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3 name and address.

4 CHARLES CAVALLARO: I am Charles Cavallaro,
5 the address in question is 41 Monroe Parkway and my wife's
6 name is Joanne, but she is not here.

7 CHAIRPERSON MIETZ: Okay. So why don't you
8 tell us what you are trying to do and why you believe it's
9 something we should approve.

10 CHARLES CAVALLARO: Outstanding. Hopefully a
11 further visual benefit, I made two copies of the photographs.
12 They're pretty much the same, you can pass them around to the
13 group to see what we're dealing with. The property in
14 question had a garage in the backyard. It wasn't much of a
15 backyard, simply because of the way the property lines were
16 cut. I have got a diagonal fence going against an industrial
17 property on Monroe Avenue.

18 MR. DiSTEFANO: Commercial property.

19 CHARLES CAVALLARO: Commercial property,
20 forgive me. The garage was demolished with the prospect of
21 putting a new garage up. The building was demolished because
22 it was falling over, unsafe, as many garages are in Brighton
23 as I have noticed.

24 Once the demolish took place I started looking
25 at rebuilding and what I would like to do is put a 20 by 20

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3 building on the property where once an 18 by 18 building
4 stood with the prospect of being able to get a couple of cars
5 in there. What I am requesting is that I am able to keep the
6 original footprint of the original garage so that I can put a
7 20 by 20 building in without crowding into the house. So I'm
8 looking for a one-foot variance, so four feet off the
9 property line rather than five will give me at least enough
10 room to work.

11 MS. TOMPKINS WRIGHT: So the original garage
12 that was demolished was four feet from the property line?

13 CHARLES CAVALLARO: The original garage was
14 about four feet from the property line, yes.

15 CHAIRPERSON MIETZ: And the difference of the
16 square footage that you're looking for is to accommodate
17 vehicles, the size of a vehicle. What is the reason you're
18 changing the dimension?

19 CHARLES CAVALLARO: I don't have a horse and
20 carriage anymore, so it's to put a reasonable sized
21 vehicle -- two reasonable sized vehicles in a two-car garage.
22 And that is the largest building I can put on that property.

23 MS. SCHWARTZ: Will this accommodate all of
24 the vehicles?

25 CHARLES CAVALLARO: I'm only looking for two

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3 vehicles and that would be more than enough.

4 CHAIRPERSON MIETZ: How about storage? Would
5 you have enough room for ancillary --

6 CHARLES CAVALLARO: I'm not sure with a
7 16-foot peak roof there's not going to be room for storage
8 there. That's not an option for this property.

9 CHAIRPERSON MIETZ: Okay.

10 MR. DiSTEFANO: I think one of the items that
11 came up last month was the use of the property. Can you
12 explain what the use of the property is going to be?

13 CHARLES CAVALLARO: Residence.

14 MR. DiSTEFANO: No office use or anything like
15 that planned for the property?

16 CHARLES CAVALLARO: No.

17 MR. DiSTEFANO: Okay.

18 CHAIRPERSON MIETZ: Okay, Questions?

19 MS. DALE: So you're moving to this house
20 from -- when are you moving in?

21 CHARLES CAVALLARO: That's a good question.
22 Originally the idea -- let me backtrack on that and not try
23 to get too far off track. My wife loves home building shows.
24 She found this property and thought it needed a lot of love,
25 and felt that I was the one that could give it this love.

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3 And because I love my wife we ended up buying the property
4 and now I'm in the process of loving this house.

5 My son, I have two sons, the idea was they
6 would be able to move into the property and pay us rent.
7 That's kind of up in the air right now. If you talk to my
8 wife she'll tell you she will move into the house as soon as
9 it's ready. We have not fully discussed that, but the idea
10 is we will be keeping that property likely for ourselves and
11 at some point downsize significantly.

12 MS. DALE: Do you need to make any adjustments
13 to the driveway in order -- because the garage is going to be
14 larger than it used to be, does the driveway have to be
15 wider?

16 CHARLES CAVALLARO: No. Actually if you see
17 the property itself and you see the property map, the
18 majority of the property is driveway and garage. There's
19 very little greenery back there and it's simply because of
20 the commercial property that cuts it off at an angle that
21 doesn't allow me to put a garage square off to the back.

22 MS. DALE: Do you have any plans to improve
23 aesthetics by other landscaping?

24 CHARLES CAVALLARO: We already are.

25 MS. WATSON: Was there any issue with maximum

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3 lot coverage?

