

Brighton Zoning Board of Appeals 5/1/19

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON MAY 1ST, 2019 AT
APPROXIMATELY 7:15 P.M.

May 1st, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON
JEANNE DALE
DOUGLAS CLAPP
KATHLEEN SCHMITT
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

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CHAIRPERSON MIETZ: Good evening. I'd like to call to order the May session of the Zoning Board of Appeals.

Rick, was the meeting properly advertised?

MR. DiSTEFANO: Yes, Mr. Chairman, it was advertised in the Brighton-Pittsford Post of April 25, 2019.

CHAIRPERSON MIETZ: Will you please call the roll?

MR. DiSTEFANO: Please let the record show all members are present.

CHAIRPERSON MIETZ: Okay. So we have the minutes from the March meeting. Any comments, Judy?

MS. SCHWARTZ: On Page 55, Line 16, please insert the word be after not, not be.

On Page 58, Line 17, the word should be alter.

On Page 59, Line 15, insert the word want after not.

On Page 65, Line 4, the last word should be it; and then on Line 5, the first word is seems.

Page 73, Line 4, delete we are now and start the sentence with the.

Page 87, Line 9, insert the word at after around; and Line 18, the second word is look, then at and then insert the word in, so we look at in.

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Page 88, Line 5, the word should be build, the fourth word.

Page 89, Line 15, delete the word on, the third word.

Page 91, Line 16, switch presidential with precedence.

Page 94, Line 6, insert the word be after will, will be; Line 7, sort of in the middle the word should be neighborhood; Line 14, insert the word makes after really.

Page 99, Line 10, insert the word not, no it is not.

Page 107, Line 22, the word should be neighborhood.

Page 108, Line 8, at the end of that line it should be add of this garage; and Line 9, take out the word temporary and put testimony.

Page 110, Line 16, delete the word it; Line 17, delete the word and but insert it after the word parcel.

Page 128, Line 3, delete conclusion and insert inclusion. I'm done.

CHAIRPERSON MIETZ: Any additions to that?
Can we get a motion for the minutes as amended?

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MS. TOMPKINS WRIGHT: So moved.

MS. SCHWARTZ: Second.

(Second by Ms. Schwartz.)

(Ms. Schmitt, yes; Ms. Watson, abstain;
Mr. Mietz, yes; Ms. Dale, yes; Ms. Tompkins Wright, yes;
Ms. Schwartz, yes; Mr. Clapp, yes.)

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

CHAIRPERSON MIETZ: Okay. So there is an
Application Number 1, for West Henrietta Road that was
adjourned to the June meeting. So anyone interested in that,
we will not be hearing that tonight. We will be starting
with Application 2.

APPLICATION 5A-02-19

5A-02-19 Application of David Burrows,
architect, and Larry and Stacy Turkowski, owners of property
located at 141 South St. Regis Drive, for an Area Variance
from Section 205-2 to allow a building addition to extend
7 ft. into the 40 ft. rear setback required by code. All as
described on application and plans on file.

DAVID BURROWS: Hello, I'm David Burrows
architect, I'm here with Stacy and Larry Turkowski of
141 South St. Regis Drive. And they came to me to see if I

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could help design a kitchen addition that would replace their -- back up a little bit, their existing kitchen is very small, very tight, there's stairs coming into it and it's just not an easy kitchen to use. So the concept is to convert that area into a laundry room/mud room and expand the area beneath the adjacent sun porch or a sleeping porch for the kitchen and new entrance.

The dimensions of the proposed addition create a condition that gets the extreme part of the addition which is the entrance porch closer to the rear setback than is allowed. That area now, there's a detached garage that fills the space, so the garage kind of establishes the rear of the property and we are building closer to that garage than the house already is.

So a required setback of 40 feet will instead be 33 feet at the closest point. The rear property is at an angle so there's no exact point as to where it's at the 33 -- well, there's one point only where it's at 33 feet. Otherwise it's further from that because the property line goes to the rear, as you can see in the site plan.

So I don't know what you have, I think you have the site plan, floor plan, and elevations. I think you can see what the project is about. I'll ask Larry and Stacy

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to talk about why they want it, I guess, or I'll let them answer questions that you would have.

CHAIRPERSON MIETZ: Let me ask you one before you move to that. Were there any other alternatives you looked at to do this, to accomplish what you would like to do?

DAVID BURROWS: Because of where it is in the house this is the only logical place for the kitchen and entrance. It will be the primary entrance as it is now, because that's where the driveway is, so there wasn't an adequate solution that didn't require a variance.

CHAIRPERSON MIETZ: Okay, very good. Go right ahead, folks. Just give us your name and address for the record.

STACY TURKOWSKI: Stacy Turkowski, 141 South St. Regis Drive. And we have a traditional, what you call a galley kitchen. So it is very, very tiny and we just feel like it would be nice to have a regular sized kitchen and be able to have a space for our kids to sit at the table. We don't have an eat-in kitchen, it's just a very, very narrow pathway. So we want to have a kitchen where we can have the kids be right in the middle of everything. And we're planning to have the entrance also have a place for shoes and

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coats. And so our house is a little bit tight but also having a little bit extra space for storage of stuff, would be nice as well.

CHAIRPERSON MIETZ: Okay.

MS. SCHWARTZ: How long have you lived at this house?

STACY TURKOWSKI: Since 2003.

CHAIRPERSON MIETZ: Okay. Larry, would you like to say anything?

LARRY TURKOWSKI: Sure. My name is Larry Turkowski, I live also at 141 South St. Regis Drive. We have been thinking about this since we moved into the house, and obviously it was cost prohibitive for a long time. One of the reasons why -- and we considered many, many alternatives but one of the reasons why we wanted this particular design, we thought about cutting it off at the sleeping porch, but it would have made that side of the house really ugly and very blunt. So we figured to have a shed room, I don't know what you call it, on all three sides of the sleeping porch.

