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

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

8

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PRESENT:

10

DENNIS MIETZ, CHAIRPERSON
JEANNE DALE
DOUGLAS CLAPP
CHRISTINE CORRADO
JUDY SCHWARTZ

11

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NOT PRESENT:
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON

15

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DAVID DOLLINGER, ESQ.
Town Attorney

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RICK DiSTEFANO
Secretary

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

3 1 Elmwood Hill Lane. What I'd like to do is put a hot tub
4 behind my garage. It would be visible from Elmwood Avenue,
5 although there is a lot of brush and bushes and trees and
6 things. It will not be visible from any of my neighbors'
7 homes, so behind me, the side, and the front.

9 According to what I have been told I can't do
10 it because my backyard -- because it abuts Elmwood Avenue it
11 is considered to be my front yard, and so that's really about
12 it.

14 MR. DiSTEFANO: This is a little weird one.
15 How the code reads for a corner lot is that they can put an
16 accessory use in the side yard -- which this is actually a
17 side yard even though it's behind the house -- provided that
18 it does not extend beyond the front end of the house next
19 door. They have no house next door. So what we have to do
20 is we have to take the required setback off of Elmwood
21 Avenue, which would be 60 feet, pretend there's a house
22 there, and then line that up with where they want to put the
23 hot tub. And although it's behind the front of their house
24 on Elmwood Avenue, not frontage, it would be in front of an
25 imaginary house next door. So that's why we had to bring
 them in.

 CHAIRPERSON MIETZ: It was a geometry lesson.

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3 MR. DiSTEFANO: And the biggest reason is
4 because Elmwood Avenue is on a pretty good angle at that
5 point too. So the house next door would be shoved further
6 back than their house.

7

8 MS. DALE: But the location you're looking to
9 locate it is behind your garage presumably for maximum
privacy?

10

11 ALAN BRANDT: Yes. The way the yard is, it
12 almost doesn't make sense to put it anywhere else. It just
13 would be obtrusive, in my opinion. The other thing is I was
14 told one of the reasons I couldn't have it, which does make
15 sense to me, is in my true backyard there was a house there
16 originally and it was torn down and now it is landscaped. I
17 was told that I couldn't put it there because if they ever
18 decide to build again. So, and I don't know if this makes a
19 difference, but if you wanted me to sign an agreement saying
20 that if a new home is ever built there I would be willing to
take the hot tub away. I don't know if --

21

22 CHAIRPERSON MIETZ: Are you planning to do any
23 other changes to make it more private or are you happy with
what's there? I mean, I saw what's there --

24

25 ALAN BRANDT: No, just short of landscaping
around the actual hot tub, you know.

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CHAIRPERSON MIETZ: So you are planning on
doing something around it?

5

6

7

ALAN BRANDT: Yes. But like I say this is a
hot tub, it would be pretty much there. To me, I probably
would put some --

8

9

CHAIRPERSON MIETZ: It would give you more
protection from the elements.

10

11

ALAN BRANDT: Right. But at this time the
landscaping would be just around the hot tub.

12

13

CHAIRPERSON MIETZ: Yes. Does anyone have any
questions?

14

15

MR. CLAPP: So there wouldn't be a fence or
anything at this point?

16

17

ALAN BRANDT: No. I actually think the hot
tub would be about this high and I think if I put a fence it
would actually stand out more and be less curb appeal.

18

19

CHAIRPERSON MIETZ: Okay. Anybody else have
any questions? Thank you.

20

21

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

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APPLICATION 10A-02-18

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10A-02-18 Application of Borg and Ide Imaging,

3 lessee, and Anthony J. Costello and Son Development, owner of
4 property located at 995 Senator Keating Blvd., for a
5 Temporary and Revocable Use Permit pursuant to Section 219-4
6 to allow a mobile PET/CT scanner (trailer) to be on site for
7 approximately 4 weeks where not allowed by code. All as
8 described on application and plans on file.

10 JOYCE DOLL: Good evening, ladies and
11 gentlemen. My name is Joyce Doll and I'm the Director of
12 Clinical Operations for Borg and Ide Imaging at 995 Senator
13 Keating Boulevard, and I brought Chris Patean our PET/CT
14 technologist with us for any technical questions that you
15 might have and he can address those for us.

