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Brighton Zoning Board of Appeals 10/2/19

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON OCTOBER 2, 2019  
AT APPROXIMATELY 7:15 P.M.

October 2, 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

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DiSTEFANO  
Secretary

NOT PRESENT:  
JENNIFER WATSON

REPORTED BY: Alexandra K. Wiater, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive  
Batavia, New York 14020

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3

CHAIRPERSON MIETZ: All right. So, at this  
4 time I'd like to call to order the October session of The  
5 Brighton Town Board. Rick, was this meeting properly  
6 advertised?

7

MR. DiSTEFANO: Yes, Mr. Chairman. This  
8 meeting was advertised in the Brighton-Pittsford Post on  
9 September 26th, 2019.

10

11 **FINDINGS OF FACT:**

12

CHAIRMAN MIETZ: Okay. Will you please call  
13 the roll.

14

MR. DiSTEFANO: Mr. Clapp?

15

MR. CLAPP: Here.

16

MR. DiSTEFANO: Ms. Schwartz?

17

MS. SCHWARTZ: Here.

18

MR. DiSTEFANO: Ms. Tompkins-Wright?

19

MS. TOMPKINS-WRIGHT: Here.

20

MR. DiSTEFANO: Ms. Dale?

21

MS. DALE: Here.

22

MR. DiSTEFANO: Mr. Mietz?

23

CHAIRPERSON MIETZ: Here.

24

MR. DiSTEFANO: Ms. Schmitt?

25

MS. SCHMITT: Here.

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3 MR. DiSTEFANO: Ms. Watson? Please let the  
4 report show that Ms. Watson is not present.

5 CHAIRPERSON MIETZ: All right. So, we have  
6 some minutes to talk about. Those are the August minutes.  
7 So -- Yes, ma'am. Good to have you back. Thank you.

8 MS. SCHWARTZ: Did you miss me?

9 CHAIRPERSON MIETZ: Yes. Of course we did.

10 MS. SCHWARTZ: Good. Okay. On Page 26, Line  
11 11, just reverse the word "that" and "make." Make comes  
12 before.

13 Page 33, Line 22, after the word "don't,"  
14 please insert "you." And Line 25, after the word "and,"  
15 please insert the word "it."

16 On Page 34, Line 14, after the word "there"  
17 insert the word "in." And after the word "front" insert "of  
18 us."

19 On Page 42 -- I need help people -- Line 17,  
20 the third word, no substantial valitivity, I don't know what  
21 that means.

22 CHAIRPERSON MIETZ: Page 42, Line 17, right?

23 MS. SCHWARTZ: Yeah. Page 42, Line 17, the  
24 third word.

25 CHAIRPERSON MIETZ: Well, since I did it, I

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3 better figure it out, right?

4

MS. TOMPKINS-WRIGHT: Right. It basically  
5 changes. And I don't know what word you were using.

6

MR. DiSTEFANO: Just use the word "inaudible".

7

CHAIRPERSON MIETZ: Huh?

8

MS. SCHWARTZ: What?

9

MR. DiSTEFANO: I just put "inaudible" where  
10 that word is.

11

MS. SCHWARTZ: Oh, all right. Okay. The  
12 third word, "inaudible." Okay. On Page 44, Line 20, the  
13 last word should be "garage." Add "garage," please.

14

On Page 45, Line 16, the word is "habitable."

15

And on Page 53, Line 20, the word should be  
16 "complying." And that's all I have.

17

CHAIRPERSON MIETZ: That's it. Does anyone  
18 else have anything? How about a motion?

19

MS. TOMPKINS-WRIGHT: So moved.

20

(Seconded by Ms. Schwartz.)

21

MR. DiSTEFANO: All right. Put that sheet  
22 away. The motion is to approve with corrections.

23

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

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3

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

5

CHAIRPERSON MIETZ: Okay. So, the first  
6 holdover application --

7

MR. DiSTEFANO: We have the 9th of September  
8 meeting.

9

CHAIRPERSON MIETZ: Pardon?

10

MS. TOMPKINS-WRIGHT: The September meeting.

11

CHAIRPERSON MIETZ: Oh, yeah. That's right.  
12 I'm sorry. September? Does anybody have everything on  
13 September? I just did a quick glance but I didn't see  
14 anything glaring. Does anybody have anything on September?

15

MS. TOMPKINS-WRIGHT: The approvals were good.

16

CHAIRPERSON MIETZ: Okay.

17

MS. TOMPKINS-WRIGHT: So, I move to approve.

18

(Seconded by Mr. Clapp.)

19

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

20

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

21

Ms. Schmitt, yes.)

22

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

24

CHAIRPERSON MIETZ: Okay. All right. Are we  
25 ready for the first application?

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3 MR. DiSTEFANO: Is anyone here for application  
4 7A-09-19? That is for 230 Richs Dugway. No? Okay.

5 Is anybody here for application 9A-03-19?  
6 That is for 1881 Monroe Avenue, Five Guys Restaurant. Nope.

7 Mr. Chairman, I suggest that we move 9A-04-19  
8 to later in the meeting so that it can be taken up with  
9 applications --

10 CHAIRPERSON MIETZ: Seven and eight.

11 MR. DiSTEFANO: Seven and eight.

12 CHAIRPERSON MIETZ: Okay. We'll have four,  
13 seven and eight together.

14 MR. DiSTEFANO: So, that brings us to --

15 CHAIRPERSON MIETZ: 10A-01.

16 APPLICATION 10A-01-19

17 10A-01-19 Application of Nancy Zimmer, owner  
18 of property located at 71 Golfside Parkway for an area  
19 variance from section 205-2 to allow for a reduction in lot  
20 area from 25,555 square feet to 19,932 square feet where a  
21 minimum 23,125 square feet is required by code. All as  
22 described on application and plans on file.

23 MR. ZIMMER: Hello. Good evening.

24 CHAIRPERSON MIETZ: Hi.

25 MR. ZIMMER: I'm Steve Zimmer. I'm the

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3 applicant's son.

4

5 CHAIRPERSON MIETZ: Okay. What's your  
address, sir?

6

MR. ZIMMER: My home address is --

7

CHAIRPERSON MIETZ: Yes?

8

MR. ZIMMER: Van Voorhis Road in Pittsford.

9

10 CHAIRPERSON MIETZ: Can you just tell me what  
it is?

11

MR. ZIMMER: 100 Van Voorhis Road. I'm sorry.

12

CHAIRPERSON MIETZ: Thank you.

13

14 MR. ZIMMER: The application's address is 71  
Golfside Parkway.

15

CHAIRPERSON MIETZ: Got it.

16

17 MR. ZIMMERMAN: Due to a minor lot line  
adjustment to allow for re-subdivision. And that's about it.

18

MS. TOMKINS-WRIGHT: What's the --

19

20 MR. ZIMMERMAN: The re-subdivision is to allow  
for a portion of the property to be given to the neighbor for  
21 use by their small kids and to reduce the maintenance for my  
22 mother.

23

24 MS. SCHWARTZ: And I did walk back to just see  
it. It's an amazing lot, okay? And I saw a dome climber  
25 there. Is it going to start there and then go over? Is it

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3 back that far?

4

MR. ZIMMERMAN: Yeah. It's back that far.

5

It's a triangular piece of land that goes to the back

6

corner --

7

MS. SCHWARTZ: Okay.

8

MR. ZIMMERMAN: -- over to Jerry Lovely's

9

(phonetic) house.

10

MS. SCHWARTZ: Okay. All right.

11

CHAIRPERSON MIETZ: Okay. Is there any

12

questions for this gentleman? It's pretty straightforward.

13

Questions? No? Oh, go ahead.

14

MS. TOMKINS-WRIGHT: Are there other

15

properties that have a smaller lot in the neighborhood as

16

well?

17

MR. ZIMMERMAN: I believe so, or a similar

18

size anyways. This will bring the neighbor's property up to

19

almost compliance as well as ours, just under compliance. It

20

will be very similar if the lot size is completed.

21

CHAIRPERSON MIETZ: Okay. Any other

22

questions? No? Okay. Thank you, sir.

23

MR. ZIMMERMAN: Thank you.

24

CHAIRPERSON MIETZ: Is there anyone in the

25

audience that would like to speak regarding 71 Golfside?

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3 There being none, then the Public Hearing is closed.

4 APPLICATION 10A-02-19

5 10A-02-19 Application of Sisters of Mercy,  
6 owner of property located at 1437 Blossom Road, for a  
7 Temporary and Revocable Use Permit pursuant to Section 219-4  
8 to allow the display of two banners advertising school events  
9 for a three week period in October where not allowed by code.  
10 All as described on application and plans on file.

11 MR. CARRO: Hello. I'm not sure -- do I need  
12 to turn --

13 MR. DiSTEFANO: Yes.

14 MR. CARRO: Thank you, Rick.

15 Hi, my name is Dave Carro, C-a-r-r-o. And I  
16 live in Canandaigua, 5230 Overlook Lane. And I'm here  
17 representing the school. I am the director of marketing for  
18 the school and the principle requestor of these banners.

19 CHAIRPERSON MIETZ: Okay. Can you tell us  
20 what the --

21 MR. CARRO: Sure. Sure. So, we have a  
22 90-year-old school where we have some restrictions on  
23 modifications to the exterior of the building, maintaining  
24 historic code and things like that. We also have new  
25 portions of the building. "New" meaning, you know, within

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the last ten, 15 years. And we have a lot of property. And so, we have two events that are coming up. One is an open house, which is a critical component of our enrollment mainly because that we are a viable entity in the Town of Brighton. We maintain an open house which invites the public to come and see the school for potential new students. So, it's very important that that is successful. In years past, we have not utilized the property to display a banner along Clover and Blossom, on the corner there, that we'd like to do this, if we could, and for substantial years. I'm not sure how the request may be for banners year after year. But we'd like to do that. The banner, if approved, could be hung tomorrow and it could come down on the 24th. So, a very brief period of time. There's some images that I included of the -- I guess the proof of what I thought it might look like to help you understand what it is that we're looking to do. The banner in the image is actually going to be a little bit smaller in discussions with the developer of the banner, the creator, he felt and I agree, that the wind is going to be a factor with something that large. So, it has been reduced to -- I think an eight or a ten-foot-wide banner. And it's a little bit narrower top to bottom as well. The second banner will be hung -- mounted against the newest portion of the building,

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3 the gymnasium and auditorium, brick facade, promoting our  
4 gala which is very -- if you think about the open house that  
5 is so important for enrollment, the gala is very important  
6 for fundraising, which is our signature fundraising event.  
7 And we have a lot of folks who come through, parents and  
8 others, picking up girls and dropping them off in the parking  
9 lot. And they look at the big brick wall, and so we'd like  
10 to hang a large banner there for, I guess, it would be  
11 probably two or three weeks. That has not been -- I don't  
12 think either of them have been produced, but we're still  
13 developing the content of that banner. And basically it  
14 would just promote the gala and hope folks would buy tickets.

15 CHAIRPERSON MIETZ: Okay. So, would the  
16 timeframe be the same on both of them?

17 MR. CARRO: The open house is October 24th.  
18 The gala is November 2nd.

19 CHAIRPERSON MIETZ: All right. But as far as  
20 the advertising goes --

21 MR. CARRO: Yes. It's --

22 CHAIRPERSON MIETZ: -- you would want it to go  
23 three weeks on the banner at the intersection. But the other  
24 one you don't want it to run concurrently with that?

25 MR. CARRO: No, it would. It would be. It

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3 just depends on when they would be produced, when we could  
4 get them up. So, we could get them up -- as soon as we could  
5 create them and install them, we would do so as soon as  
6 tomorrow if they were produced. And then open house would  
7 come down on the 24th and gala would come down on the 3rd.  
8 So, just a couple of weeks. There is some overlap in there.  
9 So, just a couple of weeks for both of them -- or a few weeks  
10 for both of them.

11 CHAIRPERSON MIETZ: And your other comment  
12 was, if it's possible you want to do this for next year as  
13 well?

14 MR. CARRO: Yes. I'm not sure what the  
15 process is or how long I could get permission to do this this  
16 time of year. If I would have to submit another application  
17 and pay the fee, or if this is something that we could put on  
18 record that this is something that we would like to do  
19 yearly. And then obviously, I want to stay in compliance  
20 with the town. So, if there is a way that we could do it for  
21 more than one year, I would request that.

22 MR. DiSTEFANO: The normal process for a  
23 Temporary and Revocable Use Permit is, you could ask for up  
24 to two-year period.

25 MR. CARRO: Okay.

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MR. DiSTEFANO: So, you could be given a -- a  
4 period in October, a three-week period, four-week period, in  
5 the month of October or into November -- whatever -- for up  
6 to two years. Usually, with the first time, something like  
7 this, the board likes to just give you one year.

8

MR. CARRO: Uh-huh.

9

MR. DiSTEFANO: And then you could come back  
10 and then you could start requesting two years. And the  
11 reason to do that is that if there are issues --

12

MR. CARRO: Sure. Makes sense.

13

MR. DiSTEFANO: -- with the first time, then  
14 we can address those issues before you --

15

MR. CARRO: To not be locked in?

16

MR. DiSTEFANO: Right.

17

MR. CARRO: I totally get that.

18

CHAIRPERSON MIETZ: The other thing too is the  
19 content. Because if we approve something in content, then  
20 the second year, it can't be different. So, we're talking  
21 about the spirit of the event, but a play of the words, you  
22 know, indicated something else or --

23

MR. CARRO: No -- correct. I mean, other than  
24 date changes and artwork that might be new.

25

CHAIRPERSON MIETZ: But I think that's good.

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3 Like Rick is saying, if we did approve -- decide to do it for  
4 the one year, it gives you the opportunity to make sure that  
5 that's the right words, that's the right locations and all  
6 that. And then we can come back. Like that.

7

MR. CARRO: Sure.

8

9

CHAIRPERSON MIETZ: But then after that, you  
could apply for two weeks.

10

11

MR. CARRO: Okay. And I will accept that and  
respect your decision.

12

13

CHAIRPERSON MIETZ: Okay. Is there any  
questions about this?

14

15

16

17

MR. CLAPP: Yes. The size and the placement  
of the one on the corner of Clover and Blossom. Would that  
be situated where it does not obstruct views of left turns  
onto Clover from Blossom?

18

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MR. CARRO: Yes. The ultimate decision is  
going to lie with the plan manager or property manager there  
at the Sisters of Mercy. And it's -- can be set up -- set  
back enough so where, if you're coming -- I don't know which  
direction it is -- away from 590 down Blossom, and if you  
need to see around the corner to Clover, that -- by the time  
you could see the banner, a chip of the trees would be there  
as well. So, I don't believe that that would be an issue.

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MR. DiSTEFANO: Chris, to your question, typically with freestanding-type signs that are permitted, we do require a ten-foot set back from the front property line. Right-away line slash road property line. So, that might be a requirement coming from this board that it has to be at least that, maybe even further, but at least a ten-foot set back. And that is to help the clear vision zone --

MR. CARRO: Sure.

MR. DiSTEFANO: -- and we don't cause any obstructions in view.

MR. CARRO: We have quite a bit of space from the road. And then the spit of land. And then the sidewalk and then our property. I would imagine that the -- the two-foot variance be from the road, or would it be from the sidewalk?

MR. DiSTEFANO: Well, it would be from the -- it would be from probably where the sidewalk is because usually there is a tree lawn. The pavement isn't the front property line. There is a space called the tree lawn. In that you usually have your sidewalks, trees, et cetera, that is town owned property. And you have to stay out of the town right-away with any type of obstruction like that. And then we usually request a further distance off of that just so

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3 that we don't have any issues with obstructions for -- to  
4 ensure driver safety.

5 MR. CARRO: Sure.

6 MR. DiSTEFANO: -- and pedestrian safety. So,  
7 that's something that we can clearly take a look at in our  
8 decision.

9 CHAIRPERSON MIETZ: And most of the sign  
10 companies that you would hire to do this are well aware of  
11 these rules. And I doubt it's going to be any surprise with  
12 them.

13 MR. CARRO: Sure. And if the town does grant  
14 the request, would I have -- I would love to stay, but I have  
15 a puppy that needs to go out -- I'm sure -- tonight. But  
16 would that be -- would these instructions be available if I  
17 contacted you tomorrow?

