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PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON AUGUST 1ST, 2018  
AT APPROXIMATELY 7:15 P.M.

5

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August 1st, 2018  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

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PRESENT:

DENNIS MIETZ, CHAIRPERSON  
DOUGLAS CLAPP  
CHRISTINE CORRADO  
ANDREA TOMPKINS WRIGHT  
JENNIFER WATSON

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NOT PRESENT:

JEANNE DALE  
JUDY SCHWARTZ

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17

18

DAVID DOLLINGER, ESQ.  
Town Attorney

19

20

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22

23

RICK DiSTEFANO  
Secretary

24

25

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 August session of the Zoning Board of  
5 Appeals.

6

Rick, was the meeting properly advertised?

7

advertis ed in the Brighton-Pittsford Post of July 26, 2018.

9

CHAIRPERSON MIETZ: Please call the roll.

10

11 Ms. Schwartz and Ms. Dale are not present.

12

CHAIRPERSON MIETZ: We don't have anything to review. Rick?

14

MR. DiSTEFANO: No. The July minutes we will have to do at the September meeting.

16

CHAIRPERSON MIETZ: All right. In that case let's read the first application.

18

MR. DiSTEFANO: Just in case anybody is here for 5A-01-18 and 5A-02-18, they have been adjourned to a later meeting. We will start with 6A-06-18.

21

APPLICATION 6A-06-18

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6A-06-18 Application of John and Pamela

23

Fiorica, owners of property located at 33 Clovercrest Drive, for an Area Variance from Section 207-10E to allow a 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 know I talked to mostly  
6 everybody, I think, last month --

7 CHAIRPERSON MIETZ: Give us your name and  
8 address please.

9 JOHN FIORICA: John Fiorica, 33 Clovercrest  
10 Drive. So I don't know if you guys -- I don't believe I need  
11 to go over everything I talked about last month, because I  
12 think the majority of you were here; is that okay?

13 CHAIRPERSON MIETZ: Yes, if it's just the old  
14 ground, then no.

15 JOHN FIORICA: So I had spoken to Rick and he  
16 and I had discussed some of the things that maybe I could  
17 have changed. I listened to some of Rick's suggestions. You  
18 can see on the new plans that I had handwrote on the  
19 narrative portion and also on the new plans, it's the same  
20 size driveway, I just moved the two feet from my neighbor's  
21 lot line into my yard.

22 And I also got a letter from the contractor,  
23 Rochester Driveways, located at 455 Western Drive, from  
24 Charles Brucato, President of the company and the owner.  
25 They had guaranteed, I know some of the Board members were

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3 concerned about runoff, with water runoff. Mr. Brucato wrote

4 a letter assuring the Board that would not happen. The way

5 he constructs the driveways all additional waters that come

6 onto the driveway no matter what the season will drain

7 directly into the street, into the storm drains. He wrote a

8 letter saying that.

9

10 The only difference between last month's and

11 this month's request is I asked last month if I could go

12 right to my lot line. Which I had articulated because of our

13 life changing event where my handicapped brother-in-law is

14 living with us full-time now and we needed the additional

15 driveway space for a handicap van we plan on purchasing if

16 the variance is approved. We need the additional space. We

17 currently have a single-car driveway that does not afford us

18 the space that we're going to need for what my brother-in-law

Frankie's needs are.

19

20 So the new plans, nothing's changed except the

21 2 feet off the lot line from the 4-foot setback and would

22 come in 2 feet. I'm requesting the 2 feet instead of the

23 full four like I asked last month. The driveway would still

24 be 39.1 feet long, but the additional 2 feet that I'm not

25 going to my neighbor's lot line will be then pushed onto our

property towards the middle of our yard. That's pretty much

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3 it. I don't want to bore you like I did last month.

4 MS. TOMPKINS WRIGHT: I just have a question.

5 The new plan has the driveway being expanded 2 feet toward --

6 JOHN FIORICA: To the south.

7 MS. TOMPKINS WRIGHT: To the south. But you  
8 list only 4.8 feet to the north?

9 JOHN FIORICA: I believe that if you look  
10 on -- it should be 4.9 feet to the north if you look at the  
11 notes. It's my scribble, it is 4.9.

12 MS. TOMPKINS WRIGHT: But that won't -- the  
13 current driveway plus these expansions only add up to 15.9.

14 JOHN FIORICA: So if you look where the line  
15 is where it says 12.2 which is the width of my garage, then  
16 you can look at 6.9 which is from the base of my garage, the  
17 foundation to my lot line is 6'9." I'm requesting only to go  
18 4'9", I took 2 feet off. And then if you look at my written  
19 explanation --

20 MS. TOMPKINS WRIGHT: The driveway itself  
21 doesn't go all the way to the edge of the garage, right,  
22 based on the plan as it's currently now?

23 JOHN FIORICA: As it's currently now, no.  
24 Yeah, the current driveway, no, but the total width of the  
25 driveway will be 17.9, 17'9", which I had spoken last month

2

3 not to reiterate, but as Mr. Brucato and other contractors  
4 had advised me, a small two-car driveway is 16 feet.

5 Explaining what my needs were relative to one handicap van  
6 and dropping a ramp down I would need what traditionally has  
7 become American standard, which is 18 feet for a two-car  
8 driveway. Did I answer your question?

9

10 MS. TOMPKINS WRIGHT: Yeah. I was just  
11 looking at adding the numbers up and it wasn't adding up. So  
12 I think the driveway is being expanded to the north 6.9 feet,  
13 or six point --

14

15 JOHN FIORICA: The total length of it  
16 currently now is 9.9 feet. The way the current single-car  
17 driveway goes 39.1 down the length, if you look at the plans  
the total width of the driveway will be 17.9 once you add up  
everything.

18

MS. TOMPKINS WRIGHT: Right.

19

JOHN FIORICA: Does that make sense?

20

MS. TOMPKINS WRIGHT: What's the technical  
21 requirement of the setback?

22

MR. DISTEFANO: Four, so he's gone from zero  
23 to 2 feet, where 4 foot is required.

24

CHAIRPERSON MIETZ: Better than half.

25

JOHN FIORICA: And like I said, I don't need

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3 to reiterate from last month, but it's not for selfish  
4 reasons, the reason why we are doing it is for our change of  
5 life experience. And to reiterate, the current driveway  
6 that's there now I believe when Decca Paving put it in it was  
7 three years ago. And it's not like we want to rip out a  
8 perfectly good driveway, unselfish needs is why we have to do  
9 it.

10

MS. CORRADO: Can I ask you, with the  
11 rethinking of where the expanded width of the driveway will  
12 go, are you still intending to remove the trees that are  
13 currently in front of the garage?

14

JOHN FIORICA: There's only one tree there and  
15 it is that lilac. I talked to Steve Miles, he's our  
16 landscaper, he's the one that did all our landscaping in our  
17 backyard. Steve is looking into pulling that out. I think  
18 you asked the same question last month and like I said last  
19 month, it tugs at our heart strings. That's something that  
20 was given to us by my now deceased mother-in-law that we do  
21 not want to get rid of. So we're looking at pulling it out  
22 and probably more than likely replanting it somewhere on the  
23 property if we could, depending where the roots are.

24

MS. CORRADO: Can you remind me why it needs  
25 to come out? Whether the additional paving has to go all the

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3 way up to the driveway -- or the garage.

4

5 JOHN FIORICA: The concern is that we've had  
6 some kind of upgrowth with some of the roots and I'm  
7 concerned that it will happen with the new driveway, my  
8 second new driveway in three years, that in another couple of  
9 years that that's going to happen again. We have some roots  
that are growing up, so I'm concerned about that.

10

MS. CORRADO: Okay.

11

12 JOHN FIORICA: It's only the area, if you look  
13 at it the area is literally a foot by a foot where that tree  
is.

14

15 MS. CORRADO: It does soften the view and  
16 especially if you're expanding the pavement and removing the  
17 tree at the same time, that creates kind of a stark view for  
the neighbors.

18

19 JOHN FIORICA: Yeah, I don't disagree, which  
20 is why we want to relocate it to another part of our  
21 property, which would still be aesthetically pleasing to  
22 people driving by. The additional thing, or the concern that  
23 you have, which I totally understand, the way the driveway is  
24 going to be constructed, it's going to look like it belongs  
there, it's not going to look off center. And we don't want  
25 to get rid of the tree, we really don't. But -- and the way

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3 my wife parks also with Frankie getting out currently, if she  
4 parks closer to the north side, the thing has grown pretty  
5 big, the tree. We have concerns for Frankie, him getting out  
6 of the van also with some of the branches that do lean over.  
7 I don't know if you have come to the property, it kind of  
8 leans.

9

CHAIRPERSON MIETZ: It's a limb.

10

11 JOHN FIORICA: It needs some pruning and  
12 trimming. I have had it cut back this year so it is not as  
13 bad. But as it does grow it does grow into that part where  
the driveway would be.

14

15 MS. CORRADO: Very good. One other question I  
16 had about the reconfiguration, and I think I asked this the  
17 last time and I'll ask it again, did you give any thought to  
18 keeping the curb cut narrow as it is now and then expanding  
19 wider giving you that space for unloading the vehicles but  
not requiring so much pavement?

20

21 JOHN FIORICA: Yeah, we did. The only concern  
22 as I said and like I explained last month, our concern --  
23 which, it is a great question, some of our neighbors asked  
24 that too -- our concern that we have is that in the months,  
the non-winter months that's perfectly fine. But in Upstate  
25 New York, our winters that we have sometimes the driveway

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3 expansion it's not as wide during those winter months.  
4 Sometimes if you come by our house the snowbank is right up  
5 to the side of the driveway. Like I said, with Frankie and  
6 his handicap and his disability, what ends up happening is  
7 with the van that we have, the handicap vans are larger,  
8 they're bigger, and sometimes the way it snows in Upstate New  
9 York when we clear our driveway out we don't get full  
10 clearance sometimes in front of our garage. So sometimes it  
11 pushes the cars back a little bit, that would go into that  
12 smaller portion of the driveway.

13 It's something that we considered, it was only  
14 brought to my attention by my dad. I have to give him  
15 credit, because we were thinking about doing the driveway  
16 like that until he said, yeah, it's great Johnny, until it  
17 snows. And what happens, when I was over to your house and  
18 he explained how the snow sometimes come in front of our  
19 garage, we don't get the full use of our driveway.

20 MS. CORRADO: Thank you.

21 CHAIRPERSON MIETZ: Okay. Any other  
22 questions?

23 MR. CLAPP: With the new configuration will  
24 that allow you to park three vehicles in the driveway without  
25 blocking the sidewalk?

