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Brighton Zoning Board of Appeals 5/1/19

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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.**

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

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9 PRESENT:

10 DENNIS MIETZ, CHAIRPERSON
11 JEANNE DALE
12 DOUGLAS CLAPP
13 KATHLEEN SCHMITT
14 JUDY SCHWARTZ
15 ANDREA TOMPKINS WRIGHT
16 JENNIFER WATSON

17

18

DAVID DOLLINGER, ESQ.
Town Attorney

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22

RICK DiSTEFANO
Secretary

23

24

25

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

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

5 Rick, was the meeting properly advertised?

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

8 CHAIRPERSON MIETZ: Will you please call the
9 roll?

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

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

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

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

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

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

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

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

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

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

7 Page 91, Line 16, switch presidential with
8 precedence.

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

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

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

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

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

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

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

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3 MS. TOMPKINS WRIGHT: So moved.

4 MS. SCHWARTZ: Second.

5 (Second by Ms. Schwartz.)

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

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

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

16 APPLICATION 5A-02-19

17 5A-02-19 Application of David Burrows,
18 architect, and Larry and Stacy Turkowski, owners of property
19 located at 141 South St. Regis Drive, for an Area Variance
20 from Section 205-2 to allow a building addition to extend
21 7 ft. into the 40 ft. rear setback required by code. All as
22 described on application and plans on file.

23 DAVID BURROWS: Hello, I'm David Burrows
24 architect, I'm here with Stacy and Larry Turkowski of
25 141 South St. Regis Drive. And they came to me to see if I

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

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

17 So a required setback of 40 feet will instead
18 be 33 feet at the closest point. The rear property is at an
19 angle so there's no exact point as to where it's at the 33 --
20 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.

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

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

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

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

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

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

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3 coats. And so our house is a little bit tight but also

4 having a little bit extra space for storage of stuff, would

5 be nice as well.

6 CHAIRPERSON MIETZ: Okay.

7 MS. SCHWARTZ: How long have you lived at this

8 house?

9 STACY TURKOWSKI: Since 2003.

10 CHAIRPERSON MIETZ: Okay. Larry, would you

11 like to say anything?

12 LARRY TURKOWSKI: Sure. My name is Larry

13 Turkowski, I live also at 141 South St. Regis Drive. We have

14 been thinking about this since we moved into the house, and

15 obviously it was cost prohibitive for a long time. One of

16 the reasons why -- and we considered many, many alternatives

17 but one of the reasons why we wanted this particular design,

18 we thought about cutting it off at the sleeping porch, but it

19 would have made that side of the house really ugly and very

20 blunt. So we figured to have a shed room, I don't know what

21 you call it, on all three sides of the sleeping porch.

22 CHAIRPERSON MIETZ: More symmetrical?

23 LARRY TURKOWSKI: Yes.

24 MS. TOMPKINS WRIGHT: Have you spoken at all

25 to your neighbor that is on the west side at 153? That

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

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

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

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

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

23 CHAIRPERSON MIETZ: Yes, okay.

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

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MR. DiSTEFANO: Sure.

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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?

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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.

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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.

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MS. TOMPKINS WRIGHT: Okay.

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CHAIRPERSON MIETZ: Okay. Any other questions for these folks? 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 5A-04-19

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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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3 203-9A(4) to allow a gazebo to be 525 sf in size in lieu of
4 the maximum 250 sf allowed by code. All as described on
5 application and plans on file.

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

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

19 MR. DiSTEFANO: Can I have the letters?

20 MONIQUE MARCHIONI: Sure.

21 MR. DiSTEFANO: Thank you. Just for the
22 record we have received letters from Ronald Schiavoni of
23 108 Southern Parkway and Penelope Stewart of 100 Southern
24 Parkway just stating the fact that they had no objection to
25 the requested variance. Thank you.

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3 CHAIRPERSON MIETZ: So how did you arrive at
4 525 square feet?

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

11 And because of the way the kitchen is situated
12 and there's also a sliding glass door which is to the right
13 of the electrical panel box and the bay window, if we had it
14 250 square feet, which is according to the code, the post
15 would be right smack in the middle of that sliding glass
16 window. And it would also cut into the island that we have
17 to the left of the kitchen area where we sit. So it wouldn't
18 provide adequate shade or cover of that area.