CHAIRPERSON MIETZ: Okay.

JOYCE DOLL: First, I'd like to request that
18 the Board remain flexible in their decision as we have not
19 gotten an established firm date for when this project would
20 begin. I put down a date of December 3rd, but that may
change based on availability of a mobile unit.

CHAIRPERSON MIETZ: Could I ask a small favor,

22 would you mind just describing the project first?

JOYCE DOLL: Sure. We are looking to upgrade
24 our existing fixed PET/CT scanner located at 995 Senator
25 Keating. And in order to continue providing service to the

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3 community we would like to bring in the mobile PET scanner.
4 We did this back in 2010.

5

CHAIRPERSON MIETZ: Correct.

6

JOYCE DOLL: By doing that we continue
7 providing the services and being seamless to the community.

8

CHAIRPERSON MIETZ: We understand it worked
9 before, we can discuss that further later, but please go on.

10

JOYCE DOLL: Thank you. We counted up the
11 parking spaces, there's roughly 368 parking spaces in the
12 entire parking lot, about 8 to 12 of those are handicapped
13 parking spaces. The area that we're looking to place this
14 machine is on the south side of 995 Senator Keating Boulevard
15 and it faces the 390/590 interchange expressway.

16

And parking it on the side of the building, we
17 already have an existing formerly used electric outlet that
18 would be hooked back up. It's currently not live now, it
19 hasn't been since 2010, but it remains there for use if we
20 need it.

21

Our plan is to build a shelter because we're
22 talking December elements, our intent is to put up a shelter
23 from our south side exit door up to the mobile unit, and that
24 shelter would have two emergency exits on that as well.

25

MS. DALE: Can you talk a little bit more

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3 about what you mean by the shelter? Is it like a tent?

4 JOYCE DOLL: No. It would be a fixed, like, a
5 constructed temporary building basically that would come out
6 off the side of the building.

7 CHAIRPERSON MIETZ: That was done last time?

8 JOYCE DOLL: The last time, no, it was not in
9 2010, because the project was done in June.

10 CHAIRPERSON MIETZ: I remember it was
11 discussed but maybe then it was --

12 MR. DiSTEFANO: We had another one that used
13 one, that was over on White Spruce.

14 CHAIRPERSON MIETZ: Okay.

15 MS. CORRADO: Will patients be entering solely
16 through that shelter or will there need to be access directly
17 to it from the parking area?

18 JOYCE DOLL: The only entrance to get to it
19 from the parking area would be the emergency exits, which
20 would not be unlocked from the outside.

21 MS. CORRADO: So they'll be entering through
22 the main --

23 JOYCE DOLL: They're going to come into the
24 main Suite 100 in Building E, the patients will be checked in
25 there. They'll be processed within the suite and prepared

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3 for their exam and then Chris would be escorting them out and
4 getting them onto the trailer. There's a hydraulic electric
5 lift for patients that need accessibility to get on the
6 trailer.

7 MS. CORRADO: Thank you.

8 CHAIRPERSON MIETZ: Okay.

9 MR. DiSTEFANO: A little bit more about the
10 shelter. Do you have an architect that you are working with
11 on that? Do you have -- I'm just curious and I'm just a
12 little -- not concerned, but in terms of the building code
13 that it's going to meet, the exits are going to work
14 properly. We do need proper exits in and out of there in
15 case of fire.

16 JOYCE DOLL: Yes. The company that we're
17 using is called Excalibur. They're on the map diagram, their
18 company name is on the top right corner of the map. They are
19 based out of New Jersey, but Borg and Ide Imaging is part of
20 a national company called RadNet. This is a company that
21 services, does a lot of these mobile projects around the
22 country and they do follow code.

23 MR. DiSTEFANO: So this structure is something
24 that has been put up in one place and then taken down, it
25 kind of comes with the trailer or is this --

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3 JOYCE DOLL: No, it's constructed custom to
4 fit the side of the building, to fit the need.

5 MR. DiSTEFANO: That may require a building
6 permit, so I just want to make sure that we are on board with
7 that. So something that we might need to discuss.