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3 JOHN FIORICA: Yes. Yes, sir.

4 CHAIRPERSON MIETZ: Okay. Questions.

5 MS. TOMPKINS WRIGHT: At the time last month  
6 the property was sold but the current occupant hadn't moved  
7 out and the new one hadn't moved in yet.

8 JOHN FIORICA: They're not moving in, I  
9 believe, until September.

10 MS. TOMPKINS WRIGHT: So they haven't had an  
11 opportunity to review this and comment?

12 JOHN FIORICA: The new purchasers?

13 MS. TOMPKINS WRIGHT: Yes.

14 JOHN FIORICA: I had asked my wife for  
15 permission to reach out and she said she didn't know if it  
16 would be appropriate to reach out to their relator and stuff  
17 like that. The current home owner who has been there for  
18 years had approved my plans and approved of them when I told  
19 him what we needed it for. I have not reached out to them.  
20 And this is something that we were looking to do sooner than  
21 later, because the end of September comes and we're looking  
22 to do it sooner than later.

23 Because of the paving schedule going into the  
24 fall, Mr. Brucato said he had concerns getting me into the  
25 schedule even after if it was approved today, he had concerns

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3 about getting me into the fall schedule in preparation for  
4 the winter.

5 MR. CLAPP: This is a question maybe for our  
6 attorney, since this was held open there's no need to repost  
7 the notice so the new owner would not have been required to  
8 receive that.

9 MR. DOLLINGER: Yes.

10 CHAIRPERSON MIETZ: Okay. Thank you.

11 JOHN FIORICA: Thank you very much.

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

15 APPLICATION 8A-01-18

16 8A-01-18 Application of Jason Hummell -  
17 Fastenal, lessee, and 2710 West Henrietta Rd, LLC, owner of  
18 property located at 2710 West Henrietta Road, for a Temporary  
19 and Revocable Use Permit pursuant to Section 219-4 to hold a  
20 one day grand opening event (August 28, 2018). All as  
21 described on application and plans on file.

22 JASON HUMMELL: Jason Hummell, I live at  
23 15 Brandywine Terrace, Rochester, New York, 14623. The  
24 property location for the grand event is Fastenal, 2710 West  
25 Henrietta Road, Rochester, New York, 14623. So Fastenal, if

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3 you are not aware, is a \$4 billion company with 2000  
4 locations across the country. We had a branch on the corner  
5 of West Henrietta Road and Brighton Henrietta for the last  
6 10 or so years and we recently moved up the street to  
7 2710, it's about a quarter mile up the road on West  
8 Henrietta. We opened the branch in April, but with the  
9 weather and not being fully prepared, we didn't try to host  
10 any events or anything like that. We wanted to hold it for  
11 the summer, wait for a few more things to fall in place.

12 So on August 28th, we're looking to have a  
13 grand opening event to increase awareness of our offerings to  
14 companies throughout Brighton, Henrietta, Rochester, and  
15 surrounding areas that we deal with, show off our new  
16 building at the same time. We're pretty proud of it, it's  
17 one of the better ones we've got in the state and we would  
18 like to show it off.

19 I don't expect a large disturbance or any  
20 environmental impact throughout the event or at the event and  
21 I think it should go pretty well.

22 CHAIRPERSON MIETZ: Okay, parking you can  
23 accommodate I presume.

24 JASON HUMMELL: Yes, we have parking. The  
25 neighbor, Wayne, just bought the old Arigato building and he

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3 said it's no problem to use his property for parking or any  
4 of the event. So we have the front and the back to utilize.

5 CHAIRPERSON MIETZ: What's basically going to  
6 occur? Just describe what's going to occur. People are  
7 coming in to tour the facility?

8 JASON HUMMELL: Yeah, tour the facility.

9 Looking to set up some of our vendors, about seven vendors  
10 I've got committed. Might bring in 10 by 10 pop-up tents  
11 just to stay out of the sun, will have some tables like these  
12 set up with their offerings for customers to see, on the  
13 outside of the building.

14 We have a couple barbecues brought in from  
15 home, household barbecues, for hot dogs, hamburgers, things  
16 like that. So we'll feed the customers that show up, show  
17 them around, let them see some of the offerings.

18 CHAIRPERSON MIETZ: Your staff will take care  
19 of trash, make sure nothing's there.

20 JASON HUMMELL: Yes. We have a Dumpster out  
21 back to fill up.

22 MS. TOMPKINS WRIGHT: What type of tents are  
23 being put up and how long are they going to be at the  
24 location?

25 JASON HUMMELL: Just pop-up tents, the 10 by

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3 10 pop-ups.

4 MS. TOMPKINS WRIGHT: They will be set up in  
5 the morning and taken down the same day?

6 JASON HUMMELL: Yes. Just a few hours, the  
7 duration of the event, so 10:00 a.m. to 2:00 p.m.

8 MS. TOMPKINS WRIGHT: And you put in your  
9 application 50 to 100 people, but that's sort of coming and  
10 going? Because I count maybe 23 parking spaces for guests?

11 JASON HUMMELL: Yes.

12 MS. TOMPKINS WRIGHT: You don't anticipate  
13 there will be more than 23 at any one time?

14 JASON HUMMELL: I don't think so, it will be  
15 staggered between 10:00 and 2:00.

16 MS. TOMPKINS WRIGHT: And this sounds like a  
17 strange question, but the food that you'll serve, it's not  
18 being sold, it's just being given away?

19 JASON HUMMELL: Yes. No sales, just free of  
20 charge for the customers, complementary.

21 MS. TOMPKINS WRIGHT: Is there a rain date?

22 JASON HUMMELL: No. One and done. If it  
23 rains then they're getting wet, if not, it's a done event.

24 MS. TOMPKINS WRIGHT: You anticipate that the  
25 vendor parking is going to be sufficient for behind that

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3 restaurant?

4 JASON HUMMELL: Used to be the Arigato, but  
5 yes.

6 MS. TOMPKINS WRIGHT: You anticipate that will  
7 be sufficient for the vendors?

8 JASON HUMMELL: Yes.

9 MS. TOMPKINS WRIGHT: Will there be music?

10 JASON HUMMELL: Maybe a small stereo. I  
11 hadn't thought that through, but we could do that. Good  
12 idea.

13 MR. DISTEFANO: No live.

14 JASON HUMMELL: No. No live bands, no stage.

15 MS. TOMPKINS WRIGHT: It wouldn't be  
16 amplified?

17 JASON HUMMELL: No. I know you're not too  
18 excited, it doesn't sound too fun. It's pretty simple.

19 CHAIRPERSON MIETZ: Okay, simple is good.

20 MR. CLAPP: Rick, do the pop-up tents need a  
21 permit?

22 MR. DISTEFANO: No.

23 CHAIRPERSON MIETZ: Okay, sounds good. Thank  
24 you.

25 JASON HUMMELL: 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 8A-02-18

7 8A-02-18 Application of Dr. Indra Quagliata,  
8 contract vendee, and Jerome Koresko, Sr., owner of property  
9 located at 1230 East Henrietta Road for an Area Variance from  
10 Section 205-7 to allow a new office building to be  
11 constructed with a 10 ft. front setback in lieu of the  
12 minimum 30 ft. front setback required by code. All as  
13 described on application and plans on file.

14 APPLICATION 8A-03-18

15 8A-03-18 Application of Dr. Indra Quagliata,  
16 contract vendee, and Jerome Koresko, Sr., owner of property  
17 located at 1230 East Henrietta Road for Area Variances from  
18 Section 205-7 to allow maximum gross first floor(s) area to  
19 be 7,000 sf in lieu of the maximum 3,500 sf per lot allowed  
20 by code, and the maximum total gross floor area (both  
21 buildings) to be 14,000 sf in lieu of the maximum 7,000 sf  
22 per lot allowed by code, for the purpose of constructing two  
23 2-story office buildings on one lot. All as described on  
24 application and plans on file.

25 APPLICATION 8A-04-18

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3 8A-04-18 Application of Dr. Indra Quagliata,  
4 contract vendee, and Jerome Koresko, Sr., owner of property  
5 located at 1230 East Henrietta Road for Area Variances from  
6 Section 205-18A to 1) allow front yard parking where not  
7 allowed by code, and 2) allow parking, pavement and drive  
8 aisles to be 7.5 feet from both the north and south lot lines  
9 where a minimum 10 ft. setback is required by code. All as  
10 described on application and plans on file.

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8A-04-18 Application of Dr. Indra Quagliata,  
e, and Jerome Koresko, Sr., owner of property  
0 East Henrietta Road for Area Variances from  
A to 1) allow front yard parking where not  
e, and 2) allow parking, pavement and drive  
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m 10 ft. setback is required by code. All as  
pplication and plans on file.

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3 in and people were moving through the building. So we were  
4 in a holding pattern and we simply just didn't come back in  
5 and ask for the extension. I can certainly go through and  
6 talk to you about where those three different variances  
7 occurred.

8 CHAIRPERSON MIETZ: I think it's a good idea  
9 because of the fact that it's a new application. Just  
10 quickly, you don't have to go into as much detail as you did  
11 last time, if you would not mind.

12 DAVID PRIZZI: No problem, I'm just going to  
13 open up the plan that I have here.

14 CHAIRPERSON MIETZ: So while you're looking  
15 for that, so if we are looking at the site plan from before  
16 or anything else, there's really no changes to that. The  
17 only changes to this project relate to the interior  
18 configuration of the buildings?

19 DAVID PRIZZI: There are minor changes to the  
20 underground utilities, but they don't affect the variances.

21 CHAIRPERSON MIETZ: Where they're entering?

22 DAVID PRIZZI: Correct.

23 CHAIRPERSON MIETZ: Okay.

24 DAVID PRIZZI: So the front yard, the request  
25 for the variance in the front yard is actually occurring on

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3 the south side of the building. So if you're on Clay Road,

4 it's more or less sort of a loop road, it's tying it to East

5 Henrietta Road, so that face of the building is within 10

6 feet of the property line and I believe by code 30 feet is

7 allowed.

8 CHAIRPERSON MIETZ: Could you pull your mic up

9 a little bit? Thank you.

10 DAVID PRIZZI: Sure. So that's the first one.

11 MR. DiSTEFANO: And there's quite a bit of

12 right of way there, so actually the distance from that

13 building to the actual pavement of Clay Road is quite

14 expansive, correct?