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

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

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

7 CHAIRPERSON MIETZ: Right, yes.

8 MONIQUE MARCHIONI: Yes.

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

11 MONIQUE MARCHIONI: It's already there.

12 MS. DALE: Okay.

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

21 MONIQUE MARCHIONI: Right.

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

25 MONIQUE MARCHIONI: Yeah. I don't think it

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

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

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

16 MONIQUE MARCHIONI: Okay.

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

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

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

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

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

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

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

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

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

13 MS. DALE: How high is the roof off, is it
14 8 feet off the ground or how --

15 MONIQUE MARCHIONI: The roof line?

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

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

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

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

23 MS. DALE: Okay.

24 CHAIRPERSON MIETZ: It's the pitch.

25 MR. DiSTEFANO: And by code they do meet the

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

5 MS. DALE: Okay.

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

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

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

19 MONIQUE MARCHIONI: I am not aware of that.

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

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

25 MR. DiSTEFANO: Yes, can you guesstimate?

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

6 MONIQUE MARCHIONI: I can't really --

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

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

16 CHAIRPERSON MIETZ: They're 105, maybe?

17 MONIQUE MARCHIONI: Yes, they're on Eastland.

18 CHAIRPERSON MIETZ: Okay.

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

21 MR. DiSTEFANO: The ones on Eastland, yes.

22 What was their last name?

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

24 MR. DiSTEFANO: Okay. Yes, they are at
25 103 Eastland. Wolfe is at 109.

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

5 MS. TOMPKINS WRIGHT: And 115?

6 MR. DiSTEFANO: 115 is Rosenquest.

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

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

11 MR. DiSTEFANO: Yes, they are on Eastland.

12 They were talking about the ones behind you.

13 MONIQUE MARCHIONI: Okay.

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

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

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

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3 MONIQUE MARCHIONI: Uh-huh.

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

7 MONIQUE MARCHIONI: Sure, yes.

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

10 MONIQUE MARCHIONI: Yes.

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

13 MONIQUE MARCHIONI: No, there was --

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

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

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

25 MONIQUE MARCHIONI: Well, we would like

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

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

10 MONIQUE MARCHIONI: Uh-huh.

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

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

19 MR. DiSTEFANO: Is it --

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

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

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3 MONIQUE MARCHIONI: Yes.

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

6 MONIQUE MARCHIONI: Yes.

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

8 MONIQUE MARCHIONI: A solid wood fence.

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

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

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

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

22 MONIQUE MARCHIONI: We moved in in 2012 or
23 2013.

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

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

7 MR. DiSTEFANO: Actually that variance has
8 expired.

9 MONIQUE MARCHIONI: Oh, that has expired?

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

13 MONIQUE MARCHIONI: Okay.

14 CHAIRPERSON MIETZ: Any other questions?

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

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

20 CHAIRPERSON MIETZ: Okay. Any other
21 questions? 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 5A-05-19

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3 5A-05-19 Application of Joni Lucas,
4 JK Findings and Kaupp Family LLC, owners of property.
5 Located at 1500 Brighton Henrietta Town Line Road, for
6 modification of approved area variances (11A-03-04 and
7 1A-06-16) to allow for the expansion of an approved front
8 yard parking area where not allowed by code. All as
9 described on application and plans on file.

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

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

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3 variances which were granted in 2004 and in 2016.

4 The additional parking area is to consist of
5 approximately or it's shown as 13 spaces. We intend to
6 provide proper drainage for the new parking area and
7 landscaping consistent with what's already there on the site.
8 And the parking area is going to take away some of the
9 landscaping that was installed in the last application in
10 2016. We just, where we could we would relocate that
11 landscaping and make additions to it.

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

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

25 JONI LUCAS: Just waiting if they have any

1 Brighton Zoning Board of Appeals 5/1/19
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3 questions.

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

9 JONI LUCAS: I'm Joni Lucas, with JK Findings.

10 We have added over 20 employees in the last two years.

11 Business is wonderful, we did the addition as you probably
12 saw. At that time we added ten additional parking spots,
13 which was going to be more than sufficient because our
14 addition was intended to just bring on equipment that would
15 automate product manufacturing that we were currently
16 outsourcing to China. So we were bringing that manufacturing
17 back to Rochester, but it was going to be all automated, a
18 couple of machine operators, so we didn't intend to expand
19 employment as much as we have.

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

1 Brighton Zoning Board of Appeals 5/1/19
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3 have no space left. If anybody drove by we have no parking
4 spots, so we really need the parking.

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

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

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

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

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

25 Is there anyone in the audience that would

1 Brighton Zoning Board of Appeals 5/1/19
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3 like to speak regarding this application? There being none,
4 then the Public Hearing is closed.

