plan would limit the storage
23 yard as well, installing a fence and bringing the yard closer
24 to compliance.

25 4. There will be no detrimental change in the character of

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3 the area and it may even be improved with the screening, the
4 paved access road, and a reduction of the storage area.

5 5. There will be no change to the landscape area in front of
6 the structure on Town Line Road.

7 **CONDITIONS:**

8 1. This variance only applies to the requested lot coverage
9 of 74.5 percent to create an access road at 1950 Brighton
10 Henrietta Town Line Road. In particular, all required storm
11 water improve mitigation improvements shall be implemented.

12 2. All Planning Board approvals shall be obtained.

13 (Second by Ms. Tompkins Wright.)

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

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

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3 | APPLICATION 3A-02-18

4

5 Henrietta Town Road, LP, owner of property located at 330
6 Metro Park, for an Area Variance from Section 205-eight to
7 allow impervious lot coverage, after site improvements, to
8 increase from 73.5% of lot area to 79% in lieu of the maximum
9 65% impervious lot coverage allowed by code. All as described
0 on application and plans on file.

11

12 Application 3A-02-18 based on the following findings and
13 facts.

14

FINDINGS AND FACTS:

15

16 an undesirable change in the character of the neighborhood or
17 be a detriment to the nearby properties. The surrounding
18 areas are all industrial in nature and most of the impervious
19 coverage will be located to the rear/west of the building
20 enclosed with a screening fence. Further, applicant
21 testified that it will install a storm water management
22 system to mitigate excess runoff to the additional impervious
23 coverage.

24

25 represents only a 5.5 percent increase over the current

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3 impervious coverage on site.

4 3. The benefit sought by the applicant cannot reasonably be
5 achieved by any other method. The property already exceeds
6 the impervious coverage maximum, and due to size and parking
7 constraints any improvements to connect the property with its
8 neighboring properties would likely necessitate a variance.

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

12 **CONDITIONS:**

13 1. The variance granted herein applies only to improvements
14 described in and in the location as depicted on the
15 application and in the testimony given. All required storm
16 water management systems shall be implemented.

17 2. All necessary Planning Board approvals and permits must
18 be obtained.

19 (Second by Ms. Schwartz.)

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

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

25

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3 APPLICATION 3A-04-18

4 3A-04-18 Application of The Baptist Temple,
5 owner of property located at 1101 Clover Street, for a
6 Temporary and Revocable Use Permit pursuant to Section 219-4
7 to allow for a two-day (April 28th & 29, 2018) outdoor
8 educational event in a RLA Single Family District. All as
9 described on application and plans on file.

10 Motion made by Ms. Corrado to deny Application
11 3A-04-18 based on the following findings and facts.

12 **FINDINGS AND FACTS:**

13 1. Under applicable zoning, it's not a proper use of the
14 property given that the church is located in a substantially
15 residential area and bounded by two busy roads. The event as
16 a whole is not suitable for such a neighborhood. In
17 particular, due to simulated gunfire, open fire pits, and
18 overnight camping on the church campus.

19 (Second by Ms. Schwartz.)

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

23 (Upon roll call, motion to deny carries.)

24

25

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3 APPLICATION 3A-05-18

4 3A-05-18 Application of Home Power Systems,
5 contractor, and Stephen Sanko, owner of property located at
6 88 Golfside Parkway for an Area Variance from Section 203-
7 2.1B(6) to allow a standby emergency generator to be located
8 in a side yard in lieu of the rear yard behind the house as
9 required by code. All as described on application and plans
10 on file.

11 Motion made by Ms. Corrado to approve
12 Application 3A-05-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 One. The requested variance is not substantial as the home's
16 gas meter is located at the front of the home and the
17 electric meter is located at the rear, making the side yard
18 midway between the two, the optimal location.

19 2. No other alternative can alleviate the difficulty and
20 produce the desired result that of avoiding extensive
21 underground utility work and avoiding intrusion on the
22 existing back patio.

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

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3 variance as the generator is to be used only in place of
4 power interruption, not as a primary source of power.