15 DAVID PRIZZI: That is correct. The distance

16 from the pavement of Clay Road to the base of the building is

17 roughly 45 to 50 feet. I don't have that measured on my

18 drawing.

19 CHAIRPERSON MIETZ: So it's going to look like

20 it's an access road, but it's just a right of way for the

21 road?

22 DAVID PRIZZI: That is correct. So that's the

23 front yard. And the gross floor area, the reason for the

24 variance request for the gross floor area is that initially

25 this was two parcels. So if we left them as two parcels we

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3 wouldn't need an area variance, but we're actually doing a  
4 lot consolidation. So we're asking for the area that would  
5 have been allowed if we left them as two parcels, but we're  
6 combining them to help consolidate disturbance and impervious  
7 area and actually ease of access to those two buildings.

8 And then the area variance which is the third  
9 request, this is a request to have the asphalt drive aisles  
10 in the parking areas closer to the lot line, so we're asking  
11 for 7'6" in lieu of the 10-foot setback and that occurs on  
12 the south property line as well as the north property line.

13 CHAIRPERSON MIETZ: That's to maintain  
14 reasonable width on the access aisles?

15 DAVID PRIZZI: That is correct. It's also to  
16 help us meet our parking requirements.

17 CHAIRPERSON MIETZ: Okay.

18 DAVID PRIZZI: So in essence, the width of the  
19 asphalt pavement is centered within the lot, so the distance  
20 from the north property line and the southern property line  
21 is exactly the same, so we're maximizing that distance.

22 CHAIRPERSON MIETZ: Okay. So there are no  
23 other underground utilities, no other changes to the  
24 configuration of the lot or where the buildings are, the size  
25 of the buildings?

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DAVID PRIZZI: That is correct.

4

5

CHAIRPERSON MIETZ: Anyone have questions on  
what you've heard previously?

6

7

MR. CLAPP: My question is more about the  
wording, it's probably something we can discuss later.

8

9

CHAIRPERSON MIETZ: Yes. Okay, great.

10

DAVID PRIZZI: Can I add one thing?

11

CHAIRPERSON MIETZ: Sure.

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DAVID PRIZZI: I just wanted the Board to  
realize that we waited to come in to ask for this variance  
again so that we were working concurrently with the site plan  
application. So their request was to reestablish the  
variances first and then go back in front of the Board, the  
Planning Board, and then moving forward both of the approvals  
will be working concurrently. So, if in fact we do need an  
extension in the future it will be easier. I don't foresee  
that, we're looking for construction next year.

20

21

22

CHAIRPERSON MIETZ: So providing you read the  
schedule, when do you think you would be doing construction?  
Would you be beginning construction this fall?

23

24

DAVID PRIZZI: I don't see this fall,  
construction is anticipated for the spring of 2019.

25

CHAIRPERSON MIETZ: So you believe it will

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2

3 commence prior to August 2019?

4 DAVID PRIZZI: That's correct.

5 CHAIRPERSON MIETZ: Okay, that's fair. Thank  
6 you.

7 Is there anyone in the audience that would  
8 like to speak regarding this application? There being none,  
9 then the Public Hearing on these three applications is  
10 closed.

11 APPLICATION 8A-05-18

12 8A-05-18 Application New Monroe Real Estate,  
13 LLC, contract vendee, and WSBJ, LLC, owner of property  
14 located at 588 White Spruce Blvd., for an Area Variance from  
15 Section 203-84B(12) to allow an animal hospital building to  
16 be located 30 ft. from a residential district boundary in  
17 lieu of the minimum 100 ft. required by code. All as  
18 described on application and plans on file.

19 AMY LAUKAITIS: Hi, my name is Amy Laukaitis  
20 and I live at 233 Orchard Park Boulevard, Rochester, New  
21 York, 14609. I'm here representing New Monroe Real Estate,  
22 that we are requesting a variance to be able -- we currently  
23 also own 825 White Spruce Boulevard, which is across the  
24 street and there are existing services in that building that  
25 we're looking to relocate into this building. Those services

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3 are animal rehab services, so it's a very specific service.  
4 It's outpatient visits so there's no overnight stay.

5 We did an extensive search in the area to try  
6 and identify a location that would be in close proximity to  
7 have these services located and be able to utilize the  
8 support staff and veterinarians. And this is the location  
9 that -- this is the only location that we could find that  
10 could accommodate that need.

11 CHAIRPERSON MIETZ: Can you talk to us about  
12 the property or the properties next to the location that you  
13 are planning to put this in?

14 AMY LAUKAITIS: I'm sorry, I didn't hear you.

15 CHAIRPERSON MIETZ: Can you talk about the  
16 properties that would be to the south of you and that are in  
17 the row there of the buildings next to 588?

18 AMY LAUKAITIS: So the first building is on  
19 the corner, so you mean the next one that has a doctor's  
20 office and a physical therapy office, and then the next  
21 building over is a building that we own for administrative  
22 offices.

23 CHAIRPERSON MIETZ: Okay. So it's kind of  
24 mixed in that little section?

25 MR. DiSTEFANO: Right, but directly behind the

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3 Rustic Village apartments.

4

CHAIRPERSON MIETZ: Yes, I'm aware of that.

5

And what's going to happen to 825 once you relocate those  
6 services to this building?

7

AMY LAUKAITIS: They will continue to operate.

8

They will not operate this specific service, but they will  
9 continue to operate the 24-hour emergency specialty practice  
10 that they currently have in there. They have had a growth in  
11 the demand for emergency services and they need to -- if we  
12 can take a component of the services they provide and  
13 relocate them, they will be better able to serve the  
14 emergency patients that are coming in.

15

CHAIRPERSON MIETZ: Will there be improvements  
16 made to the new building other than interior, will there be  
17 anything done to the exterior?

18

AMY LAUKAITIS: We did not plan on doing  
19 anything to the exterior at this time.

20

CHAIRPERSON MIETZ: I did not see anything, I  
21 was just asking.

22

MR. DISTEFANO: Could we just kind of go over  
23 the way the operation will work? Will there be any overnight  
24 boarding of animals there, the hours of operation for that  
25 particular facility, any use of the outdoor area? Because I

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3 think the thing about keeping the hundred feet is that if  
4 there are any animals barking and that kind of stuff, to kind  
5 of minimize any impacts to residential properties. Which,  
6 again, you have the apartments right behind you there.

7                   AMY LAUKAITIS: So the animals that are coming  
8 in are animals that need rehab. So they're typically ones  
9 that have just had surgery. So we have in that the treatment  
10 they have is outpatient only, so there's no overnight  
11 boarding. They come in, they typically have an evaluation  
12 and then they may have stretching, they're not active and  
13 healthy and loud. Typically they're through surgery so  
14 they're a little quieter, so there typically is not a lot of  
15 noises associated with this type of service.

16                   What else? Not noisy --

17                   MS. TOMPKINS WRIGHT: Hours of operation.

18                   AMY LAUKAITIS: We try to make it convenient  
19 for the owner, so I could see us having potentially Monday  
20 through Friday, 8:00 to 8:00, some Saturday hours. I  
21 wouldn't anticipate us having Sunday hours unless there was a  
22 need for that, but I don't think we see that in our business  
23 model initially.

24                   MR. DiSTEFANO: And any outdoor use for  
25 walking purposes or --

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3                   AMY LAUKAITIS: I would not see us using that,  
4 trying to --

5                   MR. DiSTEFANO: There's not a lot of grass  
6 there.

7                   AMY LAUKAITIS: There's a section of grass  
8 behind there, it is pretty minimal. Once again, those pets  
9 are not necessarily ones that you're going to walk outside.  
10 They come in, they have a treatment, and they go home,  
11 they're not there for extended periods of time.

12                  MR. DiSTEFANO: And these animals are only  
13 been operated on or are these animals that might have  
14 wrenched a knee and they need some physical therapy?

15                  AMY LAUKAITIS: It is a combination of that.  
16 It could be an animal that had been operated on, it could be  
17 an animal that had an injury and they're doing physical  
18 therapy before they do surgery or to prevent surgery. It  
19 could be an overweight pet that they're trying to condition  
20 to lose weight.

21                  MR. DiSTEFANO: Okay.

22                  CHAIRPERSON MIETZ: Okay.

23                  MR. CLAPP: Again, I'm just trying to be clear  
24 about the outside use. So basically, the treatment is  
25 occurring inside and any walking would be incidental and

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3 minimal, so really barking and things like that would also be  
4 minimal?

5 AMY LAUKAITIS: Correct.

6 MS. TOMPKINS WRIGHT: And to just kind of  
7 piggyback on that, would you feel comfortable with a  
8 restriction on the property that outdoor use, particularly in  
9 the rear yard adjoining the residential use, wouldn't be used  
10 for any services, only used for incidental traffic?

11 AMY LAUKAITIS: So I guess I don't know how to  
12 answer that because sometimes owners as they come in they let  
13 their pet go to the bathroom as they come in.

14 MS. TOMPKINS WRIGHT: That's what I'm saying,  
15 incidental, not part of the services offered.

16 AMY LAUKAITIS: Correct, that's our intent.  
17 We don't plan on using the outside for any treatments.

18 MS. WATSON: Do you have plans for waste  
19 removal?

20 AMY LAUKAITIS: Yes, we do that in all of our  
21 facilities. We intend to have things. You have buckets  
22 there, you have bags that people can use and you put up signs  
23 to encourage them to help the other people so they clean up  
24 after themselves.

25 CHAIRPERSON MIETZ: Any other questions?

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3 Thank you.

4

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

8

APPLICATION 8A-06-18

9

10 8A-06-18 Application of Jason and Katherine  
11 Thompson, owner of property located at 43 Sutton Place, for  
12 an Area Variance from Section 207-11A to allow an in-ground  
13 swimming pool to be located partially in a side yard in lieu  
14 of the rear yard only as required by code. All as described  
15 on application and plans on file.

16

17 KATHERINE THOMPSON: Hi, my name is Katherine  
18 Thompson, I live at 43 Sutton Place and this is my husband,  
19 Jason Thompson.

20

JASON THOMPSON: Hi.

21

22 KATHERINE THOMPSON: We originally requested a  
23 permit for a 16 by 36 pool and realized that our rear yard,  
24 based on our irregularly shaped lot, it would surpass the  
25 rear yard only. So after talking to Rick DiStefano we kind  
of went back to the drawing board and decided we would do a  
16 by 28. At that point the inspector came out and looked  
and we realized that the power lines were overhanging about  
three more feet. So when we adjusted that it caused us to go

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3 into a partial, about 3 to 5 feet of our side yard. So we  
4 are requesting the variance that we can partially use part of  
5 our side yard to put our in-ground pool in.