18 MR. DiSTEFANO: Well, it would probably be a  
19 condition of your approval, yes.

20 MR. CARRO: Okay. All right. So, we would  
21 know --

22 MR. DiSTEFANO: Yes.

23 MR. CARRO: -- because if -- because of the  
24 short timeframe, we would probably want to install this as  
25 soon as possible and we want to make sure that we --

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CHAIRPERSON MIETZ: If it's approved, you probably just need to meet the requirements of what the approval is. As long as you do that, you should be fine.

6

MR. CARRO: Okay.

7

8

MR. DiSTEFANO: And just -- I don't know if I'm -- do you have another question?

9

MS. TOMKINS-WRIGHT: Yes.

10

MR. DiSTEFANO: Go ahead.

11

12

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MS. TOMKINS-WRIGHT: Do you know the exact sizes of the signs that you're posting? I know you said the freestanding one. You're thinking -- or reducing eight-to ten-feet long. How tall is it?

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MR. CARRO: I would imagine it would be four or five feet. And I apologize for not knowing exactly because there's a lot of other balls in the area. The sign company and what they believe will be a proper size to not have wind slits and to not tear in the wind. And so there is a debate as far as the side. But it will be around ten or eight feet wide, and about five or four feet tall. The banner against the building, I believe, they're looking at a 16 foot wide by six foot tall, I think. I'm so sorry that I don't have the specific numbers. They're not -- they have not been produced yet. So, I don't have them on-site to

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3 measure them.

4 MS. TOMPKINS-WRIGHT: Would you consider a  
5 smaller building sign? Because you just -- it's twice as big  
6 as any other sign on the building, I think. Because you're  
7 saying -- this wasn't -- the sign isn't intended to be  
8 viewable from the street? Or people passing by? It's  
9 intended to be viewed by those pulling into the parking lot?

10 MR. CARRO: Yes.

11 MS. TOMPKINS-WRIGHT: So, would you consider  
12 something smaller that would still be visible to them, but  
13 maybe not so intrusive on the side of the building?

14 MR. CARRO: We certainly can. As a marketing  
15 director, I know the value of what to put on a sign or  
16 billboard, and not to put small type. So, we don't intend to  
17 put small type on this. Where reduction in the size of the  
18 banner is still in addition to a cost savings for us, but  
19 also still results in the same, you know -- hopefully ticket  
20 sales. So, if there is a recommendation from this committee,  
21 I would certainly welcome that.

22 CHAIRPERSON MIETZ: Usually we're looking at  
23 square footage on these things. So if it's 16 by 6 or 12 by  
24 5 or whatever it is, then it would be the maximum square  
25 footage, okay? But I would encourage you next year if you

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come for this again, that we have something specific to look at. And the sign company provides that information because it's much easier for us to not be --

MR. CARRO: No, I --

CHAIRPERSON MIETZ: -- denying your banners and --

MR. CARRO: No, I certainly -- certainly will do that for sure. The cost of the banners being prohibitive producing them prior to approval this first year is -- was something that -- as a not-for-profit school, we really wanted to avoid --

CHAIRPERSON MIETZ: I think -- all we're talking about is a sketch. We're not asking you to produce something per se. Come up with a sketch. Which all sign companies do all the time. So it's just asking them to do that. That's all.

MR. CARRO: Absolutely. I can do that.

CHAIRPERSON MIETZ: Okay.

MR. CLAPP: One other thing -- again, I know often signs that size pretty much were -- they require substantial bracing anyhow. And I can imagine the temptation to sank to more or less permanent post there to tie off to, which then leads to temptation putting other signs up -- "Oh,

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let's do something in the spring." So, I think just to be clear, we're talking temporary?

CHAIRPERSON MIETZ: We'll talk about that later.

MR. CLAPP: Is removal --

MR. CARRO: I have a suggested installation from the sign company, to sync U-channels, that the -- I think it's what they're called -- what they hang stop signs with -- to pound those flush with the ground. And then install and --

MR. CLAPP: And that answers that question.

MR. CARRO: Yeah. That's what they're hoping. So, we would like to leave the ones in the ground.

CHAIRPERSON MIETZ: That's fine.

MR. CARRO: -- for the mowers and anything like that. But then everything would -- would come down.

CHAIRPERSON MIETZ: Okay. Great. Any other questions on this? Okay. Thank you.

MR. CARRO: All right. Thank you.

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

APPLICATION 10A-03-19

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10A-03-19 Application of Charles and Joanne Cavallero, owners of property located at 41 Monroe Parkway, for an Area Variance from Section 203-2.1B(3) and 203-9A(4) to allow a detached garage to be four feet from a lot line in lieu of the minimum five feet required by code. All as described on application and plans on file.

MR. DELMONTE: Hi, I'm Anthony Delmonte. I live at 90 Hidden Ridge Trail, Honeoye Falls. My parents bought a house in Brighton. Unfortunately, they're out of town. So, I was sent here instead. They just need a four foot -- hold on one second. It's listed right there. They want to have a four foot variance from the lot line instead of the minimum five foot to attach their detached garage because apparently as it would stand, the garage would almost butt up to the back end of the house if it was built exactly to code. So, I think he just wants a one-foot variance. And that's honestly all the information I have.

CHAIRPERSON MIETZ: Okay. So, basically what you're saying is that they're increasing the side of the garage because that's --

MR. DELMONTE: Well, the whole -- the whole old garage is --

CHAIRPERSON MIETZ: I mean, the replacement

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garage is going to be a little bigger than the old garage?

MR. DELMONTE: Yeah. Exactly.

CHAIRPERSON MIETZ: And in order to place it in the proper location, it kind of pinches the back property line there?

MR. DELMONTE: Right. Because there's the old stockade fence right behind it. So, it's kind of, like, squeezed in.

CHAIRPERSON MIETZ: Okay.

MR. CLAPP: I'm just curious, when did they buy the house or how long ago?

MR. DELMONTE: I believe they bought it --

MR. CLAPP: Roughly?

MR. DELMONTE: -- I want to say roughly a year ago. They intend to use the top as his office space. My dad's a doctor so he wants to do his private practice out of there.

MS. TOMKINS-WRIGHT: Did the --

MR. DiSTEFANO: When you say -- oh, I'm sorry. Can I just -- just say one little thing?

MS. TOMKINS-WRIGHT: Uh-huh.

MR. DiSTEFANO: When you say "private practice," they're going to live in this house, correct?

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3 MR. DELMONTE: No. I believe, no.

4 MR. DiSTEFANO: That's an issue.

5 MR. DELMONTE: Okay.

6 MR. DiSTEFANO: Okay. That wasn't brought up  
7 as part of the process here.

8 MR. DELMONTE: Oh, the -- what I was told was  
9 that, they wanted me to move in to that house to rent it from  
10 them. But -- but they -- yeah -- I know. Right. But they,  
11 themselves, I do not think so. Unless they decide to. But  
12 --

13 MR. DiSTEFANO: Yeah. But that means we might  
14 have to table this application until we get a little more  
15 information from your parents --

16 MR. DELMONTE: Okay.

17 MR. DiSTEFANO: -- in regards to what -- the  
18 problem is, it's not zoned for office. It is zoned  
19 residential.

20 MR. DELMONTE: Oh, okay.

21 MR. DiSTEFANO: And you can run a home  
22 occupation out of there. But you have to live there.

23 MR. DELMONTE: Okay.

24 MR. DiSTEFANO: So, not be a separate office  
25 used in that residential district.

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3 MR. DELMONTE: Okay. So, that would actually  
4 work out because I do all of their technical work for that --  
5 their side practices. I do all their online stuff.

6 MR. DiSTEFANO: Right. But it's the person  
7 living in the house, it's their occupation. So, if your  
8 father, the doctor, was there he'd have to be living in that  
9 house to run his practice out of that house.

10 MR. DELMONTE: Oh, okay. I understand.

11 MR. DiSTEFANO: Okay. All right.

12 CHAIRPERSON MIETZ: And actually, if we  
13 decided to table the application, then maybe when they  
14 return, they can come in and see -- and we can explain to  
15 them the pitfalls here and what to do. And then we'll just  
16 hold the application for a month.

17 MR. DELMONTE: Okay. I apologize. I was not  
18 given a lot of information.

19 CHAIRPERSON MIETZ: No. That's okay. You're  
20 just a pinch hitter.

21 MR. DELMONTE: Yeah.

22 CHAIRPERSON MIETZ: Okay. So, anything else?  
23 Anyone else? Okay. Thanks.

24 MR. DELMONTE: Take care.

25 CHAIRPERSON MIETZ: Thank you. Is there

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3 anyone in the audience that would like to speak regarding  
4 this application? Okay. There being none, the Public  
5 Hearing is closed.

6 APPLICATION 10A-04-19

7 10A-04-19 Application of Randall Peacock,  
8 agent, and Matthew and Anne DeVine, owners of property  
9 located at 210 Bonnie Brae Avenue, for an Area Variance from  
10 Section 207-10E(5) to allow for a driveway expansion to be  
11 within two feet from a lot line in lieu of the minimum four  
12 feet required by code. All as described on application and  
13 plans on file.

14 MR. PEACOCK: Good evening. I'm Randy  
15 Peacock, my address is 70 Linden Oaks in Brighton. This is  
16 our third trip to see you folks with regard to this project.  
17 The -- the construction project is going well. I don't know  
18 if you had a chance to stop by and see the new garage. In  
19 the processing of building the addition, the driveway was  
20 mulled by the contractors equipment coming in and out. And  
21 my client will actually end up replacing the driveway. And  
22 when we originally applied, the intent was to leave the  
23 driveway in its current shape, which is just a widening, to  
24 match the new garage width. In the process of looking at it  
25 now, having to replace the entire driveway, what we would

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like to do is actually align the driveway with the southside wall of the garage and run that as a straight line out to the street. For the most part, that sits within the four foot required setback that's -- that the town zoning limit that's -- has. With the exception of a small strip approximately two feet wide and 40 feet long, a little triangle of it that would encroach within that four foot side setback. The -- we don't believe that this would cause a negative change to the environment in any manner. It's a very minimal change overall. And we believe it's in concert with all of the other variances that have been granted. We did establish in our previous variance application that it's not self-created in a sense because there was a creek which runs through the north side of the property, and as the house was all shifted to the south in order to accommodate that space where the creek runs through. I think I probably said enough about that. And if you have any questions, I would be happy to answer them.

MS. DALE: So, is the request stemmed from just an aesthetics perspective or is there some sort of thought that --

MR. PEACOCK: Well, it lines up better with the driveway than having it come straight off of the side of

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the garage in that manner.

MS. DALE: Well, there's not a claim here that the applicant would be unable to reverse the driveway in --

MR. PEACOCK: Well, it gives a little bit more width at the street line, which allows the cars to more easily pass each other as they come into the driveway if there's a car parked in the driveway itself. So, it does aid the usage of the driveway. It makes it more serviceable.

MS. DALE: But prior to when you -- when you came to us before and submitted the plan, at that time it was not viewed that that was necessary.

MR. PEACOCK: Because it was -- there wasn't an intent to replace the driveway at that point in time. We were going to work with the driveway as it was. But there was enough damage done to it --

MS. DALE: Right. Our belief was at that time, that the driveway in its current structure was going -- coverage was going to be sufficient.

MR. PEACOCK: They -- they could work with it. And this provides a better operating situation.

CHAIRPERSON MIETZ: Well, what -- what is that average at that right-away line and what is the actual width if you add the foot and a half or two feet width, we could

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3 actually -- or what would we have at the --

4 MR. PEACOCK: Rick, you don't have an  
5 engineering scale with you, do you? Thank you, sir.

6 CHAIRPERSON MIETZ: Just roughly is fine.

7 MR. PEACOCK: Yeah. Well, I can probably give  
8 it to you almost exactly.

9 CHAIRPERSON MIETZ: Okay. Well, that's even  
10 better.

11 MR. PEACOCK: Sorry. I didn't have that off  
12 the top of my head. It will be 16 feet wide overall.

13 CHAIRPERSON MIETZ: So, roughly what's there  
14 now will be approximately 14 feet?

15 MR. PEACOCK: No. What's there now is about  
16 12 feet.

17 CHAIRPERSON MIETZ: Twelve feet.

18 MR. DiSTEFANO: So, you're extending over into  
19 the yard also?

20 MR. PEACOCK: Right.

21 MR. DiSTEFANO: To the north?

22 MR. PEACOCK: We're expanding four feet in  
23 width at that end. About from 12 to 16.

24 CHAIRPERSON MIETZ: Okay. And what -- again,  
25 I'm just repeating in a sense of what you just explained --

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3 is that you feel that there's some additional convenience at  
4 the street because that 16 feet, would you agree, two cars  
5 can't pass 16 feet anyway, right?

6 MR. PEACOCK: Two cars can fit in 16 feet. A  
7 standard parking space is approximately nine feet wide and  
8 handicapped spaces are eight feet wide --

9 CHAIRPERSON MIETZ: Right.

10 MR. PEACOCK: -- without the blank space next  
11 to it. You can get by one car. So, it will make it more  
12 difficult if you have a car parked towards the through of  
13 that driveway. In fact, it's -- you have to drive on the  
14 grass at 12 feet. You can't pass two cars by each other. As  
15 an example, you're -- you require in a drive-thru in  
16 Brighton, that you have a 16 foot width --

17 CHAIRPERSON MIETZ: Yes.

18 MR. PEACOCK: -- so that a car can get by  
19 another car parked at the drive-thru window. But -- so...

20 CHAIRPERSON MIETZ: I -- I guess, I have more  
21 questions as it relates to what -- would there be cars, at  
22 any time, parked out there if you have the right of way line?  
23 Is that the reason we need to pass by them, or what is the  
24 reason?

25 MR. DeVINE: I think the --

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3 CHAIRPERSON MIETZ: Can you give us your name  
4 and address?

5 MR. DeVINE: Oh, sorry. Matthew DeVine.  
6 Homeowner at 210 Bonnie Brae.

7 CHAIRPERSON MIETZ: Okay.

8 MR. DeVINE: I think -- well, our cars parked  
9 in there, of course, also and the winter with snow removal,  
10 you know, having the ability to get out and around with snow  
11 that was kind of building up and there's that side --  
12 sidewalk getting around. It just -- to me it just seemed  
13 like having that straight line ability would make it --  
14 prevent from people just being on the grass and it going over  
15 that grassy area as you're coming off trying to take that cut  
16 that you have to kind of come right off to kind of veer back  
17 in. And then, for me, it's esthetic and just more safety.  
18 And I have kids that are four years from learning to drive  
19 and coming into the driveway and such. And so, I just don't  
20 want them be tearing up the grass as they're kind of going  
21 through. And then with, you know, snow removal and seasonal  
22 things going around, like, to the sidewalk to enter the house  
23 during the wintertime as well.

24 CHAIRPERSON MIETZ: Okay.

25 MS. SCHWARTZ: I have a question. How long

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have you lived in the residence?

MR. DeVINE: Ten years.

CHAIRPERSON MIETZ: Any other questions?

MR. DiSTEFANO: And Randy, in your opinion, taking that two feet that meets the variance and just flipping that over to the north side of the driveway where it kind of bends out now, that would look -- that just look awkward and appear awkward even though you get the same distance in there without the need of the variance?

MR. PEACOCK: It skews the driveway into the house a little bit. You know, I think Matt made a good point in that when the driveway gets plowed, having it line up square to the house helps considerably in terms of -- you know, same thing in terms of backing out or in. You tend to orientate yourself with the buildings, around you. And so, if you can back out looking at the building, you know you're doing perpendicular to the building you're still on the driveway. Where as if that driveway cuts in, you've got to move around it.

MR. DiSTEFANO: I hope when you're backing out you're looking behind you.

MR. PEACOCK: That's a little bit of both -- a little bit of both.

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3 MS. TOMKINS-WRIGHT: I know we have one letter  
4 from a neighbor. Did you talk to any other neighbors to see  
5 if the other ones had concerns about why --

6 MR. PEACOCK: Yeah. I talked to the neighbor  
7 directly when we started the -- you know, all the work. And  
8 basically had said, you know, this was where we were at. In  
9 fact, even with the driveway itself, with all of the details  
10 of the work, you know, I didn't even think about the driveway  
11 until we kind of looked at it and once it was all tore up,  
12 that's, you know, one of those things that was a safety thing  
13 for me. Every -- every neighbor that I have spoken to has  
14 been favorable of the work. And I have no -- have gotten no  
15 objections of, you know, the contractors. Given out the  
16 cards to all of the neighbors and throughout the work itself.  
17 And so, I haven't heard of any concerns in regards to the  
18 work itself.