5 APPLICATION 5A-06-19

6 5A-06-19 Application of Kirk Wright, Sign and
7 Lighting Services, contractor, and Shailesh Patel, owner of
8 property located at 2729 Monroe Avenue, for modification of
9 approved sign variances (3A-07-08 and 9A-05-18) to allow for
10 replacement/change of the approved front building face sign.
11 All as described on application and plans on file.

12 APPLICATION 5A-07-19

13 5A-07-19 Application of Kirk Wright, Sign and
14 Lighting Services, contractor, and Shailesh Patel, owner of
15 property located at 2729 Monroe Avenue, for modification of
16 approved sign variances (9A-07-18) to allow for
17 replacement/change of the approved rear building face sign.
18 All as described on application and plans on file.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 MR. DiSTEFANO: Was there any thought about

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3 doing channel letters on the backside also?

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

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

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

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

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

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

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

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

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

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

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

25 Is there anyone in the audience that would

1 Brighton Zoning Board of Appeals 5/1/19
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3 like to speak regarding these applications? There being
4 none, then the Public Hearing is closed.

5 APPLICATION 5A-08-19

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

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

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

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

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

11 So, part and parcel of that is, let's add
12 8 feet to the garage and then I have a 28-foot deep garage.
13 And the logical reason for doing that is there are two
14 British cars in there. There's a 1959 MGA that I purchased
15 from a fellow Brightonian, an only child who didn't have an
16 interest in the car, and I have another Austin Healey. Well,
17 those cars are 13 feet long and 13.1, so together it's
18 26 feet nominally, and if you put a pool noodle between them,
19 you can park them nose to tail, and then my wife can have the
20 other bay. So 28 feet makes it work and it's under the
21 square footage. I believe your square footage is 600 square.

22 CHAIRPERSON MIETZ: Yes.

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

1 Brighton Zoning Board of Appeals 5/1/19
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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

1 Brighton Zoning Board of Appeals 5/1/19
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3 get all this done.

4 Are there any questions?

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

7 LAURENCE HEININGER: Lot 22.

8 MS. TOMPKINS WRIGHT: Okay.

9 LAURENCE HEININGER: The one closer to the
10 garage.

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

15 LAURENCE HEININGER: She's got some kind of
16 bushes that are not done well, and two out of five have died,
17 so she wants to relandscape that. And actually I own the
18 3 feet and we are going to do a joint project.

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

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

1 Brighton Zoning Board of Appeals 5/1/19
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3 other day and said maybe we'll just put a fence up along the
4 property line. I am not a big fan of fences, I don't think
5 they're really aesthetically pleasing. I like green
6 landscaping. But Judy can tell you the landscaping along the
7 driveway is kind of not even there. Did that answer your
8 question?

9 MS. TOMPKINS WRIGHT: Yes.

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

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

20 I purchased the house for under \$4,000. You
21 think I got a real steal, right? I paid all the back taxes,
22 I put \$95,000 into it. All the plumbing had frozen, I put a
23 new roof on it, stripped all the gumwood, redid all the
24 floors, new furnace, new whatever. I had four goals, number
25 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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3 children, it was all great.

4 CHAIRPERSON MIETZ: Yes.

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

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

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

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

1 Brighton Zoning Board of Appeals 5/1/19

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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

12 LAURENCE HEININGER: And I know I need some
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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3 live with a number of problems.

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

6 MR. DiSTEFANO: I have no questions.

7 CHAIRPERSON MIETZ: Okay, thank you.

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

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

13 * * *

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4 REPORTER CERTIFICATE
5

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

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

12
13 Dated this 18th day of May, 2019.

14 At Rochester, New York
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16

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

6 May 1st, 2019
7 Brighton Town Hall
8 2300 Elmwood Avenue
9 Rochester, New York 14618

10 PRESENT:

11 DENNIS MIETZ, CHAIRPERSON
12 DOUGLAS CLAPP
13 JEANNE DALE
14 KATHLEEN SCHMITT
15 JUDY SCHWARTZ
16 ANDREA TOMPKINS WRIGHT
17 JENNIFER WATSON

18 DAVID DOLLINGER, ESQ.
19 Town Attorney

20 RICK DiSTEFANO
21 Secretary

22 (The Board having considered the information presented by the
23 Applicant in each of the following cases and having completed
24 the required review pursuant to SEQRA, the following
25 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 5A-02-19

4 5A-02-19 Application of David Burrows,
5 architect, and Larry and Stacy Turkowski, owners of property
6 located at 141 South St. Regis Drive, for an Area Variance
7 from Section 205-2 to allow a building addition to extend
8 7 ft. into the 40 ft. rear setback required by code. All as
9 described on application and plans on file.