6 I think it's important to note that it looks  
7 on paper like we have almost a half an acre, and so why put  
8 it there. But when you look, we are three quarters into a  
9 floodplain because of the creek that we have to the left of  
10 us, so that causes quite a disruption to where we can  
11 actually put the pool. That kind of leaves us with no other  
12 option but the rear right side yard.

13 MS. TOMPKINS WRIGHT: So all of the area south  
14 of the existing chain link fence, that's all unusable land  
15 for a pool based on the floodplain and the slope of the  
16 property?

17 KATHERINE THOMPSON: Uh-huh.

18 MS. TOMPKINS WRIGHT: So where exactly are the  
19 power lines that you are trying to stay away from?

20 KATHERINE THOMPSON: The chain link fence is  
21 ahead of the power lines. However, there is one line that  
22 hangs into our yard, so the north end about three feet into  
23 our yard, so behind us is the highway department. And I also  
24 have a letter that my adjacent neighbors both signed stating  
25 that they would be okay with, fully in support of us

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3 utilizing that area.

4 The only disruption I think to the character  
5 of the neighborhood, currently we have a chain link fence,  
6 we're not moving that out any more, we are just putting up a  
7 privacy fence. So from the actual, when you're driving down  
8 the cul-de-sac, really for them visually the only thing that  
9 would change would be the privacy fence that we are putting  
10 up in lieu of the chain link.

11 MS. TOMPKINS WRIGHT: And the site of where  
12 the pool is closest to your neighbor, that's not their living  
13 quarters that is the garage side?

14 KATHERINE THOMPSON: Correct. And he actually  
15 just -- they started to kind of make their opposite side of  
16 their yard more of their hangout area. So they're not  
17 utilizing the area that would be closest to the pool.

18 CHAIRPERSON MIETZ: Now the privacy fence  
19 you're talking about, where is that going to be located?

20 KATHERINE THOMPSON: The privacy fence will be  
21 in place of where our chain link fence currently is.

22 CHAIRPERSON MIETZ: On the sides of the pool  
23 or the whole thing?

24 KATHERINE THOMPSON: Well, we have a chain  
25 link fence that is --

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3 CHAIRPERSON MIETZ: Yes, I've seen it.

4 JASON THOMPSON: It will be two sides, so  
5 coming across the front of the house and then the dividing  
6 between us and the neighbors, so two pieces.

7 CHAIRPERSON MIETZ: Yeah, so it will be like  
8 a --

9 KATHERINE THOMPSON: Yeah, just like a little,  
10 yeah.

11 CHAIRPERSON MIETZ: And then where it meets  
12 the lawn piece in the back will be the chain link.

13 KATHERINE THOMPSON: Yes. And we're asking  
14 for a permit for a fence as well, but we're putting a wrought  
15 iron fence in that will enclose the pool completely, so there  
16 will be no access from our patio. The privacy fence will  
17 have a lock to the gate there and there will be a lock to the  
18 wrought iron fence, so there will be no access at all unless  
19 we have a key.

20 MR. CLAPP: Did you say you were applying for  
21 a permit for the fence or that's included in this?

22 MR. DISTEFANO: No, the fence does not need a  
23 variance. The fence portion of the permit will be part of  
24 the pool.

25 KATHERINE THOMPSON: Yeah, we were waiting

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3 until we were obviously approved before we did anything.

4 CHAIRPERSON MIETZ: Any other questions?

5 MR. DiSTEFANO: For the record let me state

6 that residents at 39 Sutton Place and residents at 46 Sutton

7 Place both have signed letters stating the fact that they are

8 in support of the application of the property at 43 Sutton

9 Place.

10 CHAIRPERSON MIETZ: Any other questions?

11 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 8A-07-18

16 8A-07-18 Application of Michelle Lee Chin and

17 Marybeth Cerrone, owners of property located at 105 Wilshire

18 Road, for Area Variances from Section 207-6A(2) to allow a

19 shed to be located 3 ft. from a rear and side lot line in

20 lieu of the minimum 5 ft. required by code. All as described

21 on application and plans on file.

22 MARYBETH CERRONE: Hello, I'm Marybeth

23 Cerrone, I live at 105 Wilshire Road. And we applied for

24 this variance because when we came to talk and met with Rick

25 we learned that a side lot has two rear lots -- has two front

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3 lots I should say, so we had a very limited spot in our rear  
4 to put a shed. And we already, if you look at the plan, have  
5 a brick patio, that infinity-looking -- looks like a pool but  
6 it's really a brick patio there that we don't want to  
7 disrupt. So that limits how much space we have in our true  
8 rear lot, and Rick mentioned that we maybe want to look into  
9 a variance. And in doing some looking into that we said,  
10 okay, if we had three feet from the line instead of the five  
11 we can fit an eight by eight in that corner there.

12 So that is why we applied for the variance to  
13 avoid any disruption of the patio and still allow ourselves  
14 space for that shed. Our neighbors on either side have  
15 fences so they really don't see anything in our lot at this  
16 point as long as their fences are up. We also did speak with  
17 them and we have written consent from both of them saying  
18 that they don't have any concerns with our three feet as  
19 opposed to five feet.

20 CHAIRPERSON MIETZ: What are you going to be  
21 using the shed for, generally speaking?

22 MARYBETH CERRONE: It will be lawnmower,  
23 bikes, kids plastic riding toys, because we have toddlers and  
24 scooters and --

25 MS. WATSON: Any utilities going to go to the

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3 shed at all, no electric, no water?

4 MARYBETH CERRONE: No. I don't anticipate any  
5 of that, that would be more work to figure out.

6 MS. TOMPKINS WRIGHT: Just for the record, a  
7 eight by eight in that corner is pretty much the smallest  
8 size that would accommodate your storage needs?

9 MARYBETH CERRONE: Yes.

10 CHAIRPERSON MIETZ: Good? Okay, thank you.

11 MR. DISTEFANO: For the record we have  
12 received communications from residents at 115 Wilshire Road  
13 and 134 Monteroy Parkway I think it is, stating the fact that  
14 they are in support of the variance as requested.

15 CHAIRPERSON MIETZ: Okay.

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

19 APPLICATION 8A-08-18

20 8A-08-18 Application of Mathew Devine and Anne  
21 Devine, owners of property located at 210 Bonnie Brae Avenue,  
22 for an Area Variance from Section 207-10E(5) to allow a  
23 sidewalk to be between 14 inches (west end) and 44 inches  
24 (east end) from a side lot line in lieu of the minimum 4 ft.  
25 required by code. All as described on application and plans

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3 on file.

4

5 RANDALL PEACOCK: Good evening, Mr. Randall  
6 Peacock, offices at 70 Linden Oaks, Suite 110. This is  
7 actually a piece of the variance that you granted last month.  
8 We do have a sidewalk which wraps around the side of the  
9 building. This interpretation when I read this on the code I  
read pavement, I wasn't thinking sidewalk, it was pavement.

10

11 There's a sidewalk that will be picked up at  
12 the corner of the house, run to the back of the house to an  
13 entry door into the mudroom there. The front corner as Rick  
14 said is about 14 inches off the property line and that corner  
15 is about 3'6" or 42 inches off the property line. That still  
16 leaves us a small strip of grass there. There was some  
17 landscaping that was going to be modified along that piece.  
18 I think hopefully you remember enough from last month, so I  
19 don't know if I need to go much further.

20

21 CHAIRPERSON MIETZ: Probably not. It's going  
22 to be constructed of what?

23

24 RANDALL PEACOCK: Concrete.

25

26 CHAIRPERSON MIETZ: Any questions? I don't  
27 know if everybody remembers everything from last month. We  
28 questioned it last month, it wasn't really addressed in the  
29 rest of it. We kind of anticipated he would be back because

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3 it would be hard to get along that side unless you're walking  
4 sideways. Any other questions? Thank you.

5

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

8

APPLICATION 8A-09-18

9

10 8A-09-18 Application of Ellen Tourtelot, owner  
11 of property located at 111 Bonnie Brae Avenue, for an Area  
12 Variance from Section 205-2 to allow an open porch to extend  
13 6 +/- ft. into the existing 30 ft. front setback where a  
14 40 ft. front setback is required by code. All as described  
on application and plans on file.

15

16 ELLEN TOURTELLOT: Hello, I'm Ellen Tourtelot  
17 and I live at 111 Bonnie Brae, and the reason for this  
18 application is that my front stoop, which right now is  
19 covered, is basically crumbling and falling apart, and it's  
20 dangerous for the mailman to deliver mail to my mailbox,  
which is to the left of my front door.

21

22 We decided we would like to make more curb  
23 appeal for the front of the house and fix the problem, so  
24 we'd like to put a front porch along the whole front of the  
house. I have pictures if you would like to see them.

25

CHAIRPERSON MIETZ: You could pass them

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3 around.

4 ELLEN TOURTELOT: I have three copies. And  
5 then there's a drawing on the back too, kind of a rough  
6 drawing a friend did. We did go to the Architectural Review  
7 Board and they really had no objections but they wanted more  
8 detailed drawings prior to approving it. So if you guys  
9 approve then I will hire someone to do a more detailed  
10 drawing.

11 CHAIRPERSON MIETZ: What detail were they  
12 asking for?

13 ELLEN TOURTELOT: They wanted to know the side  
14 of the roof, what the material would be. They wanted to know  
15 about the front door if we -- because the wood around the  
16 front door is probably going to need to be replaced also  
17 because it's rotting. I did bring samples of the railing to  
18 them, it's going to be a white, vinyl railing.

19 CHAIRPERSON MIETZ: Right.

20 ELLEN TOURTELOT: They were okay with that  
21 part. So the problem is the house is only 30 feet back and  
22 there's a 40-foot setback. We need to come in -- the minimum  
23 I think we need is 6 feet.

24 CHAIRPERSON MIETZ: Right. So you have in  
25 essence designed what you would believe to be the minimum

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3 that would make it usable as a porch?

4 ELLEN TOURTELOT: Right. We also need a place  
5 where we can sit outside, so it would be nice to sit on our  
6 front porch. We would also get rid of the black asphalt  
7 walkway which I think is very ugly. That will go.

8 CHAIRPERSON MIETZ: Okay, sounds good. And  
9 then the roof I would presume --

10 ELLEN TOURTELOT: It will be the same as the  
11 upper, we just replaced it two years ago.

12 CHAIRPERSON MIETZ: Okay.

13 MS. TOMPKINS WRIGHT: There are several other  
14 homes on Bonnie Brae that have front porches that are just as  
15 close to the front.