19 MS. SCHWARTZ: You made a comment, I think,  
20 Randy, in reference to Rick's question about, it would go  
21 more towards the house and so on. But what about the other  
22 way? Where it's, you know, going -- approach upon the  
23 neighbor, which it is almost more important, really, than  
24 coming into your lawn. Do you have any comments about that?

25 MR. DeVINE: I mean, there is a walkway that's

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3 in front of the house that has a -- kind of arc curve to it,  
4 but the driveway falls around that arc now. And that is an  
5 area of challenge in the winter now. And that was exactly my  
6 reasoning of why trying to straighten the driveway itself --  
7 trying to straighten the other side now with an arced  
8 sidewalk would look -- wouldn't be as esthetically pleasing  
9 to the -- the house to the neighborhood. And so, it was just  
10 -- you know, you have a garage that's right there. It just  
11 makes perfect sense to kind of straighten that line all the  
12 way back through so that cars can get in and out, people can  
13 move in and out of that area safely. And there's now a  
14 sidewalk path that's right there as well that you want to be  
15 able to have foot traffic with, you know, the kids coming  
16 home from work, et cetera.

17 MS. SCHWARTZ: And are those sidewalks  
18 relatively new? Were they there?

19 MR. DeVINE: They were there.

20 MS. SCHWARTZ: They've been there all this  
21 time?

22 MR. DeVINE: Yeah. They've always been there.

23 MR. PEACOCK: You know, I'd like to point out,  
24 the driveways are -- of the neighboring house is also off set  
25 to the southside of their property. I don't think that

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there's any way you can really notice that two foot difference in terms of the encroachment on their -- the front yard. The -- excuse me -- the house sits a little bit skewed because the lot is -- is just a tiny bit pie-shaped. So, in terms of reading what you see as a property line, you don't see that in this particular situation. So, it's not something that encroaches on the neighbor. I think it causes a detrimental -- or dipterous affect on the neighbor's property. I think that that's the difference. You're hard-pressed to tell exactly where the property line is any ways.

CHAIRPERSON MIETZ: Okay. Other questions? Questions?

MR. CLAPP: No.

CHAIRPERSON MIETZ: Okay. Questions over here? Okay. Thank you, gentleman.

MR. DeVINE: Take care. I appreciate your time.

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

APPLICATION 10A-05-19

10A-05-19 Application of Terence Zappia,

## 1 Brighton Zoning Board of Appeals 10/2/19

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3 agent, and Wegman Saunders Sawgrass LLC, owner of property  
4 located at 158 Sawgrass Drive, for 1. A Sign Variance from  
5 Section 207-32B(3) to allow a building-mounted business  
6 identification sign to be 35 feet in height in lieu of the  
7 maximum 20 feet allowed by code; and 2. A Sign Variance from  
8 Section 207-26D to allow said sign to have a logo which is 35  
9 percent of the sign area in lieu of the maximum 25 percent  
10 allowed by code. All as described on application and plans  
11 on file.

12 MR. ZAPPPIA: Hi. It's Terry Zappia with  
13 Pierrepont Visual Graphics. And this is --

14 MR. WITHERS: Karl Withers with the University  
15 of Rochester Medical Center.

16 CHAIRPERSON MIETZ: Can you just give your  
17 address -- your business address?

18 MR. ZAPPPIA: I'm sorry. What was that?

19 CHAIRPERSON MIETZ: Can you give your address  
20 -- your business address?

21 MR. ZAPPPIA: Oh, okay. It's Pierrepont Visual  
22 Graphics at 15 Elsner Terrace, Rochester, New York 14611.

23 CHAIRPERSON MIETZ: Okay. Great. Proceed.

24 MR. ZAPPPIA: So, basically, on the building  
25 sign, we're looking to put the UR Medicine logo up on the

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building. It exceeds the amount -- it's greater than 25 percent of the size -- the logo is -- the size of the letters. And the sign is approximately 30 feet up -- we'll say 35 feet up from the top of the sign to the ground. So, we're asking for that also.

CHAIRPERSON MIETZ: Okay. Can you explain to us why the signs need to be these sizes? I think we understand it, but for the record, explain why the sizes and why the locations and why you feel these are the appropriate sizes.

MR. ZAPPPIA: Yeah. I think a lot of it is visibility. They're on a flag lot and the building sets so far back that it's very hard for anybody to see it. So -- and I think looking at where it's set on the building, I think it's a good spot so you can see it from a distance.

CHAIRPERSON MIETZ: Okay. So, what you're saying is that, you've placed them -- that side -- basically so that basically people from the ground --

MR. ZAPPPIA: Yup.

CHAIRPERSON MIETZ: -- In a sense can find the building?

MR. ZAPPPIA: Exactly.

CHAIRPERSON MIETZ: All right.

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MS. TOMPKINS-WRIGHT: And the logo size was  
4 based on all other signage in the U of R marketing --

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MR. ZAPPPIA: Correct.

6

MS. TOMPKINS-WRIGHT: -- right?

7

MR. ZAPPPIA: Yup.

8

CHAIRPERSON MIETZ: We've seen a lot of them.

9

MR. ZAPPPIA: That's a good thing.

10

CHAIRPERSON MIETZ: Yeah. Yes.

11

MS. TOMPKINS-WRIGHT: Is this the only -- I'm  
12 sorry.

13

MS. SCHWARTZ: And I know we were talking  
14 about that. But I noticed that 158 goes back but in your  
15 drawing it's going to be moved forward. The 158 goes back.  
16 Do you know what I'm saying?

17

CHAIRPERSON MIETZ: He probably doesn't.

18

MR. ZAPPPIA: Do you have the number?

19

MS. SCHWARTZ: Is that the address that's  
20 shown here?

21

MR. ZAPPPIA: Let's see. Well, the address on  
22 the building -- is it not on the building? It's going to be  
23 on the overhead canopy, there's going to be the 158 there.

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MS. SCHWARTZ: Yeah. Because right now it's  
25 way back there near the door and it's going to be faint. So,

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I just want to be sure it's going to be out.

MR. ZAPPIA: Yes, it is. Oh, I see what you're saying. Where there's decal on the glass.

MS. SCHWARTZ: Right.

MR. ZAPPIA: Okay. I got it.

MS. SCHWARTZ: That's temporary?

MR. ZAPPIA: That's temporary.

MS. SCHWARTZ: All right. Does that mean it's coming off then?

MR. ZAPPIA: Yup.

CHAIRPERSON MIETZ: Is there also one on -- it looks like there's an address on the other side of the building?

MR. ZAPPIA: Yeah. Just so you can see it from both angles.

CHAIRPERSON MIETZ: Okay. So, that's proportional to where -- where it's going to be?

MR. ZAPPIA: Yeah. Everything is to scale.

CHAIRPERSON MIETZ: Okay. All right. So, it's two foot? Okay.

MS. TOMKINS-WRIGHT: And there's no other building signs -- building face signs on this building other than the proposed U of R Medicine and the address numbers?

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MR. ZAPPIA: Correct.

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MR. DiSTEFANO: Is U of R the only tenant of  
building?

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MR. ZAPPIA: Yes.

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MR. DiSTEFANO: And will be the only tenant of  
the building?

9

MR. ZAPPIA: Yes.

10

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MR. DiSTEFANO: And any other U of R tenants  
will not need any additional signage?

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MR. ZAPPIA: Correct. It will just be  
something in the window or the door. But there won't be a  
different logo. There won't be additional names. Nothing.

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CHAIRPERSON MIETZ: Okay. Any other  
questions? No? Okay. Thank you, gentleman. And you can  
stay up there. Is there anyone in the audience that would  
like to speak regarding 10A-05? Being there is none, then  
the Public Hearing is closed. We will go on to 10A-06.

APPLICATION 10A-06-19

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10A-06-19 Same Applicant, same owner for a  
Sign Variance from Section 207-32B to allow for a  
freestanding sign where not allowed by code. All as  
described on application and plans on file. Start again.

MR. ZAPPIA: Okay.

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CHAIRPERSON MIETZ: Go right ahead.

4

MR. DiSTEFANO: Introduce yourselves again.

5

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MR. ZAPPIA: Terry Zappia with Pierrepont  
Visual Graphics. 15 Elsner Terrace, Rochester, New York  
7 14611. And this is Karl Withers from the University of  
8 Rochester marketing who is with me.

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CHAIRPERSON MIETZ: Go right ahead and talk  
about 10A-06.

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MR. ZAPPIA: Okay. So, basically, it's a  
double-sided non-illuminated ground monument sign. So, again  
the reason for it is because the building is so far set back  
from the road. So, this brings it up closer so people can  
actually know that they have to make the turn to get in -- to  
take the driveway that's approximately -- probably 500, 600  
feet long, where they have to drive back to actually get to  
the building. So, that's why we wanted the second sign.

MS. SCHWARTZ: I couldn't tell from the photo  
exactly where it is on the property. So, could you tell me  
in relation to the 160, the monument sign to where this one  
will be up is going to be much forward, or where will it be?

MR. ZAPPIA: Yeah. Much forward by the -- by  
the actual road. So, this sign will have the address right  
on it.

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MS. SCHWARTZ: Okay.

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MR. ZAPPPIA: I have a map. I don't know if you have it there. You have it? Okay.

6

MS. SCHWARTZ: Okay.

7

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MR. ZAPPPIA: So, again it will have the address, which will help.

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MR. CLAPP: Is there also a sign up by the driveway for 160? I'm wondering if there's -- how that building is addressed.

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MR. ZAPPPIA: Yeah. There's one for 160 and there's one for the cancer center that's -- I took -- I have a few photographs. I don't know if you want to see that. That's 160 and here is 170.

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MS. TOMPKINS-WRIGHT: Can you identify where on this map -- do they fall within this map area as well?

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MR. ZAPPPIA: There's the 170 and 160. They would be over -- let's see. This is 160 here.

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MS. TOMPKINS-WRIGHT: Okay.

MR. ZAPPPIA: Okay. So, their sign is probably here and facing their building. This would be here. So, if you're driving either way you can see it. And then 170 is way down here and you have 180 Sawgrass here.

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MR. DiSTEFANO: Well, 180 doesn't have a

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freestanding sign?

MR. ZAPPIA: No. They just have a number sign. But then you have --

MR. DiSTEFANO: But Paychex also has a freestanding sign?

MR. ZAPPIA: Yes. Paychex does. And this is kind of at the other end to the east. Here's some photographs if anybody wants to see them as well.

CHAIRPERSON MIETZ: I'm all set.

MS. TOMKINS-WRIGHT: Can you tell me how the size of this freestanding sign was chosen? How did you land on this -- on these dimensions?

MR. ZAPPIA: At all the University of Rochester off-sites, this is the type of monument that they use for a post and panel or a monument-type sign with their arch on top. We scaled it down a little. We made it shorter so it was closer to the look of this. Because originally we had it taller and looking at everything else, we made it shorter just -- so, everything can work similar to each of the -- each sign is different in the neighborhood. But at least one is eight foot tall and one is three foot tall. So, that's how we came up with that. But basically in a way this design is the standard for the University of Rochester.

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3 MS. SCHMITT: And the people who will be  
4 coming to this building are patients or clients. Not doctors  
5 or other people who would come in every day?

6 MR. ZAPPPIA: Not total -- patients.

7 MR. WITHERS: We have other patients there --  
8 or providers there to give care. But this is a patient  
9 facility, yeah.

10 MR. CLAPP: Is there illumination of the  
11 parking lot? I'm just thinking about at 6:00 in February  
12 when it's pitch black and I'm not being able to see it -- or  
13 I guess the headlights. Because you know in a parking lot --

14 MR. ZAPPPIA: Yeah. Everything is going to be  
15 reflective. As soon as they make that turn, they'll -- it  
16 will illuminate from all the letters and --

17 MR. CLAPP: Okay.

18 MR. ZAPPPIA: -- and everything will be  
19 reflective. It was very hard to bring the electric out  
20 there --

21 MR. CLAPP: Yeah. Long run.

22 MR. ZAPPPIA: -- because of the utilities. I  
23 don't know the --

24 MR. CLAPP: It's a long run.

25 MR. ZAPPPIA: Yeah. I don't know the details

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3 on that. But I know it would not be easy.

4 MR. CLAPP: Right.

5 CHAIRPERSON MIETZ: Okay. Any other  
6 questions? Over here, questions? Questions? Okay. Thank  
7 you very much. Is there anyone in the audience that would  
8 like to speak regarding this application? There being none,  
9 the Public Hearing is now closed.

10 MR. DiSTEFANO: The next three applications  
11 which includes one from last month -- I think we'll read  
12 together, and we'll take it as a whole. Is that okay with  
13 everybody?

14 CHAIRPERSON MIETZ: We'll start with 9A-04.  
15 APPLICATION 9A-04-19

16 9A-04-19 This is the Application of Frank  
17 Imburgia/FSI Construction, owner of property located at 3300  
18 Brighton Henrietta Town Line Road, for an Area Variance from  
19 Section 203-164A to allow front yard (along Brighton  
20 Henrietta Town Line Road and Canal View Boulevard) where not  
21 allowed by code. All as described on application and plans  
22 on file.

23 APPLICATION 10A-07-19

24 10A-07-19, same applicant. Same location.  
25 For an Area Variance from Section 205-8 to allow an office

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building to be constructed with a 42 foot front setback (Brighton Henrietta Town Line Road frontage) in lieu of the minimum 75 feet required by code. All as described on application and plans on file.

APPLICATION 10A-08-19

10A-08-19, same applicant. Same address. For an Area Variance from Section 203-129B to allow a new office building and other site improvements to encroach into the 100-foot natural vegetative watercourse EPOD buffer where not allowed by code. All as described on application and plans on file.

MR. SUDOL: Rick, here's the certification.

MR. DiSTEFANO: Thank you.

MR. SUDOL: Good evening. My name is Jess Sudol from Passero Associates. Here with me this evening are Frank Imburgio and Dave Merritt from FSI. All these variances in the requests kind of -- are directly related to each other. So, instead of going through them one by one, I think I'm going to address this cite as a whole and try to explain how we've in our mind and, you know, mind of others, really establish, I think, the best balance of dealing with the site and the variance restrictions that are associated with it.

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3 So, the parcel is 2.2 acres in area based on  
4 the zoning criteria, we would be allowed to construct, for  
5 the density requirements, up to 22,000 square feet of  
6 building. But as you see on the application in front of you,  
7 we're actually only proposing 10,000 square feet. So, we're  
8 really, not in our minds, overly dense in any way because  
9 we're really under half a density that is typically  
10 allowable.

11 The cite had currently been mostly cleared.  
12 There is a house on it. But there's a large lawn area that  
13 goes around the west, north, and east side of the house, all  
14 the way to the creek, that runs kind of from the western  
15 portion of the proposed building, up around to the north, and  
16 eventually crosses the road on Canal View Boulevard just  
17 north of our proposed site entrance.

18 So, when you first apply the setbacks, based  
19 on the partial geometry, you can see here, this orange line  
20 is what's left for a building envelope so there's really --  
21 because of partially building a kind of funny shape due to  
22 the creek and it's location, there's not really a buildable  
23 area left there. On top of that, this dark line that cuts  
24 right through the middle of that is the offset of the creek  
25 that establishes the EPOD. So, when you take that into

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3 consideration and the setbacks, there's really no -- not much  
4 at all developable area.

5           So, we've been working with this cite and with  
6 the Planning Board and other staff members here for four to  
7 five months now looking at different alternatives on -- okay.  
8 You know, given all these restrictions, how are we best going  
9 to develop the site given the 10,000 square foot requirement  
10 that we have for our end user. And what we have -- and I can  
11 kind of hold these up. I can go through any of these in more  
12 detail if you'd like. But we went through a series of  
13 alternatives and really did an alternative analysis to look  
14 at -- okay. Can we reduce the variances? Can we try to  
15 eliminate the amount of them? This is actually the first  
16 plan we submitted to the Planning Board, which had the  
17 building all the way back at the front setback. Now,  
18 granted, we still have the EPOD's, which is essentially  
19 unavoidable and the park lane in front, but that would  
20 eliminate the front setback area. The feedback that we got  
21 from the Planning Board at the time was, hey, you know, why  
22 don't you take a look at making the building a little bit  
23 more south. That would better line with the parking, you  
24 know, provide parking up front. And then have better  
25 interaction with the building, making it a little bit more

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3 far forward with the sidewalk, which is what we ultimately  
4 did. And which is in the application that we have on file.

