

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

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

PRESENT:

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

NOT PRESENT:
JENNIFER WATSON

DAVID DOLLINGER, ESQ.
17 Town Attorney

RICK DiSTEFANO
Secretary

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 July 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 June 28, 2018.

9 CHAIRPERSON MIETZ: Please call the roll.

10 MR. DiSTEFANO: Please let the record show
11 that Ms. Watson is not present.

12 CHAIRPERSON MIETZ: Okay. Judy?

13 MS. SCHWARTZ: Okay. On Page 8, Line 18,
14 strike to work and put in New York.

15 On Page 9, Line 12, cross out the word as and
16 put has a logo.

17 On Page 13, Line 18, end it at address,
18 period.

19 Page 16, Line 4, the word is prominence.

20 On Page 29, Line 5, the last word is least.

21 Page 35, Line 7, add the word good
22 neighborhood.

23 On Page 41, Line 12, the last word is decent.

24 Page 48, Line 12, the third word is just plain
25 understanding; Line 24 the word is not given.

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3 Page 58, Line 15, to put them.

4 Page 68, Line 18, findings and facts, Line 18,
5 delete is contact and.

6 On Page 69, Line 13, the first word is no,
7 strike all.

8 Page 72, Line 24, at the very end insert be
9 before the last word.

10 Page 73, Line 5, the second word should be be.

11 CHAIRPERSON MIETZ: Anything else? Motion?

12 MS. CORRADO: I moved to approve.

13 (Second by Mr. Clapp.)

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

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

19 CHAIRPERSON MIETZ: Okay. We are going to
20 begin with 6A-06-18.

21 APPLICATION 6A-06-18

22 6A-06-18 Application of John and Pamela
23 Fiorica, owners of property located at 33 Clovercrest
24 Drive, for an Area Variance from Section 207-10E to allow a
25 driveway to expand to the northern side lot line where a

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3 minimum 4 ft. setback is required by code. All as described
4 on application and plans on file.

5 JOHN FIORICA: I have some additional photos
6 for the Board. John Fiorica, 33 Clovercrest Drive,
7 Rochester, New York, 14618. I don't know how this works,
8 I've never done this before. I had given the Zoning Board a
9 letter. I don't know if I have to read that into the record
10 or not. If you are okay with that, the reasons why I'm doing
11 the driveway, so I don't have to read that into the record?

12 CHAIRPERSON MIETZ: Not word for word, we do
13 have it and have read it. If you want to highlight anything.

14 JOHN FIORICA: Okay, I would if I could. So
15 we live in a house, it was built a long time ago and when it
16 was built it had a single-car driveway. We were actually
17 going to move from the town but decided to stay. One of the
18 things we did prior to moving, we actually replaced the
19 driveway. We anticipated moving to Penfield, we decided to
20 stay in Brighton.

21 Our current driveway that we have we put in
22 three years ago. The width of the current driveway is
23 9.9 feet and 39.1 feet long. You can see that on the
24 abstract or the plan I submitted to the Town. We're looking
25 to make the total width 17.9 feet, which goes right to the

3 property line of my neighbor to the north.

4 I also submitted a letter of approval from my
5 neighbor to the north, Mr. Tran, who is in total agreement
6 with us doing the project. As you can see in the letter that
7 I submitted to the Zoning Board, who the heck would put a
8 driveway in two/three years ago and then resubmit to expand
9 their driveway. Unfortunately, we have a life-changing
10 event, my brother-in-law who just left, he's developmentally
11 disabled. He ended up moving in with our family in January
12 of 2018, of this year.

13 So he is a one-person carry like I've
14 explained in our letter. When he gets out of the vehicle he
15 has difficulty with the driveway, with the width. He trips
16 over the side of the lawn, he almost falls each time he gets
17 out if someone's not carrying him.

18 The issue is, we believe his condition is
19 going to get worse. Unfortunately, his handicap, he's a
20 49-year-old male but he has the capability of a 10-month-old
21 child so he doesn't listen to direction. So we're looking to
22 expand the driveway 17.9 feet to the north and also stay with
23 that 39.1 length.

24 As you read in the letter, as I wrote in the
25 letter most standard driveways are 16 feet. The average,

3 that's a small two-car driveway, the average driveway per the
4 quotes I've been getting from people that have permits in
5 town with Pittsford Paving, Rochester Driveways, they tell us
6 that -- they told me that in order to accommodate our needs
7 we would need what an average driveway today is, which is
8 18 feet.

9 Like I said, we want to do this because of my
10 brother-in-law. If you look at the first picture, that first
11 picture is an actual handicapped van that's owned by my
12 family, is owned by my mom and my dad -- my sister's a
13 visitor to our house -- that's an actual handicapped van.
14 You can see in the second picture I took a photo for you guys
15 to look at, the current driveway you can see how the handicap
16 ramp extends onto the grass. That's not suitable.

17 We're going to look -- we're trying to look
18 and research vans for my brother-in-law. We don't want to
19 commit to a specific van or make that purchase because it
20 wouldn't be feasible with the current driveway width that is
21 there right now. And there's no sense in buying a van or
22 looking into putting any down payment on one without a
23 variance approval.

24 If you look at picture Number 3 that we took,
25 that's the handicap van with the ramp extended. At the

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3 extension of the ramp you can also see that's Frankie's
4 manual wheelchair that we use for him. You can see it
5 extends right into the area that I'm look to get a variance
6 on.

7 If you look at where the sidewalk ends on the
8 side of the house there's a little bump-out you can actually
9 see with the shading. The end of the property line goes out
10 7'9" from the base of my house from the foundation. And that
11 7'9" extends past that sidewalk right to about where the
12 shading ends to the right of the sidewalk, that's where the
13 driveway would end, that's where we would get the 17.9.

14 So the existing driveway like I said is
15 9.9 feet. The full length of the driveway extension with the
16 variance will be 17.9 and it would take us into the grass
17 area which is the area that I actually need to accommodate
18 what we're looking to do.

19 The one point I want to make is, these
20 pictures aren't great but this is July when I took these
21 pictures a couple days ago. The wintertime our challenges
22 are going to be even further because with the edge of the
23 driveway and the size of the driveway that it is right now we
24 can't do it even in July. But in the wintertime with plowing
25 with the snowbanks that are going to come with the size of

3 the driveway it's going to be difficult unless we get the
4 variance for the 18 feet. With a van that has obviously the
5 ramp we're going to need and the proper radius to walk out of
6 the van with a handicapped person that needs assistance with
7 the wheelchair to pull him out and to move him around, so we
8 are going to need that extra feet and that's why I'm coming
9 to the Town to request that.

Some other things that I wanted to note, most
11 handicap vans open, not all because there are custom vans
12 that open on the driver's side, but those instances are when
13 the handicap person is driving the vehicle. Obviously
14 Frankie doesn't have the mental capacity to drive a van, so
15 he would be a passenger. Most of these passenger vans, when
16 I say most, or 90 percent of them open up on the passenger
17 side. We pull into the driveway the way the van is pictured
18 here and you can see that to the right, to the north, is why
19 I'm asking for the variance there.

Also in the application, I don't know what
21 page it is, on the part that I filed out with you guys I
22 apologize for not having that in front of me, but it asks
23 will the project be aesthetically pleasing to the surrounding
24 neighbors. Yes, it will be because it would be symmetrical
25 to the way our house is laid out. Because if we were to go

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3 to the south I don't think the neighbors, which I have talked
4 to some of them, would appreciate us bumping out our driveway
5 which would be in the middle of our lawn, and then we would
6 be parking in what is now the middle of our lawn.

7 Aesthetically that would not be pleasing. Like I said in the
8 application, I don't know if it's on Page 3, it asks if it
9 would be an eyesore, which I know you guys know the language.