8 JOYCE DOLL: Okay, happy to discuss.

9 MS. DALE: How confident are you that four
10 weeks is sufficient?

11 JOYCE DOLL: I'm very confident in that.

12 MS. DALE: Well, because it would be a bummer
13 if it's --

14 JOYCE DOLL: Yeah, the only way it would take
15 any longer is if there was a complete failure of the machine
16 they were installing in the suite. But we would already have
17 the machine ready to be delivered to our suite before using,
18 turning off the one that's being replaced and starting that
19 process.

20 MS. DALE: Okay. And so four weeks would be
21 sufficient to dismantle this structure and --

22 JOYCE DOLL: Yes. It's just the old one is
23 dismantled and removed, the new one is brought in and hooked
24 up and then there's calibrations and physicist acceptance
25 testing and all of that.

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3 CHAIRPERSON MIETZ: Okay. Just a quick one,
4 on this date issue we have to come up with something. Is
5 there a reason for the pause on those original dates? I
6 mean, that what's the --

7 JOYCE DOLL: We originally -- I asked our
8 person in charge of materials management and she said
9 December 3rd, so that's what I wrote down. And, you know,
10 things change and she's like I'm not sure of the time line
11 yet.

12 CHAIRPERSON MIETZ: How broad of a change are
13 we talking about, months? Are we talking --

14 JOYCE DOLL: No. At some point in December I
15 would expect the project to start and I think that the
16 biggest hold up on that would be the holiday season. So, you
17 know, maybe --

18 CHAIRPERSON MIETZ: There's a chance it could
19 wait until January?

20 JOYCE DOLL: January 2nd, it might wait until.

21 CHAIRPERSON MIETZ: I'm sure we can figure a
22 way to deal with this. We will talk about it.

23 JOYCE DOLL: And once I have a firm date I'm
24 happy to contact you.

25 CHAIRPERSON MIETZ: That might be important to

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3 the building department. We will work with that tonight.

4 JOYCE DOLL: Okay.

5 CHAIRPERSON MIETZ: Anything else? Thank you.

6 CHRIS PATEAN: Chris Patean, I'm the Nuclear
7 Medicine Manager. I do have a question about the building
8 permit. Are you going to notify us then about requesting the
9 building permit or should we go ahead once we have plans and
10 submit them?

11 MR. DiSTEFANO: Yes, that's the one. When you
12 have plans, contact me and I will take it to our architect to
13 say whether or not she feels like a permit is even required
14 or not. If it's required we will make sure you get all of
15 the paperwork.

16 CHRIS PATEAN: I just want to make sure we
17 didn't leave that until the end and we should have done that.

18 MR. DiSTEFANO: As soon as you know come back
19 and see me.

20 CHRIS PATEAN: Thank you.

21 CHAIRPERSON MIETZ: Thank you.

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

25 APPLICATION 10A-03-18

1 Brighton Zoning Board of Appeals 10/3/18
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3 10A-03-18 Application of Ann Marie Spinney,
4 owner of property located at 33 Ellison Avenue, for an Area
5 Variance from Section 207-10E(5) to allow a driveway to
6 expand to the northern side lot line where a minimum 4 ft.
7 setback is required by code. All as described on application
8 and plans on file.

9 ANN MARIE SPINNEY: Ann Marie Spinney, the
10 homeowner at 33 Ellison Avenue. So currently we have about a
11 one-car-width driveway and I have about eight feet between
12 the end of the driveway and my neighbors' lot line. So the
13 code is four feet and I've asked for a four-foot variance. I
14 think I can do with a little bit less than four feet, but in
15 order to make it two-car wide we need more than four feet.
16 So I have eight feet, but I am only allowed four feet so I
17 need a little bit more than that. I think I can go a little
18 bit less than the full, you know, to the lot line. I think I
19 can get in about a foot and a half from the lot line.

20 And I do have a note from my neighbor, I did
21 ask my neighbor next door on that side if they have any
22 objection to that. They did submit a note for me that they
23 have no objection to that.

24 MR. DiSTEFANO: Do you have that?

25 ANN MARIE SPINNEY: Yes.

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3 MR. DiSTEFANO: For the record, to whom it may
4 concern, we are the neighbors of Ann Marie Spinney at
5 33 Ellison Avenue. She has requested to extend her driveway
6 an additional four feet, we have no objection to her request.
7 And it's signed by Catlin and Ian Miller at 41 Ellison
8 Avenue.