16 ELLEN TOURTELOT: Yes. There's one diagonally  
17 across the street from me and it's kind of halfway up and  
18 then open the rest of the way, and a couple doors down it's  
19 all enclosed in, so.

20 MR. DiSTEFANO: So your intent is to leave  
21 this as an open porch?

22 ELLEN TOURTELOT: Yes.

23 MR. DiSTEFANO: No intention to close it off?

24 ELLEN TOURTELOT: No. We want to sit outside  
25 and hang out.

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3 CHAIRPERSON MIETZ: Not in the winter?

4 ELLEN TOURTELOT: No. And I don't want my  
5 mailman leaving me anymore notices.

6 MR. DiSTEFANO: Just for reference in looking  
7 at the pictures, your front stoop and including the step,  
8 would you say that's going to come out a little further than  
9 that?

10 ELLEN TOURTELOT: Yes. I measured it and I  
11 put it in the application, I think it was four feet and a  
12 little bit.

13 MR. DiSTEFANO: So it is four and a half feet  
14 from the doorway to the bottom of the first step?

15 ELLEN TOURTELOT: Yes.

16 MR. DiSTEFANO: So you'd be about a foot and a  
17 half further than that.

18 ELLEN TOURTELOT: Yeah, an additional one and  
19 three quarters I think is what we need.

20 CHAIRPERSON MIETZ: Okay.

21 MR. DiSTEFANO: Just one other quick question.  
22 Are you going to do any landscaping, like landscaping, are  
23 you taking out or do anything in front of it?

24 ELLEN TOURTELOT: We're going to take out the  
25 bushes.

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3 MR. DiSTEFANO: Are you going to do anything  
4 in front of the porch once it's done?

5 ELLEN TOURTELOT: I'm uncertain. Would that  
6 matter?

7 MR. DiSTEFANO: No, I'm just, you know --

8 ELLEN TOURTELOT: Okay.

9 CHAIRPERSON MIETZ: It kind of tends to sort  
10 of make it less apparent.

11 MR. DiSTEFANO: Yeah, break it up from the  
12 road.

13 CHAIRPERSON MIETZ: Not massive bushes, but  
14 just something to break it up.

15 ELLEN TOURTELOT: Okay.

16 CHAIRPERSON MIETZ: It's not required or  
17 anything. You really only come in a foot and a half, so  
18 that's fine.

19 Any other questions? Thank you.

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

23 APPLICATION 8A-10-18

24 8A-10-18 Application of Admar Supply, lessee,  
25 and 1950 Brighton Henrietta Town Line, LP, owner of property

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3 located at 330 Metro Park, for a Sign Variance from Section  
4 207-32B(1) to allow a sign on a second building face where  
5 not allowed by code. All as described on application and  
6 plans on file.

7 PAUL COLUCCI: Good evening, Mr. Chairman,  
8 members of the Board, my name is Paul Colucci. I'm with the  
9 DiMarco Group here tonight on behalf of 1950 Brighton  
10 Henrietta Town Line Road and ADMAR Supply, 1950 is the owner  
11 of the property, ADMAR Supply is our tenant. Joining me  
12 tonight is Joe DiMarco, one of the owners of the property and  
13 also the president of ADMAR Supply.

14 We are here tonight for the specific request  
15 for consideration of a second business identification sign.  
16 You may be familiar with ADMAR Supply and its current  
17 operation, it's been located at 1950 Brighton Henrietta Town  
18 Line Road since 1998, so 20 years at its present location.

19 About five years ago we acquired the property  
20 at 330 Metro Park and actually we were before this Board for  
21 some area variances recently to allow the occupancy of that  
22 facility. We're under construction, we raised the roof  
23 sufficient to allow ADMAR to do the type of maintenance and  
24 operation that they require within the facility. And we are  
25 excited for the new home for ADMAR, investing close to

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3 \$2 million into the facility.

4                   Tonight we respectfully request consideration  
5 of a second business identification sign. One of the reasons  
6 we are making this request is our customer base has been  
7 accustom to visiting at its present location. We believe  
8 there is sufficient visibility on the south elevation of that  
9 building.

10                  As we've raised the roof we've created a  
11 facade that will face the facade over the top of the portion  
12 of the building that we didn't raise, and we have identified  
13 the need for the second business identification sign for a  
14 couple of reasons. One, ADMAR has a retail component which  
15 is over-the-counter and the showroom for construction  
16 equipment, sales, and supplies. As well as a lot of the  
17 contractors that we service have a relationship, want to come  
18 into the showroom, order equipment rather than just over the  
19 phone and delivery.

20                  The application that I completed addresses I  
21 believe the requirements relative to identifying whether  
22 there's any adverse environmental impacts or detriment to  
23 health, safety, or welfare. Additionally, we would like you  
24 to consider that on the primary facade the signage that would  
25 be allowed would be up to the maximum based on the lineal

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3 footage that we occupy up to 150 square feet. We've chosen  
4 to reduce that to 100 square feet on that primary facade as  
5 we've tried to balance the signage needs on both the east  
6 elevation facing Metro Park and the south elevation facing  
7 Brighton Henrietta Town Line Road.

8 We were before the Architectural Review Board  
9 last month, received their positive recommendation to the  
10 Planning Board. We presented two different signs on the east  
11 elevation, they preferred the one that I have up here, which  
12 is individual can-mount letters rather than a cloud sign that  
13 we had shown them. So we decide to pursue the one they  
14 preferred. That would be 100 square feet whereas 150 would  
15 be allowed on that primary sign, the secondary sign would be  
16 78 square feet and that would simply state ADMAR.

17 So I know you have a lengthy agenda, I don't  
18 want to go on. Happy to answer any questions you have and  
19 appreciate your consideration.

20 CHAIRPERSON MIETZ: I guess just one question.  
21 I know you're trying to respect by altering that sign on the  
22 east, to get closer to A plus B here. But the two signs the  
23 way you have them designed now you're believing that based on  
24 the sight lines and what not that those are the minimum  
25 letter sizes which then obviously translates into square

1 Brighton Zoning Board of Appeals 8/1/18  
2  
3 footage?

4 PAUL COLUCCI: Correct. Working with the sign  
5 vendor and looking at proportionately, the ADMAR tag line  
6 along with the rest of the tag line on the east elevation,  
7 we've come up with 100 square feet as necessary for the font  
8 height. I believe it's labeled on the actual elevation, but  
9 37 inches and then 16 inches for the tag line, and then  
10 42 inches on the south elevation.

11 Of course, the south elevation we are hoping  
12 is visible from a greater distance than what would be  
13 required at Metro Park because Metro Park, the east elevation  
14 is much closer to the right of way.

15 CHAIRPERSON MIETZ: Yes, okay.

16 MS. TOMPKINS WRIGHT: The total between the  
17 two signs will be 178 square feet?

18 PAUL COLUCCI: That is correct.

19 MR. DiSTEFANO: Just in regards to that sight  
20 distance, I took a drive down Metro Park, and I turned from  
21 Town Line onto Metro, and I could not even see the side of  
22 the building until I was almost on top of it, and half of  
23 that I think was landscaping and the berming from Graybar.

24 I almost would see the front sign before I'd  
25 see the side sign, when you're coming down Metro Park from

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3 the south, heading north. So I get a little concerned that  
4 you're asking for something that, you know, might not be  
5 really necessary. And how are you guys different than other  
6 buildings on Metro Park that they're going to see that and  
7 say, well, I want to get a sign on the side of my building  
8 too. So I'm a little concerned.

9 PAUL COLUCCI: A couple of things, I have some  
10 photos that I'd like to share. I don't have one for  
11 everyone.

12 CHAIRPERSON MIETZ: You can pass them out.

13 PAUL COLUCCI: So the first is the westerly  
14 approach driving down Brighton Henrietta Town Line Road and  
15 prior to reaching Metro Park, this is the view and that is  
16 the actual facade where the ADMAR sign will be mounted. As  
17 Rick pointed out, and as you might be familiar, the angle  
18 that Metro Park comes into Brighton Henrietta Town Line Road,  
19 the Graybar building sits somewhat in front. So, yes, our  
20 building is screened primarily from the approach if you are  
21 driving easterly on Brighton Henrietta looking to the left or  
22 looking north.

23 But driving westerly prior to reaching  
24 Brighton Henrietta Town Line Road, this facade is prominent.  
25 Of course, we sit in the month of August where unfortunately

1 Brighton Zoning Board of Appeals 8/1/18  
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3 we have full foliage right now. We all recognize that that's  
4 at best probably six months out of the year. So much of this  
5 foliage and what is truly screening the view is going to be  
6 leaf off for half of the year or better, and we operate  
7 12 months out of the year.

8                   But Rick's point is noted. We would not want  
9 to invest in a sign that we didn't think would be at all  
10 visible. We feel it's important based on the reasons I  
11 mentioned, our existing customer base, future customer base.  
12 Signs as you know and probably hear routinely, they're  
13 important to businesses.

14                   MS. TOMPKINS WRIGHT: Is it mostly being added  
15 for a way to find it or is it more to direct the people to  
16 the entrance door?

17                   PAUL COLUCCI: It's primarily way finding,  
18 giving our current patrons an opportunity to understand where  
19 we are from Brighton Henrietta Town Line Road. And then the  
20 position of the primary signage is for identification of the  
21 location of ADMAR, as well as the secondary sign. The  
22 building will be approximately 60 percent occupied by ADMAR.  
23 The remainder of the building is warehouse space for DiMarco  
24 Group. We want customers to understand ADMAR is in this new  
25 location, and ADMAR is on the side of the building where our

1 Brighton Zoning Board of Appeals 8/1/18

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3 signage is mounted.

4

CHAIRPERSON MIETZ: Okay.

5

6 MR. DiSTEFANO: Just for a little  
7 clarification, so this picture here this is heading west on  
8 Town Line Road, correct? And this is Metro Park, this  
pavement here?

9

10

PAUL COLUCCI: Correct. So this is the  
front --

11

12

13

MR. DiSTEFANO: That's the facade which you'll  
have the ability to have your sign? That's the right of you  
to have your sign.

14

15

PAUL COLUCCI: Yes. So that particular one is  
in the parking lot of the --

16

17

MR. DiSTEFANO: Okay. But that parking lot is  
fairly close, I know there's some vegetation, but that's  
fairly close to the front to Town Line Road, correct?