4 CHARLES CAVALLARO: No.

5 MR. DiSTEFANO: The calculation was right on
6 the number.

7 CHAIRPERSON MIETZ: I imagine all those lots
8 look like that.

9 MS. WATSON: I wasn't here last month so I
10 didn't know.

11 MR. DiSTEFANO: Tabling was because the use of
12 the property was in question. Unfortunately the owner wasn't
13 here last month and it was represented that they were not
14 sure exactly how the property was going to be used. So we
15 had questions for the current owner on that use.

16 MR. CLAPP: Just to clarify on that for the
17 record, because the record does show your son last time
18 mentioning the possibility of a medical office use for the
19 property. Was that something that might have been discussed
20 in the past and once you realized it was not practical,
21 you're not doing it? But again, you said it will not be used
22 for an office; is that correct?

23 CHARLES CAVALLARO: Fleetwood Mac 1977, the
24 album was Rumours. Sitting at the kitchen table we were all
25 there and my wife said, boy, wouldn't that make a cute little

3 doctor's office? I'm an emergency medicine physician, I work
4 at Rochester General, I've been there 23 years. I have a
5 small private practice and I already have a very fine office
6 on Monroe Avenue at 3300. I have no intentions on leaving
7 that office.

MR. CLAPP: It wouldn't make a good emergency room.

CHARLES CAVALLARO: It would not.

MR. CLAPP: Thank you for clarifying.

CHAIRPERSON MIETZ: Any other questions?

Thank you very much.

CHARLES CAVALLARO: Thank you.

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

APPLICATION 10A-09-19

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 8.5 ft. +/- ft. into the 18.75 ft. side setback required by code. All as described on application and plans on file.

EDWARD HALL: Good evening, I'm Edward Hall

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3 and this is my wife Patricia and we live at 90 Heatherstone
4 Lane. I also own three businesses in Brighton and two other
5 properties in Brighton.

6 First I want to thank the Board for the
7 opportunity to resubmit our application for an addition at
8 90 Heatherstone Lane. I think you'll recall from the last
9 meeting we were asked submit a revised plan as our plan was
10 tabled. We've taken great care to resubmit a proposal that
11 we think reflects the concerns expressed by the Board at the
12 last meeting. We also want to take this opportunity to
13 address several concerns that were expressed by neighbors at
14 that meeting.

15 So we're happy to say that we've given careful
16 consideration in redesigning of the proposal in conjunction
17 with our architect. And we've submitted a plan which
18 eliminates a second floor which seemed to be a real bone of
19 contention at the last meeting. The main concern as our
20 understanding was at that time was that the proposed addition
21 was really too large and of too much mass in terms of height
22 and possibly asymmetry as related to the remainder of the
23 home. Several Board members commented that a single-story
24 addition would seem more palatable and less obtrusive in the
25 lot area requested for the variance.

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3 I hope you all have the new plans that were
4 submitted. While the variance has not changed, the plan as
5 I've alluded to has changed quite significantly. We are
6 pleased with the redesign and happy to report that the new
7 proposal was unanimously approved by the Architectural Review
8 Board on October 22nd. The Architectural Review Board
9 commented that the new addition is much more harmonious with
10 the original home and it appeared to be part of the original
11 structure. They thought that eliminating the second story
12 and removal of the shed roof in particular improved the plan.

13 The new proposal calls for a single-story
14 addition, again, with a more harmonious appearance, windows
15 that will match the remainder of the home and less obtrusive
16 roof line. We have conceded the fourth bedroom we were
17 hoping for in this new plan, but we are still very happy with
18 the new plan. And we hope you will agree with the
19 Architectural Review Board that the plan seems much more
20 suitable at this point.

21 So again, it was our impression at the last
22 meeting that there was much less concern about the actual
23 variance and more about the actual structure that would
24 occupy the space. We hope to alay any concerns regarding
25 that.

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3 The request in variance involves an
4 encroachment as you know into the side setback. Our
5 understanding from the last meeting is that the main reason
6 for the side setback is that it prevents homes from being too
7 close to other important property elements, and particularly
8 to other homes. Again, there will be over 20 feet of grass
9 space between the proposed addition and the private drive
10 that runs adjacent to our lot.