9 CHAIRPERSON MIETZ: That would be most
10 effective.

11 MS. SCHWARTZ: How long have you lived there?
12 ANN MARIE SPINNEY: I think this will be
13 11 years, 2007.

14 MS. SCHWARTZ: Did you inherit the gravel
15 driveway or did you put that in?

16 ANN MARIE SPINNEY: The driveway was in need
17 of repair so the gravel is recently put there.

18 MS. SCHWARTZ: Okay.

19 CHAIRPERSON MIETZ: Was there asphalt there
20 before?

21 ANN MARIE SPINNEY: Yes.

22 MR. DiSTEFANO: Where is that gravel edge now?

23 ANN MARIE SPINNEY: Well, it's probably in
24 from the fence, there's a fence there, so it's probably in a
25 foot and a half from the fence right now.

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3 MS. SCHWARTZ: That fence is yours?

4 ANN MARIE SPINNEY: I believe it's their
5 fence.

6 MR. DiSTEFANO: It's right on the property
7 line.

8 CHAIRPERSON MIETZ: It's a pretty narrow lot.

9 MS. SCHWARTZ: But did you put the plantings
10 along it or --

11 ANN MARIE SPINNEY: Those were there.

12 MR. CLAPP: Those are your property?

13 ANN MARIE SPINNEY: Yes.

14 MS. SCHWARTZ: And the house next to you has a
15 little narrow row of plantings and so on?

16 ANN MARIE SPINNEY: On the other side, yes.

17 MS. SCHWARTZ: Are those yours or your
18 neighbors?

19 ANN MARIE SPINNEY: Those are my neighbors.

20 MS. SCHWARTZ: Okay. So they are right up to
21 you also?

22 ANN MARIE SPINNEY: Yes.

23 MR. DiSTEFANO: So can I ask a question so we
24 get a little clarification? So where that driveway is boxed
25 out now you're a foot and a half from the property line?

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3 ANN MARIE SPINNEY: Yes.

4 MR. DiSTEFANO: Originally you wanted to knock
5 it out another foot and a half but now you feel like where it
6 is is good enough?

7 ANN MARIE SPINNEY: Exactly, yes.

8 MS. SCHWARTZ: So leave it as it is.

9 ANN MARIE SPINNEY: Yes.

10 CHAIRPERSON MIETZ: So you would pave it then?

11 ANN MARIE SPINNEY: Yes, because four-foot,
12 you know, you really can't get a car in there, so a little
13 bit more.

14 CHAIRPERSON MIETZ: Understand. Okay, any
15 other questions from the Board?

16 MR. CLAPP: Just do we want to, maybe this is
17 for discussion, change it so that foot --

18 MR. DiSTEFANO: Well, we can condition that no
19 more than a minimum of 1.5 feet setback.

20 MR. CLAPP: Okay.

21 CHAIRPERSON MIETZ: Thank you.

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

25 APPLICATION 10A-04-18

1 Brighton Zoning Board of Appeals 10/3/18
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3 10A-04-18 Application of DeRisio Construction,
4 agent, and Steven Cass and Jason Ripple, owners of property
5 located at 257 Pelham Road, for an Area Variance from Section
6 205-2 to allow a garage addition to extend 10+/- ft. into the
7 existing 51.2 ft. front setback where a 60 ft. front setback
8 is required by code. All as described on application and
9 plans on file.

10 NICK DERISIO: Good evening, my name is Nick
11 DeRisio of DeRisio Construction. I'm here tonight to
12 represent --

13 CHAIRPERSON MIETZ: Can you give us your
14 address for your business office?

15 NICK DERISIO: Sure, 1419 Empire Boulevard,
16 Webster. So the project involves taking their existing
17 two-car garage and turn it into a bedroom and then taking the
18 existing garage and moving it forward to give them a new
19 garage, two-car garage. The aesthetics of the house stay
20 exactly the same. The look doesn't change, the finish on the
21 outside doesn't change. They just want the ability to add
22 another bedroom and then, again, pick up another two-car
23 garage.