CHAIRPERSON MIETZ: More symmetrical?

LARRY TURKOWSKI: Yes.

MS. TOMPKINS WRIGHT: Have you spoken at all to your neighbor that is on the west side at 153? That

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neighbor that's on that side of where your expansion will be?

STACY TURKOWSKI: Yeah. Actually, he came over -- a couple of neighbors actually came over after receiving the letter that went out and the very next door neighbor at 153 came on Sunday to ask us about it. And we had asked him if we could buy his house a few months ago because we were really looking to have some extra space. He said, no, you can't buy my house.

We couldn't find any to purchase in our neighborhood and so, you know, pursuing this alternative. He asked about it and he said, well, that sounds great. He said, we've gone through an addition process and it looks like a good project. I walked him around where the new part would be and I said, this is going to be closer to your house now, are you okay with that? He said, sure.

Because it really, from his perspective, it's not going to look that different because the sleeping porch is already there. It's only on the first floor, so . . .

MS. TOMPKINS WRIGHT: And the garage extends further into the yard.

CHAIRPERSON MIETZ: Yes, okay.

MS. TOMPKINS WRIGHT: Rick, can I ask you a quick question?

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MR. DiSTEFANO: Sure.

MS. TOMPKINS WRIGHT: Because of the way the front, what I would consider the front of the house is, you could make an analogy that this functions like a side yard. A side yard setback would have to be less than 30 feet, right?

MR. DiSTEFANO: A side yard setback, 15 percent of the lot width that would be taken along the South St. Regis Drive, so 15 percent of 128.5.

MS. TOMPKINS WRIGHT: So significantly less?

MR. DiSTEFANO: Significantly less than the 40 feet that's required because code has to call that a rear yard.

MS. TOMPKINS WRIGHT: Okay.

CHAIRPERSON MIETZ: Okay. Any other questions for these folks? Thank you.

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

APPLICATION 5A-04-19

5A-04-19 Application of John and Monique Marchioni, owners of property located at 102 Southern Parkway, for an Area Variance from Sections 203-2.1B(2) and

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203-9A(4) to allow a gazebo to be 525 sf in size in lieu of the maximum 250 sf allowed by code. All as described on application and plans on file.

MONIQUE MARCHIONI: Good evening, my name is Monique Marchioni I'm an owner and applicant for the application. And the reason we submitted the application to your Board is that we would like to build a gazebo or what I would like to call an open pavilion structure over a portion of our back patio that would provide year-round coverage of our outdoor patio and the outdoor kitchen we had built outside, and also provide us with shade.

We have spoken with both of our neighbors on either side of us and discussed the project with them. They had no issues with the project, and I have two letters from them stating that they make no objection to our request for the variance.

MR. DiSTEFANO: Can I have the letters?

MONIQUE MARCHIONI: Sure.

MR. DiSTEFANO: Thank you. Just for the record we have received letters from Ronald Schiavoni of 108 Southern Parkway and Penelope Stewart of 100 Southern Parkway just stating the fact that they had no objection to the requested variance. Thank you.

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CHAIRPERSON MIETZ: So how did you arrive at 525 square feet?

MONIQUE MARCHIONI: So we wanted to, looking at the survey that you have in front of you, we have a bay window that's in the back and we wanted to make sure that we still have our bay window in use and we get a lot of light into our home, so we wanted the pavilion to end at that, before the bay window.

And because of the way the kitchen is situated and there's also a sliding glass door which is to the right of the electrical panel box and the bay window, if we had it 250 square feet, which is according to the code, the post would be right smack in the middle of that sliding glass window. And it would also cut into the island that we have to the left of the kitchen area where we sit. So it wouldn't provide adequate shade or cover of that area.

MS. DALE: So I understand about where the post would fall, but did you think about -- there's a pretty big difference between 250 square feet and 525 square feet. Did you look at something that may be a little bit bigger than what is required by code, but not quite, quite so large?

MONIQUE MARCHIONI: Yes, of course, we did. But we are -- the way that the kitchen is set up and the way

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1
2
3 that our patio is currently situated, it wouldn't really
4 work. It wouldn't flow properly if we did less than the
5 525 square feet. We would have less space to put a table and
6 chairs for -- we entertain a lot, we wouldn't be able to fit
7 that there. And just the way that it works with the bay
8 window and the sliding glass door it just wouldn't flow well.

9 MS. DALE: And am I looking at this correctly,
10 that if you were looking at it from the street that the
11 gazebo is not hidden from someone on the street, it actually
12 extends further to the north than the house? I don't know if
13 you thought maybe having the end of the gazebo line up with
14 the end of the house so if someone were walking down the
15 street -- I mean, sure, if you are farther down the street
16 you could look back and see it --

17 MONIQUE MARCHIONI: Yeah, you wouldn't see it
18 by --

19 MS. DALE: -- it extends beyond this.

20 MONIQUE MARCHIONI: Yes. It's just slightly
21 beyond the -- and the reason for that is because where that
22 grill area that's built-in and ends, you know, where that
23 solid black line is, the post would have to go behind that.

24 MS. DALE: Okay, so you already have an
25 outdoor --

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MONIQUE MARCHIONI: It's a fixed -- it's already fixed, it's in place. That's the -- see, he has it, the surveyor, has it labeled outdoor kitchen and it's like a --

CHAIRPERSON MIETZ: Right, yes.

MONIQUE MARCHIONI: Yes.

MS. DALE: So is the entire area of this, is it already on existing concrete or you will be adding more?

MONIQUE MARCHIONI: It's already there.

MS. DALE: Okay.

MS. SCHWARTZ: When I was there your husband was outside and I asked him about turning the table the other way, which it wouldn't make it extend as wide. To me, it's like horizontal, it's sort of parallel to the house. Whereas if the end of the table were perpendicular to the house it would go out and you would not have to come over necessarily quite as far. Do you know what I'm saying? Do you know how your table is situated right now?