5 We then went through and we actually looked at  
6 moving the building up even further to try to completely get  
7 out of the EPOD, which we weren't quite able to do. So, you  
8 can see we just have a building where the EPOD is. It's  
9 almost impossible to fit a building on there without having  
10 that EPOD variance.

11 But the EPOD is in place really for repairing  
12 zones. We have these creeks that are very well vegetated and  
13 you have a lot of established, matured trees and bushes and  
14 ground cover that provides shade for the stream, obviously,  
15 which is then better for the water quality and habitat.

16 One of the things that we're doing is, it's  
17 not necessarily privy of this board, we are proposing some  
18 pretty extensive repairing zone restoration as part of our  
19 application. So, even though we are encroaching as an  
20 EPOD -- and currently that EPOD area is just to maintain  
21 grass -- our hope is that the final product will actually be  
22 a benefit for this stream because we are proposing the  
23 reparative zone restoration by putting, you know, large trees  
24 along the southern side of the creek to provide more shade  
25 for this project. So, it will be better off than it is

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today.

One of the variance is for parking in the front. Then, we started to look to -- okay. Well, how can we move this parking behind the building? Then things really got crazy. We pushed the building really far to the front, you know, where it was really too close for our comfort and we really didn't think that that was a good balance of the cite and what we could do there, really block the entrance and among other things.

And then lastly, we said, okay, what if we put the building further back with the parking behind it, but then that's pushing us really, really, really, close to the creek, further into the EPOD. Not to mention, you kind of have this crazy driveway configuration that now brings it down from the building, which I don't think anyone was really a big fan of.

One thing I do want to point out about the building location, by making it longer -- a little bit longer and skinnier, we are moving the full western line of the building further to the east. There is flood plain over here on top of the EPOD's, so we are able to avoid the flood plain with our building with the final layout.

Once we got to this configuration, again, we

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really thought that that was an appropriate balance of where we might end up. We also went through and did analysis kind of to the entire area to, you know, kind of to make sure that -- all right. There are a bunch of other properties, you know, not surprisingly, that do encroach into the EPOD. We wouldn't be the only one. Again, certainly recognizing the importance of that EPOD of the vegetating neighbors. We are non-vegetated. So, we're certainly not out of character with the surrounding neighborhood. Same goes for things like pavement setback and some of the building placement. So, we just wanted to make sure we weren't being totally out of line.

So, that was kind of the quick cliff notes versions of our alternatives analysis. But I just really wanted to make the point of, we didn't just slap this building on here and throw the parking on here and the easiest way to possibly do it. We've really spent many months now jostling around and trying to get to, you know, what we felt was the best balance of environmental factors, esthetics, the intent of the zoning ordinance and the needs of the project.

So, we do have a building that does have a front -- is closer to the front setback, but not too close.

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You know, it does have the ability now to interact with that sidewalk and have a nice landscaped front lawn area. Same goes for our parking, which is located on the eastern side of our building. If you think about our building, there's almost nowhere else to put that parking. We went and triggered some variances, but certainly where it is now limits the amount of environmental impact compared to all the other alternatives and allows us to meet the parking requirement. And again, is not like a lot of the other cites that are in the immediate vicinity of it. Yet we still have enough area even though it's located in the front yard to provide some very healthy screening and landscaping on, you know, all sides of it. Most notably the south side and the east side.

I'm happy to explain any of that in more detail. But really the moral of the story is, it's kind of an odd parcel with a lot of different factors at play. And we've kind of, you know, played with this puzzle as much as we could to come up with what we feel is the best solution with still having less than half percent of the typical allowable zoning density in this particular district.

MS. SCHWARTZ: Question, is it a one-story building?

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3 MR. SUDOL: Yes, ma'am. It is. Sorry.

4 MS. SCHWARTZ: Okay. And it's seven feet.

5 What is the -- do you know what the use is going to be?

6 MR. SUDOL: It's medical.

7 MS. SCHWARTZ: Medical?

8 MR. SUDOL: Medical office.

9 MS. SCHWARTZ: So, my question is: I believe  
10 most of the buildings are one-story. Could you make the  
11 footprint really smaller and have a two-story building and  
12 put the encroachment there?

13 MR. SUDOL: We've done the medical office  
14 one-story versus two-story analysis a number of times in many  
15 different sites in many different areas. And the problem is  
16 -- it always is -- the 10,000 square feet is based on a  
17 leasable area. So, you're going to establish a lease and  
18 you're going to lease "x" amount of square foot. The problem  
19 when you go to two stories is it introduces a whole lot of  
20 circulation elements that are not required of a one-story  
21 building. But first of all, the tenant is not interested in  
22 a two-story building. But that aside, you bring in  
23 staircases and you bring in elevators and you bring in  
24 circulation space and you bring in a whole number of spacing  
25 in. And now, in order to achieve that 10,000 square-foot

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leasable area that the tenant is going to lease, my building footprint ends up being close to 8,500 square feet to 9,000. So, it's not like I can just take 5,000 square-feet and stack it because that stacked 5,000 square foot footprint then expands out to over 8,000 because of all those different elements that you then have to incorporate with the staircases, with the elevators, with the emergency exits, with the egress, with the bed and board and all those things that two stories bring into play. And I don't say that lightly for this particular project. We've analyzed that at length. You know, you really have to get to 16 maybe as the breaking point to 20,000 where it starts to make some kind of sense.

MS. SCHWARTZ: The reason I ask is -- I mean, I just think a smaller footprint would be great because you said that some of the other buildings already are encroaching. So, it doesn't make it right to even have another one. I mean, there's going to be damage somewhere and I -- with this being -- I don't know how many buildings there were. There are quite a few.

MR. SUDOL: From the back there's a lot more -- way bigger buildings with way more parking. And just to kind of explain how some of that math works is that the Town

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3 Zoning Ordinance, when it figures parking, does not care how  
4 much square footage is elevators or how much is stairs or  
5 what have you. So, that's -- you know, when you have a  
6 10,000 square-foot leasable area, you stack it 5,000 on  
7 5,000. Then it expands to close to 18,000. Well, now I have  
8 to provide parking for 16,000 square feet, even though I'm  
9 really only using 10. So then all of a sudden we have more  
10 parking.

11 So, you know, what I end up with, okay. Maybe  
12 it's a smaller footprint. But now this parking has got to  
13 wrap around the front in order to make that zoning  
14 requirement. And kind of -- again, it's a push and pull.

15 MS. SCHMITT: Well, I apologize if this was  
16 somewhere and I missed it. But how did you determine the 67  
17 parking spaces?

18 MR. SUDOL: Well, based on the Zoning Code --  
19 I forget what the exact one it is -- so, it's one space per  
20 150 square feet. I think we're actually a space or two over.  
21 Which we could pull back a space or two if we had to. But it  
22 was based on the underlying parking requirement for medical  
23 offices.

24 MS. SCHMITT: Okay.

25 CHAIRPERSON MIETZ: And the other issue

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certainly is the use because -- versus other buildings that are in the area. This one being the desire to have a medical building, obviously, the parking is greater, would you agree?

MR. SUDOL: Greater than --

CHAIRPERSON MIETZ: Office buildings.

MR. SUDOL: Yeah. It's -- you know, the problem is based on its location. It's not really, you know, something like retail. If we were doing a 10,000 square foot mattress store, you know, we would have half the parking requirements -- well, not quite half. But it's not really retail corridors. It's really a medical office driven note if you will, that's everything in back of Canal View is similar to that. So, that's what the market and the need is. And there's also, you know, some banks in the area, there's fast food around the corner, which I'm not saying there should be fast food over here. When you introduce all these drives aisles and the drive-thru's, you know, creates, I think, more impact than, you know, the additional parking spaces that we need for going up to medical. Going from, you know, one per every 150 square feet down to one per 200. You know, you're really only saving five or six parking spaces.

CHAIRPERSON MIETZ: Okay. Okay. Other questions on any and all of these applications? Everyone

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clear about what the intention is?

MS. DALE: Yes.

CHAIRPERSON MIETZ: Okay.

MS. TOMPKINS-WRIGHT: Have you gotten Planning Board approval yet?

MR. SUDOL: No. We are currently tabled before the Planning Board. We have since resubmitted for both preliminary and final. We appeared before them two times. They did not want to grant us their approval yet before we came and saw this board for our grievances. But we kind of arrived at this layout by going to them month after month and going to this alterative analysis and move this and move that.

CHAIRPERSON MIETZ: As you pointed out, it's kind of a difficult lot and based on work and get it to work.

MR. SUDOL: Correct.

CHAIRPERSON MIETZ: Okay. Nobody else has anything? Okay.

MR. SUDOL: Thank you very much. Have a good evening.

CHAIRPERSON MIETZ: Okay. Is there anyone in the audience that would like to speak regarding this application? Okay. There being none, the Public Hearing on

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3 these three applications are closed.

4 APPLICATION 10A-09-19

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6 10A-09-19 Application of Edward and Patricia  
7 Hall, owners of property located at 90 Heatherstone Lane, for  
8 an Area Variance from Section 205-2 to allow an addition to  
9 extend eight feet into the 18.75 foot side setback required  
10 by code. All as described on application and plans on file.

11

12 MR. HALL: Good evening. I'm Edward Hall. I  
13 live at 90 Heatherstone Lane. This is my wife, Patricia  
14 Hall, also 90 Heatherstone Lane.

15

16 So, we present tonight. We would like to add  
17 another bay to the current two car garage at 90 Heatherstone.  
18 Thus, making it a three-car garage. We'd also like to add  
19 two bedrooms and two bathrooms. And these would be above the  
20 new garage bay as well as a first floor addition behind the  
21 garage -- the current garage -- and new garage bay. The home  
22 as it exists, it was built in 1993, is currently a two  
23 bedroom, two bathroom home. Side setback code, we believe  
24 allows for a 5.45 foot addition to the side of the home. But  
25 we are asking for a variance to the side setback code for an  
additional eight and a half feet to create the third bay for  
the garage and also the space for the additional bedrooms and  
bathrooms.

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3           The variance request will actually bring the  
4 home up to par with the neighboring homes in terms of square  
5 footage, the number of bedrooms and the number of bathrooms.  
6 The home is currently the smallest home in the neighborhood  
7 and the only two bedroom, two bathroom home in the  
8 neighborhood. We did provide a spreadsheet with a comparison  
9 of the immediate surrounding homes as well as the entire  
10 neighborhood of homes.

11           MRS. HALL: Do you want to see some pictures  
12 of the nearby homes? I've brought some pictures of those.

13           MR. HALL: We believe the addition to the home  
14 will update and refresh the home, bring it more inline with  
15 the neighboring homes. Not only in terms of scale, but also  
16 in terms of curb appeal and exterior esthetics. The current  
17 code, as I mentioned, requires an 18.75 foot setback on the  
18 affected side of our home. The existing structure is  
19 currently setback approximately 24.2 feet. Again, therefore,  
20 we believe we are allowed a 5.45 for the addition before  
21 requiring variance. And therefore, we are requesting an  
22 eight and a half foot variance for a total of 14 feet. We've  
23 discussed this with a contractor and an architect. And they  
24 both believe that this is the minimum size required for an  
25 adequate garage. This will also allow room for the two

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3 additional bedrooms and bathrooms. We're not interested in  
4 overbuilding the lot or adding cost to a proposed project.  
5 The addition also will not impact the private drive that runs  
6 on that side of our home because of the easement that exists.  
7 And this easement will not violate it as part of the proposed  
8 project. Also, there would still be 46 feet of space between  
9 our home and the nearest neighboring home on that side.

10 Finally, we believe the addition again will  
11 improve the curb appeal or exterior esthetics. And likely  
12 add value to the home and the neighborhood as well. As I  
13 mentioned, the home exists -- was built in 1993. And has not  
14 been updated in any subsequent way since that time to conform  
15 with the larger neighboring homes, which were constructed or  
16 remodeled subsequent to 1993.

17 Finally, I just want to mention we spent three  
18 to four evenings visiting with the eight closest neighbors  
19 and we met with six out of eight of them. We weren't able to  
20 meet all of them because, unfortunately, two of the neighbors  
21 we just couldn't catch them at home on those evenings. There  
22 were no voiced -- there were no concerns voiced at that time  
23 by the six neighbors that we met other than ingress and  
24 egress issues at the time the contractors may be on the site  
25 if this were to pass.

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3 MRS. HALL: We assured them though that we  
4 would tell the contractors they can't park in the private  
5 drive. We have a driveway. So, they can park in the  
6 driveway. It wouldn't be a concern.

7 MR. HALL: We have subsequently become aware  
8 of some public safety concerns regarding this proposed  
9 project. And my wife did some research on this so I'm going  
10 to turn this over to her to let her share her thoughts.

11 MRS. HALL: I also have some pictures of -- I  
12 have five pictures of houses that have similar two-car and  
13 one-car garages. I don't know if you'd like to see those or  
14 not.

15 MR. DiSTEFANO: You can pass those around.

16 MR. HALL: These are all from the same  
17 neighborhood.

18 MRS. HALL: All the same neighborhood. So, I  
19 was contacted this morning by a neighbor who was concerned  
20 about public safety -- public safety issues in terms of  
21 emergency personnel finding their home should the need arise.  
22 So, what I did was I actually went -- I went to the home. I  
23 took some cones and I measured with a tape measure  
24 approximately where the addition would be. So, I have  
25 pictures of that. I also have pictures of -- they have a

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sign that says "private drive" and house numbers that are right behind there -- or the house numbers of the four houses that exist behind us. So, I took pictures of their private drive. Their mailbox does cover that sign depending on where you're at when you're driving there. I -- actually, so those are -- so, those are the pictures. These are closer pictures in terms of where the addition would be. There's a -- a garbage truck picking up garbage. So, I just took a picture of the garbage truck because it's a pretty large vehicle, so I thought I'd take a picture of it.

MR. HALL: That just highlights the amount of room that currently exists for the ingress and egress for the private drive.

MRS. HALL: So, I also stopped by the ambulance. I spoke with the fire marshall and I spoke with Brighton Police who all assured me that there is no -- there would be no issues finding a home. You know, police cars all have computers. They can type in the GPS and a home, you know, location would pop right up. Fire marshall, he told me that he had no concerns as well. And spoke with someone at the town to reiterate that there were no concerns with that. I know that making sure that you have numbers and stuff on your home is important and making sure that your numbers are

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3 visible. That may be more of an issue. You know, when I  
4 really thought about it and went there, I thought, you know,  
5 the private drive and the numbers, I thought that maybe the  
6 numbers -- that signage should be on the opposite side of  
7 where the mailboxes are. As you see when the pictures come  
8 around, if you're driving, you may not see -- you may see the  
9 private drive, but you may not see the numbers of the houses.  
10 So, that was just something that I was trying to brainstorm  
11 if that's a concern, you know, that maybe -- you know, maybe  
12 moving -- if you have a sign directly behind a mailbox, it's  
13 probably kind of hard to read, you know. There is a light  
14 though so it's lit up at night. But, yeah. That -- that's  
15 it.

16 CHAIRPERSON MIETZ: Could you be more specific  
17 of what the person that approached you -- what their concern  
18 was? Public safety is a broad statement.

19 MRS. HALL: Yeah. So --

20 CHAIRPERSON MIETZ: Could you be more specific  
21 about the objection? What their concern was?

22 MRS. HALL: I think -- I think the concern was  
23 that, should there be a fire or a safety issue, police,  
24 ambulance, that when ambulance comes down the road, they  
25 won't be able to find their house that's down the private

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drive. I mean that --

CHAIRPERSON MIETZ: Because of --

MRS. HALL: Because of my -- the addition that we're adding.

CHAIRPERSON MIETZ: In other words, that you're going into that setback along the private drive?