24 CHAIRPERSON MIETZ: Can you go into a little
25 more detail of what this is going to look like? You didn't

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3 provide any kind of elevation or --

4 MR. DiSTEFANO: Yes, there's elevation.

5 CHAIRPERSON MIETZ: I saw that.

6 MR. DiSTEFANO: It's just not the whole house.

7 CHAIRPERSON MIETZ: Can you just comment how
8 the materials work with the rest of the house?

9 NICK DERISIO: Yes. So the drawings I
10 provided were front views and side views. It's currently
11 veneer stone, it's going to be veneer stone as well. And
12 that's on the front elevation, the left side elevation, and
13 the right side elevation. There should have been pictures.

14 MR. DiSTEFANO: We didn't get that. You might
15 have given that to the Architectural Review Board, but you
16 didn't give it to this Board. All you gave us was the one
17 sheet.

18 NICK DERISIO: Okay. I also dropped off side
19 views and I also dropped off pictures, I apologize.

20 CHAIRPERSON MIETZ: Where it says on your
21 elevation here it says existing house and there's a window.
22 That material there is the same?

23 NICK DERISIO: Exactly the same, yes.

24 MS. SCHWARTZ: Is this the only alternative
25 that you considered, seeing as how it's a bedroom you want to

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3 add on?

4 NICK DERISIO: Yes. So the other alternative
5 would be going back and that would take up green space as
6 well as removal of two trees that they're kind of attached
7 to. They like the trees in the backyard. They're the only
8 trees in the backyard, plus it would make the backyard
9 smaller.

10 Going forward it doesn't eat up any green
11 space whatsoever. It just occupies a little bit of driveway
12 space, which they have more than enough. And again, the
13 aesthetics of the house is going to look exactly the same.

14 MR. DiSTEFANO: How deep is the new garage
15 going to be?

16 NICK DERISIO: 22.

17 MR. DiSTEFANO: And you don't think that
18 pulling out of the new garage will affect the driveway in
19 terms of having to add more pavement to the curbed area right
20 here?

21 NICK DERISIO: No. We pulled a measurement
22 and it will still have enough radius to turn.

23 CHAIRPERSON MIETZ: They'll probably back out
24 and go left?

25 NICK DERISIO: Currently right now they back

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3 out and they have the option to just back into the street or
4 they can back out and go around. They have a horseshoe
5 driveway.

6 CHAIRPERSON MIETZ: Okay.

7 MR. CLAPP: There's currently it looks like a
8 door into the garage.

9 NICK DERISIO: Yes, and that's going to stay.

10 MR. CLAPP: I don't see that on the drawings.

11 NICK DERISIO: The other elevation drawing I
12 had, it had it on the left side as you face it. So they'll
13 still have a man door on the left side of the garage.

14 MR. CLAPP: Okay.

15 MS. CORRADO: And on the street side or --

16 NICK DERISIO: So the street side will be the
17 overhead door, and then as you're facing to the left will be
18 a man door, and on the right will be a window. I don't know
19 how those didn't get to you, I apologize. I know they're in
20 your office. It probably just went to the Architectural
21 Review Board.

22 CHAIRPERSON MIETZ: Right, okay.

23 MR. CLAPP: In looking, in my mind the whole
24 front elevation the garage is coming out 15 feet from where
25 the existing garage is now?

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NICK DERISIO: Correct.

4

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MR. CLAPP: How much farther out is that compared to the on the far -- as you are looking at the house, the far left? It bumps out a little bit.

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NICK DERISIO: Yes, it does. You're right, the left side of the house does bump out a little. This would bump it out about five feet further to the road.

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MR. DiSTEFANO: Ten feet, because that's the request. The existing front edge of the left side is 51 feet. So 10 feet beyond the left side because that's what the request is for. So I think the left edge is about five feet out from the garage, then another ten feet from that is where the garage will be. So the garage will be ten feet further out left side of the house, 15 feet out from where the current garage doors are.

MR. CLAPP: Okay.

CHAIRPERSON MIETZ: Any other questions?

MR. DiSTEFANO: I have one clarification on the garage itself because the survey is a little confusing, because they have the garage and this whole huge area. If you could just, where would be the demising wall for the garage space?