18

19

PAUL COLUCCI: Well, it's probably about half  
the distance up --

20

21

MR. DiSTEFANO: But just so I -- and the  
variance that you're asking for is the sign here, correct?

22

23

PAUL COLUCCI: Correct. In the next picture,  
in the last picture you get a better view of where that sign  
would be mounted.

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3 CHAIRPERSON MIETZ: Okay. Any other questions  
4 about this?

5 MS. TOMPKINS WRIGHT: If you were to reduce  
6 the sign to 50 square feet, which is what your total overall  
7 square footage and what the code requires for one sign, split  
8 into two, do you believe it wouldn't be visible for its  
9 purposes?

10 PAUL COLUCCI: I believe it would be visible  
11 and, of course, the blue moniker for ADMAR is the company  
12 color. So if the Board felt that that was an equitable  
13 resolution we could consider reducing the signage to 150  
14 square feet overall.

15 CHAIRPERSON MIETZ: How would you achieve  
16 that?

17 PAUL COLUCCI: We would reduce the secondary  
18 business identification --

19 CHAIRPERSON MIETZ: So you would leave the  
20 100 foot sign there?

21 PAUL COLUCCI: Yes.

22 CHAIRPERSON MIETZ: Okay. Questions? Thank  
23 you.

24 Is there anyone in the audience that would  
25 like to speak regarding this application? There being none,

1 Brighton Zoning Board of Appeals 8/1/18  
2

3 then the Public Hearing is closed.

4 APPLICATION 8A-11-18

5 8A-11-18 Application of the Church of Our Lady  
6 Queen of Peace, owner of property located at 601 Edgewood  
7 Avenue, for 1) an Area Variance from Sections 203-2.1B(3) and  
8 203-9A to allow a detached garage to be 875 sf, after a  
9 336 sf addition, in lieu of the maximum 600 sf allowed by  
10 code; and 2) an Area Variance from Sections 203-2.1C(1) (a)  
11 and 203-9B to allow said garage to be 99 ft. from a lot line  
12 in lieu of the minimum 100 ft. allowed by code. All as  
13 described on application and plans on file.

14 DAN BROCK: Good evening, my name is Dan Brock  
15 from Costich Engineering, located at 217 Lake Avenue. I'm  
16 here along with Father Hart representing Church of Our Lady  
17 Queen of Peace. They're seeking relief to expand an existing  
18 garage by an additional 14 feet. The existing garage is  
19 22 by 24. It's on the interior of the lot in the back. It's  
20 approximately 539 square feet and it's currently utilized for  
21 the convent which is adjacent to the garage.

22 The church has a growing need for storage, so  
23 the thought was to put an additional bay onto the existing  
24 garage as oppose to putting up an additional shed or  
25 something. The additional garage would be used simply for

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3 storage, ground keeping equipment, holiday decorations, and  
4 whatnot. The goal is to build the additional garage, the  
5 expansion, to match the facade of the existing, all of the  
6 roof lines would match the existing. The goal is to make it  
7 look like it was built at the same time as the original  
8 garage was built. The colors would match the convent, which  
9 matches the garage, and so on.

10                   The relief we're seeking is the current garage  
11 is 539, this addition would push us over the 600 square feet  
12 minimum to 875 square feet. Also, extending the face to the  
13 west is the only option due to the convent, which is existing  
14 on the east. We'd like to keep the face straight without  
15 knocking it back, so we're requesting an additional -- it  
16 puts us just about a foot, 10 inches, over that setback line  
17 of 100 foot to the nearest property line.

18                   CHAIRPERSON MIETZ: Okay.

19                   MS. TOMPKINS WRIGHT: For the record, I live  
20 in that neighborhood, so it is very well shielded and wooded,  
21 very remote.

22                   DAN BROCK: I will state that Father Hart has  
23 spoken to the property closest to them. I don't have a  
24 letter, but he did verbally receive indication that they did  
25 not have a problem with the application.

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3 CHAIRPERSON MIETZ: And you'll extend to the  
4 existing driveway that's there that services the garage now  
5 so you won't need to alter the asphalt?

6 DAN BROCK: No, that is correct. Also, there  
7 are no trees being removed. It's a perfect pocket right  
8 there that it sits in.

9 CHAIRPERSON MIETZ: Sounds good. Questions?

10 MR. CLAPP: I guess I'm just curious, is the  
11 existing wall coming off so it would be an open three bay or  
12 is it just merely adding --

13 DAN BROCK: No. I believe the two-car garage  
14 will still be maintained and utilized by the convent. This  
15 is simply for the church's use.

16 CHAIRPERSON MIETZ: Okay. Any other  
17 questions? 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 8A-12-18

22 8A-12-18 Application of William and Denise  
23 Johnson, owners of property located at 2200 Westfall Road,  
24 for an Area Variance from Section 207-2A to allow a front  
25 yard wall to range in height from 2.75 ft. to 7 ft. where a

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3 maximum height of 3.5 ft. is allowed by code. All as  
4 described on application and plans on file.

5 WILLIAM JOHNSON: Good evening, my name is  
6 William Johnson, 22 Westfall Road. I'll give you a little  
7 bit of quick background about this. The variance is about  
8 the front yard wall. This is a house built in 1952, and it  
9 has a driveway which slopes down into the basement area.  
10 That's where the garage is, is underneath the house.

11 There's an existing retaining wall that's  
12 about two-and-a-half feet tall. And then an earthen  
13 embankment that slopes up to the height of the sidewalk which  
14 is about five feet above the lowest part of the driveway,  
15 decreasing height as you move out toward Westfall Road.

16 As you come out of the driveway this retaining  
17 wall actually vanishes by the time you hit the turnaround.  
18 And in the packet we have a sketch of the turnaround. The  
19 wall goes to zero height by the time it reaches the  
20 turnaround. And I measured it to the point where it was  
21 three-and-a-half feet from the base of the driveway. That's  
22 30 feet back from the property line towards the house. The  
23 remaining 17 feet toward the house is where the variance is  
24 being requested.

25 CHAIRPERSON MIETZ: Okay.

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3 MS. CORRADO: Right now you've got that  
4 embankment landscaped. You intend to pushing it back and  
5 putting in a higher wall, do you intend to keep green space  
6 in replacing where the slope is, or do you intend to pave  
7 over it all the way up to the wall?

8 WILLIAM JOHNSON: No, there's a limitation on  
9 front yard paving, 30 percent. Right now we are actually at  
10 42 percent. When we bought the house it was at that level.  
11 So I did a quick analysis to see if I had to come for a  
12 variance on that, but I don't. It's pretty comparable to  
13 what we have.

14 And we're going to put a grass strip.  
15 Questionable about how the grass is going to grow, but we're  
16 going to try it, and then we don't have to increase the paved  
17 area in the vicinity of that wall. The Architectural Review  
18 Board actually questioned me on that particular point. They  
19 said they thought that actually should be paved, in terms of  
20 maintenance. They didn't want the soil running down to the  
21 bottom of the driveway and such. Which are all good points,  
22 but we thought we would try the first because that way it  
23 doesn't change the characteristics in the front yard. So  
24 that's our first step.

25 I should say the reason we're removing that

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3 earthen embankment, there's no front entry to the basement  
4 unless you raise the garage door. To get into the garage you  
5 would have to go all the way around to the back door, but  
6 actually the previous owner had a break in at that point. He  
7 recommended that we leave one of those doorjamber things  
8 hooked up there so nobody could force the door, so of course  
9 we are doing that.

10

11 But now to get into the basement if that  
12 doorjamb is in place you have to go into the front door of  
13 the house, walk to the east almost the full extent of the  
14 house to get down the stairs, walk back through the basement  
15 to get to the garage. So we would like to not have to keep  
16 lifting the garage door every time we want to get in there  
17 and just have a pedestrian door.

18

19 So since the cost of removing the retaining  
20 wall that's there now, which is deteriorated, that's as  
21 expensive to pull that whole soil and everything out of  
22 there, that would expose the block area where we could put a  
23 32-inch door to the basement and that's part of the project  
24 here.

25

25 MS. WATSON: You mentioned that you're  
26 planting grass along the strip of the driveway. Is there any  
27 plans for landscaping or foliage to try to soften the look of

1 Brighton Zoning Board of Appeals 8/1/18

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3 the concrete wall?

4

5 WILLIAM JOHNSON: Well, you'd only see that if  
6 you're looking -- standing on the west and looking back  
7 toward the east. I think driving past the property you  
8 really don't see that. Sometimes when I first bought the  
9 house I was missing the driveway because it kind of is back  
from the road quite a bit.

10

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So, no, there's no plans to do landscape in

there. That grass strip actually helps us with something

else. We can't easily park two vehicles side by side in the

driveway, and sometimes we have family events that come

along. We are not doing it for this reason, but since we're

doing this project, we thought how can we get it where a car

can park right on the side of the driveway and open the door.

Well, now they can step off into the grass area and exit the

car and get into the car and that way we don't have cars that

are three inches from each other and not able to use their

door as they are facing each other.

So this sort of developed, replacing that

retaining wall, the sidewalk is deteriorating, the front

porch is deteriorating, which is not a subject of the

variance here, but all of the masonry work from 1952 and

since then is starting to fall apart. We needed to do

1 Brighton Zoning Board of Appeals 8/1/18

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3 something, so step by step we're actually moved to this  
4 solution, so we're trying to do all of this in one shot as  
5 we're doing it.

6

CHAIRPERSON MIETZ: Okay. Other questions?

7

Thank you.

8

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

11

We will reconvene at 20 minutes to 9:00.

12

\* \* \*

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1 Brighton Zoning Board of Appeals 8/1/18  
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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 21st day of August, 2018.

14 At Rochester, New York

15

16

17   
18 Rhoda Collins

19

20

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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT  
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON AUGUST 1ST, 2018  
5 AT APPROXIMATELY 8:40 P.M.

6 August 1st, 2018  
7 Brighton Town Hall  
8 2300 Elmwood Avenue  
9 Rochester, New York 14618

10 PRESENT:

11 DENNIS MIETZ, CHAIRPERSON  
12 DOUGLAS CLAPP  
13 CHRISTINE CORRADO  
14 ANDREA TOMPKINS WRIGHT  
15 JENNIFER WATSON

16 NOT PRESENT:  
17 JEANNE DALE  
18 JUDY SCHWARTZ

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

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3 APPLICATION 8A-06-18

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5 8A-06-18 Application of Jason and Katherine  
6 Thompson, owner of property located at 43 Sutton Place, for  
7 an Area Variance from Section 207-11A to allow an in-ground  
8 swimming pool to be located partially in a side yard in lieu  
9 of the rear yard only as required by code. All as described  
on application and plans on file.