MRS. HALL: Right. But you can see from the pictures, we're 20 and a half feet from the asphalt. So, I'm not sure -- approximately. That's just me measuring with a tape measure. You can look at the survey map as well. But we're 20 and a half feet from the actual asphalt that exists. We're not on an easement.

Currently, if you look at those pictures, there's a big -- I think it's an evergreen. I don't have a green thumb. So, I'm not sure. But I think it's an evergreen. There's a big evergreen that's more than two-stores tall. And that is wider than what our addition would be. So...

MR. CLAPP: Is that tree staying?

MRS. HALL: What's that?

MR. CLAPP: Is that tree staying?

MRS. HALL: All three would be removed because that's where the garage would go.

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MS. SCHWARTZ: So, all that vegetation is getting removed next to your garage? Next to the proposed garage? All of that vegetation?

MR. HALL: At the front left corner as you look at the home, yes. We would be replanting and, you know, adding some --

MRS. HALL: But that is why -- if you look at that picture --

MR. HALL: That tree is much wider than our --

MRS. HALL: Than our proposed addition.

MR. HALL: -- proposed addition. So, that would have significantly more impact on site lines and things like that if that was the public safety concern.

MRS. HALL: The fire marshall said that site lines are not -- are not an issue in terms of this zoning. But that tree is also much taller than our addition would be. So -- and again, anything that we cut down, we would replace. That neighbor also expressed concern a couple of years ago, a lot of trees fell from a storm -- wind storm. And -- so, our intention is not to cut down as many trees as possible. One of the reasons that we purchased that property is that it has a lot of trees. And in terms of exploring other opportunities to make this house a little bit bigger, we'd

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have to cut down -- that's the only tree right now that we would have to cut down because that's where the garage goes. If you look at our backyard, there's trees everywhere. There's, like, an island of those trees and there's little shrubs around. That's not something that we would like to cut -- we want to keep that. This would be the least invasive.

MS. SCHWARTZ: And how long have you lived there?

MRS. HALL: We just purchased the house. We closed August 23rd. We closed August 23rd.

MS. SCHWARTZ: And you realize you need to do all this right now? You're not going to live in it and see how it goes? I'm just concerned that it's going to change the character because of all that gorgeous vegetation coming down. And when I looked at the planning, the addition is going to be -- even to my eye -- above the point of your garage. So, your house may be the smallest, you know, square footage, it still has a massive appearance in keeping with the others. And I noticed with the setback driveway -- I mean, garage. The peaks of the roof line were not quite as big as yours. They didn't seem quite as massive. I mean, they go to two and then a step back third.

MRS. HALL: Wait, say that last part again?

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MS. SCHWARTZ: The roof -- on your existing -- is quite massive. And -- so, I drove the whole street because I wanted to see. And -- and many of the three-car garages are aside and so you don't see them. So, it looks like a house. But some do have all garages in the front. So, you have your two and your step back. But they're all like a one-story line -- or I mean a roof line, so it isn't as massive. And that's what I'm concerned about because with all the vegetation coming down, it's going to be right -- right out there.

MRS. HALL: I mean, at this point, we're just cutting down the one so that we can get into the garage. It is a very large tree. We have two very -- we have another one that's similar to that in the front yard and a very big -- I think it's a maple tree in the front. I have pictures of all the trees that we have in the backyard as well.

MS. SCHWARTZ: Oh, I know.

MRS. HALL: So, if we were to do an addition in the backyard, we'd have to cut down even more -- shrubs -- this is -- actually, the burning bush, we could probably transplant that. We've done that at our old home. We transplanted three or four, we lost one, but we kept the others. And I ended up buying a new one and replanting it

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and you wouldn't even know. Like if you looked at it, you wouldn't even know which one was -- was the one that, you know, that didn't make it. So, even those little bushes. We're not -- we don't want to cut down things that we don't need to cut down. That's -- we like the shade. It keeps the house cooler, you know --

CHAIRPERSON MIETZ: Okay. A couple other questions.

MRS. HALL: Sure.

CHAIRPERSON MIETZ: So, could you talk to us about the third bay. What is the need for the third bay?

MRS. HALL: Three-car garage. We would like to add two bedrooms above the garage. Like I said, it's a two bedroom -- two -- it's a two bedroom, two bath house. On average, the houses in the neighborhood are four bedrooms, three and a half bed. We don't -- we don't feel that this house conforms with the neighborhood. So, we're trying to kind of bring it up to snuff along with the other homes.

MR. HALL: But we have -- we have two vehicles and --

CHAIRPERSON MIETZ: That -- that's my question.

MRS. HALL: Oh.

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CHAIRPERSON MIETZ: What is the need for the  
4 three-car garage?

5

MR. HALL: We have a 15 year-old son.

6

CHAIRPERSON MIETZ: Right.

7

MR. HALL: And, you know, when you have a  
8 two-car garage, you have bikes, lawn mower, there's no shed  
9 on the property. So, you know, bikes, lawn mower, our son  
10 plays hockey. Hockey equipment needs to be hung and dried  
11 and --

12

MRS. HALL: There's an easement in the  
13 backyard so in terms of getting a shed back there, we're  
14 going to have to think about that too, you know. So...

15

MS. DALE: Did you -- so, was the primary  
16 driver for the addition the extra bedrooms and bathrooms or  
17 was that not? I didn't know if you wanted those on the  
18 second floor or is it your goal, we want extra bedrooms and  
19 bathrooms. And -- so, we should throw a garage in so that  
20 there's room above it? Or did you think about bedrooms --

21

MRS. HALL: Well, we do -- we're a family of  
22 four so it's a two bedroom, two bath house. So, yes. We  
23 need additional bedrooms. But we would like the additional  
24 garage. I think that's sort of -- we wanted both.

25

MR. HALL: Yeah. It's sort of both.

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3 MRS. HALL: We kind of need both.

4

5 MR. HALL: The placement of the bedrooms and  
6 bathrooms -- we reviewed with our architect and our  
7 contractor multiple different options for how to achieve this  
8 and this was by far the most economical and --

8

MRS. HALL: Efficient.

9

MR. HALL: -- efficient way to do this.

10

CHAIRPERSON MIETZ: Could you speak a little

11

to what alternative you looked at, please?

12

MRS. HALL: So, if we tried to go -- if we  
13 tried to go back, we'd have to cut into one of the -- so, the  
14 home has actually beautiful -- so, when you walk in, it has  
15 beautiful windows in the great room. And then if you walk to  
16 the right -- you have the plans -- but if you walk to the  
17 right, there is a room and then the master. In order to go  
18 back, one of those rooms -- we'd lose one of those rooms.  
19 So, you know, because we'd have to make a hallway to get to  
20 the back. We'd lose -- we'd lose probably some trees in the  
21 back. We'd lose the beautiful windows that are there. And  
22 they're actually beautiful, tall windows. Like I'm not sure  
23 how to -- they're like long, you know?

24

CHAIRPERSON MIETZ: I understand.

25

MRS. HALL: Not your standard windows. So, we

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3 don't want to lose those windows. That was one of the  
4 reasons why we purchased the house. They're beautiful  
5 windows. They're big, beautiful windows. So, we didn't want  
6 to lose that.

7 MR. HALL: Building up would require moving  
8 multiple trusses --

9 MRS. HALL: Trusses.

10 MR. HALL: Which I -- we're not builders. But  
11 my understanding is -- basically, our architect told us that  
12 it would be essentially cost prohibitive to try to build up  
13 on another area of the home. And since the top of the garage  
14 would be modified anyway, this -- I guess, you know, made the  
15 most sense. And again, we're not architects. We're not home  
16 builders. But we did ask if there were other options. And  
17 this seemed to be the most feasible option.

18 CHAIRPERSON MIETZ: Has you or your architect  
19 gone to the Architectural Review Board yet to look at those?

20 MR. HALL: Yes.

21 MRS. HALL: Yeah.

22 CHAIRPERSON MIETZ: Okay. What was the result  
23 of that?

24 MRS. HALL: So, they want us to make some  
25 modifications with the windows and the back roof line.

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3 CHAIRPERSON MIETZ: Be more specific with the  
4 windows.

5 MRS. HALL: So, the windows that were drawn in  
6 the architectural plan, they were, like, I think just  
7 standard windows. They weren't the longer windows, like,  
8 that are on our home. So -- which really in hindsight I  
9 don't think --

10 CHAIRPERSON MIETZ: Not -- not location  
11 necessarily. Just the size and the shape?

12 MRS. HALL: They wanted us -- they wanted us  
13 to add one window to our garage. It's not currently there.  
14 Right now there's just a main door to walk into that garage.  
15 And the garage itself is all panels. There's no windows.  
16 The garage that we would put in would have windows all along  
17 the top for both the double and the single. But they wanted  
18 another window in the garage along with the main door. And  
19 so, we're fine with that.

20 MS. TOMPKINS-WRIGHT: What was the change to  
21 the roof line?

22 MRS. HALL: Just in the back they wanted --  
23 they wanted something in the back just fixed a little bit  
24 kind of. I'm sorry. I don't know all of the --

25 MR. HALL: If you look at the -- if you want

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3 to look at the plan, the rear roof line --

4 MRS. HALL: It sort of stops.

5 MR. HALL: -- it has an -- it has an awkward  
6 angle on it. And they thought that that was not esthetically  
7 what they would like to see. So, we are working with the  
8 architect with that.

9 CHAIRPERSON MIETZ: At the rear?

10 MR. HALL: At the rear of the home.

11 CHAIRPERSON MIETZ: Not the side?

12 MR. HALL: Which -- which incidentally would  
13 not be visible to any neighbor as it stands. Although we  
14 were said -- we were told, you know, trees can be -- trees  
15 can be cut down. And so -- and again, we don't have plans to  
16 cut down anything we don't have to. But at this point, that  
17 part of the home would not be visible to any neighbor.

18 MS. SCHWARTZ: So, do you feel that the two  
19 bedrooms and the bath are more important than the garage?

20 MRS. HALL: Equally.

21 MR. HALL: There would be -- there wouldn't be  
22 space for one without the other, so to speak.

23 MRS. HALL: They kind of go together.

24 MR HALL: Because the garage -- the bathrooms  
25 are being built -- bedrooms and bathrooms are going to be

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built above the new garage. So, there wouldn't be existing -- there wouldn't be enough space existing to just build above the current garage. So, they kind of go hand in hand. But they're -- they're both important to us because as the home exists right now, it's a two bedroom, two bath for a four-person family.

MS. SCHWARTZ: And I think the two bedrooms and two baths would be the full extent of the garage?

MR. HALL: Right. So, we would like to fully utilize that space, yes.

MRS. HALL: And what we'll do is we'll probably zone it differently. We'll zone it so that the heating and cooling for that part of the house -- eventually our kids are going to move on. So, you know, then it would be a nice home for us to stay in long, long-term. And, you know, we can cut down on energy costs and stuff like that. It actually makes a lot of sense for us.

CHAIRPERSON MIETZ: Okay.

MS. SCHMITT: Did the architect talk to you about possibly not having a third bay, but more of a -- I don't know what the correct term would be -- it's not large enough for a car, but it would kick out maybe four feet or five feet so that it's not a full eight and a half feet?

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3 MRS. HALL: Yeah. But then we couldn't get  
4 the -- we couldn't get the bedrooms and the bathrooms.

5 CHAIRPERSON MIETZ: The second part of it?

6 MRS. HALL: Yeah. We couldn't.

7 MS. SCHWARTZ: Right.

8 MRS. HALL: Unless we rip off trusses. I  
9 don't really know what trusses are. But I heard that's bad.

10 CHAIRPERSON MIETZ: That's a bigger issue.

11 MS. SCHMITT: Okay.

12 CHAIRPERSON MIETZ: All right. So, other  
13 questions over here?

14 MS. SCHWARTZ: Would you consider bedrooms and  
15 not the third bay?

16 MRS. HALL: I don't know where you would put  
17 them without --

18 MS. SCHWARTZ: Still ground level but it  
19 wouldn't be two-story.

20 MR. HALL: Yeah. We've looked at -- we've  
21 looked at the -- we've thought about how to do that. And we  
22 just weren't able to come up with a viable plan.

23 MRS. HALL: I don't think they could do that  
24 because we needed space above the garage for the bedrooms.

25 MR. HALL: I think she's asking --

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3 MS. SCHWARTZ: No. Not the garage. Just your  
4 bedrooms along the side of your current two bays.

5 MRS. HALL: So -- so, then there would be a  
6 bedroom along the side of the garage?

7 MS. SCHWARTZ: Okay. So --

8 MRS. HALL: I'm just thinking when you would  
9 walk in, you would have to walk behind the garage. And then  
10 you would have to walk to the front of the house.

11 MS. SCHWARTZ: Okay.

12 MRS. HALL: Yeah.

13 MR. HALL: Yeah. I mean --

14 MRS. HALL: I don't think that was an option.

15 MR. HALL: We, obviously, you know, we don't  
16 want to come here and have to ask for this. It would be  
17 easier to not do that. But, like I said, talking to the  
18 architect and the contractor and thinking about it ourselves,  
19 this seemed to be the most appealing idea. Not only in terms  
20 of esthetics, but cost and -- and really achieving what we're  
21 desiring for the home. And also, like I said, bringing it up  
22 to par with the neighborhood. It's -- it really does not --  
23 I know that the footprint of the house, because it's a ranch  
24 is fairly large. But most of the homes -- in fact, I welcome  
25 you -- I encourage others to look at the other homes in the

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neighborhood --

CHAIRPERSON MIETZ: We have.

MR. HALL: Okay. These are large homes with large footprints with two floors.

CHAIRPERSON MIETZ: Right.

MR. HALL: And this is a ranch. So, its footprint may be similar. But it's significantly smaller. It's more than a thousand square feet smaller than virtually every other home in the neighborhood.

MR. DiSTEFANO: Can I -- can I ask you a question -- you don't show it on the plans -- what is your idea of how the new driveway is going to interact? Are you going to run it straight out to the road?

MRS. HALL: No, no. That's too much to shovel.

MR. DiSTEFANO: Bring it in and curve it? Loft and --

MRS. HALL: Flare it.

MR. HALL: Have it flare off, yeah.

MRS. HALL: Did you see the pictures that I sent around of the other homes that have the two car and single car? All of those driveways just flip. You drive halfway up and it slowly flares out. And then, yeah.

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MR. DiSTEFANO: Okay. So, you don't have any intention of running it straight to the road?

MR. HALL: No.

MRS. HALL: No.

MR. DiSTEFANO: Okay. Great. Thank you.

MR. HALL: It would not be esthetically pleasing.

MR. CLAPP: Was the neighbor across -- across the private drive, one of the ones you spoke with?

MRS. HALL: It's a neighbor who lives behind. So -- so...

MR. HALL: You're asking about the one on the top of the side of the private drive?

MR. CLAPP: Yes.

MR. HALL: We were unable to -- to -- I think we rang their doorbell four times. Unfortunately, we couldn't meet with them.

MRS. HALL: But we will be four to six feet away from them still with grassy area, pavement and then their grassy area.

MR. HALL: As it currently exists, coincidentally, that house is much closer to the private drive than our home.

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3 MR. CLAPP: If there's a 60 foot right-away,  
4 then -- what's 60 feet? It's 60 feet away?

5 MRS. HALL: It's 60 feet right-away right now,  
6 yes. With the proposed addition, it would be 46 feet.

7 MR. HALL: With a 14 foot -- yeah. With a  
8 14-foot encroachment.

9 MR. CLAPP: But that -- your addition doesn't  
10 encroach on the right-away at all?

11 MRS. HALL: No, no, no. There's actually --

12 MR. CLAPP: There's still 60 feet?

13 MR. DiSTEFANO: No substantial distance would  
14 be to the home on the right.

15 MRS. HALL: So, there's the pavement of the  
16 private drive. And then there's some space to my property  
17 line. And then from the property line, there's a ten-foot  
18 easement that we can't build on. And then --

19 MR. HALL: There's another half to one foot  
20 between the easement and the -- where the edge of the  
21 structure would be.

22 MRS. HALL: So, yeah. So, we would still be  
23 -- well, I measured it today. We would still be -- what did  
24 I say? Twenty and a half feet.

25 MR. HALL: Twenty and a half feet.

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MRS. HALL: Twenty --

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MR. HALL: There's 20 and a half feet of grass  
5 from the edge of the new garage to the pavement.