5 Further, the generator will be screened by existing
6 vegetation to minimize the negative aesthetic impact.

7 4. The alleged hardship is self-created by the applicant
8 only in that the standby generator is not a part of the
9 original construction of the home, thereby making citing it
10 and according to code awkward.

11 5. The health, safety, and welfare of the community will not
12 be adversely affected.

13 **CONDITIONS:**

14 1. This variance will only apply to the generator as
15 described in the application and testimony. It will not
16 apply to additional generators considered in the future.

17 2. All necessary Town approvals and permits shall be
18 obtained.

19 (Second by Ms. Tompkins Wright.)

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

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

25

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3 APPLICATION 3A-06-18

4 3A-06-18 Application of Faith Bible Church,
5 owner of property located at 1095 East Henrietta Road for an
6 Area Variance from Section 205-8 to allow a church building
7 addition to be constructed 17.5 ft. from a side (north) lot
8 line in lieu of the minimum 50 ft. required by code. All as
9 described on application and plans on file.

10 Motion made by Ms. Dale to approve Application
11 3A-06-18 based on the following findings and facts.

12 **FINDINGS AND FACTS:**

13 1. The church purchased an existing building on a lot with a
14 width of only 200 feet. The church desires to improve their
15 facility and the services that they provide to their
16 congregation by adding 7,670 square foot addition to the
17 building to add space for children's programs, recreation
18 space, and an indoor area for youth group events.

19 2. The applicant has testified the need for the new space to
20 be indoors for protection from inclement weather and for
21 nighttime activities.

22 3. There was an existing garage, which is 13 feet from the
23 same northern property line as the variance request for the
24 building addition.

25 4. The applicant has testified that the location and layout

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3 of the building addition was designed to minimize disturbance
4 and best integrate with the existing building.

5 5. The proposed variance will not result in a substantial
6 change to the character of the neighborhood or be a detriment
7 to nearby properties as the subject property is in a
8 primarily industrial neighborhood. Also, there's an existing
9 6-foot stockade wood fence on the property line which provides
10 screening for the property.

11 6. The proposed variance is consistent with surrounding
12 properties and it will not have an adverse impact on the
13 physical or environmental conditions of the neighborhood.

14 **CONDITIONS:**

15 1. The existing Dumpster will be repositioned and an
16 enclosure will be added.

17 2. The existing 6-foot high stockade wood fence will remain
18 in place and shall be maintained.

19 3. This application's approval is subject to Architectural
20 Review Board and Planning Board approvals.

21 4. It applies only to the addition as per plans submitted
22 and testimony given.

23 (Second by Ms. Schwartz.)

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

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3 (Upon roll call, motion to approve with
4 conditions carries.)
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3 **CONDITIONS:**

4 1. The size of the facility shall be limited to the
5 3,200 square feet.
6 2. The hours of operation will be 9:00 a.m. to 9:00 p.m.
7 3. The maximum number of clinicians at any given time shall
8 not exceed two.
9 4. The granting of this variance is based upon the
10 application as submitted and testimony given.
11 5. All necessary building permits shall be obtained.

12 (Second by Ms. Watson.)

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

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

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3 APPLICATION 3A-09-18

4 3A-09-18 Application of John and Judy
5 Teegardin, owner of property located at 201 Inwood Drive, for
6 an Area Variance from Section 205-2 to allow for a fire
7 damaged attached garage to be reconstructed with a 9.5 ft.
8 side setback in lieu of the existing 13.1 ft. side setback
9 where a 15 ft. side setback is required by code. All as
10 described on application and plans on file.

11 Motion made by Ms. Tompkins Wright to approve
12 Application 3A-09-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The granting of the requested variance will not produce
16 an undesirable change in the character of the neighborhood or
17 be a detriment to nearby properties. The garage is being
18 constructed only 3.5 feet closer than the previously existing
19 garage and such increase will likely not be noticeable to
20 most neighbors. Further, it appears that several other homes
21 and attached garages in the neighborhood are closer to the
22 property line than the zoning code will currently permit
23 under new construction. Lastly, applicant has designed a
24 garage to be significantly safer from a fire safety
25 perspective than the prior existing garage.