10

11 The additional pictures that I placed in
12 there, specifically the second one from the last which you
13 can see my work truck that's in the driveway, the back end
14 actually hangs out past that 39.1 feet, the length of the
15 driveway. And you can see when we put all three cars in our
16 driveway, my daughter has a car, my wife has a car, and I
17 have a car, the driveway is just not long enough to
18 accommodate what our current needs are.

19

20 And also the issues that we run into with the
21 Town Code parking in the wintertime, I know it's frowned upon
22 to park on the street during the wintertime because of the
23 plows. So that's another reason the driveway -- my first and
24 foremost reason is for my brother-in-law. Some of the other
25 fluff part of it, and I don't mean fluff in a BS kind of way,
but we don't have the driveway capacity to fit the vehicles
that accommodate our current family's needs.

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3 That's pretty much it. Is there any questions
4 I can answer for anybody?

5 MS. CORRADO: Yes. I know that you have many
6 vehicles to fit in the driveway and accommodate the space for
7 Frankie to exit the handicap vehicle, which makes the
8 doublewide driveway desirable. Did you give any
9 consideration at all to starting with a narrower entry and
10 doing a bump-out?

11 JOHN FIORICA: I did, and the only problem
12 with that is with the bump-out, I thought about the
13 wintertime. The wintertime finagling the car in, I don't
14 know with the weather that we get in Upstate New York
15 specifically the region we are in, the bump-out, the smaller
16 one with the wide up top, what we would run into, I'm nervous
17 about spending the money to do that with getting snowbanks
18 and stuff. I'm afraid with the snowbanks and everything
19 clearing I don't know if we would still have the proper space
20 to do that, you know.

21 MS. CORRADO: Do you use a plow service or do
22 you clear it yourself?

23 JOHN FIORICA: Well, our driveway is so small
24 that most of the snow is caught on top of our cars. I just
25 sweep out a little portion in the back. If it gets really

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3 bad I call one of my buddies to plow the back and the tail
4 end of the driveway for us. That's in the street basically
5 that the plow -- the plow every time it comes it blocks our
6 cars in, so I have to shovel that out. But with this new
7 driveway I'd have to have a plow service to do that.

8 MS. CORRADO: One other question, I see you
9 have got a nice tree up near the edge of the garage but it
10 looks like you intend to take that out?

11 JOHN FIORICA: That's actually a soft spot for
12 us. That tree was planted by my mother-in-law who is
13 deceased. It's actually a lilac tree and it's -- I get
14 choked up when I talk about it. I don't want to sound like a
15 mush but that tree has to be removed. We actually talked to
16 an arbor. We're trying to remove that tree to relocate it
17 somewhere else in our yard. If we can't, we have to demo it.
18 I'm sure she's saying that's okay, because she knows we're
19 looking out for her son. So it's something we don't want to
20 do, but unfortunately the way we have to do the driveway if
21 we can't relocate it we would unfortunately have to demo it.
22 It's a lilac, it's beautiful.

23 MS. CORRADO: What is the reason that the
24 driveway would have to extend all the way past where the
25 sidewalk is?

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3 JOHN FIORICA: That actually goes, the current
4 driveway, ma'am, it's not depicted in the picture. There's
5 actually about a foot from the top of the sidewalk that goes
6 right to the garage. That tree, it's not depicted correctly
7 in the picture. I should have taken a picture of it. But
8 the way the tree sits, it sits to the right of the driveway.
9 There's actually driveway that's to the left of the tree if
10 you are facing the house.

11 MS. CORRADO: Thank you.

12 CHAIRPERSON MIETZ: Anyone else have any other
13 questions?

14 MR. CLAPP: Yes. My concern is mainly when
15 looking at the photo of the wheelchair and visiting the site,
16 that's actually a slope. So when the new driveway comes in,
17 how -- what's the intention of handling that slope? The
18 driveway will slope down or will there be --

19 JOHN FIORICA: Yeah, we actually talked -- I'm
20 sorry, I cut you off. My mother yells at me, she says you
21 don't let people talk. I apologize.

22 Yes. What we would do is we would -- we
23 actually talked to the landscapers, they're going to grade
24 that side of the driveway for our neighbor to make sure that
25 the grading doesn't look -- it looks a little bit more of a

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3 slope than the pictures -- it looks more of a slope in the
4 photos but the way we're going to do the driveway and also
5 landscape afterwards, it won't be a drastic, steep part of
6 the driveway. It won't be a drastic drop off.

7 MR. CLAPP: But the driveway will slope?

8 JOHN FIORICA: I don't understand the
9 question, I apologize.

10 MR. CLAPP: Well, again, when I looked at the
11 property that's actually quite to the right of the garage as
12 you're facing the house, but it's sloped down toward the
13 neighbors. So it's a question both as how would that be for
14 off loading a wheelchair and then also the drainage issue of
15 the water coming off the driveway into the neighboring yard?
16 I'm wondering what plans have been made.

17 MS. DALE: Is it going to be leveled?

18 JOHN FIORICA: Yes.

19 MR. CLAPP: So then if it's lifted then
20 there's the issue of, is there a lip or an edge or something
21 for that chair to roll off of?

22 JOHN FIORICA: Well, if we get the 17.9, if we
23 get the almost 18 feet that we're requesting, the way we're
24 going to do it is there will be an area, there will be proper
25 area for us to get Frankie out of the car. There will be

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3 proper area for him to be taken out of the van and there'll
4 be proper radius for us to get him to that. It won't be
5 right to the edge, it will be pretty close, but it won't be
6 right to the edge.

7 We also talked to our landscapers where we did
8 extensive work a couple years ago. I was a pain in the butt
9 when I put our stuff in the yard, but we're also talking to
10 our landscapers to make sure that whatever we do it does not
11 have a negative or adverse effect on the neighbor to the
12 north.

13 CHAIRPERSON MIETZ: Okay.

14 JOHN FIORICA: Did I answer your question?

15 MR. CLAPP: It answers the question but it
16 really doesn't negate my concern.

17 CHAIRPERSON MIETZ: We can discuss that.

18 JOHN FIORICA: I don't know what the concern
19 is.

20 CHAIRPERSON MIETZ: Are there any other
21 questions?

22 JOHN FIORICA: Like I explained, the way
23 Rochester Driveway said they're going to do the driveway,
24 they're actually tearing out this driveway and they're
25 actually --

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3 CHAIRPERSON MIETZ: Regrading the whole thing?

4 JOHN FIORICA: -- regrading all of it.

5 They're not just adding to the current driveway. I'm paying
6 to rip, unfortunately I paid almost two grand a couple years
7 ago, but I'm paying to have them pull the driveway out, add
8 stone where they need to have it. They're going to regrade
9 and they're actually replacing the entire driveway.

10 CHAIRPERSON MIETZ: Okay, got it.

11 Questions?

12 MR. DiSTEFANO: Yeah, I just have to for the
13 record, and you said it when you first came up that you
14 talked to the neighbor. I've noticed that the house has a
15 sold sign on it. Have you talked to the new buyers of that
16 house?

17 JOHN FIORICA: You know, I talked to a couple
18 people looking at the house. I don't know who actually
19 purchased the house. Mr. Tran is not leaving the location
20 until I believe the end of August. He's going to Dallas. I
21 have not.

22 I proactively sought Mr. Tran's approval
23 verbally prior to drafting the letter, before he put the
24 house up for sale. I drafted, I believe I drafted the letter
25 afterwards, after the house went up. But I got his verbal

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3 approval for the project prior to the house going up for
4 sale.

5 MR. DiSTEFANO: Yeah, it just concerns me a
6 little bit that people bought something and then all of a
7 sudden they are going to be, you know.