11 Additionally, there would be over 68 feet of
12 space between the side wall of our home and the side wall of
13 the next home. We believe this is significant space and it
14 shouldn't affect the aesthetics or overall appearance of the
15 neighborhood. In fact, the vast majority of homes in this
16 neighborhood are located much closer to their neighboring
17 homes than our addition would be. We may actually have photo
18 documentation of that.

19 If I can present this, the 90 Heatherstone is
20 located right here and you can see particularly on the
21 eastern side of Heatherstone Lane the homes are situated much
22 closer to one another than this addition would allow our home
23 to be situated to the adjacent home.

24 Another concern mentioned by several
25 neighborhoods at the last meeting involved sight lines as

3 related to the home and the private drive, as well as the
4 private drive itself. We believe the proposed addition will
5 actually indirectly improve sight lines for the private drive
6 and the neighbors located on the private drive.

7 The most significant obstruction of the sight
8 line at this time is a large pine tree at the northwest
9 corner of the current garage. We have a photo of that as
10 well. There is a cone placed where the side wall of the new
11 garage would be. You can see that that's a very large pine
12 tree with a very significant canopy. And how much that, you
13 can imagine, coming from the right side of the picture you'd
14 be traveling down Heatherstone Lane and you can see that that
15 pine tree in our opinion would very much more affect sight
16 lines than the new structure would. And that pine tree would
17 have to be removed as part of the addition.

18 That brings us to the next concern -- I'm
19 sorry I'm being lengthy here but I want to try to address as
20 many of these as I can -- and that's the general concern
21 about removing the pine tree. We consider ourselves green
22 and we really would like to save that tree and we don't
23 really want to remove the tree, but unfortunately it would
24 need to be removed. We believe removal of the tree would
25 improve sight lines to the private drive as well as to the

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3 neighboring homes.

4 We also have our own concerns regarding the
5 proximity of this tree to our current garage, and the
6 possible safety implications for our own home and safety. We
7 would also like to reassure the Board and our neighbors that
8 we do intend to plant new vegetation -- and we actually have
9 a plan for that, we can present that as well -- that will be
10 more sight line friendly and along the affected side of the
11 property.

12 We believe this will also potentially offset
13 any superficial moisture issues that may arise. Although, I
14 will say that just this week we had an arborist who is
15 certified by the Town of Brighton come to our home and
16 evaluate this tree, as well as a Willow tree at the back of
17 the property. And this arborist stated and said that he
18 would be willing to provide documentation that the private
19 drive is adequately pitched so there really shouldn't be an
20 issue with moisture.

21 There's also a sewer easement that's pitched
22 into our backyard which should help address moisture. The
23 Willow tree actually, its roots pitch water toward our home
24 and this arborist actually noted that the side walkway around
25 the current garage is actually suffering structural damage

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3 from the root system of the Willow tree. These root systems
4 as you may know are very superficial. So there's water
5 damage and structural damage from the root system of the
6 Willow tree. The other point he mentioned to us is that the
7 Willow and the pine are actually very dormant in terms of
8 water absorption, for almost six months of the year and
9 particularly in October through March.

10 Another concern expressed by several neighbors
11 was the size of the home in relation to the lot. In fact one
12 neighbor stated we have the smallest lot in the neighborhood,
13 another neighbor suggested we have one of the smallest lots
14 in the neighborhood. We respectfully dispute this claim. A
15 quick review of the Monroe County property portal clearly
16 shows 12 homes situated on smaller lots in the neighborhood.
17 20 of the 34 homes in the neighborhood are either smaller or
18 within one-tenth of an acre of our lot.

19 You can probably tell I'm a little bit upset
20 about that. I think unfortunately, we are new to this
21 neighborhood, we haven't met many of the neighbors and, you
22 know, words like disingenuous have flown, words like trying
23 to build a McMansion have flown, that has been very hurtful
24 to me and my family. Even with the proposed addition our
25 home would rank 17th out of 34 homes in the neighborhood in

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3 terms of square footage per acre.

4 Finally, with the proposed addition we would
5 still be well within the parameters of lot coverage at
6 16.3 percent. Finally, we also dispute the claim that GPS
7 services directed one to 90 Heatherstone Lane when the
8 106 Heatherstone Lane address is entered. Again, using the
9 widely popular Google maps app we've provided documentation
10 of this. Apple maps, Map Quest, Waze, every one of them
11 clearly directs you to 106 Heatherstone.