NICK DERISIO: This is the current garage

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3 right here and this would all be new space and then this
4 would be all garage.

5 MR. DiSTEFANO: So the garage is only 15 feet
6 deep, but there's a bump out here?

7 NICK DERISIO: No, it will be 22 total.

8 MR. DiSTEFANO: Okay. So the new garage is
9 going to be somewhere like this.

10 NICK DERISIO: Correct, yes.

11 MS. DALE: It says the garage is like 15 --

12 MR. DiSTEFANO: Right. The garage is going to
13 be basically somewhere in here. So this little square is
14 part of the bedroom, but it's going to be kind of --

15 CHAIRPERSON MIETZ: Well, if you're coming out
16 15 feet and the garage is 22, it would be 7 feet.

17 MR. DiSTEFANO: I just wanted to --

18 NICK DERISIO: Roughly three quarters of the
19 existing garage will remain bedroom and some of the existing
20 garage will go into the new garage.

21 MR. DiSTEFANO: Okay, that's what I thought, I
22 was just a little bit unclear.

23 NICK DERISIO: They make it too small.

24 MS. DALE: So it's a three-bedroom house now
25 and it will make it four?

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NICK DERISIO: Correct.

4

CHAIRPERSON MIETZ: Any other questions?

5

Thank you.

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

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APPLICATION 10A-05-18

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10A-05-18 Application of Jessica Lord, owner of property located at 140 Dorking Road, for an Area Variance from Section 205-2 to allow an enclosed entryway to extend 5 ft. (4 ft, deep entryway with a 1 ft. roof overhang) into the existing 25.05 ft. front setback where a 40 ft. front setback is required by code. All as described on application and plans on file.

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JESSICA SCHIRMER: Good evening, my name is Jessica Schirmer, Jessica Lord is my maiden name. The paperwork is underneath, I brought an original copy of my marriage license and birth certificate just in case. I'd rather be over prepared.

22

23

24

25

So what I intend to do to our home is build a small enclosed entryway around the front door. I did bring pictures with me, the first is of my property and you will see a raised part of the sidewalk right by the door, that's

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3 about the size that it would be and it is already raised
4 here.

5 I also brought some pictures of houses on my
6 street that have a similar enclosed entryway, which also
7 would be closer to the road than currently is required by
8 code. I will give these to you. What you can't see from the
9 pictures is that we are making our home, a two-bedroom, into
10 a three-bedroom home. And recently we had our contractor put
11 in a new staircase, so when you open the door currently the
12 staircase comes right to it.

13 There's also a closet on the right side, so
14 when our door opens it actually bumps right into the closet.
15 So by creating this entryway what we would like to do is
16 provide a little more entryway space so that we can save that
17 closet and really just make it a lot more easy, I suppose you
18 should say, to get in and have access to the stairs, living
19 room and closet.

20 MS. DALE: So today when you are going in your
21 front door, if it were raining there's no protection?

22 JESSICA SCHIRMER: There's nothing. We have a
23 lot of trees, but besides that, no.

24 MS. DALE: So you'd get some benefit from
25 protection from the weather when you're trying to get in and

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3 out of the house.

4 JESSICA SCHIRMER: Correct.

5 MS. CORRADO: And building this out, the
6 existing stoop is a footprint of the addition?

7 JESSICA SCHIRMER: Yes, right by the mailbox
8 in the picture.

9 MS. DALE: And it's two, like, pillars on
10 either side of the door, it's not --

11 JESSICA SCHIRMER: It's an enclosed --

12 MR. DiSTEFANO: Totally enclosed, right?

13 JESSICA SCHIRMER: Yes, it's totally enclosed.

14 MR. DiSTEFANO: With a one-foot roof overhang.

15 JESSICA SCHIRMER: Yes, that is correct.

16 MS. DALE: Thank you.

17 MR. DiSTEFANO: Have you gone to the
18 Architectural Review Board yet?

19 JESSICA SCHIRMER: Yes. We also have another
20 permit in for architecture. It did not --

21 MR. DiSTEFANO: You have it in to them or have
22 you gone to them?

23 JESSICA SCHIRMER: Gone to them already, yes.

24 MR. DiSTEFANO: And a favorable response?

25 JESSICA SCHIRMER: Yes. My contractor really

1 Brighton Zoning Board of Appeals 10/3/18

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3 is a specialist at that, so if there's any follow up
4 questions I can always ask him, but everything is -- right.