10

11 Motion made by Ms. Tompkins Wright to approve  
12 Application 8A-06-18 based on the following findings and  
facts.

13

**FINDINGS AND FACTS:**

14

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 pool will be well  
18 shielded from view due to a privacy fence and while located  
19 close to the neighboring property, it is adjacent to their  
garage and not the living spaces. Further, the requested  
20 variance is not substantial given the minimal impact on the  
21 neighborhood and the nearby properties.

22

23 2. The benefits sought by the applicant cannot reasonably be  
24 achieved by any other method. Because of the existing power  
lines, the slope of the yard, and the floodplain, the side  
25 yard is the only available location for an in-ground pool

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3 meeting the applicant's needs. For these reasons the  
4 difficulties leading to the requested variance are not  
5 self-created.

6 3. There is no evidence that the proposed variance would  
7 have an adverse effect or impact on the physical or  
8 environmental conditions on the neighborhood or district.

9

**CONDITIONS:**

10 1. The variance granted herein applies only to the pool  
11 described in and the location as depicted on the application  
12 and the testimony given.

13 2. All necessary permits must be obtained.

14 (Second by Ms. Watson.)

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

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

19

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3 APPLICATION 8A-07-18

4 8A-07-18 Application of Michelle Lee Chin and  
5 Marybeth Cerrone, owners of property located at 105 Wilshire  
6 Road, for Area Variances from Section 207-6A(2) to allow a  
7 shed to be located 3 ft. from a rear and side lot line in  
8 lieu of the minimum 5 ft. required by code. All as described  
9 on application and plans on file.

10 Motion made by Ms. Watson to approve  
11 Application 8A-07-18 based on the following findings and  
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The applicant's home is on a corner lot with limited  
15 backyard space made even smaller by the presence of an  
16 existing brick patio and the location of a driveway which  
17 cuts into the side and backyards. The requested variance is  
18 the minimum variance possible because of the proposed  
19 location of the shed is the only feasible site available in  
20 the small yard.

21 2. Granting of the request will not produce an undesirable  
22 change in the character of the neighborhood or be a detriment  
23 to nearby properties, nor will it have an adverse effect or  
24 impact on the physical or environmental conditions of the  
25 neighborhood. The existing fencing that lines the rear yard

1 Brighton Zoning Board of Appeals 8/1/18

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3 will screen the shed from the view of neighbors minimizing  
4 the impact of the variance.

5

**CONDITIONS:**

6

1. The shed will be located as per the application and  
7 testimony given and will be as described by the applicant.
8. All necessary building permits shall be obtained.

9

(Second by Ms. Corrado.)

10

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

12

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

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3 APPLICATION 8A-10-18

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5 8A-10-18 Application of Admar Supply, lessee,  
6 and 1950 Brighton Henrietta Town Line, LP, owner of property  
7 located at 330 Metro Park, for a Sign Variance from Section  
8 207-32B(1) to allow a sign on a second building face where  
9 not allowed by code. All as described on application and  
plans on file.

10

11 Motion made by Chairperson Mietz to approve  
12 Application 8A-10-18 based on the following findings and  
facts.

13

**FINDINGS AND FACTS:**

14

15 1. The applicant is desirous of a business application sign  
along Metro Park.

16

17 2. The service business is located at 330 Metro Park and the  
proposed sign will direct customers to the new building  
location.

18

19 3. No other alternative will meet the desired result of  
20 identifying the building as customers proceed towards the  
21 building along Brighton Henrietta Town Line Road.

22

23 4. No negative effect in the character of the neighborhood  
24 will result due to the approval of this variance due to the  
commercial nature of the area.

25

5. The nature of the service business, which is the rental

1 Brighton Zoning Board of Appeals 8/1/18

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3 of construction-related equipment, warrants the need for the  
4 location of the business due to larger vehicles attempting to  
5 pick up equipment at this location.

6 **CONDITIONS:**

7 1. This application is based on the testimony given and the  
8 location of the sign shall be as shown as depicted in  
9 testimony and on the drawings as submitted.

10 2. The size of the second building face sign on the south  
11 elevation shall be a maximum of 50 square feet.

12 3. All ARB and Planning Board applications shall be  
13 obtained.

14 4. This approval is limited to the operation of a  
15 construction rental business at this location.

16 5. The maximum amount of square footage of signage on this  
17 building shall not exceed 150 square feet.

18 (Second by Mr. Clapp.)

19 (Ms. Corrado, yes; Ms. Watson, yes;  
20 Ms. Tomkins Wright, no; Mr. Clapp, yes; Mr. Mietz, yes.)

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

23  
24  
25

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3 APPLICATION 8A-11-18

4                           8A-11-18 Application of the Church of Our Lady  
5 Queen of Peace, owner of property located at 601 Edgewood  
6 Avenue, for 1) an Area Variance from Sections 203-2.1B(3) and  
7 203-9A to allow a detached garage to be 875 sf, after a  
8 336 sf addition, in lieu of the maximum 600 sf allowed by  
9 code; and 2) an Area Variance from Sections 203-2.1C(1) (a)  
10 and 203-9B to allow said garage to be 99 ft. from a lot line  
11 in lieu of the minimum 100 ft. allowed by code. All as  
12 described on application and plans on file.

13                           Motion made by Ms. Tompkins Wright to approve  
14 Application 8A-11-18 based on the following findings and  
15 facts.

16 **FINDINGS AND FACTS:**

17 1. The granting of the requested variance will not produce  
18 an undesirable change in the character of the neighbor or be  
19 a detriment to nearby properties. The location and size of  
20 the garage expansion as planned is well shielded from view of  
21 all neighboring properties and public roads by heavily wooded  
22 areas.

23 2. The requested variance is not substantial. With respect  
24 to the setback variance requested it represents only  
25 one percent decrease in the setback required by code and with

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3 respect to the maximum square footage variance requested it

4 is not substantial in light of its use as storage supporting

5 a very large church on over an 11-acre parcel property.

6 3. The variance requested is the minimum necessary to

7 achieve applicant's goals, as applicant testified the purpose

8 is only to provide storage for the current needs of the

9 church.

10 4. There's no evidence that the proposed variance will have

11 an adverse effect or impact on the physical or environmental

12 conditions in the neighborhood or district.

13 **CONDITIONS:**

14 1. The variance granted herein applies only to the garage

15 addition described in the location as depicted on the

16 application and the testimony given.

17 2. All necessary building permits must be obtained.

18 (Second by Ms. Corrado.)

19 (Mr. Clapp, yes; Mr. Mietz, yes; Ms. Watson,

20 yes; Ms. Corrado, yes; Ms. Tomkins Wright, yes.)

21 (Upon roll call, motion to approve with

22 conditions carries.)

23

24

25

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3 APPLICATION 8A-12-18

4

5 8A-12-18 Application of William and Denise  
6 Johnson, owners of property located at 2200 Westfall Road,  
7 for an Area Variance from Section 207-2A to allow a front  
8 yard wall to range in height from 2.75 ft. to 7 ft. where a  
9 maximum height of 3.5 ft. is allowed by code. All as  
described on application and plans on file.

10

11 Motion made by Ms. Watson to approve  
12 Application 8A-12-18 based on the following findings and  
facts.

13

**FINDINGS AND FACTS:**

14

15 1. The requested variance is the minimum variance possible  
16 and presents minimal changes to the existing conditions. The  
17 applicant's driveway slopes downward from the street to the  
18 garage, which is below grade. The rest of the front yard is  
19 level to the front door of the house necessitating a  
20 retaining wall to stabilize the yard. The proposed wall is  
21 to replace an existing deteriorating wall. Although the  
22 portion of the wall closest to the house will be nearly twice  
23 the height allowed by code relative to the base of the  
24 driveway, the wall will decrease in height with respect to  
the driveway as it approaches Westfall Road.

25

2. Granting of the request will not produce an undesirable

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3 change in the character of the neighborhood or be a detriment

4 to nearby properties, nor will it have an adverse effect or

5 impact on the physical or environmental conditions of the

6 neighborhood as this request is a minimal change to existing

7 conditions and will be insignificant to the view to the

8 street. In addition, this project will slightly reduce the

9 existing paved areas and increase the safety for additional

10 vehicles on the property during family gatherings.

11 **CONDITIONS:**

12 1. The retaining wall will be located as per the application

13 and testimony given and will be as described by the

14 applicant.

15 2. All necessary building permits shall be obtained.

16 (Second by Ms. Corrado.)

17 (Mr. Mietz, yes; Ms. Tomkins Wright, yes;

18 Mr. Clapp, yes; Ms. Corrado, yes; Ms. Watson, yes.)

19 (Upon roll call, motion to approve with

20 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  
7 Drive, for an Area Variance from Section 207-10E to allow a  
8 driveway to expand to the northern side lot line where a  
9 minimum 4 ft. setback is required by code. All as described  
on application and plans on file.

10

11 Motion made by Ms. Corrado to approve  
12 Application 6A-06-18 based on the following findings and  
facts.

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**FINDINGS AND FACTS:**

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15 1. The requested variance is the minimum possible to  
16 accommodate access in all seasons for a handicap-accessible  
vehicle for a resident of the home.

17

18 2. No other alternative can alleviate the difficulty and  
19 produce the desired result, namely safe wheelchair access to  
an accessible vehicle.

20

21 3. No unacceptable change in the character of the  
22 neighborhood and no substantial detriment to nearby  
23 properties is expected to result in the approval of this  
24 variance as the proposed driveway expansion will minimize  
blockage of the sidewalk by cars parked in the driveway.

25

4. The alleged hardship was self-created by the applicant

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3 only in that the applicant is attempting to accommodate for  
4 the resident's safety and transportation needs.

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

7 **CONDITIONS:**

8 1. The driveway expansion shall be no closer than two feet  
9 from the north property line as amended by the applicant.

10 2. The new asphalt must be installed and pitched in such a  
11 way as to not to divert water onto the north neighbor's  
12 property and ensure that excess water will drain into the  
13 street into the storm sewer.

14 3. All necessary highway permits shall be obtained.

15 (Second by Mr. Clapp.)

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

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

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3 APPLICATION 8A-01-18

4 8A-01-18 Application of Jason Hummell -  
5 Fastenal, lessee, and 2710 West Henrietta Rd, LLC, owner of  
6 property located at 2710 West Henrietta Road, for a Temporary  
7 and Revocable Use Permit pursuant to Section 219-4 to hold a  
8 one day grand opening event (August 28, 2018). All as  
9 described on application and plans on file.