12 We have verified with the fire marshal, we
13 have verified with the police department, we have verified
14 with the emergency medical services for Brighton, but there's
15 no concern about a public safety hazard related to this
16 addition. We believe that the new addition would actually
17 improve sight lines and visibility and safety as it relates
18 to the private drive.

19 We are also aware of a petition that was
20 brought about through our neighborhood and we respectfully
21 ask for a chance to rebut any information provided tonight
22 give that there were clearly inaccuracies stated at the last
23 meeting by these very neighbors. We are not sure what
24 neighbors may have been told and why they signed a petition.
25 We are concerned they may have been told inaccuracies, as we

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3 have clearly shown tonight.

4 PATRICIA HALL: The petition was also based on
5 our first plan not the second plan.

6 EDWARD HALL: So in summary, we are submitting
7 a new proposal for the addition at 90 Heatherstone Lane.

8 While the variance request has not changed, the proposed plan
9 has changed significantly as per your suggestions. We are
10 quite pleased with the redesign and actually even more
11 pleased that the Architectural Review Board unanimously
12 approved the new proposal.

13 The requested variance to side setback would
14 still leave over 20 feet of green space from our addition to
15 the private drive and 68 feet of space to the neighboring
16 home. While we appreciate and respect concerns expressed by
17 our neighbors, we feel that we have made a good faith effort
18 to address these concerns. We believe the new proposal will
19 indirectly improve sight lines to the private drive and its
20 occupants because of the removal of the pine tree, and will
21 improve safety for not only those homes but our own home as
22 well.

23 We believe there are no issues relative to the
24 square footage of the home relative to lot size and we hope
25 that the Board will appreciate our revisions and vote to

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3 approve our application for a side setback variance. Thank
4 you for your time.

5 PATRICIA HALL: I have another concern. So we
6 have two beautiful trees in our front yard as well. As Ed
7 alluded to I think people are upset that we're cutting down
8 some trees, but those are a sycamore and an evergreen,
9 they're very large. And the other thing that I think that
10 our -- the gentleman that we're working with to redo some
11 planting, you see that in order to get into that third garage
12 we're going to have to put a little bit more asphalt down for
13 our driveway.

14 I think I shared these pictures before, but we
15 have multiple homes in the neighborhood who do have three-car
16 garages. This one I know specifically, the third-car garage
17 was added so they added asphalt as well. This one has
18 asphalt on either side, so it kind of goes like this. It
19 goes in and it kind of goes like this. So there's other
20 homes that have that same thing. Our driveway right now is
21 just straight.

22 CHAIRPERSON MIETZ: Okay. Are you set?

23 EDWARD HALL: Yes, thank you.

24 CHAIRPERSON MIETZ: Okay. Hang on for any
25 questions.

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3 and we live at 118 Heatherstone Lane. We submitted a letter
4 to you, this is in response to the letter that was given by
5 the applicants. My husband is out of town in Chicago so he
6 wanted me to come and read the letter for him.

7 Dear Zoning Board, we are writing on behalf of
8 the neighbors of Heatherstone Lane, many of which are long
9 time community members who have greatly appreciated the
10 aesthetic character and green spaces that the Town of
11 Brighton thoughtfully created and planned for years ago.
12 Thank you for your time and attention to this matter.

13 We previously submitted several points in
14 opposition to the variance request by 90 Heatherstone Lane.
15 And we now write in response to several statements that the
16 applicants made in their letter dated October 24, 2019. It
17 is significant to remind the Board initially that the
18 applicant's requested variance is not a necessary change nor
19 is it driven by some other hardship or problem with the
20 property. It is a personal preference only, and one that the
21 applicants have refused to concede even, quote, after careful
22 consideration and redesign, unquote, and after submitting
23 revises plans for their proposed addition.

24 In fact, the applicant's failed to address in
25 their response letter the fact that they purchased the

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3 property knowing the restrictions and the setback that the
4 Town of Brighton designed many years ago to maintain open
5 green spaces and to preserve the neighborhood's character.
6 The green spaces and the character of the neighborhood cannot
7 be overstated. They should not be an afterthought as the
8 applicants treat them and they also cannot be compromised
9 simply because a single new homeowner who knew about the
10 neighborhood restrictions refuses to design a home addition
11 in a way that doesn't require a variance.

12 We further disagree with the applicant's
13 statement, quote, that the Board appeared less concerned that
14 the area requested for variance, rather than the actual
15 structure that would occupy that area. That simply cannot be
16 true. We know this Board takes a setback requirement and
17 green spaces seriously and, of course, would take into
18 account the area requested for a completely unnecessary
19 variance.