6

MR. DiSTEFANO: Now, each up of those back  
7 lots has a ten foot strip that goes down to Heatherstone.  
8 So, there's four houses behind them. So, there's at least 40  
9 feet of poles that go down to Heatherstone. Which isn't  
10 their property, which is the property of the rear neighbors.  
11 Then there is additional land owned by the adjacent property  
12 owner on Heatherstone and their setback from this addition.  
13 So, there's quite a bit of space between even with this  
14 encroachment.

15

CHAIRPERSON MIETZ: Okay. Questions over  
16 here? Anymore from anybody? Good? Good?

17

MR. CLAPP: Good.

18

CHAIRPERSON MIETZ: Okay. Thank you very  
19 much.

20

MR. HALL: Thank you.

21

MRS. HALL: Thank you.

22

CHAIRPERSON MIETZ: Is there anybody in the  
23 audience, anyone in the audience that would like to speak  
24 regarding this application? Please come forward and just  
25 give us your name and address, please?

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3 MS. GASPARINO: Hi, there. My name is Susan  
4 Gasparino. I'm at 106 Heatherstone lane.

5 CHAIRPERSON MIETZ: And so why don't you just  
6 describe for us -- we have a map here. But where you're  
7 located as it relates to this.

8 MS. GASPARINO: Okay. I am on that small  
9 private drive that was referenced. And I have the other  
10 members from the small private drive as well -- the two other  
11 families. And one family couldn't be present from the  
12 private drive because they're out of town.

13 CHAIRPERSON MIETZ: Okay.

14 MS. GASPARINO: It was actually one of my  
15 neighbors who had called them this morning to discuss the  
16 safety concern. But I think I'm the one who had the safety  
17 concern a year ago. So, I'm the farthest house back up the  
18 private drive.

19 CHAIRPERSON MIETZ: Let me stop you for a  
20 minute. What do you mean "a year ago"?

21 MS. GASPARINO: So, on October 18th of 2018, a  
22 fire alarm started going off in the middle of the night.

23 CHAIRPERSON MIETZ: Okay.

24 MS. GASPARINO: And I have three little  
25 children. And the fire alarm is wired to our home security

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system. So, at 1:40 in the morning, the fire alarm went off and I couldn't -- I was unable to shut it off. And I couldn't find -- I couldn't smell any smoke or see where the fire was coming from. But the alarm system called and said the fire department is on the way because it's a reflex. They have to come and check it out. So, Brighton Fire Department was on the way. So, about 20 minutes later, we still didn't see the fire department. So, I sent my husband down the little private drive, and sure enough, there were all the flashing lights in front of 90 Heatherstone Lane because GPS takes you to 90. And so, they were trying to find us. And so, we led them up the drive. And they came in and they were wonderful and made us feel better. It turns out it was a stinkbug who set off the alarm. So, there you go. But because we're on a private drive, the only exit for us is that area next to 90. And so, it's concerning to me anytime anything is encroaching because I just want people to know that there are people who live up the private drive. It's -- it's small. We own the driveway. And so, we pay for our own snow plow service. So, the Town of Brighton comes and does the main Heatherstone Lane, but they don't do our little private drive. We pay for that. So, it's like our driveway. I have three children, four, eight and nine, and

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they all get on the school bus. But the school bus doesn't come to our house. It comes to -- 90 Heatherstone Lane is our school bus stop. And so I walk them down every morning and that's where they get on and get dropped off. And so, it's just -- it's an important entry way for us. Our little sign is there that says the house numbers. And I agree, maybe that could be bigger to help people find our home. But I'm just concerned about visibility. And the family who is applying did come to our homes. But just in the evenings, it was hard. My husband met them at the door. And we're a close-knit community in Heatherstone. We want to be very friendly. And so it's hard immediately to voice your concerns. And so, you know, we've been thinking about it. We've all been, you know, looking and, you know, we've formulated our concerns now. And we appreciate the opportunity to voice them in a public setting. And so I'm sorry I wasn't able to meet with them myself on that evening. Those are my concerns. Also, we've lived in our house almost five years. So, we're some of the newer folks there. The people next to me are original owners and, you know, they also shared concerns about, you know, the trees. Which we've all sort of, like, come to love as members of the community. It's an old neighborhood. My house was built in '87. And I

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3 think those are some of the oldest homes there. So, I  
4 appreciate the opportunity.

5 CHAIRPERSON MIETZ: Okay. Thank you very  
6 much. Is there anyone else in the audience who would like to  
7 speak? Please come forward.

8 MRS. SANTIAGO: Hi. Good evening. Thanks for  
9 allowing me to --

10 CHAIRPERSON MIETZ: Your name and address  
11 please.

12 MRS. SANTIAGO: My name is Denise Marie  
13 Santiago and my husband and I live in 118 Heatherstone Lane.

14 CHAIRPERSON MIETZ: Okay.

15 MRS. SANTIAGO: We've been in Brighton for 23  
16 years. This is our fourth house in Brighton and hopefully  
17 our last house. So, we do love it. And the house that we  
18 live in now -- we've been looking at Heatherstone Lane for  
19 many years and we looked at four other houses before we found  
20 this one that was perfect for our family, and we love the  
21 neighborhood and we love our neighbors and we are very  
22 friendly and I happened to be the one who called Patricia  
23 this morning because I didn't want to blind side her. She  
24 came to us too one evening, late, and we chatted. And in  
25 thinking about how this was going to impact and after coming

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3 to the town and seeing how the plans -- that I had a lot of  
4 concerns. Not only public safety, which Sue mentioned, but  
5 also because I went back and I found this Monroe Abstract and  
6 Title Incorporation, which is for the subdivision when it  
7 went in. And apparently one of the reasons why that's a two  
8 bedroom home is because it's one of the smallest plots of  
9 land in -- in one of the smallest lots in that neighborhood.  
10 And the people who lived there before were just wonderful.  
11 And so, we were all expecting that as well. I am very  
12 concerned about the trees in the area. A couple of years ago  
13 with the bad storm, we had three across from us and several  
14 others in the back. So, we've lost a lot of trees. And one  
15 of the reasons -- one of the big concerns I had was the  
16 beautiful willow and is that it sort of frames the drive when  
17 you're coming in. So, esthetically, it's one of the things  
18 we loved about it. Sorry. I'm a little nervous here.

19 CHAIRPERSON MIETZ: Take your time.

20 MRS. SANTIAGO: The easement -- the ten-foot  
21 easement next -- that runs next to the roadway is not an  
22 easement. Actually, it's our property. And according to one  
23 of the original owners, we had to purchase that property so  
24 that we could have mail service and other town services  
25 there. So, that easement is actually, you know --and the

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3 property which is a perpetual easement there, a utility  
4 easement -- and as I'm looking at it and I'm thinking,  
5 where's the hardship? You know, when you're going for a  
6 variance, where's the hardship? If they want to come from  
7 Victor to build here -- it's a beautiful area -- but what's  
8 to say that if they get a variance, that the family across  
9 the way won't ask for a variance. There's another private  
10 drive further down and I have concerns about that. So, if  
11 this family gets a variance, then is there going to be, you  
12 know, an argument for the other families who move onto the  
13 neighborhood to get a variance.

14 Another problem is that it's a two-car garage.  
15 But if you drive in the neighborhood, there are no bedrooms  
16 in any of the other garages. There's no habitat. There's no  
17 rooms. It's just the garage there. So, that would change  
18 our -- our neighborhood. Especially our little area as we're  
19 walking in there. Anyways, I'm a little nervous. But I -- I  
20 would like to say that it would -- you know, having a second  
21 floor right next to, you know, coming in and out would really  
22 change the character of our little private drive. And right  
23 now, you know, we do have an issue about people finding us.  
24 And to bring it out more, I think will even make it harder.

25 So anyways, thank you very much. I do have

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3 this abstract of when they actually built it -- the  
4 subdivision -- and I appreciate your time.

5 CHAIRPERSON MIETZ: Thank you very much. Is  
6 there anyone else in the audience who would like to speak  
7 regarding this application?

8 MRS. CLOPMAN-FINE: I'm the veteran of  
9 Heatherstone.

10 CHAIRPERSON MIETZ: You're the veteran of  
11 Heatherstone?

12 MRS. CLOPMAN-FINE: I'm an original owner. We  
13 built that house.

14 CHAIRPERSON MIETZ: Could you just tell us  
15 your name and address?

16 MRS. CLOPMAN-FINE: Frances Clopman-Fine. 170  
17 Heatherstone Lane.

18 CHAIRPERSON MIETZ: Okay.

19 MRS. CLOPMAN-FINE: Okay. There is an impact  
20 to the variance consideration regardless of the design. The  
21 problems with the variance request bring up issues visual,  
22 spacial and functional that regards all neighbors. Also a  
23 small inconvenience as we go forward. When I was out in the  
24 lobby walking around because I can't sit very long, there was  
25 a sign out there that said "Brighton is tree city USA since

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3 2002 and 2018, which is 17 years." I didn't realize we were  
4 designated as a tree city. Where are two trees that are  
5 going to be in jeopardy as you probably could see. That big  
6 evergreen, which angles the property, would have to go. And  
7 I also have concerns about that weeping willow. I don't  
8 think there's room for a second story with the weeping  
9 willow. And one of my neighbors already discussed how  
10 important it is to them visually. These comments are in no  
11 particular order. The house that is proposed is too big for  
12 the lot. This was the smallest lot on Heatherstone. There  
13 was a minimum requirement for square footage when we built  
14 our houses. But we know that one being the smallest house  
15 was never going to meet that requirement. So, the builder  
16 okay'd that house as a two-bedroom smaller house. So, you  
17 can't compare that to the other houses that have six tenths,  
18 seven tenths or whole acres, some up in the second private  
19 road at the other end. And you said you've driven it. So,  
20 you're familiar with it.

21 I've talked to several neighbors, some who  
22 couldn't be here for various reasons. And the question  
23 always came up, why did they buy a two-bedroom house if they  
24 wanted a four-bedroom house? And who gave them the idea and  
25 the impression that making it a four-bedroom house would be

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okay? I don't have answers to that. But it is a question that has been raised several times.

When our houses were built for designs to be accepted by the builder, and presumably the town because the town was inspecting, the garage roofs were not to exceed the height of the rest of the house. Now, that didn't impact too many houses because most of the houses are two stories on our street. It impacted my house, which is a ranch, and the house across the street. That was fine. We could work with that. What you do by putting that garage higher than the rest of the house is you make it look out of proportion. It is unproportioned. It is not like others proportionate on the street.

The houses that have -- some of the -- a lot of the houses do have rooms -- bedrooms, activity rooms, on the second level over the garage in existing two-story houses on the street. And the way they accommodated that -- and you can probably see from some of the pictures -- is they made end low garages, so that it would not go above the roof line of the existing house and also so that they could have useable space there. There is no room on this lot -- that number 90. There was never room on that lot for an end low garage. So, considering that, it wouldn't work. So, we now

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have a plan, which is out of design from the rest of the homes on the street. And also would not have been allowed at the time that that house was built. I hate to put it this way but I will, to put it very bluntly, the addition looks like a dormitory. This looks like an addition that would be in a suburb other than Brighton -- other suburbs in the Rochester area, some of them contiguous to Brighton, but not Brighton. I have concerns about drainage if that addition were put on. I call it a private road, a driveway -- it is a private road because to me on the sign it says private road. Both signs for both cul de sacs. By impacting and pulling out that side of the garage, you're taking away drainage that would be normal ground that would absorb water. You're talking out the evergreen tree that would absorb water. And you're potentially taking out that willow that would absorb water. So, what happens to that water? It goes out into the private drive. There are no storm drains on the private drive. And I -- they were not required so they're not there. So, that puts more drainage out on Heatherstone on the road itself to go out into the culverts and find the storm drains that are further down the street. That impacts rain, wind storms like a couple of my neighbors have mentioned, it also impacts snow removal, and snow melt. So, who does it impact?

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There are 34 houses on Heatherstone, including both private drives. 21 of them are from 90 and up. So, I didn't even bother calling the neighbors who were on what I call the French roadside because it didn't impact them visually or spatially or any other way. I talked to the neighbors from 90 onward.

This is, again, in no particular order. There will be inconvenience to all 21 of us who live at the other end of the street when construction is done in terms of noise, in terms of mess. This affects children playing. We have a mixed -- mixed age of children. Some of them driving. Some of them still in diapers. This would also affect bicyclists. Again, small children with training wheels, up to the guys with the fancy -- I don't know. 22-speed or 31-speed or whatever. We have a lot of walkers on Heatherstone. This mess is going to affect all of them. And I probably consider -- can put myself in the category of dog walkers. We have a lot of walk -- dogs that get walked on our street. Some more than once a day. There were strict guidelines when this house was built for the neighborhood including this lot. Square footage were requirements and roof lines were requirements. This addition, this granting of the variance ignores the rules that we all abided by when

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3 we were building. Including setbacks, roof designs, et  
4 cetera. It changes the footprint of the street. And I can  
5 say when we were initially looking at Heatherstone, our house  
6 was supposed to be on a different lot, but we could not fit  
7 this house that I'm in on this lot. So, we had to choose  
8 another lot. We did not ask for setbacks. We did not ask to  
9 change lot lines. We went by the rules that were in effect  
10 then and now.

11 Taking a house that's proportionate to the lot  
12 and the neighborhood makes an out of proportioned house and  
13 what I think some people would call McMansions.

14 Brighton has a very interesting history of  
15 frowning upon the building of McMansions on other streets.  
16 Some of those were teardown. Some of those were alteration  
17 to the houses.

18 Okay. I think it's disconcerting probably for  
19 the new neighbors, who I'm not even sure are living in the  
20 house yet, to have what they have planned shot down. And  
21 that's your job to figure out if it's appropriate or not.  
22 There's no -- I would think a different architect would need  
23 to be consulted about two -- about putting two bedrooms  
24 upstairs, making an "L" on the back of the house or working  
25 with the Town of Brighton and others to possibly put egress

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windows in the basement and put the bedrooms down there considering as this young lady has said, "The children aren't going to live there forever." I want to thank you for your time and your attention.

CHAIRPERSON MIETZ: Thank you very much. Okay. Is there anyone else in the audience who would like to speak? Yes. Please come up.

MS. LIANO: Hi. My name is Betsey Liano and I live at 160 Heatherstone. I was wondering if it would be possible to look at the architectural plans, because I have not had the opportunity to see them.

CHAIRPERSON MIETZ: Sure.

MS. LIANO: My concern is that the -- I -- I'm also flummoxed as to why somebody would want to buy a two-bedroom house and turn it into a four-bedroom house on that lot. I know the people who lived there very well because I was the one who actually brought them to that home to buy. And it's perfect for that style of family.

I think it's a bit disingenuous to say that the new owners are trying to keep this house up to the standard of the other houses on the neighborhood because the prior owners kept the house meticulously. I'm familiar with the indoors of it because I was in there fairly often. I'm

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concerned with the size of the house that they're proposing and the -- in keeping of the green space onto the private drive. I live just a little bit further down. We probably have one of the next smallest houses on the street. Which is fine with us. We love it. But I am very concerned about the size that they have proposed for the size of the lot that is on that street. I don't know how they could change that. And Frances has some good points. Maybe they could look at renovating things downstairs because with the easement that we also have in the backyard, it does limit the distance that you can go back. And when I look at the way that house is landscaped, I just don't see where they're going to put extra square footage either sideways or backwards. I think that she has a valid concern with regard to the weeping willow that's in the backyard absorbing water because when we do have heavy rainstorms frequently because of the pine needles and whatnot that comes down into the streets, it blocks the drains. Because I personally -- when I walk -- when I could walk, I would walk down and clear that -- the drainage areas to make sure that the water was flowing into the grates. So, if that weeping willow is removed, it will increase the amount of water that is not being absorbed by that plant because that's one of the properties of a weeping willow is

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they absorb a tremendous amount of water up into their root system. So, that would cause a huge amount of water flow. Especially given the displacement of the green space that this property is now -- that their proposal is going to take up -- so, I think that is a valid concern. I'm also concerned with the amount of time that it will -- and the destruction -- that it will take as far as doing construction in that area. And I think that Sue Gasparino also has a valid concern where her small children are trying to catch the bus in that area. If you have heavy equipment that is going to be doing construction, I think that it's putting them at risk for interference with heavy machinery doing a significant amount of construction here. So, those are my concerns. Thank you.