MONIQUE MARCHIONI: Right.

MS. SCHWARTZ: Okay. If you turn it so that the end of the table were facing the house it wouldn't take up as much width, you would not have to go over quite so far.

MONIQUE MARCHIONI: Yeah. I don't think it

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would -- still even if it was that way it would still not provide us, I don't think, with ample -- if we did it that way then we're still looking at the post falling right where the edge of the sliding glass door is and the stoop, if you will, around that sliding glass door.

And it doesn't show it on here but there wouldn't be enough space either for -- there's also a fixed island that's right to the right side of the outdoor kitchen area. Do you recall seeing that?

MS. SCHWARTZ: No, I don't, because I was really concentrating, looking at the kitchen and I was more concentrating on the table and so on coming over towards the driveway.

MONIQUE MARCHIONI: Okay.

MR. CLAPP: Was the outdoor kitchen there when you purchased the property?

MONIQUE MARCHIONI: No, we built it after the fact.

MR. CLAPP: And you built the pool as well?

MONIQUE MARCHIONI: We did, we built the pool as well. We like projects.

MS. TOMPKINS WRIGHT: Are you planning on installing any kind of vegetation that might help shield the

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view, dampen sound coming out of this gazebo, pavilion-type of structure?

MONIQUE MARCHIONI: No, we have no plans to make any plantings, if that's what you're asking. In fact, I think that having the coverage would actually reduce the noise that would, you know, screaming kids and what not, that our neighbors could hear.

MS. DALE: There's no walls on this?

MONIQUE MARCHIONI: No, but just having the roof --

MS. DALE: How high is the roof off, is it 8 feet off the ground or how --

MONIQUE MARCHIONI: The roof line?

MS. DALE: Oh, 8 feet, but the top is --

MR. DiSTEFANO: 14'9" to the peak.

MS. DALE: Did you look at any designs where the roof maybe wasn't quite so substantial?

CHAIRPERSON MIETZ: To have that kind of lift though, no, not really. It would be so flat that it would not look right with the rest of the house.

MS. DALE: Okay.

CHAIRPERSON MIETZ: It's the pitch.

MR. DiSTEFANO: And by code they do meet the

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height requirements, height maximum is 16 on a structure like this.

MS. DALE: Okay.

MS. SCHWARTZ: You mentioned you had letters from your neighbors on both sides. What about the neighbors behind that might be affected, did you speak with them?

MONIQUE MARCHIONI: We spoke with our neighbor who is two homes behind us, we spoke with one of them. The Messner family, and discussed the project with them, showed them the plans and they were on board. But because of the fence that we have in the back and the shrubbery, I don't -- the neighbors on either side of us would be more impacted than the neighbors behind us.

MR. DiSTEFANO: I don't know if you saw the agenda and you are aware we did receive two letters from backyard neighbors that are in opposition to it.

MONIQUE MARCHIONI: I am not aware of that.

MR. DiSTEFANO: Do you know, can you guesstimate the distance from this gazebo to the back sides of the houses that are directly behind you?

MONIQUE MARCHIONI: The two homes that are directly -- I'm sorry, the distance did you say?

MR. DiSTEFANO: Yes, can you guesstimate?

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Like, how far is it back from the back of yours? Is it a similar distance from the back lot line to the house behind you?

MONIQUE MARCHIONI: I can't really --

MR. DiSTEFANO: That's fine. Is it pretty far away?

MONIQUE MARCHIONI: It's very far away. And we have also the pool house that's behind the pool, so that is also in -- would block the view, if you will, of the proposed gazebo. And the neighbors that we did speak to, the Messner family, they are behind us. They would be the ones that would probably be directly -- closest directly in line. They're to the right of the pool, the frame pool house.

CHAIRPERSON MIETZ: They're 105, maybe?

MONIQUE MARCHIONI: Yes, they're on Eastland.

CHAIRPERSON MIETZ: Okay.

MONIQUE MARCHIONI: That's what we're talking about, correct, they're behind us?

MR. DiSTEFANO: The ones on Eastland, yes. What was their last name?

MONIQUE MARCHIONI: Messner, M-e-s-s-n-e-r.

MR. DiSTEFANO: Okay. Yes, they are at 103 Eastland. Wolfe is at 109.

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CHAIRPERSON MIETZ: So that's on the other side.

MS. TOMPKINS WRIGHT: And 115?

MR. DiSTEFANO: 115 is Rosenquest.

MS. TOMPKINS WRIGHT: Did you reach out to that family?

MONIQUE MARCHIONI: No, I'm not familiar with them. Are they on Eastland?

MR. DiSTEFANO: Yes, they are on Eastland. They were talking about the ones behind you.

MONIQUE MARCHIONI: Okay.

MR. DiSTEFANO: Only, like I said the two letters came in from neighbors on Eastland, you gave us neighbors you're directly --

MONIQUE MARCHIONI: Yes, which again would be the neighbors that would have the most visibility of the structure. Like I said, the neighbors that are on Eastland you have a detached garage, a play set, a pool frame house, an in-ground pool, fences, and along with shrubbery, that block a lot of the view of our backyard.

CHAIRPERSON MIETZ: Would it be fair to say that since you've taken over the property that you added the pool, right?

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MONIQUE MARCHIONI: Uh-huh.

CHAIRPERSON MIETZ: Those concrete pads that are around the pool meet requirements as well as now this area to be encapsulated, right?

MONIQUE MARCHIONI: Sure, yes.

CHAIRPERSON MIETZ: So you've covered a lot of the backyard?

MONIQUE MARCHIONI: Yes.

CHAIRPERSON MIETZ: Was there much landscaping that was removed when all this happened?

MONIQUE MARCHIONI: No, there was --

CHAIRPERSON MIETZ: Let's say on the property lines at least, you know, not in the middle of the yard, there might have been a tree or something, but what would you say --

MONIQUE MARCHIONI: Yes, there was shrubbery and trees that had, you know, were not in good condition that we did remove.