20 The variance is not a mere, quote,
21 encroachment, unquote, as the applicants attempt to
22 characterize it. The variance takes away significant
23 portions of green space along a private drive. That green
24 space is for privacy of course, but perhaps more importantly
25 to all neighbors it also assists with surface runoff

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3 resulting from excess storm water, melt water, or other
4 naturally occurring water flows. The applicant's letter does
5 not address this at all.

6 The applicant's letter also does not address
7 the snow removal requirements for the private drive which we,
8 the neighbors, paid for. During heavy and consistent snows
9 the current setback allows snowplows enough room to maneuver
10 and to push the snow into an area where it can melt and
11 absorb into the landscape. Removing almost half of the
12 setback as the applicants have proposed reduces the amount of
13 property available for snow to melt which will cause the
14 water and ice to build up on the private drive and may
15 increase the risk of flooding to the applicant's home
16 addition.

17 The applicants claim that they have, quote,
18 verified with the fire marshal, unquote, and other first
19 responders that the proposed variance and tree removal will
20 not effect GPS services in the area. At the same time the
21 applicants do not disclose when those supposed conversations
22 took place, with whom the applicant spoke, and what the
23 substance of those alleged conversations was. The applicant
24 supposed, quote, verification process is a complete mystery.

25 Other than referring generally to the internet

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3 in support the applicants have not alleviated our neighbors'
4 legitimate concerns that GPS services may not recognize the
5 private drive after totally changing the landscape.

6 Furthermore, the removal of the Willow tree
7 planted quite thoughtfully during this neighborhood's
8 development over 30 years ago is simply unacceptable. Of
9 course the tree assists with moisture and runoff, the
10 applicants do not disagree with this position, instead they
11 resort to flippantly describing moisture issues as
12 superficial which as the Board knows they most certainly are
13 not.

14 While the applicants say, quote, we consider
15 ourselves green, unquote, they nevertheless have designed a
16 plan that requires removing a historical tree and lessening
17 the green space. There's nothing green about the applicant's
18 variance request, which again is completely unnecessary and
19 driven entirely by personal preference. What's clear is that
20 the applicants have not taken into account the runoff and
21 other water issues that may occur if the variance is granted.

22 At the end of the day the variance should not
23 be granted and we would urge the Board to maintain the
24 integrity of our neighborhood and to give proper deference to
25 our wonderful Town zoning regulations and restrictions. They

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3 are there for a reason and they should be adhered to. Thank
4 you.

5 MS. TOMPKINS WRIGHT: Can I ask a quick
6 question? I just want to clarify something on the snow
7 plowing. Are you suggesting that the current snow plowing
8 method is to push snow onto that property?

9 DENISE-MARIE SANTIAGO: Part of that property
10 is our property. So what happens is, it's a big driveway,
11 the snowplows, that we pay for by the way, we do have to push
12 it to the side, there's nowhere else to push it.

13 MS. TOMPKINS WRIGHT: So you push it more than
14 20 feet off of the road line?

15 DENISE-MARIE SANTIAGO: I could not tell you,
16 but I can tell you that that's where it melts in that area.

17 MS. TOMPKINS WRIGHT: Okay.

18 CHAIRPERSON MIETZ: Okay, thank you. Next
19 speaker please.

20 JOSEPH GASPARINO: Joseph Gasparino, I live at
21 106 Heatherstone Lane with my wife and three young children.
22 I've prepared a written statement that I would like to hand
23 to the Board and the Town official present today. We are
24 here today to oppose the variance request at 90 Heatherstone
25 Lane. This request seems to build a 1,000 square foot

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3 permanent addition with an 18-foot high roof that intrudes
4 eight and a half feet across and 56 and a half feet in depth
5 into the side setback specified by the Brighton Zoning Code.

6 We believe that such a substantial intrusion
7 will be a detriment to the safety of our neighborhood and the
8 safety of the homeowners and children who share the driveway
9 adjacent to 90 Heatherstone Lane. Additionally we believe
10 that the proposed addition will detract from the character of
11 the established neighborhood.