8 JOHN FIORICA: Well, I was proactive. I don't
9 mean this in a negative way, I was proactive getting my north
10 neighbor's approval. I wasn't anticipating him moving.
11 However, at the end of the day I checked and rechecked the
12 Town Code and I didn't see it --

13 MR. DiSTEFANO: No, you don't need your
14 neighbor's approval, but it goes a long way with this Board
15 especially when you're asking for a zero setback. That will
16 have impact on that property. Like what Mr. Clapp was
17 talking about, that the concern of water coming off, the
18 concern of people actually getting out of the car and walking
19 on that other property. Because the driveway is right there
20 you don't even know where that driveway and that property
21 line is. So you'd have people actually physically going onto
22 these people's property possibly; snow removal, that kind of
23 stuff, and you and I had this discussion.

24 JOHN FIORICA: Yes, absolutely and I totally
25 understand the Board's concern, I do. And if you look it's

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3 not a concern right now. Because if you look where that
4 sidewalk is there's a hump there. And that hump is where the
5 house is at, and there's no additional water issues with that
6 neighbor. I have had discussions with Mr. Tran, I've been in
7 his basement. He's jack hammered that basement out. So if
8 there's no issues of water relative to Mr. Tran's basement
9 the issues would be -- I know you're concerns -- they would
10 be up towards where that sidewalk is. And the way it is
11 humped next to the right of the sidewalk you can see the hump
12 with the shading of the grass. That hump and that water go
13 down into his house.

14 Like I said, we're going to be totally on
15 board with doing the driveway the right way and also going
16 the additional mile with landscaping. So if there's any
17 water concerns he would have them already up where the
18 sidewalk is. So there would be no issues with the front yard
19 being extra wet, because there are none with the sidewalk
20 where that current grading is.

21 CHAIRPERSON MIETZ: Very good. Any other
22 questions? Thank you.

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

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3 APPLICATION 7A-01-18

4 7A-01-18 Application of Faith Temple, owner of
5 property located at 1876 Elmwood Avenue, for a Temporary and
6 Revocable Use Permit pursuant to Section 219-4 to erect a
7 tent and have a one day community event and a one day church
8 congregation picnic in August 2018 and August 2019 in a RLB
9 Residential District. All as described on application and
10 plans on file.

11 MARK KAISER: Good evening, I am Pastor
12 Kaiser, part of the congregation there, one of the associate
13 pastors. We have done a community outreach for I think we're
14 in our sixth year of doing it. The two previous years it was
15 on the Winton Road property. We're moving back to the
16 1876 Elmwood property this year, it's just a matter of
17 convenience for us. Getting everything to function properly
18 was a challenge out there, moving everything out and whatnot.

19 So the goal of the outreach is basically to
20 get school supplies, bookbags, and clothing and furniture and
21 small house goods to people in need. The congregation does
22 supply most of the things beyond our own purchases. The
23 event is, we would like to hold it on the front lawn and we
24 currently have our current facility there as well as the
25 parking. And now especially with the signal lighting there's

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3 very little issues with traffic as it is controlled by the
4 signal light now. Any questions?

5 MS. TOMPKINS WRIGHT: This event was
6 previously held at there?

7 MARK KAISER: It was the first two years that
8 we did it, we did it at 1876 on the front lawn previously.

9 MS. TOMPKINS WRIGHT: And no issues. Were
10 there any complaints or congestion when it was at that
11 previous location?

12 MARK KAISER: Not that I recall any.

13 MR. CLAPP: And then again this year there
14 will be no amplified music? All of the conditions will be
15 the same?

16 MARK KAISER: Yeah, everything is identical to
17 previous years. In the past we've never done any amplified
18 music. It's a giving, it's not we're doing music or anything
19 outside.

20 MR. CLAPP: For the picnic is there any --

21 MARK KAISER: The picnic, prior to this
22 meeting the picnic has been changed and we are not going to
23 be doing the picnic there. The church is taking the picnic
24 someplace else. The Sunday the event that was planned on
25 that following day is not going to happen.

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3 MR. CLAPP: Okay. But then the moving the
4 tent is still --

5 MARK KAISER: Yeah, they don't take it out on
6 Sunday, they come on Monday to get the tent.

7 MS. DALE: How many people are you expecting?

8 MARK KAISER: This past year we had around
9 600 that came out to the event. It was, you know, scattered
10 throughout the day. It started at I believe 10:00 or
11 11:00 in the morning and then went to about 2:00 or 3:00.
12 There was about 600 that came out for the event. It was
13 awesome. We gave away somewhere around 500 bookbags, school
14 supplies.

15 MR. DiSTEFANO: You didn't have any problems
16 with parking or traffic control in the height of the --

17 MARK KAISER: No, not at all. We have people
18 stationed to move traffic if there is, but it's pretty well
19 organized and we have a lot of volunteers. Last year we had
20 200 volunteers working just meeting people and just helping
21 through things. We had a lot of people there to direct
22 traffic and make sure they're safe. The other side of it
23 being on the faculty is there's lots of restrooms and things
24 like that that are conveniently located.

25 CHAIRPERSON MIETZ: For the record, this

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3 matter in comparison, for your busiest Sunday service how
4 many people are there?

5 MARK KAISER: The busiest Sunday is Easter
6 Sunday, we had about 1,150.

7 CHAIRPERSON MIETZ: Okay. I thought I
8 remember it was over a thousand. Just as a comparison.

9 MARK KAISER: Yeah. And we've never really
10 had traffic issues on a Sunday or even on a Saturday event
11 when we've had Saturday events. It's gotten much better even
12 now with the traffic light.

13 MS. CORRADO: Do you have a rain date?

14 MARK KAISER: If we have rain, we wouldn't
15 need to. If we had the tent up, it's really, it's covered.

16 MS. CORRADO: Okay, rain or shine.

17 MARK KAISER: Yes, rain or shine it will
18 happen there.

19 MR. DiSTEFANO: And what is the date this
20 year?

21 MARK KAISER: August 18th, I believe.

22 MR. CLAPP: And in the past did you have a
23 fence up along Elmwood?

24 MARK KAISER: We typically what we like to do
25 is put a fence on the front of the property. So it's just as

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3 a safety thing so that if they have children -- they get out

4 of their hands, they run, you know how kids are, we try to

5 keep them from running up to the street. It's actually great

6 now with the sidewalk there now it's another deterrent, but

7 we usually put up a safety fence to keep them from getting

8 out there. I have had children that age myself and they can

9 get away from you easy.

10 CHAIRPERSON MIETZ: Okay. Any other

11 questions? Thank you.

12 Is there anyone in the audience that would

13 like to speak regarding this application? There being none,

14 then the Public Hearing is closed.

15 APPLICATION 7A-02-18

16 7A-02-18 Application of Mathew and Anne

17 Devine, owners of property located at 210 Bonnie Brae Avenue,

18 for an Area Variance from Section 205-2 to allow a garage

19 addition to extend 3.5 ft into the existing 8.5 ft side

20 setback where a 13.6 ft side setback is required by code.

21 All as described on application and plans on file.

22 RANDY PEACOCK: Good evening, I'm Randy

23 Peacock and my office address is 70 Linden Oaks, Suite 110.

24 I'm here this evening with my client, Matt Devine. The

25 Devines contacted me to ask about the possibility of

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3 enlarging their garage.