CHAIRPERSON MIETZ: So you aren't concerned as much just from your perspective about screening the pool and, you know, those activities from the neighbors? Not economically speaking, but just aesthetically.

MONIQUE MARCHIONI: Well, we would like

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aesthetically and for privacy reasons, yes, we would like to have more coverage over our back patio. Am I answering your question?

CHAIRPERSON MIETZ: Well, I guess what I'm going after is just, you know, the buffering of this. Because obviously you've changed the backyard significantly since you've lived there, would be a fair statement, right?

MONIQUE MARCHIONI: Uh-huh.

CHAIRPERSON MIETZ: Which is fine. But, you know, what have you done really to mitigate that I guess from all of these neighbors, I guess, in a sense, is my question.

MONIQUE MARCHIONI: Well, we've made it significantly nicer to look at for sure. When we purchased the home there were a lot of shrubs and overgrown weeds and it wasn't well kept, Gargoyles, you name it, it was back there so we removed that.

MR. DiSTEFANO: Is it --

MONIQUE MARCHIONI: And we would -- the design of the pavilion structure is going to be in line with the colonial fashion of our home. We, of course, want it to blend.

MR. DiSTEFANO: And the fencing that is around the property is that new fencing?

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MONIQUE MARCHIONI: Yes.

MR. DiSTEFANO: And it's pretty much enclosed all three sides of the rear yard?

MONIQUE MARCHIONI: Yes.

MR. DiSTEFANO: It's a solid wood fence?

MONIQUE MARCHIONI: A solid wood fence.

MR. DiSTEFANO: So there is screening there, it's not vegetation. I just want for the record to say what kind of screening is there.

MONIQUE MARCHIONI: Yes. And it prevents me from seeing into their backyard as well, so I can't imagine how much of my yard they see.

CHAIRPERSON MIETZ: Yes. It's just we don't have a sense of remembering what it was like before. Obviously there's a lot of area in the backyard that is covered now, which obviously you're using it for the intended use.

MS. SCHWARTZ: Just curiosity again, how many years did you live in the house?

MONIQUE MARCHIONI: We moved in in 2012 or 2013.

MS. SCHMITT: Do you have plans to redo the garage as well?

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MONIQUE MARCHIONI: The detached garage, yes, that's among our list. We have an extension I believe it was before you last year or two years ago sometime for an addition on the back.

MR. DiSTEFANO: Actually that variance has expired.

MONIQUE MARCHIONI: Oh, that has expired?

MR. DiSTEFANO: They did come in back in 2016 for an expansion of the garage to 728 square feet, but that has expired, just so you know.

MONIQUE MARCHIONI: Okay.

CHAIRPERSON MIETZ: Any other questions?

MR. CLAPP: Just to be clear in my head, where the kitchen is now is that currently concrete pavement or is it patio kind of?

MONIQUE MARCHIONI: It's concrete, stamped concrete flooring and then it's a stone kitchen.

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

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

APPLICATION 5A-05-19

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5A-05-19 Application of Joni Lucas,
JK Findings and Kaupp Family LLC, owners of property.
Located at 1500 Brighton Henrietta Town Line Road, for
modification of approved area variances (11A-03-04 and
1A-06-16) to allow for the expansion of an approved front
yard parking area where not allowed by code. All as
described on application and plans on file.

PAUL SCHREINER: Good evening, my name is Paul
Schreiner from Parrone Engineering. I'm here on behalf of
JK Findings. With me is Joni Lucas of JK Findings. Tonight
we are in front of you for an amendment of a variance that
was granted on the project. What we're proposing to do is
construct an addition to the existing parking lot on the
project. The project is bounded by Brighton Henrietta Town
Line Road, Western Drive, and Southern Drive. The new
parking lot would go in the area of Southern Drive consistent
with the existing parking layout that's there already.

We met on this project with town staff, Rick
and Ramsey, on the project to get a little direction on what
we were to do and their recommendation and suggestion would
be to come here in front of you people at the Zoning Board to
get a variance for the parking in the front setback area of
the site. As I said, it's very consistent with the other

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variances which were granted in 2004 and in 2016.

The additional parking area is to consist of approximately or it's shown as 13 spaces. We intend to provide proper drainage for the new parking area and landscaping consistent with what's already there on the site. And the parking area is going to take away some of the landscaping that was installed in the last application in 2016. We just, where we could we would relocate that landscaping and make additions to it.

And I'm sure that if the variance is granted for this use that I'm sure the Planning Board will have a lot of input on that step. So we're just going to tell you that's what we're going to do. The parking lot will be lit in similar lighting features that are on the rest. The balance of the parking area will be just transplanted or additional lighting provided in that parking area.

You may ask why you need this additional space. Business is good, need more employees, and not anticipated and I'm sure Joni can speak to that further. But right now the parking on the site is a premium and this is just going to help relieve the stress right now. So with that, I'm going to close out. Joni, would you like to --

JONI LUCAS: Just waiting if they have any

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questions.

CHAIRPERSON MIETZ: Could one of you just address this need for parking so we can understand, a couple years ago and what the reason for it is. Not necessarily the location, but what is the reason that you need it? What are the current conditions? What's the use? How many employees?

JONI LUCAS: I'm Joni Lucas, with JK Findings. We have added over 20 employees in the last two years. Business is wonderful, we did the addition as you probably saw. At that time we added ten additional parking spots, which was going to be more than sufficient because our addition was intended to just bring on equipment that would automate product manufacturing that we were currently outsourcing to China. So we were bringing that manufacturing back to Rochester, but it was going to be all automated, a couple of machine operators, so we didn't intend to expand employment as much as we have.

What happened in that same year we were doing the addition is we implemented a couple of strategic changes, a couple of projects. We added a Chinese website, we hired some sales people in the China market, with the intention of expanding our market share in China and it just took off far more than we ever expected. It's all great news, but now we

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have no space left. If anybody drove by we have no parking spots, so we really need the parking.