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3 2. The requested variance is not substantial as the
4 structure previously extended into the setback and the
5 increase extension into the setback is only an additional 3.5
6 feet.

7 3. The benefits sought by the applicant cannot reasonably be
8 achieved by any other method. Modern vehicles and family
9 storage needs often necessitate a wider garage and due to the
10 width of the side lot, there's not enough side yard to
11 construct a compliant garage that meets this applicant's
12 specific needs.

13 4. There's no evidence that the proposed variance would have
14 an adverse effect or impact on the physical or environmental
15 conditions of the neighborhood or destruct.

16 **CONDITIONS:**

17 1. The variance granted herein applies only to the garage
18 addition describe in the location as depicted on the
19 application and in the testimony given.

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

22 (Second by Ms. Dale.)

23 (Ms. Corrado, yes; Ms. Watson, yes; Mr. Mietz,
24 yes; Ms. Schwartz, no; Ms. Dale, yes; Ms. Tomkins Wright,
25 yes.)

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

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3 | APPLICATION 3A-12-18

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5 architect, and Tom Huber, owner of property located at
6 2 Parsons Lane, for an Area Variance from Section 209-10 to
7 allow livable floor area to increase from 4,129 square feet
8 to 4,154 square feet where a maximum 3,291 square feet is
9 allowed by code. All as described on application and plans
-0 on file.

- 1

12 Application 3A-12-18 based on the following findings and
13 facts.

14

FINDINGS AND FACTS:

15 1. The requested variance is not substantial as the one
16 currently exceeds the allowable square footage by 838 square
17 feet, an additional 25 square feet of enclosed space is not
18 significant particularly as the home is located in the
19 neighborhood of similarly expansive homes.

20 2. No other alternative can alleviate the difficulty and
21 produce the desired result. By enclosing the service porch
22 and incorporating the space into the existing mudroom the
23 applicant will gain function without detriment to the
24 aesthetic of the home.

25 3. No unacceptable change in the character of the

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3 neighborhood and no substantial detriment to nearby property
4 is expected to result from the approval of this variance as
5 as the exterior enclosure will be consistent with the design
6 and materials of the existing structure.

7 4. The alleged hardship was not self-created by the
8 applicant as the existing mudroom is simply too small to be
9 effective and the old service porch does not mitigate the
10 ineffectiveness of the small mudroom.

11 5. The health, safety, and welfare of the community will not
12 be adversely effected.

13 **CONDITIONS:**

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

18 2. All necessary town approvals and building permits shall
19 be obtained.

20 (Second by Ms. Watson.)

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

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

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3 APPLICATION 3A-03-18

4 3A-03-18 Application of Art Parts Signs, Inc.,
5 contractor, and 2815 Monroe Retail Office, LLC, owner of
6 property located at 2815 Monroe Avenue, for a Sign Variance
7 from Section 207-26D to allow a logo to be 28.75% of the sign
8 area in lieu of the maximum 25% allowed by code. All as
9 described on application and plans on file.

10 Motion made by Ms. Watson to approve
11 Application 3A-03-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance is not substantial as the size of
15 the logo is not a significant increase from the allowance and
16 up until now the sign has been in use at a previous location
17 in Brighton.

18 2. No unacceptable change in the character of the
19 neighborhood and no substantial detriment to nearby
20 properties is expected to result from the approval of this
21 variance because the area is commercial and the sign is in
22 keeping with others in the neighborhood.

23 3. The health, safety, and welfare of the community will not
24 be adversely effected by the approval of this variance
25 request. The reuse and recycling of this historic sign is

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3 beneficial to the environment and is easily recognizable to
4 customers traveling along the business corridor.

5 **CONDITIONS:**

6 1. This variance will apply only to the sign as described in
7 the application and in testimony.
8 2. All necessary Architectural Review Board and Planning
9 Board approvals shall be obtained.

10 (Second by Ms. Corrado.)

11 (Ms. Schwartz, no; Ms. Tomkins Wright, yes;
12 Ms. Dale, yes; Mr. Mietz, yes; Ms. Corrado, yes; Ms. Watson,
13 yes.)

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

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3 APPLICATION 3A-08-18.