4 So currently they have a garage that is 18'4" wide. It's a little bit on the narrow side for modern usage. 5 That garage is also encumbered by a chimney on the inside, 6 there's a floor plan on the house here. You can see the 7 chimney that sticks out. There was a small bump out for some 8 kitchen cabinetry that was done in the garage at some point 9 in the past. This line that you see here is actually the 10 line of the existing garage, exterior wall. And those walls 11 are brick clad, so they are actually about 9 inches wide 12 together. That gives you about 16'6" inside, that's quite 13 narrow for a garage use, the doors are only 7'10." Generally 14 a new house today start off about 24-feet wide for a garage. 15

16 What we're asking to do is to move the side 17 wall of the garage over about 3 feet, 3.5 feet, the current 18 setback is 8'6" from the side lot line. And we want to go to 19 5 feet, that would -- space would all be added into the 20 garage. The required setback for the property will be 21 15 percent of the width of the lot. It is a pie-shaped lot 22 so the width would be taken at the front of the house. It's 23 about 90.7 feet wide so I calculated there that the required 24 setback distance for the house is 13 foot, 7 1/4 inches.

25

So if you were to take both of the setbacks

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3 for the house, the other side is along the creek. That is

4 actually currently 24-feet wide. So our total setback will

5 exceed that, both sides, if you will. I've got 24 feet and

6 5 feet, I'm at 29 feet. Two times 13'7" would give me 27,

7 2 and a half.

8 So we actually have more setback, it's just

9 not equally distributed on both sides of the house. I

10 suspect the reason the house was built there was it was a

11 preexisting condition because the creek is there and it was

12 offset on the lot to be farther away from the creek, so our

13 garage is of course on other side of the creek. The creek

14 runs along this side of the house and the garage is on this

15 side.

16 So you can see the garage there. We visited

17 the Architectural Review Board and presented the plans to

18 them and they gave us an approval. We will essentially

19 recreate the garage that is there right now, same type of

20 trim and same type of overhead doors. So it will look like

21 what's there now, just about 3 feet wider. So we suggest

22 that that is a minimal change in the character of the

23 neighbor to move that wall over. We will end up, there's a

24 crabapple tree that's on this corner here. Then there is

25 some landscaping down along the property line that we'll also

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3 take out, so there are some overgrown arborvitaes along

4 there. The intent is to create a pathway that comes along

5 the side of the house and a small rear entrance into a

6 mudroom so that the kids can enter and leave the house from

7 back there. There's room for shoes and everything. The

8 house just doesn't have a -- it's got the formal front door

9 with minimal closet space and it's just not conducive to the

10 kids coming in and out.

11 MR. DiSTEFANO: Can I just stop you? I don't

12 mean to interrupt but while we're on that subject, you do

13 realize that any concrete has to have a 4-foot setback. So

14 that's going to hamper your sidewalk in there.

15 RANDY PEACOCK: It would?

16 MR. DiSTEFANO: It would.

17 RANDY PEACOCK: Okay. So what do we do?

18 MR. DiSTEFANO: Well --

19 RANDY PEACOCK: Gosh, Rick, I wish you would

20 have told me that.

21 MR. DiSTEFANO: I wish we had talked a little

22 bit more about it.

23 CHAIRPERSON MIETZ: You probably could do

24 stones or pavers.

25 MR. DiSTEFANO: Any kind of pavement, whether

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3 it's stone or paver or concrete or asphalt, crushed stone, it
4 has to have a 4-foot setback off the lot line.

5 MS. TOMPKINS WRIGHT: What about step stones?

6 MR. DiSTEFANO: Well, am I going to go out
7 there and look if somebody with stepping stones with grass
8 growing between them, probably not. But if any solid
9 situation, it does have to have a 4-foot setback.

10 RANDY PEACOCK: The issue tonight is that it
11 was not advertised as such.

12 CHAIRPERSON MIETZ: Correct.

13 RANDY PEACOCK: So we're still going to be in
14 the process of developing drawings here if you would perhaps
15 in your voting indicate which way you would go on a request
16 for a variance to put that pathway in. We could reapply and
17 come back at a future next hearing to formalize that.

18 CHAIRPERSON MIETZ: There's a couple ways you
19 could do that, sure.

20 RANDY PEACOCK: Okay. Well, we will have to
21 circle back on that one. Matt had the opportunity to speak
22 to the neighbor about that I'll let him bring you up to date
23 since that was his conversation.

24 MATT DEVINE: So Matt Devine, I live at
25 210 Bonnie Brae Avenue. My neighbor to the right of the

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3 property at 220 Bonnie Brae Avenue, spoke with him prior to
4 even contracting with Mr. Peacock in regards to our thoughts
5 and regards to the addition of the garage. And initially
6 said, you know, said this is what we were thinking what do
7 you guys think about that? Of course, they met together and
8 said that was fine to proceed. And then once we had the
9 drawings in place, actually went over to their house this
10 evening and sat down with them and showed them everything we
11 had in store. Unfortunately his father just passed away last
12 week so they'll be kind of driving to Detroit in the next day
13 or so.

14 But essentially the biggest concern he had was
15 right now that's where our garbage can is, so he would like
16 the garbage can to go inside the garage. Which now we would
17 have additional space to put that in there. Secondarily,
18 they just have a garden along that side. In fact, they were
19 almost thinking that was nice to have that area opened up a
20 little bit more to the sun.

21 And prior to the setback for the mudroom,
22 there is a tree there that is dead at this time. It needs to
23 come out, but after that it will be arborvitae all around the
24 rest of the property. Right at that point they have a hot
25 tub that we had no intention of removing any of that

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3 arborvitae to keep their privacy there. So essentially, you
4 know, they were okay with the plans that had been put in
5 place. They didn't have any further concerns. They in the
6 last 3 to 5 years put an addition on their property and I
7 think even the fence line is an inch or two on our property.
8 I was fine with that at that time, so was pleased with that.

9 Do you have any questions in regards to them,
10 happy to answer them. Thank you guys for taking a review of
11 this today.

12 CHAIRPERSON MIETZ: Thank you. Any other
13 questions --

14 RANDY PEACOCK: Can I throw in one more thing?
15 Rick, you threw me off my game. I just wanted to explain
16 that this was the minimal variance that would be necessary to
17 resolve the issue that we have with the garage. As evidence
18 to that, one of the things that we've done, we're going to be
19 doing some additional space on the back of the house with the
20 kitchen, but we've stepped that back 3 feet once we get past
21 the garage, in order to pull it back to the actual existing
22 setbacks. So it's really just the garage space that we're
23 asking to expand out to that side.

24 MR. CLAPP: What's the current dimensions of
25 the garage?

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3 RANDY PEACOCK: Right now it is 18'4" wide and
4 its depth I think is 21-feet deep. But it's actually on the
5 survey.

6

MR. CLAPP: That's close enough for me.

7

RANDY PEACOCK: Okay.

8

MS. SCHWARTZ: You will be using brick?

9

RANDY PEACOCK: Yes. The sidewall will be
10 brick just like it is now. You can't see that here, but this
11 sidewall is all brick. The front is really just the garage
12 doors, so we are going to reuse that arched trim on the
13 front. Because it's a very shallow arch we can cut it and
14 fit in a piece in the center and just pull those apart. That
15 same trim will be used, the same type of column. It's got
16 like a little 16-inch overhang on the front of the garage
17 where those little columns sit and we'll just be matching
18 that.

19

MR. CLAPP: Just curious, the current garage
20 is being demolished?

21

RANDY PEACOCK: Everything will come out, the
22 slab, yes.

23

MS. CORRADO: Will the roof line be the same?

24

RANDY PEACOCK: I'm sorry, I didn't get that
25 out, but we'll put this up now. This is a front elevation.

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3 There will be a dormer on the front. Because one of the
4 things we're doing is adding another bedroom to the house and
5 we're doing that by extending that garage roof line up a
6 little bit further, and that would give you a large plane on
7 there and put the dormer on it to break that up. That was
8 what we presented to the Architectural Review Board and they
9 were very comfortable with that.