CHAIRPERSON MIETZ: Now, will this also take care of, not that you have a crystal ball, but, you know, your future? Or do you understand that this is the limit that you could do on the site?

JONI LUCAS: At the rate we're going, it won't take care of our future needs and we understand that. We certainly are watching for opportunities to invest in property around our building. We're talking to neighbors, we're doing everything we can because we know we've maximized our space on the land.

CHAIRPERSON MIETZ: So it would be fair to say that trying to do anything else on this site is not really feasible in your future plans?

JONI LUCAS: Yes. Before we did the addition we actually looked into moving and researched a lot of different property, but it's a big undertaking to move. So we are hoping we can just do what we need to do to maximize capacity of our building and stay.

CHAIRPERSON MIETZ: Okay. Other questions by the Board? Thank you.

Is there anyone in the audience that would

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

APPLICATION 5A-06-19

5A-06-19 Application of Kirk Wright, Sign and Lighting Services, contractor, and Shailesh Patel, owner of property located at 2729 Monroe Avenue, for modification of approved sign variances (3A-07-08 and 9A-05-18) to allow for replacement/change of the approved front building face sign. All as described on application and plans on file.

APPLICATION 5A-07-19

5A-07-19 Application of Kirk Wright, Sign and Lighting Services, contractor, and Shailesh Patel, owner of property located at 2729 Monroe Avenue, for modification of approved sign variances (9A-07-18) to allow for replacement/change of the approved rear building face sign. All as described on application and plans on file.

KIRK WRIGHT: Good evening, Kirk Wright, Sign & Lighting Services 530 Route 104, Ontario, New York. I guess it was last summer we were here and got some variances granted to change it to a Quality Inn from a Comfort Inn. Mr. Patel is now going to change that again, he's going to be a Clarion Point. He keeps going up in the quality of his property and such.

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Basically, what we're looking to do is put Clarion Point on the front and the back of the building. We're going to go to channel letters on the front of the building. It's a requirement of Clarion that there's channel letters on the front.

The logo is actually smaller, it's 18 percent of the sign area now. So it's not a needed variance any longer, so we're actually doing away with that portion of the variance. On the backside we're actually going to utilize the sign that's on the front now, move it to the back, change the panel and hang it in the same place that was approved by this Board.

CHAIRPERSON MIETZ: So there's really no change other than the face?

KIRK WRIGHT: That is correct, it's just a logo change.

CHAIRPERSON MIETZ: Okay, very good. Can you talk a little bit about the difference between the sign box on to the channel letters as far as your own perspective and what the appearance of them is?

KIRK WRIGHT: Yeah, a channel letter sign has more character, each letter is more defined and it's got a nicer look to it. Whereas a box sign is boxy, so, you know,

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aesthetically the channel letters on the front aren't going to look much better than the cabinet that's up there now. It's not really going to apply as much in the back where we're facing the highway. You're not going to see it from, you know, you're going to see it at 55 from 200 yards away. So aesthetically there will be no issues with the backside.

CHAIRPERSON MIETZ: Are the channel letters being put on the raceway or --

KIRK WRIGHT: Channel letters are on raceways, so all the components will be outside. That way for service and such we don't have to climb up into the attic to change any electronic parts.

MR. CLAPP: I'm not familiar with channel letters. Does that mean individually raised letters off of the facade?

KIRK WRIGHT: Correct. A Wegmans letter, it's a large version of what we're doing. These are obviously much, much smaller.

CHAIRPERSON MIETZ: The raceway you barely see, it's like a channel and letters are affixed to it. The services are in the channel. Once you directly put it on a building it's hard to get behind it.

MR. DiSTEFANO: Was there any thought about

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doing channel letters on the backside also?

KIRK WRIGHT: Mr. Patel, he did think about it. He owns the sign cabinet and it's less expense to reface it and utilize that on the back.

MS. WATSON: Can you talk a little bit about how did it change from a Quality Inn to a Clarion Point? I don't know whether or not you can speak to --

KIRK WRIGHT: I really can't speak to that. I know that there's quite a difference in hotels and, like, there's lower end and higher end and I have learned a lot about it, but I really can't speak to why he's --

MS. WATSON: My reason for asking is because the variance that was granted most recently wasn't too long ago and that was due to the change from the Comfort Inn to a Quality Inn. I'm just wondering if we can expect frequent changes in that?

KIRK WRIGHT: I would say Mr. Patel saw an opportunity to improve his property, again, from what he was doing and he jumped at that opportunity.

MS. SCHWARTZ: When I was driving on the expressway to look at the back of it, the trees are starting to pop. The building really isn't all that visible. I just wonder really what purpose is that sign going to have and

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you're going really fast and you should be concentrating, in my opinion, on the road and traffic. I just raise that as an issue for me and wonder what your response might be?

KIRK WRIGHT: We've addressed this in the previous variance and we feel there's a need there for the sign and we feel that the visibility is there. I think that you can see that in time to exit if you are looking for it.

Also, you will see it as you go past. If you're a traveler obviously people in Brighton probably aren't staying there, it's people from out of town. So you see that and you can at least turn around and come back to it. There's not a lot of place to stay in that area and if you -- when you go past there you get more into the city where there's really no place to stay unless you know where you're going.

MS. SCHWARTZ: I just -- as you're going fast and are supposed to be looking forward at the road, as I say the leaves are really coming out now. The two buildings right there are not very visible and the motel as well. It's okay, I was just raising that.

CHAIRPERSON MIETZ: Any other questions or comments? Thank you.

Is there anyone in the audience that would

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like to speak regarding these applications? There being none, then the Public Hearing is closed.

APPLICATION 5A-08-19

5A-08-19 Application of Laurence Heining and Susanne Nitray, owners of property located at 376 Meadow Drive, for an Area Variance from Section 207-6A(2) to allow an addition to a detached garage to be 3 ft. from a side lot line in lieu of the minimum 5 ft. required by code. All as described on application and plans on file.