5

CHAIRPERSON MIETZ: So any other questions?

6

Thank you.

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

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1 Brighton Zoning Board of Appeals 10/3/18
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4 REPORTER CERTIFICATE
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6 I, Rhoda Collins, do hereby certify that I did
7 report in stenotype machine shorthand the proceedings held in
8 the above-entitled matter;

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

12

13 Dated this 28th day of October, 2018.

14 At Rochester, New York

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18 Rhoda Collins

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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON OCTOBER 3RD, 2018
5 AT APPROXIMATELY 7:44 P.M.

6 October 3rd, 2018
7 Brighton Town Hall
8 2300 Elmwood Avenue
9 Rochester, New York 14618

10 PRESENT:

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

16 NOT PRESENT:

17 ANDREA TOMPKINS WRIGHT
18 JENNIFER WATSON

19 DAVID DOLLINGER, ESQ.
20 Town Attorney

21 RICK DiSTEFANO
22 Secretary

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

26 REPORTED BY: RHODA COLLINS, Court Reporter
27 FORBES COURT REPORTING SERVICES, LLC
28 21 Woodcrest Drive
29 Batavia, New York 14020

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3 APPLICATION 10A-01-18

4 10A-01-18 Application of Alan Brandt and Lisa
5 Calcagni, owners of property located at 1 Elmwood Hill Lane,
6 for an Area Variance from Sections 203-2.1B(1) and 207-2A to
7 allow a hot tub to be located in an area of a side yard where
8 not allowed by code. All as described on application and
9 plans on file.

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

12 **FINDINGS OF FACT:**

13 1. The applicant's home is on the corner lot which
14 necessitates the need for a variance that would otherwise not
15 be required.

16 2. The applicant desires a location of the hot tub to be
17 placed where there is maximum privacy and there's no other
18 logical location in the applicant's yard to place the hot
19 tub.

20 3. The applicant's requested placement of the hot tub in
21 their side yard where not allowed by code, behind their
22 garage where it will be screened from view of the neighbors
23 and the request will not result in a substantial change in
24 character of the neighborhood or be detrimental to the
25 surrounding properties.

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CONDITIONS:

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1. The hot tub will be placed in the location specified in
the application and as described in testimony.

6

2. All necessary building permits shall be obtained.

7

(Second by Ms. Corrado.)

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9

(Mr. Clapp, yes; Ms. Schwartz, yes; Mr. Mietz,
yes; Ms. Corrado, yes; Ms. Dale, yes.)

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

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3 APPLICATION 10A-02-18

4 10A-02-18 Application of Borg and Ide Imaging,
5 lessee, and Anthony J. Costello and Son Development, owner of
6 property located at 995 Senator Keating Blvd., for a
7 Temporary and Revocable Use Permit pursuant to Section 219-4
8 to allow a mobile PET/CT scanner (trailer) to be on site for
9 approximately 4 weeks where not allowed by code. All as
10 described on application and plans on file.

11 Motion made by Chairperson Mietz to approve
12 Application 10A-02-18 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. This proposal is for a temporary revokable permit to
16 allow a mobile PET scanner trailer to be on site where not
17 allowed by code for a duration of no more than six weeks.
18 2. The trailer will not impact any parking spaces and will
19 be placed on spaces generally used by staff.
20 3. The trailer will not be visible from a local street
21 therefore eliminating any negative visual impact and is
22 self-contained.
23 4. The variance will allow for the continuous care and
24 treatment of patients while the exchange of the permanent
25 scanner in the building occurs.

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3 **CONDITIONS:**

4 1. The permit will apply for a maximum of six weeks and
5 shall be completed no later than March 1, 2019.
6 2. The proposed shelter structure shall be submitted to the
7 building department for review and potential permanent
8 shelter shall be submitted and all necessary permits shall be
9 obtained.
10 3. This variance is based on the testimony given and the
11 plans submitted specifically for the location of the proposed
12 trailer.

13 (Second by Ms. Schwartz.)