10 MR. CLAPP: That will go above the garage?

11 RANDY PEACOCK: Partially. The bedroom, the
12 garage is here, a little bit of the bedroom there that's
13 above the garage. The majority of it will be over the dining
14 space that we're adding and the kitchen space that we'd be
15 adding. The bedroom works out because there's a second floor
16 bathroom right now that is shared by two bedrooms. And
17 there's a window on the side wall -- this is the side wall of
18 the house, there's a window there that we can swap out for a
19 door and we have access from that bedroom into the same
20 bathroom as well.

21 MS. CORRADO: With the widening of the garage
22 entry presumably the driveway will need to be wider as well?

23 RANDY PEACOCK: Correct.

24 MS. CORRADO: Will it be full width all the
25 way from the front of the house to the street line or --

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3 RANDY PEACOCK: That was not the intent. They
4 were going to just keep the existing throat at the street and
5 then widen it out.

6 MS. CORRADO: Minimal expansion?

7 RANDY PEACOCK: Correct, yes.

8 MR. CLAPP: Doesn't that then require an
9 additional setback?

10 RANDY PEACOCK: The driveway is 5 feet away so
11 that meets your 4 foot --

12 MR. DiSTEFANO: The driveway is going to meet
13 the setback.

14 MR. CLAPP: Okay.

15 MS. DALE: Is the garage going to be pushed
16 out closer to the street?

17 RANDY PEACOCK: No. The same frontline as the
18 existing one, correct.

19 MS. CORRADO: It doesn't indicate any widening
20 of the entry into the garage.

21 CHAIRPERSON MIETZ: He said they're only
22 5 feet from the asphalt line.

23 MR. DiSTEFANO: If you keep the same distance
24 at the front property line then you can just kind of angle it
25 to the edge of the garage. Even if at the front property

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3 line it might be preexisting nonconforming, I don't know if
4 it's at 5 feet now or if it's closer, but as long as they
5 don't move that any closer they are okay. Then what they
6 would be moving would maintain the 5 feet.

7

MS. CORRADO: Okay, thank you.

8

CHAIRPERSON MIETZ: Any other questions?

9

Thank you.

10

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

14

APPLICATION 7A-03-18

15

16 7A-03-18 Application of the Country Club of
17 Rochester, owner of property known as Tax ID #136.16-1-7,
18 located north of Old Mill Road (2935 East Avenue) for 1) an
19 Area Variance from Section 203-2.1B to allow an accessory
20 structure (maintenance building) to be located in a yard
21 other than the rear yard as required by code; and 2) an Area
22 Variance from Section 203-2.1B(2) to allow said building to
23 be 2,400 sf in size in lieu of the maximum 250 sf allowed by
24 code. All as described on application and plans on file.

25

ANDREW SPENCER: Good evening, my name is
Andrew Spencer with BME Associates representing our client,
the Country Club of Rochester. With me this evening are some

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3 representatives from the Country Club. If I start to get off
4 track or answer incorrectly they will come up and take me
5 away from the podium, so hopefully that will not occur.

6

7 We are here for the two variances as
8 Mr. DiStefano had mentioned. Do also want to mention that
9 back in 1998, these two variances were also granted for the
10 existing maintenance structure that is on the same location,
from the same proximity on the Country Club.

11

12 Just to give you a little bit of background of
13 where this is located, the Country Club has an East Avenue
14 address. The Country Club clubhouse is located up in this
area right here. This is 2935 East Avenue. Where we're
15 talking about where the maintenance facility will go -- can
16 everybody see this?

17

CHAIRPERSON MIETZ: No.

18

19 ANDREW SPENCER: I'll pull it over here for
just a moment. The actual clubhouse is in this location
20 right here, the existing maintenance facility is down in
here, these are holes eight, nine and ten on the golf course.
21 We have Clover Street over on the west side here, this is
22 Allens Creek Road right here, and Elmwood Avenue is here. So
23 it's really tucked back into the internal area of the golf
24 course.

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As I mentioned, there's an existing maintenance facility there at this time. The Country Club is looking to add another to provide storage for some of the outdoor equipment that they have, as well as potentially some of their bunker sand that they would like to store inside versus outside so it doesn't get wet. It's much easier to handle. Most of the equipment will be those that are pulled behind their tractors and other equipment. Principally, hand tools and things of that nature will be stored in that structure.

It will be a single-story structure, 40 by 60 in size, and it meets all of the other criteria for a shed. One of the reasons that we're asking for the variance is there is no primary use on this parcel. Therefore, there's no front, rear, side, or anything, so that's why we must get that variance taken care of.

The second variance for the size, 250 square feet back in 1998, it was allowed to be 440 square feet, still under size for what they need it for. That's why they're looking for 40 by 60. The Country Club has determined that that is the size necessary to put their equipment and be used for their storage needs.

There's an existing drive that accesses that

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3 area and an existing gravel pad area. We are looking to put
4 the structure in this zone right here and that will actually
5 help screen some of the gravel area. They have a garden area
6 on the north side of the existing maintenance facility. So
7 the structure here will actually help disguise some of the
8 external storage areas from the neighbors to the southeast.

9

10 We are looking at dimensions of their plan
11 here. We did give you a copy of some of this information in
12 your packets. We are positioning that structure
13 approximately 620 feet from the westerly property line, and
14 approximately 308 feet from this eastern property line here.

15

16 In regards to the factors that you must
17 consider prior to granting this variance, we did give you a
18 letter of intent which gave some, hopefully some clarity to
19 those items. I'd be more than happy to answer any questions
20 you might have in those regards. But we do feel that this is
21 in keeping with a golf course use, it's a storage facility.
22 We'll start to take things that are stored externally now and
23 bring them inside to clean the site up. This will not have a
24 negative impact on the environment in this area.

25

26 Drainage from the site currently travels down
27 pole Number 10 and eventually winds its way to some of the
28 low areas into a pond. There will be no change to that

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3 condition with the structure. I think I've sucked up enough
4 air in this room for one evening.

5 MS. DALE: So currently the equipment that
6 would be located inside of the new maintenance building
7 that's currently just outdoors, but in the same vicinity?

8 ANDREW SPENCER: Yes.

9 MS. DALE: So the proposal is to just bring
10 that inside?

11 ANDREW SPENCER: That is correct. One of the
12 other uses for this facility as well is to provide storage
13 for lawn chairs and furnishings that are now on the outdoor
14 patio by the Club House and they would actually bring that
15 out to this area.

16 CHAIRPERSON MIETZ: Why are there four garage
17 doors on the structure? What's the need for having four
18 garage doors?

19 ANDREW SPENCER: Just the ease of being able
20 to get in and out of. They have some pull behind mowers, the
21 rotor-style mowers. So one garage bay door will open up and
22 there's a pull behind that they can bring a tractor up to and
23 hook to it and go. Another garage door might have bumper
24 sand directly behind another, so you don't have to open all
25 the doors and wind your way through a garage to get to these

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3 certain items. It's very, very similar to the existing
4 structure that's there today. There's a series of garage
5 doors, overhead doors, and they can go into each one of those
6 bays individually.

7 CHAIRPERSON MIETZ: What about in the
8 wintertime? Is this thing going to be accessed or will it
9 just be dead storage in the winter? How is it -- what kind
10 of utilities is it going to have within the storage?

11 ANDREW SPENCER: There's no utility
12 connections to the structure whatsoever. No electrical, no
13 water, no nothing. It is a -- there's no windows in here for
14 security purposes. It will be accessed until such a point
15 that they don't need to access it.

16 CHAIRPERSON MIETZ: So it would be fair to say
17 that for four/five months a year it's just dead storage,
18 unless someone needed to get in there for some emergency
19 reason, there wouldn't be any normal movement through that
20 area in the wintertime?