LAURENCE HEININGER: Good evening, I'm Laurence Heining and Susanne Nitray has been Susanne Heining for almost 36 years. We bought the house in March and got married in May, so that's why it appears that way.

I did a few color renderings, I have six of them. I know there's a few more of you than six, so I will start over here. I also have a note from my neighbor, Nancy Sutton at 368 Meadow Drive. I spoke with Larry about this project and they do not oppose it. We were actually talking today about landscaping down that property line, after I saw cut out the asphalt.

We bought the house in 1983, it's a 1931 three-bedroom colonial, but it's really a shingle-sided Tudor in architectural terms. The garages were always built low.

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My Dutch Board is punky at the bottom. I put rat wire along Nancy's side last fall because it had a mouse hole and a squirrel hole. And now that the kids are out of college and all those loans are paid off my dream has always been to raise the garage, I had a contractor there today, raise the, a block course. Because as Judy saw the driveway slopes down so the water runs down and tends to weep under the door and it will freeze up and it's always been a mess.

So, part and parcel of that is, let's add 8 feet to the garage and then I have a 28-foot deep garage. And the logical reason for doing that is there are two British cars in there. There's a 1959 MGA that I purchased from a fellow Brightonian, an only child who didn't have an interest in the car, and I have another Austin Healey. Well, those cars are 13 feet long and 13.1, so together it's 26 feet nominally, and if you put a pool noodle between them, you can park them nose to tail, and then my wife can have the other bay. So 28 feet makes it work and it's under the square footage. I believe your square footage is 600 square.

CHAIRPERSON MIETZ: Yes.

LAURENCE HEININGER: So it's under the square footage. And then in my perfect world we would raise it up a block course so it would be on hydraulic jacks, a contractor

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3 with 46 years experience would raise it. We would frame out
4 the 8 feet, give it the exact same Gable look that you have
5 now, frame the new door in, move the existing door out. Then
6 I would bring in sand, gravel, and probably some foam -- I
7 have to do some research -- put coils over the existing
8 concrete and then have the new concrete poured five inches
9 with wire mesh.

10 And then I would have radiant heat because the
11 MGA, Tom's car, 49 years ago out in LA. So it's an LA car,
12 it was his car in high school. His dad, they moved to
13 Darien, Connecticut, it was in a climate-controlled garage in
14 Darien, it was in a climate-controlled garage here in
15 Brighton. My garage is not climate-controlled.

16 So my wife says, is this really worth it? And
17 I said, well, you know, when we sell the house the husband
18 will be out looking at the garage, come in and say, honey,
19 how nice the garage comes with the house. And so that's why
20 I want to put the addition on, that's why I want to raise it,
21 then I can redo the driveway, which is the same driveway for
22 36 years so it's cracking, heaving. I can tell it was never
23 a quality job and it was probably asphalt put over whatever
24 was there. I'm a civil engineer PE, so I know pavers and I
25 know contractors and I know who's good and I will be able to

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get all this done.

Are there any questions?

MS. TOMPKINS WRIGHT: Did you say you talked to the neighbor --

LAURENCE HEININGER: Lot 22.

MS. TOMPKINS WRIGHT: Okay.

LAURENCE HEININGER: The one closer to the garage.

MS. TOMPKINS WRIGHT: And from the road, I didn't have time to actually go onto the property, and from the road it looks like there is some vegetation between the property and Lot 22?

LAURENCE HEININGER: She's got some kind of bushes that are not done well, and two out of five have died, so she wants to relandscape that. And actually I own the 3 feet and we are going to do a joint project.

When she moved in, the previous neighbors he had arborvitaes and they thrived, she didn't like arborvitaes and cut them all down. So she's had maybe a 15-year project of trying to find something that will grow. And I said, why don't you plant arborvitaes? She said, I hate arborvitaes.

We will figure something out. Right now we're landscaping, in fact my wife was complaining about it the

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other day and said maybe we'll just put a fence up along the property line. I am not a big fan of fences, I don't think they're really aesthetically pleasing. I like green landscaping. But Judy can tell you the landscaping along the driveway is kind of not even there. Did that answer your question?

MS. TOMPKINS WRIGHT: Yes.

CHAIRPERSON MIETZ: Just another quick one, the drainage with the additional structure and all that, how are you going to mitigate that?

LAURENCE HEININGER: Well, back in '96, I purchased the property to the Monroe Avenue side. The resident was born in that house, he never married, went in the Army, worked at the loading dock at PennWalt, and he let the house run into the ground. There were about three or four years of back taxes, the county had a lien on it because his mother lived in the county home for 15 years.

I purchased the house for under \$4,000. You think I got a real steal, right? I paid all the back taxes, I put \$95,000 into it. All the plumbing had frozen, I put a new roof on it, stripped all the gumwood, redid all the floors, new furnace, new whatever. I had four goals, number one is we had child number three, we wanted to sell our

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3 house. There was a woman who looked out the second floor
4 bedroom over at Howard's house and his garage racking over
5 with the caved roof and the squirrels running out. She said,
6 I'm coming to Rochester to do my residency at Strong. I will
7 be here three years and I will then need to sell whatever
8 house I buy. This is the nicest house I have seen, but I
9 cannot take the chance of living next door to that.

10 So when Howard died in August and his executor
11 turned the keys over to the county, the county did nothing.
12 So when the tax bill in March came to the executor, he said,
13 not my tax bill, your tax bill. The house had sat vacant
14 with windows open airing it out, because he was a hoarder,
15 for six months. He called me and said, you want to buy
16 Howard's house?

17 So I put together a program, I built the
18 garage that's behind my neighbor's house. It was \$20,000,
19 the Bowery Brothers built it. I put in the driveway, I put
20 in the copper plumbing. I had all the wiring done, the
21 cable, everything. Number one thing was to drive up the
22 value of the neighborhood so if I ever wanted to sell my
23 house, I could.