4 3A-08-18 Application of Yuri and Anna
5 Joselson, owners of property located at 10 Chalet Circle, for
6 an Area Variance from Section 205-2 to allow a building
7 addition to extend 7 ft. into the 18.75 ft. side setback
8 required by code. All as described on application and plans
9 on file.

10 Motion made by Ms. Schwartz to approve
11 Application 3A-08-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The side setback variance to extend 7 feet into the
15 18.75 foot side setback is sizable but allows for a more
16 square addition rather than a long narrow room extending into
17 the backyard. In order to accommodate the movement of
18 equipment and door widths within the addition a more square
19 space is needed.

20 2. Granting of the variance will allow a family member to be
21 cared for more easily, especially as she gets older.

22 3. No other alternative can achieve the desired result of
23 the applicant such as using the existing deck as it is in the
24 middle of the back of the house and also going behind the
25 garage would result in extending the addition further into

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3 the backyard.

4 **CONDITIONS:**

5 1. This variance is only for the construction of the
6 addition to extend 7 feet into the 18.75 foot side setback.
7 2. All necessary building permits shall be obtained.
8 3. All materials will match the existing house.

9 (Second by Ms. Corrado.)

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

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

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3 APPLICATION 3A-10-18

4 3A-10-18 Application of CoreLife Eatery,
5 lessee, and Buckingham Properties, owner of property located
6 at 2600 Elmwood Avenue, for a Sign Variance from
7 Section 207-26D to allow a business identification sign to be
8 100% logo where not allowed by code. All as described on
9 application and plans on file.

10 Motion made by Ms. Watson to approve
11 Application 3A-10-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance the minimum variance possible
15 because the sign reflects the corporate logo of the
16 restaurant needed for brand consistency.

17 2. No unacceptable change in the character of the
18 neighborhood and no substantial detriment to nearby property
19 is expected to result from the approval of this variance
20 request.

21 3. The sign will be visible only from the parking lot and
22 commercial properties which have similar logo oriented
23 signage. The logo sign provides balance with the textual
24 sign and fits the scale of the elevation.

25 4. The logo sign plus the textual sign combined would not

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3 exceed the 25 percent allowance for the logo and will not
4 exceed the allowable square footage for the total signage.

5 **CONDITIONS:**

6 1. This variance will only apply to the signs described in
7 the application and testimony. In particular, it would not
8 apply to additional signs considered in the future that are
9 not included in the present application.

10 2. All necessary Architectural Review Board permits and
11 Planning Board approvals shall be obtained.

12 (Second by Ms. Tompkins Wright.)

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

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

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3 APPLICATION 3A-11-18

4 3A-11-18 Application of Josh Schmieder,
5 contractor, and Lisa Curwin, owner of property located at
6 One Pelham Road, for an Area Variance from Section
7 203-2.1B(2) to allow a shed/gazebo structure to be 510 square
8 feet in size in lieu of the maximum 250 square feet allowed
9 by code. All as described on application and plans on file.

10 Motion made by Ms. Corrado to approve
11 Application 3A-11-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. Although more than double the allowable size, the
15 requested variance is mitigated by the thoughtful design of
16 the structure.

17 2. No other alternative can alleviate the difficulty or
18 produce the desired result by combining the shed storage
19 function and gazebo function into a single structure. Both
20 the functional and the recreational needs will be met with
21 less negative aesthetic impact than two separate structures
22 sized to code would create.

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

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3 variance as the view of this structure from neighboring
4 properties is screened by vegetation.

5 4. The alleged hardship was not self-created by the
6 applicant as the pool was already in place at the time of the
7 purchase of the home. Further, the existing deck is failing
8 and in need of replacement. This combined shed and gazebo is
9 an appropriate solution.

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

13 **CONDITIONS:**

14 1. This variance will apply only to the structure that was
15 described in the application and testimony. In particular,
16 the 366-square foot covered patio shall not be enclosed in
17 the future.

18 2. All necessary building permits shall be obtained.

19 (Second by Ms. Schwartz.)

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

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

25 * * *

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

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

12
13 Dated this 3rd day of April, 2018.

14 At Rochester, New York
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18 Rhoda Collins
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