21 ANDREW SPENCER: Yes.

22 MS. TOMPKINS WRIGHT: Is the elevation
23 depicted as what it will look like? It's painted brown
24 and --

25 ANDREW SPENCER: Yes. We did go in front of

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3 the Architectural Review Board, they did approve the
4 architecture of it. It's going to be a metal-sided structure
5 with an asphalt roof. The existing structure up there today
6 is a dark, dark green and it has a dark roof. That's
7 actually visible in the wintertime, you see the green. I've
8 suggested that we utilize brown where it looks a little bit
9 more like tree stems, tree trunks, things of that nature.

10 I will also, if I may, the area is screened by
11 vegetation and quite a bit of vegetation around it. Where
12 we're looking to put that structure is behind some existing
13 evergreens. There's a very dense planting to the west,
14 there's newer evergreens planted right at this location, it's
15 kind of a southeast location, that will be screened from
16 view.

17 CHAIRPERSON MIETZ: Any other questions?

18 Thank you.

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

22 APPLICATION 7A-04-18

23 7A-04-18 Application of F&H Development, owner
24 of property located at 1338 Brighton Henrietta Town Line Road
25 for renewal of a Temporary and Revocable Use Permit pursuant

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2

3 to Section 219-4 to allow for the temporary outdoor storage
4 of construction equipment where not allowed by code. All as
5 described on application and plans on file.

6 DAVID HOWARD: Good evening, my name is David
7 Howard, I'm vice president of F&H Development. Along with me
8 this evening is Jeff Ferreri.

9 JEFFREY FERRERI: Jeffrey Ferreri, President
10 of F&H Development.

11 DAVID HOWARD: We are looking to have our
12 temporary use permit extended one last time. We're
13 anticipating a final review approval this August with a
14 starting construction date of this September for our project.
15 We originally came back last time, I was here myself, due to
16 some financial constraints we are dealing with that put us
17 past our initial time frame or scope of our project. That's
18 why we're here tonight.

19 CHAIRPERSON MIETZ: A couple things, Number 1,
20 I am not sure everybody remembers it well enough, what is it
21 you're planning to do with the property?

22 DAVID HOWARD: We're looking to take the
23 existing garage structure and we're looking to replace it
24 with a 40 by 60 pole barn garage, a metal building,
25 landscaping, and so on, around what's there now. We're

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3 looking to store some of the equipment that's outside inside
4 the building so it's not outside.

5 CHAIRPERSON MIETZ: What about the house?

6 DAVID HOWARD: The house is staying.

7 CHAIRPERSON MIETZ: Okay. Is there any work
8 plan then?

9 DAVID HOWARD: Some painting and sprucing up
10 and whatever. We started landscaping already.

11 CHAIRPERSON MIETZ: Okay. So the driveway --

12 JEFFREY FERRERI: We put a roof on it last
13 year --

14 CHAIRPERSON MIETZ: Your name, for the record.

15 JEFFREY FERRERI: Jeff Ferreri. We put a roof
16 on it last year, on the house, and we are looking to put
17 windows in the backside of the house, which there's only
18 three windows that aren't replaced yet, all of the rest of
19 the windows have been replaced.

20 CHAIRPERSON MIETZ: Is it rented or is
21 it office?

22 JEFFREY FERRERI: It's rented, we rent it to
23 RIT students.

24 DAVID HOWARD: The grad students that go to
25 RIT.

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3 CHAIRPERSON MIETZ: Okay. Let's talk about
4 what you've done since last year. So when you asked for the
5 18 months, you said that you were going to be moving through
6 the process, that there were financial constraints. So what
7 attempts have you made between now and then on the approval
8 process? Have you met with the Town? Have you an engineer
9 that's met with the Town? What have you done?

10

11 DAVID HOWARD: We're still at the same -- we
12 met with Rick and members of the Town last time we came in
13 for final approval. That's where we still are in the
process.

14

15 MR. DiSTEFANO: I think just for
16 clarification, I think we met in a concept review, which was
17 basically just town staff. Its never gone to any of the
18 boards, never gone to the Planning Board. I think at that
19 time there was variances that were going to be required from
20 this Board for that project, Architectural Review Board
21 approval. We never got out of concept, a workshop meeting,
22 basically. So saying that you're going to be ready by August
is not a possibility, no.

23

DAVID HOWARD: Okay.

24

25 CHAIRPERSON MIETZ: Now, is there an engineer
already on the project? I mean, has all the work been done

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3 based on the concept? You mean to tell me you're ready to
4 present something?

5 DAVID HOWARD: Yes.

6 CHAIRPERSON MIETZ: Okay. I think, Rick, we
7 could rough out the time. But again, those dates are not
8 going to be achievable based on the amount of boards you've
9 got to go to, to get the project moving.

10 MR. DiSTEFANO: Yeah. And it may change from
11 what we met with I think at least a year ago through our
12 workshop meeting.

13 CHAIRPERSON MIETZ: Sure. Maybe they've
14 changed the plans.

15 A couple other questions. So currently on the
16 property, I was over there and I saw a Bobcat or so and a
17 trailer and then a truck with no plates on it and a Cadillac
18 with no plates on it. So what are you trying to really store
19 out there? Why are all of those vehicles with no plates out
20 there and things like that? What are you --

21 DAVID HOWARD: The truck with the tank on the
22 back of it that's for -- we're building on. That's for
23 operational winter services. We are involved with the liquid
24 calcium liquid brine program. So that's trying to mitigate
25 self-usage.

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3 CHAIRPERSON MIETZ: So it will go back on the
4 road?

5 DAVID HOWARD: Yes. And the Cadillac is mine,
6 that's going to go.

7 CHAIRPERSON MIETZ: Okay. Obviously, it
8 doesn't help having those vehicles over there. I think our
9 understanding on the last year was a dump truck, a 580 or
10 something there, you know, being stored on there but not
11 like --

12 DAVID HOWARD: I lost the storage for the car
13 and I was trying to save the money. I will have it removed.

14 CHAIRPERSON MIETZ: Okay. Other questions?

15 So if and when you get it approved you would
16 try to begin construction this season, if possible?

17 DAVID HOWARD: Yes, as soon as possible.

18 MR. DiSTEFANO: So what are you looking for a
19 time frame with this extension of the temporary revocable use
20 permit? You didn't have a date on the extension.

21 DAVID HOWARD: We are figuring --

22 MR. DiSTEFANO: Last time you said 18 months
23 I'm going to have it done. That's why we basically gave you
24 18 months. So what's this estimated time frame? You guys
25 have got to be legitimate here because we're getting to a

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3 point where we're granting a permanent use of the property
4 through a temporary revocable use permit. This Board doesn't
5 like to do that. So we have to get to a point where this
6 probably is going to be -- and I can't speak for them, but I
7 would think this would be, if they do approve it, this might
8 be the last time. This is the last bite of the apple.

9 DAVID HOWARD: Understand.

10 MR. DiSTEFANO: So let's try to be legit on
11 your time frame here so the Board can give you --

12 DAVID HOWARD: A final approval from you and
13 then --

14 MR. DiSTEFANO: Well, again, you know, you
15 guys are at a point where you're still going to have to come
16 back and do a workshop meeting with the Town.

17 DAVID HOWARD: Okay.

18 MR. DiSTEFANO: There's going to be a series
19 of board approvals that you're going to have to go through.

20 DAVID HOWARD: So if I was to say 12 to
21 14 months would that -- would you say in your professional
22 opinion that would give us enough time?

23 MR. DiSTEFANO: I would say if you take that
24 much time, that would be a lot of time. But again, I don't
25 know where you guys are at. Are you ready to call up

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3 tomorrow and say, hey, can I schedule a workshop meeting with
4 town staff?