CHAIRPERSON MIETZ: Thank you very much. Is there anyone else who would like to speak regarding this application? Okay. Then there being none, the Public Hearing is closed.

APPLICATION 10A-10-19

10A-10-19 Application of Catilyn Piatkowski, agent, and Colleen Wegman and Chris O'Donnell, owners of property located at 1 Elm Lane, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect an 82.5 foot by

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123 foot tent over the existing tennis court/hockey rink from November 1, 2019 through April 30, 2020. All as described on application and plans on file.

MS. PIATKOWSKI: Hi. My name is Catilyn Piatkowski and I work at Wegmans Food Markets in the Site Development Group. And --

CHAIRPERSON MIETZ: Please give us the street address for the Wegmans Site Development Group.

MS. PIATKOWSKI: It's 100 Wegmans Market Street, Rochester, New York 14624.

CHAIRPERSON MIETZ: Okay. Thank you.

MS. PIATKOWSKI: Yes. So, I'm here representing the property owners. And I have with me Dick DeCarlo, who is also at Wegmans construction group and manages the property for the property owners -- Colleen Wegman and Chris O'Donnell. So, the property owners would like to install an 82 foot, 6 inch wide by 123 foot tent over their existing tennis court, which they also use in the winter as an ice rink. They can flip the tennis court into an ice rink. And the tent would allow for -- to block the sun to help reduce the amount of ice that's melted and doesn't cause any drainage issues and it would help keep the ice as -- as it were. So, as the plans show, that I

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prevented -- or presented to you. And then the redricks that we have, it's -- it's tucked pretty much on the tennis court. And the tennis court is already surrounded by a bunch of our trees and enough screening that you wouldn't see it during the months of November to April. So, that's pretty much it.

CHAIRPERSON MIETZ: So, could you describe for us, you know, we have -- as you can see --

MS. PIATKOWSKI: Oh, sure. So --

CHAIRPERSON MIETZ: -- the aerial lines as to how, like, it relates --

MS. PIATKOWSKI: So --

CHAIRPERSON MIETZ: -- to the closest property and sight lines, et cetera.

MS. PIATKOWSKI: Sight lanes as well -- so, the house sitting with Elmwood to the south, would block any view to the south of Elmwood to the north. And to the west, it would be -- you have very tall and providing trees that are not going to really interfere with any of the site lines here. The site lines coming from the neighbors to the east and the north are blocked by trees on their on property as well as some distance to it are a few trees in the middle of the property as it is. So, there's slightly less screening that would be on the other sides, but still some screening.

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3 And some of the houses are family members as it is. So -- to  
4 the property owner. So, they don't necessarily don't have  
5 any issue with it. And then --

6 MR. DiSTEFANO: We would hope so.

7 MS. PIATKOWSKI: Yeah. We would hope so.

8 So, the tent itself is slightly opposite to  
9 the tennis court as it is shown in this right here. It's  
10 just off set so that there's a space for you to change into  
11 your skates and whatever is going on on the ice rink as well  
12 as underneath the tent. And the tent is -- has no posts on  
13 the inside so that there's no posts resting on the rink. So  
14 it's, you know, aluminum trusses and built for that.

15 MS. DALE: Is it -- is it the -- the expanse  
16 of width and length of the tent that requires the height to  
17 be quite so tall?

18 MS. PIATKOWSKI: Yes.

19 MS. DALE: I would assume there's not -- is  
20 there a way to cover this space without having such a --

21 MS. PIATKOWSKI: The 30-foot height?

22 MS. DALE: Yeah.

23 MR. DeCARLO: Two factors, A. The covered  
24 space and --

25 CHAIRPERSON MIETZ: Sir, could you just -- for

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3 the record, state your name and address?

4 MR. DeCARLO: Dick DeCarlo. I'm a project  
5 manager with Wegmans Construction Group. And my address is  
6 also 100 Wegmans Market Street.

7 CHAIRPERSON MIETZ: Okay. Go ahead.

8 MR. DeCARLO: Two reasons for the width and  
9 the height is the width will accommodate underground  
10 utilities that are there and to cover the whole tennis court.  
11 The tent is to -- current fences that are around the court,  
12 we'll be expanding them over those. And also for snow load.

13 MS. DALE: I'm sorry. Did you say there's  
14 underground utilities for the tennis court?

15 MR. DeCARLO: The electric --

16 MS. PIATKOWSKI: Yes.

17 MR. DeCARLO: The electric for the lights  
18 around the tennis court.

19 CHAIRPERSON MIETZ: So, the wind load and the  
20 snow load has obviously been capsulated by whoever is  
21 manufacturing this tent?

22 MS. PIATKOWSKI: Hank Parker.

23 CHAIRPERSON MIETZ: Okay. And then the intent  
24 would be that it would be disassembled in April?

25 MR. DeCARLO: Correct.

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MS. PIATKOWSKI: Yes.

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CHAIRPERSON MIETZ: And then put up again in  
the fall?

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MR. DeCARLO: Correct.

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MS. DALE: So, is the -- is this a  
multiple-year request?

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MS. PIATKOWSKI: So, currently, it's just  
one -- of this current season.

11

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MR. DeCARLO: This is a trial basis for  
framing and installing. Trying to make sure --

13

14

MS. SCHWARTZ: How long is this tennis court  
slash ice rink been built? Has it been there a long time?

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MR. DeCARLO: This would be our third -- third  
year.

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MS. DALE: And -- so, the primary purpose that  
you guys testified -- gave testimony over was -- was wanting  
to block the sun so that the ice doesn't melt --

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MR. DeCARLO: That is --

MS. DALE: -- is that correct?

MR. DeCARLO: That is correct. One of the  
reasons also, to assist with keeping out ambient conditions.  
It's a little variating, our winters have been. It's not  
cold like the old days for the whole winter. So, when you

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3 get ice, it rains. That makes for a lot of maintenance on  
4 ice -- on the ice surface. This will --

5 MS. PIATKOWSKI: On the ice, yeah.

6 MR. DeCARLO: This will assist with... that  
7 will allow us to make better ice.

8 CHAIRPERSON MIETZ: And there is no residual  
9 cooling of the slab, right? It's just a tennis court?

10 MR. DeCARLO: No. There are, like, ultra wave  
11 -- like light chillers.

12 CHAIRPERSON MIETZ: Oh, there are?

13 MR. DeCARLO: Yes.

14 CHAIRPERSON MIETZ: Okay. You didn't discuss  
15 it.

16 MS. PIATKOWSKI: Sorry.

17 CHAIRPERSON MIETZ: So, we have no idea of the  
18 tennis -- a lot of people put in temporary ice rinks that,  
19 you know, you're --

20 MS. PIATKOWSKI: No. Exactly. There's a  
21 glycol system underneath it. So...

22 CHAIRPERSON MIETZ: Oh, so there is a cooling  
23 move underneath that controls PCS --

24 MR. DeCARLO: Yes.

25 MS. PIATKOWSKI: Yes.

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3 CHAIRPERSON MIETZ: -- similar to an indoor  
4 ice rink?

5 MS. PIATKOWSKI: Uh-huh.

6 MR. DeCARLO: Correct.

7 MR. DOLLINGER: Is it underneath the tennis  
8 court or did you --

9 MS. PIATKOWSKI: Yes.

10 MR. DOLLINGER: -- just throw them on top of  
11 the tennis court?

12 MR. DeCARLO: No.

13 MS. PIATKOWSKI: No.

14 MR. DeCARLO: It's -- no. It's actually the  
15 glycol moves -- the pads are -- they roll out -- roll them  
16 out.

17 MR. DOLLINGER: So, they're on top of the  
18 tennis court; is that right?

19 MR. DeCARLO: Yup.

20 MR. DOLLINGER: Okay.

21 MS. SCHWARTZ: Has this been used as a -- as a  
22 hockey rink in previous winters?

23 MR. DeCARLO: Yes.

24 MS. SCHWARTZ: Okay. And how did things go  
25 during those two untented?

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3 MS. PIATKOWSKI: It was -- as did -- would it  
4 do when we get snow and then rain and then some cold, it's  
5 just a heavy maintenance. And sometimes there's melt. So,  
6 we have to build new ice and that's -- it's just a  
7 maintenance. And that's why we're proposing this because we  
8 figured it would help too.

9 MS. DALE: So, who are the -- who are the  
10 users of the -- are there other --

11 MS. PIATKOWSKI: It's just the family.

12 MS. DALE: -- other children?

13 MR. DeCARLO: It's the family.

14 MS. DALE: On a -- you know, just weekends in  
15 the winter, a couple hours a day?

16 MS. PIATKOWSKI: Yeah, yeah. In the evening.  
17 Whenever.

18 MR. DeCARLO: They skate every day.

19 MS. DALE: They skate every day?

20 MS. PIATKOWSKI: Yeah. As a family.

21 MS. DALE: Yeah.

22 MS. SCHWARTZ: It doesn't turn into -- into a  
23 group of kids and two teams within the ice rink?

24 MS. PIATKOWSKI: (Shakes head.)

25 MS. SCHWARTZ: I mean, we have -- we have two

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3 ice rinks in the next street over, okay? It's certainly not  
4 as big as this. But they put in their aluminate, they fill  
5 it and so on. And nobody gets anything covered. I mean, the  
6 tent goes up it too. So, I just wanted to say that.

7 CHAIRPERSON MIETZ: Okay.

8 MS. TOMKINS-WRIGHT: Can you compare the  
9 height of the lights that were installed to the height of  
10 this tent?

11 MR. DeCARLO: The lights that are on the  
12 tennis court?

13 MS. TOMKINS-WRIGHT: Yes.

14 MR. DeCARLO: I believe those lights are 21  
15 feet tall.

16 CHAIRPERSON MIETZ: The feet of the width?

17 MS. PIATKOWSKI: Uh-huh.

18 CHAIRPERSON MIETZ: All right. Has --

19 MR. DiSTEFANO: Have you had any discussions  
20 with the immediate neighbors?

21 MR. DeCARLO: I have not. We've received no  
22 response from the letters that we've sent. I haven't  
23 heard --

24 MR. DiSTEFANO: You sent -- you sent letters  
25 to them?

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3 MR. DeCARLO: I believe there was letters  
4 sent.

5 MR. DiSTEFANO: Well, the town sent  
6 notification --

7 MS. PIATKOWSKI: Yeah.

8 MR. DeCARLO: Notification, I'm sorry.

9 MR. DiSTEFANO: But I wondered if you've had  
10 any contact with any of the neighbors just on a, hey. This  
11 is what we're looking to do type of basis or --

12 MR. DeCARLO: We've had no feedback.

13 MR. DiSTEFANO: You've had no feedback? And  
14 you haven't approached the neighbors either?

15 MR. DeCARLO: No.

16 MR. CLAPP: We do have a letter from a  
17 neighbor expressing concern about the glare of lights. And  
18 then also the view -- the height of the tent. Now, you said  
19 you haven't had any conversations with the neighbors. Is  
20 there anything that can be done to correct or accommodate the  
21 glare of lights?

22 MR. DeCARLO: The existing lights that are  
23 lighting the tennis court will be taken down while this tent  
24 is in place, and then there will be temporary lighting  
25 installed inside the tent. So, we have a canvas package.

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3 You can see by the drawings. If anything there will be less  
4 glare. Probably none.

5 MR. CLAPP: Thank you.

6 MR. DiSTEFANO: Does the --

7 MS. DALE: But the tent itself isn't that  
8 thick, right?

9 MR. DiSTEFANO: Yeah, I was going to say --

10 MS. DALE: I mean, it's not -- if anything, I  
11 would almost think it would be more because now you've got  
12 this giant white --

13 MS. PIATKOWSKI: The light will -- instead of  
14 having it exposed, like, to the outside, it -- the lighting  
15 will be inside the tent.

16 MR. DiSTEFANO: But it will glow, right? I  
17 mean --

18 MR. DeCarlo: Yeah.

19 MR. DiSTEFANO: You'll look over and you'll  
20 see a glowing tent, right?

21 MR. DeCARLO: Yeah. Correct.

22 MR. DiSTEFANO: Okay.

23 CHAIRPERSON MIETZ: And what was the -- why  
24 was the color chosen? Is there a reason for that?

25 MR. DeCARLO: That was a chose made by the

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3 property owners.

4 MS. DALE: You mean white as opposed to?

5 CHAIRPERSON MIETZ: Other colors. Other  
6 colors. Okay.

7 MR. DiSTEFANO: And just one other question,  
8 what would be the typical hours of operation? I mean, what  
9 would you propose to, like, have the lights off by 9:00 at  
10 night, or do they want the ability to continue to skate till  
11 11:00? You know, just --

12 MR. DeCARLO: Based on observation, I've never  
13 really seen anyone out there skating much past 9:00, 10:00 at  
14 night. But I can't speak to that.

15 MR. DiSTEFANO: So, you're -- would you be  
16 suggesting any time limit on this?

17 MR. DeCARLO: At this point, no. I guess.

18 MR. DiSTEFANO: Okay.

19 CHAIRPERSON MIETZ: Okay. Any other questions  
20 over here? Questions? Questions? Okay. Thank you.

21 MS. PIATKOWSKI: Thank you.

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-11-19

4 10A-11-19 Application of Pardi Partnership  
5 Architects, agent, and William Castle, owner of property  
6 located at 154 Klink Road, for an Area Variance from Section  
7 207-6A(1) to allow a detached garage to be 18 feet in height  
8 in lieu of the maximum 16 feet in height allowed by code.  
9 All as described on application and plans on file.

10 MR. FISKE: Good evening. My name is Scott  
11 Fiske. I'm president of Pardi Partnership Architects. We're  
12 at 25 Circle Street in Rochester. I'm here tonight with  
13 Mr. Castle, who is the property owner. And he's looking for  
14 a variance to exceed the allowable height of 16 feet for the  
15 detached garage.

16 Mr. Castle has worked with us previously. We  
17 made a small addition to his house several years ago. He has  
18 a growing family and his garage is -- was the next phase of  
19 what he wanted to renovate. It's a one-car garage now. He  
20 has two cars. This garage that he was -- that he's asked the  
21 board for will allow him to house both those cars. He also  
22 has just seasonal equipment and things like that. He likes  
23 to be outdoors. He has kayaks. Those kinds of things he'd  
24 like to store in his garage.

25 There are several different ways to build a

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3 garage like this. One of them is trusses. There are two  
4 kinds of trusses and one of them is called an attic truss,  
5 which allow usable storage space in the overhead. To make  
6 this usable as storage space, which is what he would like, it  
7 really requires us to push the height of an additional two  
8 feet. So, what you're seeing is -- I believe it's on the  
9 left -- is the 18-foot version of the garage. And on the  
10 right is the 16 feet that would be allowed by code.

11 That really is the extent of what we're asking  
12 for. In all other respects, it fits the property. It  
13 doesn't require any other variances or setbacks. I've worked  
14 with Rick before. So, I'd be happy to answer any questions.

15 MS. SCHWARTZ: What would be in the new  
16 garage?

17 MR. FISKE: Just electric.

18 MS. SCHWARTZ: Okay. And you've mentioned a  
19 possible optional pull-down staircase?

20 MR. FISKE: Correct.

21 MS. SCHWARTZ: Is that going to be?

22 MR. FISKE: Yes. I mean, that is how he would  
23 get up there to use it.

24 MS. SCHWARTZ: Okay. Right. And then what  
25 would the purpose of the window be?

1 Brighton Zoning Board of Appeals 10/2/19

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3 MR. FISKE: Just daylight. I mean, what good  
4 is that? Ventilation in the garage.

5 MS. SCHWARTZ: Okay.

6 MR. FISKE: That's really why.

7 MS. SCHWARTZ: So, nothing -- well, only  
8 electricity. Nothing would be habitable down the road?

9 MR. FISKE: No, no. He's not -- he's not  
10 going to turn it into a studio. He's not interested in using  
11 it for anything other than just general storage.

12 CHAIRPERSON MIETZ: Is it heated?

13 MR. FISKE: No. Not heated.

14 CHAIRPERSON MIETZ: All right.

15 MS. TOMPKINS-WRIGHT: So, except the amount of  
16 materials, it appears there's a lot of neighborhood -- a lot  
17 of garages in the neighborhood that have heights that are  
18 above what's allowed by code.