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

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

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3 APPLICATION 10A-03-18

4 10A-03-18 Application of Ann Marie Spinney,
5 owner of property located at 33 Ellison Avenue, for an Area
6 Variance from Section 207-10E(5) to allow a driveway to
7 expand to the northern side lot line where a minimum 4 ft.
8 setback is required by code. All as described on application
9 and plans on file.

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

13 **FINDINGS AND FACTS:**

14 1. Expanding the driveway within code will not allow the
15 applicant to build a two-car width driveway.

16 2. The homes on either side of the applicant's home have
17 two-car width driveways so this variance will not change the
18 character of the area.

19 3. No other alternative can achieve the desired result for
20 the applicant.

21 4. There is existing vegetation and a fence to help mitigate
22 the variance.

23 5. The applicant can pave the driveway as current width,
24 which would be one-and-a-half feet from the side lot line and
25 reduce the requested variance.

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CONDITIONS:

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1. The driveway expansion shall not extend any closer than 1.5 feet from the northern side lot line.
2. All necessary highway permits shall be obtained.
3. The driveway shall be constructed in such away there will be no run off onto the neighbors' property.

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(Second by Mr. Clapp.)

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(Ms. Corrado, yes; Mr. Mietz, yes; Ms. Dale, yes; Mr. Clapp, yes; Ms. Schwartz, yes.)

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13

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

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3 APPLICATION 10A-04-18

4 10A-04-18 Application of DeRisio Construction,
5 agent, and Steven Cass and Jason Ripple, owners of property
6 located at 257 Pelham Road, for an Area Variance from Section
7 205-2 to allow a garage addition to extend 10+/- ft. into the
8 existing 51.2 ft. front setback where a 60 ft. front setback
9 is required by code. All as described on application and
10 plans on file.

11 Motion made by Mr. Clapp to approve
12 Application 10A-04-18 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 neighbor or be
17 a detriment to nearby properties. Setbacks and front
18 elevations along Pelham Road are not uniform in nature, the
19 addition of the garage for the front setback will not have a
20 material effect to the area as a whole.

21 2. The requested variance is not substantial as the house
22 already extends into the required setback by almost 10 feet.

23 3. The benefit sought by the applicant cannot reasonably be
24 achieved by any other method. Applicant's application noted
25 that the homeowners explored other options and no other

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3 option was reasonably feasible given the homeowners' needs.

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

7 **CONDITIONS:**

8 1. The variance granted herein applies only to the garage
9 addition as described in and the location as depicted in the
10 application and in testimony given.

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

13 (Second by Ms. Corrado.)

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

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

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3 APPLICATION 10A-05-18

4 10A-05-18 Application of Jessica Lord, owner
5 of property located at 140 Dorking Road, for an Area Variance
6 from Section 205-2 to allow an enclosed entryway to extend
7 5 ft. (4 ft. deep entryway with a 1 ft. roof overhang) into
8 the existing 25.05 ft. front setback where a 40 ft. front
9 setback is required by code. All as described on application
10 and plans on file.

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

14 **FINDINGS AND FACTS:**

15 1. The requested variance is the minimum variance possible
16 as the house as originally built is already non-conformant to
17 current code requirements.

18 2. No other alternative can alleviate the difficulty and
19 produce the desired result, namely protection from the
20 elements and comfortable access to the main entrance of the
21 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 entryway addition will be in

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3 character with other homes in the neighborhood with similar

4 entryways.

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

6 applicant.

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

8 be adversely affected by the approval of this variance

9 request.

10 **CONDITIONS:**

11 1. This variance will apply only to the structure that was

12 described in the application and testimony. In particular,

13 it will not apply to further additions considered in the

14 future that are not included in the present application.

15 2. All necessary Architectural Review Board and building

16 permits shall be obtained.

17 (Second by Ms. Schwartz.)

18 (Mr. Mietz, yes; Ms. Dale, yes; Mr. Clapp,

19 yes; Ms. Schwartz, yes; Ms. Corrado, yes.)

20 (Upon roll call, motion to approve with

21 conditions carries.)

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

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

12
13 Dated this 28th day of October, 2018.

14 At Rochester, New York
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18 Rhoda Collins
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