5

DAVID HOWARD: Yes.

6

7 MR. DiSTEFANO: If you can do that then I
would hope that you'd have it done long before -- well, by
8 the construction time -- yeah, 12 months. For the review
9 process, the construction process maybe not.

10

11 CHAIRPERSON MIETZ: I know what a pole barn

12 is. What are you -- how are you --

13

DAVID HOWARD: It's a metal facade, metal
siding, metal roof.

14

15 CHAIRPERSON MIETZ: But does it require a new
slab or are you going right over the existing? What are
16 you --

17

18 DAVID HOWARD: No, we're going to put the post
in the ground then set the perimeter and demo the existing
19 structure out, and then put the sides up, the doors, and
20 roof, and you are done.

21

22 CHAIRPERSON MIETZ: So you plan to have a
stone floor in it?

23

DAVID HOWARD: Yes.

24

MR. DiSTEFANO: Totally unheated space?

25

DAVID HOWARD: No heat.

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3 CHAIRPERSON MIETZ: I'm just trying to figure
4 out how long it's going to take to do it, but that's a much
5 simpler procedure than putting a slab in.

6

7 DAVID HOWARD: Yes. We don't want to extend
8 this out any further than we need to and we don't want to
9 spend on resources and finances extending that into something
that we're not going to need.

10

11 CHAIRPERSON MIETZ: Okay. I think we can talk
12 through this, our perspective. But as long as you have a gas
13 pedal I think that's what the Board wants to hear. Again,
14 we've burned up a lot of time already with things like that.
15 And I'm sure you'd agree it's not the way we'd like to see
it.

16

17 DAVID HOWARD: I didn't anticipate us having
18 to come back, but we are here, so thank you for your time.

19

20 CHAIRPERSON MIETZ: Any questions? Thank you.
21 Is there anyone in the audience that would
22 like to speak regarding this application? There being none,
23 then the Public Hearing is closed.

24

APPLICATION 7A-05-18

25

7A-05-18 Application of Richard Carvotta - RJC Holdings, owner of property located at 1890 South Clinton Avenue, for a Sign Variance from Section 207-26D to allow for

1 Brighton Zoning Board of Appeals 7/5/18

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3 two (2) business identification signs to be 100% logo where
4 not allowed by code. All as described on application and
5 plans on file.

6 PETER ROETZER: Good evening, my name is Peter
7 Roetzer, I live at 101 Alliance Avenue. I'm representing
8 Richard Carvotta tonight, he is the owner of MacGregor's.
9 Right now the former Zebb's is being renovated to accommodate
10 into a MacGregor's, and we are looking to maintain a brand
11 standard by adding these circular signs to the already
12 existing columns that are on the building. The middle sign
13 in the drawings has already been approved and that's their
14 standard sign, but the official name of MacGregor's is
15 MacGregor's Grill and Tap Room. So to incorporate that grill
16 and tap room to be consistent with all of the other
17 locations, we want to put these two, 4 foot in diameter,
18 circular signs on those columns.

19 MS. SCHWARTZ: But you said that you wanted
20 grill and tap room. Why does it have to have A Beer Lover's
21 Paradise? That to me is not branded, you know. I can see a
22 beer mug and grill and tap room, but my concern is you
23 described what's around you, there's a daycare center across
24 the street and a school that's just literally a stone's
25 throw, and I just wonder about something like that. Also

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3 too, it's not far from some residences. So it's a multiple
4 use kind of area. Why couldn't your sign just say grill and
5 tap room on it?

6 PETER ROETZER: It's what's used in all of the
7 other locations, this circular sign if you go around it's
8 kind of what their standard is on the other locations. I
9 understand your concern, but this is just something that they
10 have developed and all of the MacGregor's have this beer mug
11 with Beer Lover's Paradise and Grill and Tap Room. It's
12 consistent with all of their other locations.

13 MS. TOMPKINS WRIGHT: How many MacGregor's
14 locations are there?

15 PETER ROETZER: I know of five others.

16 CHAIRPERSON MIETZ: Okay.

17 MS. SCHWARTZ: Did you say those were there at
18 Zebb's?

19 PETER ROETZER: Those are existing.

20 CHAIRPERSON MIETZ: Were part of the
21 architecture of the building.

22 PETER ROETZER: And right now the renovation is
23 he's really fixing up the whole facade.

24 CHAIRPERSON MIETZ: And it needed fixing up.

25 PETER ROETZER: He's going beyond what I

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3 thought he was going to do.

4 CHAIRPERSON MIETZ: We are happy about that,
5 just for the record, that building needed it.

6 So any other questions about the sign?

7 MR. DiSTEFANO: I think, just for the record,
8 you meet all of your allowable square footage for signage.

9 PETER ROETZER: Yes. Right now the building
10 is 20 feet high, 100 feet long. But the first floor is up
11 14'8", so we're allowed 147 square feet of signage. Right
12 now with that middle sign we're well underneath that, and
13 still will be well underneath it with the additional two when
14 you aggregate all of them.

15 CHAIRPERSON MIETZ: Great. Any questions?

16 Thank you.

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

20 * * *

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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 23rd day of July, 2018.

14 At Rochester, New York
15
16

17 
18 Rhoda Collins
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1 Brighton Zoning Board of Appeals 7/5/18
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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON JULY 5TH, 2018 AT
4 APPROXIMATELY 8:28 **P.M.**

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

8 PRESENT:

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

13 NOT PRESENT:

13 JENNIFER WATSON

14
15 DAVID DOLLINGER, ESQ.
16 Town Attorney

17
18 RICK DiSTEFANO
19 Secretary

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

22
23 REPORTED BY: RHODA COLLINS, Court Reporter
24 FORBES COURT REPORTING SERVICES, LLC
25 21 Woodcrest Drive
Batavia, New York 14020

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3 APPLICATION 7A-03-18

4 Application of the Country Club of Rochester,
5 owner of property known as Tax ID #136.16-1-7, located north
6 of Old Mill Road (2935 East Avenue) for 1) an Area Variance
7 from Section 203-2.1B to allow an accessory structure
8 (maintenance building) to be located in a yard other than the
9 rear yard as required by code; and 2) an Area Variance from
10 Section 203-2.1B(2) to allow said building to be 2,400 sf in
11 size in lieu of the maximum 250 sf allowed by code. All as
12 described on application and plans on file.

13 Motion made by Ms. Dale to approve Application
14 7A-03-18 based on the following findings and facts.

15 **FINDINGS OF FACT:**

16 1. The applicant has been storing equipment outside on a
17 gravel pad near an existing maintenance structure and
18 proposes the installation of a new 2,400 square foot
19 maintenance building to be located near the existing
20 structure.

21 2. The proposed building will be about 621 feet from the
22 nearest residential properties to the west and 308 feet to
23 the east. And the request to allow the structure in the yard
24 other than the rear is necessitated by the fact that there is
25 no primary use on this parcel.

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3 3. The approval of the requested variance will not produce
4 an undesirable change in the character of the neighborhood
5 nor be a detriment to nearby properties as it will be located
6 within close proximity to an existing maintenance building
7 and storage area on the golf course and will be screened by
8 existing plantings and will itself provide screening of the
9 open gravel storage area from the residents on Old Mill Road.

10 4. The requested variance is not substantial when compared
11 to the overall size of the property and size of the proposed
12 maintenance building structure and it is not out of character
13 with the golf course.

14 5. The applicant has testified that the requested variance
15 for building size is the minimum necessary to grant relief
16 from the difficulty the applicant is experiencing.

17 6. The applicant testified that the Architectural Review
18 Board approved the design and the look of the proposed
19 structure.