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

13 **FINDINGS AND FACTS:**

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

24 2. The requested variance is not substantial given that it
25 represents at most a less than 14 percent decrease in the

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

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

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

14

CONDITIONS:

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

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

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

22

(Second by Ms. Schwartz.)

23

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

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

1 Brighton Zoning Board of Appeals 5/1/19
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3 APPLICATION 5A-05-19

4 5A-05-19 Application of Joni Lucas, JK

5 Findings and Kaupp Family LLC, owners of property located at
6 1500 Brighton Henrietta Town Line Road, for modification of
7 approved area variances (11A-03-04 and 1A-06-16) to allow for
8 the expansion of an approved front yard parking area where
9 not allowed by code. All as described on application and
10 plans on file.

11 Motion made by Ms. Dale to approve Application
12 5A-05-19 based on the following findings and facts.

13 **FINDINGS AND FACTS:**

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

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

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

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

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

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

10

CONDITIONS:

11

1. Planning Board and Conservation Board approvals.

12

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

15

3. The additional parking area will be well landscaped.

16

(Second by Ms. Watson.)

17

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

20

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

22

23

24

25

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3 APPLICATION 5A-06-19

4 5A-06-19 Application of Kirk Wright, Sign and
5 Lighting Services, contractor, and Shailesh Patel, owner of
6 property located at 2729 Monroe Avenue, for modification of
7 approved sign variances (3A-07-08 and 9A-05-18) to allow for
8 replacement/change of the approved front building face sign.
9 All as described on application and plans on file.

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

13 **FINDINGS AND FACTS:**

14 1. The current variance on the property for the approved
15 sign on the front is being change from a boxed sign to a
16 channel letter design.

17 2. The channel letter sign as proposed on the front of the
18 building will be 63.44 square feet where 72 square is allowed
19 on one side of the front of the building.

20 3. The approved logo shall no longer be in excess of
21 25 percent and the variance is no longer needed.

22 4. No negative effect on the character of the neighborhood
23 will result from the change in the sign.

24 **CONDITIONS:**

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

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3 submitted and testimony given.

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

6 (Second by Ms. Tompkins Wright.)

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

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

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3 APPLICATION 5A-07-19

4 5A-07-19 Application of Kirk Wright, Sign and
5 Lighting Services, contractor, and Shailesh Patel, owner of
6 property located at 2729 Monroe Avenue, for modification of
7 approved sign variances (9A-07-18) to allow for
8 replacement/change of the approved rear building face sign.
9 All as described on application and plans on file.

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

13 **FINDINGS AND FACTS:**

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

23 **CONDITIONS:**

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

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

5 (Second by Ms. Tompkins Wright.)

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

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

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3 APPLICATION 5A-08-19

4 5A-08-19 Application of Laurence Heininger and
5 Susanne Nitray, owners of property located at 376 Meadow
6 Drive, for an Area Variance from Section 207-6A(2) to allow
7 an addition to a detached garage to be 3 ft. from a side lot
8 line in lieu of the minimum 5 ft. required by code. All as
9 described on application and plans on file.

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

13 **FINDINGS AND FACTS:**

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

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

25 3. The benefit sought by the applicant cannot reasonably be

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

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

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CONDITIONS:

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

12 2. All necessary building permits will be obtained.

13 (Second by Ms. Schwartz.)

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

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

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3 APPLICATION 5A-03-19

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

10 Motion made by Ms. Watson to table Application
11 5A-03-19 due to lack of representation.

12 (Second by Ms. Tompkins Wright.)

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

16 (Upon roll call, motion to table carries.)

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3 APPLICATION 5A-04-19

4 5A-04-19 Application of John and Monique
5 Marchionni, owners of property located at 102 Southern
6 Parkway, for an Area Variance from Sections 203-2.1B(2) and
7 203-9A(4) to allow a gazebo to be 525 sf in size in lieu of
8 the maximum 250 sf allowed by code. All as described on
9 application and plans on file.

10 Motion made by Mr. Clapp to deny Application
11 5A-04-19 based on the following findings and facts.

12 **FINDINGS AND FACTS:**

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

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

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

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

23 (Second by Ms. Tompkins Wright.)

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

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3 Wright, yes; Mr. Clapp, yes.)

4 (Upon roll call, motion to deny 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 18th day of May, 2019.

14 At Rochester, New York
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18 Rhoda Collins
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