24 Number two, we need nice neighbors if you can
25 control that. We had a very nice young couple, they had two

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children, it was all great.

CHAIRPERSON MIETZ: Yes.

LAURENCE HEININGER: We have now young couple number five. Number three, was not to lose any money in the deal. And number four was maybe make some profit. On paper I think we made \$3,000, okay? But we are out there buying electric fixtures on credit cards, stuff like that, so I did that. I showed Judy the new sore thumb in the neighborhood across the street -- and so I'm not quite sure what your question was.

CHAIRPERSON MIETZ: Well, my question really relates, you are adding subsurface area and, you know, how are you going to mitigate --

LAURENCE HEININGER: Oh, the drainage, okay. So when I built that garage I said, my grandfather always had a man door on the side of his garage so he could open the door and go in and get his trimmers without having to open, you know, the big swinging doors. So on that garage I put in the man door on the side and I have a little concrete thing there. But I also put an apron about yea wide, it tips down.

So that's why what I'll be doing is I'll be putting an apron like I did before. And I raised that garage, so now you pinch the asphalt against that concrete

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3 and you're going to work the drainage around either side, you
4 will not have a problem. But also when I built that garage
5 the tradesman asked me, are you sure you want this extra
6 block course, and the extra stone? It's going to cost you
7 another 400 bucks. And I know I'm spending 80 to 90 grand
8 and going, yeah, I definitely want it. It's going up in the
9 air, higher is better.

10 CHAIRPERSON MIETZ: Good.

11 LAURENCE HEININGER: And I know I need some
12 siding because of fire code, so I've read through the code,
13 Rick's people provided me with the code.

14 CHAIRPERSON MIETZ: Right, building permit
15 issues, not as much our issues.

16 LAURENCE HEININGER: Formerly code certified
17 when I was a fireman at Irondequoit, so we are going to
18 follow all of the code.

19 CHAIRPERSON MIETZ: Sure.

20 LAURENCE HEININGER: And I will replace
21 probably the lower clap all the way around so mice and
22 squirrels can't chew through it.

23 CHAIRPERSON MIETZ: All right, great.

24 LAURENCE HEININGER: So any other questions?
25 My wife thinks I'm nuts, but it's either fix the garage or

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live with a number of problems.

CHAIRPERSON MIETZ: Okay. I guess there's no more questions.

MR. DiSTEFANO: I have no questions.

CHAIRPERSON MIETZ: Okay, thank you.

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

We still have no one with Application 3. We will take five minutes.

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REPORTER CERTIFICATE

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

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.

Dated this 18th day of May, 2019.

At Rochester, New York


Rhoda Collins

Brighton Zoning Board of Appeals 5/1/19

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT 2300
ELMWOOD AVENUE, ROCHESTER, NEW YORK ON MAY 1ST, 2019 AT
APPROXIMATELY 8:20 P.M.

May 1st, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON
DOUGLAS CLAPP
JEANNE DALE
KATHLEEN SCHMITT
JUDY SCHWARTZ
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

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

Brighton Zoning Board of Appeals 5/1/19

APPLICATION 5A-02-19

5A-02-19 Application of David Burrows, architect, and Larry and Stacy Turkowski, owners of property located at 141 South St. Regis Drive, for an Area Variance from Section 205-2 to allow a building addition to extend 7 ft. into the 40 ft. rear setback required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 5A-02-19 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. This property is a corner lot and the rear yard at issue functions as a side yard. The addition will thus appear similar to other homes in the area with side yards significantly less than 40 feet. Further, a portion of the addition is to be located where an existing porte cochere already exists, and is located between the main structure and an attached garage meaning it is unlikely to be intrusive to passers by or neighbors.
2. The requested variance is not substantial given that it represents at most a less than 14 percent decrease in the

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required setback and the fact that the location of the addition would meet side yard requirements if it were, in fact, a side yard.

3. The benefit sought by the applicant cannot reasonably be achieved by any other method. The minimum practical width for a modern kitchen is 16 feet and due to the orientation of rooms in the home the only practical expansion area is to the rear.

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

CONDITIONS:

1. The variance granted herein applies only to the addition described in and in a location as depicted on the application and the testimony given.

2. The materials, details, and the overall character of the addition will match that of the original house.

3. All necessary permits and Architectural Review Board approval must be obtained.

(Second by Ms. Schwartz.)

(Mr. Clapp, yes; Ms. Dale, yes; Ms. Watson, yes; Ms. Schmitt, yes; Mr. Mietz, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes.)

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

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APPLICATION 5A-05-19

5A-05-19 Application of Joni Lucas, JK

Findings and Kaupp Family LLC, owners of property located at 1500 Brighton Henrietta Town Line Road, for modification of approved area variances (11A-03-04 and 1A-06-16) to allow for the expansion of an approved front yard parking area where not allowed by code. All as described on application and plans on file.

Motion made by Ms. Dale to approve Application 5A-05-19 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

2. The applicant testified that the parking lot will be well landscaped and also 35 percent green space will be maintained even with the additional parking.

3. The benefits sought by the applicant cannot be reasonably achieved by any other method as the property has three front yards due to being bounded on three of the four sides by roads and therefore any parking expansion falls within a front yard.

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

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an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

5. The difficulty in expanding the parking lot without a variance is dictated by the increased parking needs of the business as the applicant has experienced growth and has added 20 employees in the last two years, and the location of the property.

CONDITIONS:

1. Planning Board and Conservation Board approvals.

2. The variance granted applies only to the construction of the additional 13 parking spaces as depicted on the plans submitted and testimony given.

3. The additional parking area will be well landscaped.

(Second by Ms. Watson.)

(Ms. Schmitt, yes; Mr. Mietz, yes; Ms. Tompkins Wright, yes; Ms. Schwartz, yes; Mr. Clapp, yes; Ms. Watson, yes; Ms. Dale, yes.)