19 MR. FISKE: That was what I was providing for  
20 you in that package was just -- I took a drive down the  
21 street the day before yesterday and photographed -- some of  
22 those are older and they have been pre-existing,  
23 non-conforming. A couple of them appeared to be failures.  
24 And I used to live on that street. And see that house --  
25 that brand new house, that's where I used to live. They tore

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down the house I was in -- the builders. So, I am familiar with Klink Road.

MS. TOMPKINS-WRIGHT: So, it's fair to say that a higher-than-code permitted garage would still look consistant?

MR. FISKE: Absolutely. It would not be out of character at all.

CHAIRPERSON MIETZ: Okay. All right. Any questions over here? Questions? Nope. Okay. Gentleman, thank you.

MR. FISKE: Thanks. I believe I owe this to someone?

MR. DiSTEFANO: Yes. Thank you.

MR. FISKE: You're welcome.

CHAIRPERSON MIETZ: Okay. Is there anyone in the audience that would like to speak regarding this application? Okay. Then --

MR. DiSTEFANO: Let me just -- real quick -- just for the record call back -- anybody for Application 7A-09-19? Anybody for Application 9A-03-19?

CHAIRPERSON MIETZ: All right. I'm going to close the Public Hearing. It is closed. Thank you.

\* \* \*

1 Brighton Zoning Board of Appeals 10/2/19

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4 REPORTER CERTIFICATE

5

6 I, Alexandra K. Wiater, 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 13th day of November, 2019.

14 At Rochester, New York

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Alexandra K. Wiater

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Brighton Zoning Board of Appeals 10/2/19

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT  
2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON OCTOBER 2, 2019  
AT APPROXIMATELY 9:26 P.M.

October 2, 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

DAVID DOLLINGER, ESQ.  
Town Attorney

RICK DiSTEFANO  
Secretary

NOT PRESENT:  
JENNIFER WATSON

(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: ALEXANDRA K. WIATER, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive  
Batavia, New York 14020

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-01-19

4 10A-01-19 Application of Nancy Zimmer, owner  
5 of property located at 71 Golfside Parkway for an area  
6 variance from section 205-2 to allow for a reduction in lot  
7 area from 25,555 square feet to 19,932 square feet where a  
8 minimum 23,125 square feet is required by code. All as  
9 described on application and plans on file.

10 Motion made by Ms. Schwartz to approve  
11 Application 10A-01-19 based on the following findings and  
12 facts.

13 **FINDINGS AND FACTS:**

- 14 1. This variance is merely for the purpose of the  
15 subdivision and will not alter the character of the  
16 neighborhood because there is no physical change to the  
17 property. It consists of change to documents.
- 18 2. The lot lawn adjustment is in the rear yard and adding  
19 value to the property.
- 20 3. The new lot area of 19,932 square feet is not that much  
21 less than the 23,125 square feet minimum lot area required by  
22 code. This subdivision will bring the neighbors lot more  
23 into line with the size of the other lots.

24 **CONDITIONS:**

- 25 1. This variance only applies to the reduction of lot area

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from 25,555 square feet to 19,932 square feet for the purpose of subdivision.

(Seconded by Ms. Tompkins-Wright.)

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

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-09-19

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10A-09-19 Application of Edward and Patricia Hall, owners of property located at 90 Heatherstone Lane, for an Area Variance from Section 205-2 to allow an addition to extend eight feet into the 18.75 foot side setback required by code. All as described on application and plans on file.

Motion made by Mr. Clapp to table Application 10A-01-19 and keep the Public Hearing open.

(Seconded by Ms. Tompkins-Wright.)

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

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-11-19

4 10A-11-19 Application of Pardi Partnership  
5 Architects, agent, and William Castle, owner of property  
6 located at 154 Klink Road, for an Area Variance from Section  
7 207-6A(1) to allow a detached garage to be 18 feet in height  
8 in lieu of the maximum 16 feet in height allowed by code.  
9 All as described on application and plans on file.

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

13 **FINDINGS AND FACTS:**

14 1. The two foot increase in the roof height is not  
15 substantial and will allow for storage access to the garage  
16 structure.

17 2. Similar garage structures exist in the subject  
18 neighborhood and no negative effect on character of the  
19 neighborhood will most likely result on the approval of this  
20 variance.

21 3. No other alternative can be to decipher the opportunity  
22 to allow for storage capacity within the garage.

23 **CONDITIONS:**

24 1. This variance is based on the drawing submitted and the  
25 testimony given.

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Brighton Zoning Board of Appeals 10/2/19

(Seconded by Ms. Schwartz.)

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

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 7A-09-19

4 7A-09-19 Application of James Buholtz,  
5 contractor, and Issac Jones, owner of property located at 230  
6 Richs Dugway, for an Area Variance from Sections 203-2.1(B)  
7 and 203-16A(4 to 1) allow a detached garage to be located in  
8 a front yard in lieu of the side of rear yard as required by  
9 code, and 2. Allow said garage to be 789 square feet in size  
10 in lieu of the maximum 600 square feet allowed by code. All  
11 as described on application and plans on file.

12 Motion to deny Application 7A-09-19 without  
13 prejudice by Ms. Dale due to applicant's failure to provide  
14 alternate plans as requested.

15 (Seconded by Ms. Tompkins-Wright.)

16 (Mr. Clapp, yes; Ms. Schwartz, yes;  
17 Ms. Tompkins-Wright, yes; Ms. Dale, yes; Mr. Mietz, yes;  
18 Ms. Schmitt, yes.)

19 (Upon roll call, the motion is to deny.)

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1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-10-19

4 10A-10-19 Application of Catilyn Piatkowski,  
5 agent, and Colleen Wegman and Chris O'Donnell, owners of  
6 property located at 1 Elm Lane, for a Temporary and Revocable  
7 Use Permit pursuant to Section 219-4 to erect an 82.5 foot by  
8 123 foot tent over the existing tennis court/hockey rink from  
9 November 1,2019 through April 30,2020. All as described on  
10 application and plans on file.

11 Motion to deny Application 10A-10-19 by  
12 Ms. Dale.

13 **FINDINGS AND FACTS:**

14 1. The applications request for a ten that is 82.5 feet wide  
15 by 123 feet long and 30 feet high in the guest yard is  
16 substantial and will be a detriment to nearby properties due  
17 to the enormous size of the tent and the lengthy six-month  
18 duration requested.

19 2. The proposed height of the tent of 30 feet is taller than  
20 the average height of a two-story home. The proposed tent  
21 would be in place during the winter months when trees do not  
22 have their leaves and it would not be adequate screening to  
23 shield the tent from view.

24 (Seconded by Ms. Tompkins-Wright.)

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

Brighton Zoning Board of Appeals 10/2/19

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Ms. Tompkins-Wright, yes; Ms. Dale, yes; Mr. Mietz, yes;  
Ms. Schmitt, yes.)

(Upon roll call, the motion is to deny.)

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APPLICATION 9A-04-19

9A-04-19 Application of Frank Imburgia/FSI Construction, owner of property located at 3300 Brighton Henrietta Town Line Road, for an Area Variance from Section 203-164A to allow front yard (along Brighton Henrietta Town Line Road and Canal View Boulevard) where not allowed by code. All as described on application and plans on file.

Motion made by Ms. Tompkins-Wright to approve Application 9A-04-19 based on the following findings and facts.

**FINDINGS AND FACTS:**

1. The granting of the request variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The property is a zoned technology office park and surrounded on three sides by commercial uses. Properties to the north and south both have parking located between the building and the road, making it appear consist with nearby properties.

Further, the project proposes to maintain the existing coniferous trees along the west side of Canal View Boulevard and create additional vegetation along both Brighton Henrietta Townline Road and Canal View Boulevard, which will lessen the impact of parking areas bordering

1 Brighton Zoning Board of Appeals 10/2/19

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3 rights of way.

4 2. The request variance is not substantial, given the  
5 aforementioned vegetated buffer being created.

6 3. The benefit sought by the applicant cannot reasonably be  
7 achieved by any other method. Applicant submitted the number  
8 of options for placement of building and parking areas. All  
9 of which would have required additional variances, or more  
10 importantly would have pushed the building and access drive  
11 further into the EPOD, flood plane and floodway. The  
12 proposed construction limits the impact to those more  
13 environmentally sensitive areas.

14 4. There is no evidence that the proposed variance would  
15 have an adverse effect or impact on the physical or  
16 environmental conditions in the neighborhood or district.  
17 The project is re-establishing buffer areas between the town  
18 of the bank of Allens Creek and the project and the EPOD.

19 5. The difficulty getting to this variance request is not  
20 self-created, as it stems from the partially waden with  
21 environmental features such as a flood plane, floodway and  
22 EPOD.

23 **CONDITIONS:**

24 1. The variance granted herein applies only to location of  
25 the parking described in and in the location as fit on the

Brighton Zoning Board of Appeals 10/2/19

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application and on the testimony given.

2. All necessary Planning Board approval and other permits must be obtained.

(Seconded by Ms. Schwartz.)

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

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-07-19

4 10A-07-19 Application of Frank Imburgia/FSI  
5 Construction, owner of property located at 3300 Brighton  
6 Henrietta Town Line Road, for an Area Variance from Section  
7 205-8 to allow an office building to be constructed with a  
8 42-foot front setback (Brighton Henrietta Town Line Road  
9 frontage) in lieu of the minimum 75 feet required by code.  
10 All as described on application and plans on file.

11 Motion made by Ms. Schwartz to approve  
12 Application 10A-07-19 based on the following findings and  
13 facts.

14 **FINDINGS AND FACTS:**

15 1. This variance for a 42-foot front setback for a new  
16 medical building in lieu of the minimum 75 being required by  
17 code is in a technology office zone and will not change the  
18 character of the area.

19 2. This variance will allow the applicant of the layout on  
20 the parcel with the least amount of harm to the environmental  
21 features - EPOD, floodway and flood plane.

22 3. Several designs were considered and this layout seems to  
23 be best as it requires the least number of variances and has  
24 least impact on the environmental features.

25 **CONDITIONS:**

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1. This variance only applies to the 42-foot front setback request in lieu of the required 75 foot minimum as in written application and the testimony presented.

2. All necessary planning board approvals and permits must be obtained.

(Seconded by Ms. Tompkins-Wright.)

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

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-02-19

4 10A-02-19 Application of Sisters of Mercy,  
5 owner of property located at 1437 Blossom Road, for a  
6 Temporary and Revocable Use Permit pursuant to Section 219-4  
7 to allow the display of two banners advertising school events  
8 for a three week period in October where not allowed by code.  
9 All as described on application and plans on file.

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

13 **FINDINGS AND FACTS:**

14 1. The signs are for have a very temporary basis and thus  
15 will have little affect on surrounding properties of the  
16 neighborhood. The signs are not substantial due to the fact  
17 that they are so temporary.

18 And also with respect to the building sign, is  
19 located in such that it will not be visible from the rights  
20 of way, the signs support, a valuable non-profit educational  
21 institution.

22 **CONDITIONS:**

23 1. Both signs shall be as depicted and in the location  
24 depicted in the application and testimony given.

25 2. The building sign shall be no larger than 96 square feet.

## Brighton Zoning Board of Appeals 10/2/19

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3. The freestanding sign shall be no larger than 50 square foot.

4. Neither sign shall be illuminated.

5. The building sign shall be committed to be placed for no more than three weeks in the months of October and/or November and shall be promptly removed from the event it advertises.

6. The freestanding sign shall be committed to be placed for no more than three weeks in the months of October and/or November and shall be promptly removed from the event it advertises.

(Seconded by Mr. Mietz.)

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

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

## 1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-03-19

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10A-03-19 Application of Charles and Joanne Cavallero, owners of property located at 41 Monroe Parkway, for an Area Variance from Section 203-2.1B(3) and 203-9A(4) to allow a detached garage to be four feet from a lot line in lieu of the minimum five feet required by code. All as described on application and plans on file.

Motion made by Mr. Clapp to table Application 10A-03-19 and keep the Public Hearing open to allow the applicant/homeowner to provide additional information.

(Seconded by Ms. Schwartz.)

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

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

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-05-19

4 10A-05-19 Application of Terence Zappia,  
5 agent, and Wegman Saunders Sawgrass LLC, owner of property  
6 located at 158 Sawgrass Drive, for 1. A Sign Variance from  
7 Section 207-32B(3) to allow a building mounted business  
8 identification sign to be 35 feet in height in lieu of the  
9 maximum 20 feet allowed by code; and 2. A Sign Variance from  
10 Section 207-26D to allow said sign to have a logo which is 35  
11 percent of the sign area in lieu of the maximum 25 percent  
12 allowed by code. All as described on application and plans  
13 on file.

14 Motion made by Mr. Mietz to approve  
15 Application 10A-05-19 based on the following findings and  
16 facts.

17 **FINDINGS AND FACTS:**

18 1. The placement of the business in application sign at 35  
19 feet will allow for a better visibility as clients approach  
20 the building and is sized proportionably due to the height  
21 and site lines.

22 2. The logo design at 35 percent of the sign areas are a  
23 proportional rendition at the 35 feet height which will  
24 provide viability as clients approach the building and  
25 represents the typical U of R rendition of its whole. And

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which has forward been granted variances on other similar buildings.

3. The location and size of the signs are appropriate for a building of this size and no other alternative can meet the needs of the applicant.

4. The safety of customers will be fashionably impacted to the placement and size of the signs as they approach off of Sawgrass Drive.

**CONDITIONS:**

1. Based on the testimony given, and drawings submitted as to size and placement and whether they meet all necessary Planning Board and Architectural Review Board approval shall be obtained.

(Seconded by Ms. Schwartz.)

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

(Upon roll call, motion to approve carries.)

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-06-19

4 10A-06-19 Application of Terence Zappia, agent  
5 and Wegman Saunders Sawgrass LLC, owner of property located  
6 at 158 Sawgrass Drive, for a Sign Variance from Section  
7 207-32B to allow for a free standing sign where not allowed  
8 by code. All as described on application and plans on file.

9 Motion made by Ms. Schmitt to approve  
10 Application 10A-06-19 based on the following findings and  
11 facts.

12 FINDINGS AND FACTS:

13 1. The designed standalone sign with respect to the lot in  
14 question and the site line with the building setback far from  
15 the road. Because of this, the sign on the building will not  
16 be easy to find in locating the building.

17 2. The granting of the variance will not substantially  
18 change the character of the medical complex nor will it  
19 detrimentally impact the nearby properties and placement of  
20 the sign and its size will be consistent with other signs in  
21 the same area.

22 CONDITIONS:

23 1. This variance will apply only to the project as described  
24 in the application and testimony given today. It will not  
25 apply to signs considered in the future that were not in the

Brighton Zoning Board of Appeals 10/2/19

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application.

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

3. Sign should not be illuminated.

(Seconded by Ms. Schwartz.)

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

(Upon roll call, motion to approve carries.)

1 Brighton Zoning Board of Appeals 10/2/19

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3 APPLICATION 10A-04-19

4 10A-04-19 Application of Randall Peacock,  
5 agent, and Matthew and Anne DeVine, owners of property  
6 located at 210 Bonnie Brae Avenue, for an Area Variance from  
7 Section 207-10E(5) to allow for a driveway expansion to be  
8 within two feet from a lot line in lieu of the minimum four  
9 feet required by code. All as described on application and  
10 plans on file.

11 Motion to deny Application 10A-04-19 by  
12 Ms. Dale.

13 FINDINGS AND FACTS:

14 1. The difficulty necessitating the variance request can be  
15 solved in another manner not requiring a variance because if  
16 the width is truly needed the driveway can be expanded  
17 towards the homeowners property and not the property line  
18 adjoining the neighbor.

19 (Seconded by Mr. Clapp.)

20 (Mr. Clapp, yes; Ms. Schwartz, yes;  
21 Ms. Tompkins-Wright, yes; Ms. Dale, yes; Mr. Mietz, yes;  
22 Ms. Schmitt, yes.)

23 (Upon roll call, the motion is to deny.)

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Brighton Zoning Board of Appeals 10/2/19

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REPORTER CERTIFICATE

I, Alexandra K. Wiater, 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 13th day of November, 2019.

At Rochester, New York

Alexandra K. Wiater