12 I have two posters in front of me. The poster
13 to my right is my property. My house is here and this is my
14 driveway, the common driveway that extends to Heatherstone
15 Lane. Here is 90 Heatherstone Lane, here is a blow up of
16 90 Heatherstone Lane, I would like to bring your attention to
17 the placement of the proposed addition and the variance
18 here. Most of it is in the side setback and it is 1,000
19 square feet. I would also like to bring to the attention the
20 large amount of property in the front and the rear yards. I
21 will be addressing those shortly.

22 90 Heatherstone Lane is centrally located on
23 the main road and borders a shared driveway belonging to and
24 cooperatively maintained by four families. House Number 102,
25 106, 112, and 118 Heatherstone Lane. The common driveway is

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3 our only connection to the main road, Heatherstone Lane
4 property. It is used by our sanitation services, the US
5 Postal Service, delivery trucks, maintenance vehicles, and
6 our snow plowing service providers who push snow onto the
7 easement that is on either side of our driveway.

8 The intersection of our shared driveway and
9 90 Heatherstone Lane is a Brighton School District's
10 designated school bus stop. It's an authorized pick up and
11 drop off location. The bus stop is identified as
12 90 Heatherstone Lane in the district's documentation and is
13 sent to our home as a listed address.

14 Our children board and disembark from the
15 school bus at the end of our driveway every school day. It
16 is imperative that children and parents can clearly see
17 oncoming traffic on Heatherstone Lane and that vehicle
18 traffic and pedestrians can clearly see children waiting on
19 the shared driveway. There are no sidewalks on Heatherstone
20 Lane. I also have pictures of our bus stop and our driveway.
21 I would like to share those with the Board.

22 We stand here in opposition to the proposed
23 variance for the following reasons: Objection Number 1, the
24 proposed project will produce an undesirable change in the
25 character of the neighborhood and be a detriment to nearby

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3 properties by changing the line of sight of our adjacent
4 shared driveway. An imposing structure on the corner lot
5 will impede line of vision creating a potentially dangerous
6 intersection. It is already challenging to locate and
7 navigate this intersection due to its position adjacent to
8 and behind 90 Heatherstone Lane.

9 During the winter, high snow banks make it
10 difficult to see oncoming traffic whether they be on the
11 street or on a private drive when exiting or entering the
12 shared driveway. We are concerned that the current variance
13 request will make all four houses on the shared driveway more
14 difficult to locate and access even by emergency services.

15 Over the course of the past month over 30
16 homeowners on Heatherstone Lane including all four homes on
17 the shared driveway have signed and submitted the petition
18 stating that they oppose the variance due to the concerns
19 about the safety of our residents and the overall character
20 of our neighborhood.

21 Our community's physical layout was designed
22 over 30 years ago and our current homeowners have taken care
23 to preserve the intent and design of the architect. The
24 Board has heard and will continue to hear tonight from these
25 very same residents and homeowners who value their community

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3 and who will speak with passion about the importance of being
4 part of a neighborhood where all residents, all residents
5 respect the regulations and boundaries put forth by the Town.

6 Objection Number 2, the benefit put forth in
7 the proposal can be achieved by different placements and
8 methods other than an area variance. 90 Heatherstone Lane
9 sits on .57 acres with ample space before reaching the front
10 and rear setbacks. These areas have not been fully explored.
11 With plentiful land and space in the front and rear of the
12 property, 90 Heatherstone Lane does not present undue
13 hardship or difficulty in creating an addition. We would not
14 be here tonight in opposition of the proposed variance if the
15 current plans honored the side setbacks set forth and
16 mandated by the Town.

17 Objection Number 3, the requested area
18 variance is substantial. The current request for a variance
19 is now the second such request. The first request for a
20 two-story structure was not approved by the Brighton
21 Architectural Review Board. The second request continues to
22 ask for an eight and a half foot impingement to the
23 designated 18-and-three-quarter-foot side setback. An
24 encroachment of 50 percent into the designated setback. The
25 proposed addition is 56 and a half feet in depth running

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3 through the side setback. This creates a 1,000 square foot
4 permanent structure with a roof, 18 feet high, which would
5 sit on the requested variance.

6 Objection Number 4, the proposed variance
7 request will have an adverse effect and impact on the
8 physical and environmental conditions in our neighborhood.
9 The side setback provides necessary space to allow for
10 visibility of the driveway, protects the easement that
11 carries our utilities, allows for rain runoff, and offers
12 open space that enhances our neighborhood. The proposed
13 variance will narrow the open space mandated by the Town,
14 decrease visibility from and to our shared driveway, and
15 potentially threaten the safety of our residents.