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

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APPLICATION 5A-06-19

5A-06-19 Application of Kirk Wright, Sign and Lighting Services, contractor, and Shailesh Patel, owner of property located at 2729 Monroe Avenue, for modification of approved sign variances (3A-07-08 and 9A-05-18) to allow for replacement/change of the approved front building face sign. All as described on application and plans on file.

Motion made by Mr. Mietz to approve Application 5A-06-19 based on the following findings and facts.

FINDINGS AND FACTS:

1. The current variance on the property for the approved sign on the front is being change from a boxed sign to a channel letter design.
2. The channel letter sign as proposed on the front of the building will be 63.44 square feet where 72 square is allowed on one side of the front of the building.
3. The approved logo shall no longer be in excess of 25 percent and the variance is no longer needed.
4. No negative effect on the character of the neighborhood will result from the change in the sign.

CONDITIONS:

1. This variance will apply to the sign as proposed in plans

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submitted and testimony given.

2. All necessary ARB and Planning Board approvals shall be obtained.

(Second by Ms. Tompkins Wright.)

(Ms. Watson, yes; Ms. Dale, yes; Ms. Schwartz, yes; Mr. Clapp, yes; Ms. Schmitt, yes; Ms. Tompkins Wright, yes; Mr. Mietz, yes.)

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

Brighton Zoning Board of Appeals 5/1/19

APPLICATION 5A-07-19

5A-07-19 Application of Kirk Wright, Sign and Lighting Services, contractor, and Shailesh Patel, owner of property located at 2729 Monroe Avenue, for modification of approved sign variances (9A-07-18) to allow for replacement/change of the approved rear building face sign. All as described on application and plans on file.

Motion made by Mr. Mietz to approve Application 5A-07-19 based on the following findings and facts.

FINDINGS AND FACTS:

1. The previously approved logo sign will no longer be in excess of 25 percent and will no longer require a variance.
2. The previously approved box sign on the rear building is simply the face being modified to meet the new corporate requirements, and the size and location of the sign are not changed from the previously approved variance.
3. No negative effect on the character of the neighborhood shall result from the approval of this variance for the face change in the sign box.

CONDITIONS:

1. This variance will apply to the sign as proposed in plans submitted and testimony given.

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

(Second by Ms. Tompkins Wright.)

(Mr. Clapp, yes; Ms. Schwartz, abstain;
Ms. Schmitt, yes; Ms. Watson, yes; Ms. Dale, yes;
Ms. Tompkins Wright, yes; Mr. Mietz, yes.)

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

Brighton Zoning Board of Appeals 5/1/19

APPLICATION 5A-08-19

5A-08-19 Application of Laurence Heininger and Susanne Nitray, owners of property located at 376 Meadow Drive, for an Area Variance from Section 207-6A(2) to allow an addition to a detached garage to be 3 ft. from a side lot line in lieu of the minimum 5 ft. required by code. All as described on application and plans on file.

Motion made by Ms. Tompkins Wright to approve Application 5A-08-19 based on the following findings and facts.

FINDINGS AND FACTS:

1. The granting of the requested variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The garage is and will continue to be set back over 80 feet from the right of way so the addition will likely not be noticeable to any passers by. Further, the garage addition proposed is not immediately adjacent to any neighbor's home.

2. The requested variance is not substantial given that the current garage already sits at 3 feet from the property line as was permitted in 1930, and thus the addition will not increase the setback violation.

3. The benefit sought by the applicant cannot reasonably be

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achieved by any other method due to the current location of the garage.

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

CONDITIONS:

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

2. All necessary building permits will be obtained.

(Second by Ms. Schwartz.)

(Mr. Mietz, yes; Ms. Dale, yes; Ms. Watson, yes; Ms. Schmitt, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes.)

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

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APPLICATION 5A-03-19

5A-03-19 Application of Daniel Hormaza and Leire Bascaran, owners of property located at 45 Crandon Way, for an Area Variance from Sections 205-2 and 207-10A(4) to allow a deck to extend 14 +/- ft. into the 60 ft. rear setback required by code. All as described on application and plans on file.

Motion made by Ms. Watson to table Application 5A-03-19 due to lack of representation.

(Second by Ms. Tompkins Wright.)

(Ms. Schmitt, yes; Mr. Mietz, yes; Ms. Dale, yes; Ms. Tompkins Wright, yes; Ms. Schwartz, yes; Mr. Clapp, yes; Ms. Watson, yes.)

(Upon roll call, motion to table carries.)

Brighton Zoning Board of Appeals 5/1/19

APPLICATION 5A-04-19

5A-04-19 Application of John and Monique Marchioni, owners of property located at 102 Southern Parkway, for an Area Variance from Sections 203-2.1B(2) and 203-9A(4) to allow a gazebo to be 525 sf in size in lieu of the maximum 250 sf allowed by code. All as described on application and plans on file.

Motion made by Mr. Clapp to deny Application 5A-04-19 based on the following findings and facts.

FINDINGS AND FACTS:

1. The requested variance is more than twice that is allowed by code and is therefore substantial.

2. There's no evidence that there are similar structures in the neighborhood and thus the addition of this structure would produce an undesirable change in the character of the neighborhood.

3. The applicant failed to demonstrate that they considered any other alternatives that would be more in keeping with what the code allows.

4. The need for the variance is self-created.

(Second by Ms. Tompkins Wright.)

(Ms. Dale, yes; Mr. Mietz, yes; Ms. Watson, yes; Ms. Schmitt, yes; Ms. Schwartz, yes; Ms. Tompkins

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Wright, yes; Mr. Clapp, yes.)

(Upon roll call, motion to deny carries.)

* * *

Brighton Zoning Board of Appeals 5/1/19

REPORTER CERTIFICATE

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

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.

Dated this 18th day of May, 2019.

At Rochester, New York


Rhoda Collins