10 Motion made by Ms. Tompkins Wright to approve  
11 Application 8A-01-18 based on the following findings and  
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The timing, size, and scale, the duration of the event  
15 will likely have little to no impact on the neighbors given  
16 the commercial nature of the surrounding properties and the  
17 relatively low traffic volume during the anticipated hours of  
18 the event.

19 **CONDITIONS:**

20 1. The temporary and revocable use permit applies only to  
21 the one-time event on Tuesday August 28, 2018, between the  
22 hours of 10:00 a.m. and 2:00 p.m.

23 2. Applicant shall not utilize any amplified music.

24 3. All tents required for the event shall be assembled and  
25 removed on the day of the event.

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3 4. Applicant shall monitor parking such that vendors and  
4 visitors do not park on neighboring properties except with  
5 express permission of the property owner, or on any adjacent  
6 road.

7

(Second by Ms. Watson.)

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

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3 | APPLICATION 8A-02-18

4 8A-02-18 Application of Dr. Indra Quagliata,  
5 contract vendee, and Jerome Koresko, Sr., owner of property  
6 located at 1230 East Henrietta Road for an Area Variance from  
7 Section 205-7 to allow a new office building to be  
8 constructed with a 10 ft. front setback in lieu of the  
9 minimum 30 ft. front setback required by code. All as  
10 described on application and plans on file.

11 Motion made by Ms. Watson to approve  
12 Application 8A-02-18 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 property is  
18       surrounded by mixed uses with various setbacks.

19       2. The requested variance is not substantial due to the  
20       width of the Clay Road right of way. The property will  
21       appear to be setback farther than the 10 feet from the  
22       property line.

23       3. The benefit sought by the applicant cannot be reasonably  
24       achieved by any other method. The applicant previously  
25       testified that they had reviewed alternative plans and due to

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3 the location of the driveway and other considerations there's  
4 no more acceptable configuration.

5 4. There is no evidence the proposed variance will have an  
6 adverse effect or impact on physical or environmental  
7 conditions in the neighborhood or district.

8 5. The difficulty in complying with the code is not  
9 self-created and stems from the unusual shape of the property  
10 and the required width and location of the driveway.

11 **CONDITIONS:**

12 1. The variance granted herein applies only to the proposed  
13 buildings as described in and in the location as depicted in  
14 the application and in the testimony given.

15 2. All necessarily approvals and permits must be obtained.

16 (Second by Ms. Corrado.)

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

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

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3 APPLICATION 8A-03-18

4 8A-03-18 Application of Dr. Indra Quagliata,  
5 contract vendee, and Jerome Koresko, Sr., owner of property  
6 located at 1230 East Henrietta Road for Area Variances from  
7 Section 205-7 to allow maximum gross first floor(s) area to  
8 be 7,000 sf in lieu of the maximum 3,500 sf per lot allowed  
9 by code, and the maximum total gross floor area (both  
10 buildings) to be 14,000 sf in lieu of the maximum 7,000 sf  
11 per lot allowed by code, for the purpose of constructing two  
12 2-story office buildings on one lot. All as described on  
13 application and plans on file.

14 Motion made by Mr. Clapp to approve  
15 Application 8A-03-18 based on the following findings and  
16 facts.

17 **FINDINGS AND FACTS:**

18 1. If this project were to remain on two lots no variances  
19 would be necessary. However, the applicant is combining the  
20 two lots into one necessitating the need for a variance.  
21 2. The requested square footage of 7,000 square feet per  
22 building and 14,000 square feet for the two buildings will  
23 not be noticeable due to the 2-story configuration of the  
24 buildings and the large distance between the two proposed  
25 structures.

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3 3. No negative effect on the character of the neighborhood  
4 will result from the approval of this variance since the lot  
5 is large and the property is situated in a heavily trafficked  
6 commercial area.

7 4. No other alternative can produce the desired result since  
8 the southern parcel has limited vehicular access.

9

**CONDITIONS:**

10 1. All necessary Planning Board approvals shall be obtained.  
11 2. This variance is based on plans submitted and testimony  
12 given specifically to the location of the two proposed  
13 buildings and the access points.

14 (Second by Ms. Tompkins Wright.)

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

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

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3 APPLICATION 8A-04-18

4 8A-04-18 Application of Dr. Indra Quagliata,  
5 contract vendee, and Jerome Koresko, Sr., owner of property  
6 located at 1230 East Henrietta Road for Area Variances from  
7 Section 205-18A to 1) allow front yard parking where not  
8 allowed by code, and 2) allow parking, pavement and drive  
9 aisles to be 7.5 ft from both the north and south lot lines  
10 where a minimum 10 ft. setback is required by code. All as  
11 described on application and plans on file.

12 Motion made by Ms. Corrado to approve  
13 Application 8A-04-18 based on the following findings and  
14 facts.

15 **FINDINGS AND FACTS:**

16 1. The granting of the requested variance will not produce  
17 an undesirable change in the character of the neighborhood,  
18 be a detriment to nearby properties, and is not substantial.  
19 The proposed parking setback is at most only 25 percent less  
20 than what is required by code. Further, the eight to nine  
21 parking spaces partially located within the 10-foot parking  
22 setback area will be well screened from Clay Road by  
23 landscaping.

24 2. The benefit sought by the applicant cannot reasonably be  
25 achieved by any other method. The applicant testified

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3 previously that the required parking is maximized on site to  
4 comply with the code and to be compliment with the storm  
5 management plan.

6 3. The difficulty in complying with the code while  
7 self-created stems from the need to provide parking near the  
8 proposed buildings.

9

**CONDITIONS:**

10 1. The variance granted herein complies only to the parking  
11 spaces and layout as described in the location as depicted on  
12 the application and in the testimony given.

13 2. Bicycle parking amenities will be provided as shown on  
14 the plans submitted.

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

16 (Second by Ms. Watson.)

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

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

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3 APPLICATION 8A-05-18

4 8A-05-18 Application New Monroe Real Estate,  
5 LLC, contract vendee, and WSBJ, LLC, owner of property  
6 located at 588 White Spruce Blvd., for an Area Variance from  
7 Section 203-84B(12) to allow an animal hospital building to  
8 be located 30 ft. from a residential district boundary in  
9 lieu of the minimum 100 ft. required by code. All as  
10 described on application and plans on file.

11 Motion made by Chairperson Mietz to approve  
12 Application 8A-05-18 based on the following findings and  
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The proposed use of the property at 588 White Spruce  
16 Boulevard be integrated into the operation of an existing  
17 current animal hospital operation.

18 2. Contiguous residential properties are either commercial,  
19 condominiums or a large apartment complex.

20 3. No negative effect on the character of the neighbor will  
21 likely result from the approval since the adjacent properties  
22 are used primarily for commercial.

23 4. No other option can achieve the desired result of  
24 operating efficiencies from using a contiguous property.

25 **CONDITIONS:**

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3 1. This variance is based on the testimony given and the  
4 plans submitted.

5 2. No overnight housing of animals shall be allowed on the  
6 property.

7 3. No animals shall be housed outside of the building other  
8 than for a travel path.

9 4. All necessary Planning Board approvals shall be obtained.

10 (Second by Mr. Clapp.)

11 (Ms. Corrado, yes; Ms. Watson, yes;  
12 Ms. Tomkins Wright, yes; Mr. Clapp, yes; Mr. Mietz, yes.)

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

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3 APPLICATION 8A-08-18

4 8A-08-18 Application of Mathew Devine and Anne  
5 Devine, owners of property located at 210 Bonnie Brae Avenue,  
6 for an Area Variance from Section 207-10E(5) to allow a  
7 sidewalk to be between 14 inches (west end) and 44 inches  
8 (east end) from a side lot line in lieu of the minimum 4 ft.  
9 required by code. All as described on application and plans  
10 on file.

11 Motion made by Mr. Clapp to approve  
12 Application 8A-08-18 based on the following findings and  
13 facts.

14 **FINDINGS AND FACTS:**

15 1. The requested variance will not produce an undesirable  
16 change in the character of the neighborhood or be a detriment  
17 to nearby properties as it is integral to the garage  
18 expansion previously approved.

19 2. The variance is not substantial due to the offset  
20 location of the house on the lot and cannot be achieved by  
21 any other means.

22 3. The variance is the minimum necessary as there is no  
23 feasible way to access the side entrance of the home.

24 **CONDITIONS:**

25 1. This approval is based on plans submitted and testimony

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3 given.

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(Second by Ms. Tompkins Wright.)

5

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

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

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(Upon roll call, motion to approve with

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3 APPLICATION 8A-09-18

4 8A-09-18 Application of Ellen Tourtelot, owner  
5 of property located at 111 Bonnie Brae Avenue, for an Area  
6 Variance from Section 205-2 to allow an open porch to extend  
7 6 +/- ft. into the existing 30 ft. front setback where a  
8 40 ft. setback is required by code. All as described on  
9 application and plans on file.

10 Motion made by Ms. Corrado to approve  
11 Application 8A-09-18 based on the following findings and  
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance is the minimum variance possible  
15 as the porch addition will mitigate structural problems  
16 inherent in the home's current design and will not extend  
17 further than the currently existing paved front walk.

18 2. No other alternative can alleviate the difficulty and  
19 produce the desired result mainly protection from the  
20 elements at the main entry to the home and mitigation of  
21 water damage to the home.

22 3. No unacceptable change in the character of the  
23 neighborhood and no substantial detriment to nearby  
24 properties is expected to result from the approval of this  
25 variance as the proposed porch addition will be in character

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3 with other homes in the neighborhood with covered entryways.

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

6 5. The health, safety, and welfare of the community will not  
7 be adversely affected by the approval of the variance  
8 request. In fact, the elimination of the front walkway and  
9 the orientation of the porch steps will provide for weather  
10 protected access to the front door for guests and delivery  
11 persons.

12 **CONDITIONS:**

13 1. This variance will apply only to the open porch addition  
14 that was described in the application and testimony given.  
15 It will not apply to further additions considered in the  
16 future that are not included in the present application.  
17 2. All necessary Architectural Review Board approvals and  
18 building permits shall be obtained.

19 (Second by Ms. Tompkins Wright.)

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

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

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REPORTER CERTIFICATE

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

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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.

12

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Dated this 21st day of August, 2018.

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At Rochester, New York

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Rhoda Collins

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