20 **CONDITIONS:**

21 1. Approval granted only as applicant has provided in the
22 application and testimony given, approval for the structure
23 for its size and in the location as for plans submitted and
24 testimony given.

25 2. All necessary Planning Board approvals and building

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3 permits shall be obtained.

4

(Second by Ms. Schwartz.)

5

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

8

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

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3 APPLICATION 7A-05-18

4 7A-05-18 Application of Richard Carvotta - RJC
5 Holdings, owner of property located at 1890 South Clinton
6 Avenue, for a Sign Variance from Section 207-26D to allow for
7 two (2) business identification signs to be 100% logo where
8 not allowed by code. All as described on application and
9 plans on file.

10 Motion made by Ms. Tompkins Wright to approve
11 Application 7A-05-18 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance is not substantial given the fact
15 that the total square footage of the signage is less than
16 that allowed by code for the size of the building.

17 2. No alternative can alleviate the difficulty and produce
18 the desired result based on the fact that the logo signs are
19 part of the applicants' consistently branded restaurants in
20 the area.

21 3. No unacceptable change in the character of the
22 neighborhood and no substantial detriment to the nearby
23 properties is expected to result in the approval of this
24 variance because this is a commercial area with various
25 signage on unique properties.

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3 4. There's no evidence that the health, safety, and welfare
4 of the community will be adversely affected.

5 **CONDITIONS:**

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

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

13 (Second by Ms. Dale.)

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

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

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3 APPLICATION 6A-06-18

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5 6A-06-18 Application of John and Pamela
6 Fiorica, owners of property located at 33 Clovercrest Drive,
7 for an Area Variance from Section 207-10E to allow a driveway
8 to expand to the northern side lot line where a minimum 4 ft.
9 Setback is required by code. All as described on application
and plans on file.

10

11 Motion made by Ms. Schwartz to table
12 Application 6A-06-18 for the following information.

13

1. We would like to see other design options which would
minimize the requested variance.

14

2. Driveway construction designs mitigating drainage towards
the northern lot line.

16

(Second by Ms. Corrado.)

17

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

20

(Upon roll call, motion to table and leave the
21 Public Hearing open carries.)

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3 APPLICATION 7A-01-18

4 7A-01-18 Application of Faith Temple, owner of
5 property located at 1876 Elmwood Avenue, for a Temporary and
6 Revocable Use Permit pursuant to Section 219-4 to erect a
7 tent and have a one day community event and a one day church
8 congregation picnic in August 2018 and August 2019 in a RLB
9 Residential District. All as described on application and
10 plans on file.

11 Motion made by Mr. Clapp to approve
12 Application 7A-01-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. Faith Temple seeks to erect a 40 by 80 foot tent on the
16 front lawn at 1876 Elmwood Avenue an RLB residential district
17 to hold a community, quote, Big Give, unquote, charity event
18 on Saturday, August 18th, 2018, and on a similar date in
19 August of 2019.

20 2. The tent will be on site for a maximum of four days
21 including set up and removal. It will be erected on Friday,
22 August 17th, 2018, and removed Monday, August 20th, 2018,
23 with similar dates in August of 2019.

24 3. Similar events have been held by Faith Temple at this
25 location in past years with no reported problems or

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3 complaints.

4 4. The health, safety, and welfare of the community will not
5 be adversely affected by this temporary revocable use permit.

6

CONDITIONS:

7 1. This temporary revocable use permit applies only to the
8 event as described in the application submitted and testimony
9 given.

10 2. Parking is to be restricted to the Faith Temple property
11 and parking lot.

12 3. There will be no outdoor sound amplification.

13 4. A temporary protective fence will be installed along
14 Elmwood Avenue to prevent children from wandering in the
15 street.

16 5. Provision will be made for cleanup and removal of debris
17 and garbage.

18 6. All necessary permits shall be obtained from the fire
19 marshall.

20 (Second by Ms. Schwartz.)

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

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

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3 APPLICATION 7A-02-18

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5 7A-02-18 Application of Mathew and Anne
6 Devine, owners of property located at 210 Bonnie Brae Avenue,
7 for an Area Variance from Section 205-2 to allow a garage
8 addition to extend 3.5 ft. Into the existing 8.5 ft side
9 setback where a 13.6 ft side setback is required by code.
10 All as described on application and plans on file.

11

12 Motion made by Ms. Corrado to approve
13 Application 7A-02-18 based on the following findings and
14 facts.

15

FINDINGS AND FACTS:

16

17 1. The requested variance is the minimum variance possible
18 to allow construction of an appropriately scaled attached
19 garage especially in light of the off center siting of the
20 home as originally constructed in relation to the creek that
21 runs through the property.

22

23 2. No other alternative will alleviate the difficulty and
24 produce the desired result, namely an attractive attached
25 two-car garage providing adequate storage for the resident
family.

26

27 3. No unacceptable change in the character of the
28 neighborhood and no substantial detriment to nearby
29 properties is expected to result from the approval of this

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3 variance as the proposed garage addition will be in character

4 with the existing home and other homes in the neighborhood.

5 4. The alleged hardship is not self-created by the applicant

6 as the house was designed and built in 1940. The automobile

7 storage was of the era and is situated on the lot without

8 consideration of potential need for future expansion.

9 5. The health, safety, and welfare of the community will not

10 be adversely affected by the approval of the variance

11 requested.

12 **CONDITIONS:**

13 1. This variance will apply only to the garage addition as

14 described in the application and testimony. In particular,

15 it will not apply to future additions considered that are not

16 included in the present application.

17 2. All other necessary Town approvals shall be obtained.

18 (Second by Ms. Tompkins Wright.)

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

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

21 Ms. Corrado, yes.)

22 (Upon roll call, motion to approve with

23 conditions carries.)

24

25

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3 APPLICATION 7A-04-18

4

5 7A-04-18 Application of F & H Development,
6 owner of property located at 1338 Brighton Henrietta Town
7 Line Road for renewal of a Temporary and Revocable Use Permit
8 pursuant to Section 219-4 to allow for the temporary outdoor
9 storage of construction equipment where not allowed by code.
10 All as described on application and plans on file.

11

12 Motion made by Chairperson Mietz to approve
13 Application 7A-04-18 based on the following findings and
14 facts.

15

FINDINGS AND FACTS:

16

1. The applicant is planning to redevelop this property as
17 there has been extended process of planning and redesign as
18 well as financing.

19

2. No unacceptable change in the character of the
20 neighborhood and no substantial detriment to the nearby
21 properties is expected to result in the approval of this
22 request as the construction equipment stored at the southwest
23 corner will be shielded by existing fencing and create change
24 at that rear of the property as it relates to the street.

25

3. The health, safety, and welfare of the community will not
be adversely affected by the approval of the temporary use
requested as the use of the property in this matter remains

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3 commercial in nature.

4

CONDITIONS:

5

1 The temporary revokable use permit shall apply to a
2 maximum of six pieces of equipment stored only on the
3 southwest corner of the property as specified in plans
4 submitted and testimony given.

9

10 2. The storage for vehicles and equipment as described shall
11 not infringe on the wet pond on the south portion of the
12 property.

13

14 3. The temporary permit shall be valid for 12 months from
15 July 5, 2018, to July 4, 2019, or whenever construction on
16 the site concludes, whichever occurs first.

17

18 4. The vehicle currently stored on the southeast side of the
19 property shall be removed immediately.

20

(Second by Ms. Tompkins Wright.)

21

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

25

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

26 *

27 *

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1 Brighton Zoning Board of Appeals 7/5/18

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REPORTER CERTIFICATE

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6

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8

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

9

10

11

12

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

13

Dated this 23rd day of July, 2018.

14

At Rochester, New York

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Rhoda Collins

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