16 Objection Number 5, the alleged difficulty is
17 self-created. 90 Heatherstone Lane was sold on August 26,
18 2019, a little over two months ago. At the time of the
19 purchase the property was listed as a three-bedroom house
20 with a two-car garage. The current zoning restrictions were
21 known at the time of purchase. The proposed variance request
22 contains plans for a third car garage bay and a master suite
23 with a master bathroom, walk-in shower, and walk-in wardrobe,
24 which were known at the time of purchase to exceed the
25 footprint of the property. There's no hardship.

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3 In conclusion, we stand in opposition to a
4 variance request that encroaches on the side setbacks
5 adjacent to 90 Heatherstone Lane creating a potentially
6 hazardous intersection at the heart of our community. We are
7 in opposition to the variance as it produces an undesirable
8 change to our neighborhood. It can be achieved without the
9 need for a variance, is substantial in size and scope,
10 adversely affects the physical and environmental conditions
11 in our neighborhood and is self-created.

12 We urge the citizens' Zoning Board of Appeals
13 to vote against this variance in order to protect the ideals
14 and character of the Brighton community. Thank you for your
15 time and attention.

16 CHAIRPERSON MIETZ: Thank you. Who else would
17 like to speak?

18 PATRICIA CHESS: We were out of town for the
19 last meeting.

20 CHAIRPERSON MIETZ: Name and address, please?

21 PATRICIA CHESS: I'm Patricia Chess,
22 120 Heatherstone Lane, across the private drive. This is my
23 husband Mitchell and we raised our four children in that
24 house.

25 CHAIRPERSON MIETZ: Okay.

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3 PATRICIA CHESS: To the Brighton Town Zoning
4 Board, and this is three minutes, I timed it. I am also
5 going to share pictures that I will explain what the pictures
6 are as we are discussing. As 31-year residents of Brighton
7 thank you for the community. We appreciate the unique
8 community Brighton affords for us to raise our growing family
9 and as a neonatal intensive care doctor, I needed to be close
10 to the University of Rochester Medical Center to respond
11 quickly to unexpected medical emergencies in the NICU. And
12 my husband, also a physician, benefited from the location as
13 well.

14 We chose to design and build our homestead for
15 our growing family at 120 Heatherstone Lane in 1993. A
16 family neighborhood with significant green space and friendly
17 neighbors. In 1998, our neighbors at 128 moved out and we
18 noticed our new neighbors who just moved into 128 were doing
19 major construction in their backyard. We asked what they
20 were doing, they explained their plans to raise the backyard
21 multiple feet to install an in-ground pool.

22 We shared with them our concern about the
23 effect of this on the drainage swale, because Brighton as you
24 know is built on a swamp, but they continued to build. We
25 contacted the Town of Brighton on multiple occasions and were

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3 told not to worry, they didn't apply for a permit and one
4 would not be granted if the construction did not meet code,
5 which they assured us it would not if they were too close to
6 the property line or it affected the drainage. Then we came
7 home from work to find that they had not only finished
8 building the pool but built a stone retaining wall
9 encroaching and actually crossing our property line.

10 We called the Town again, explained this and
11 they said the project was finished, there was nothing they
12 could do. We had our property resurveyed, confirmed our
13 suspicions that it crossed our property line, shared with the
14 neighbor and the Brighton Zoning Board the significant effect
15 on drainage to our property. The neighbor's construction had
16 water pouring into our basement, standing water was inches in
17 depth, pooling by the stone wall.

18 Still, the Brighton Zoning Board did nothing.
19 We spent thousands of dollars for the survey, copy attached
20 them, sending around, having the property regraded,
21 installing multiple sump pumps inside and outside our house.
22 Having a lawyer draw up paperwork stating the 120 neighbors
23 didn't claim ownership of our property on which they built
24 the brick wall, the neighbors agree to pay a few hundred
25 dollars of this with regrading and signing papers saying they

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3 were not claiming the rights of the property on which they
4 built the brick retaining wall, copy attached. I'm not sure
5 if it will affect our ability to sell the house in the
6 future.

7 To this day that part of our property is no
8 longer usable for days after it rains, limiting the use of
9 the swing set first our children, now our grandchildren. No
10 grass grows along the wall since it is so damp, and we look
11 at a brick wall infringing on our property line rather than
12 the previous green space. The 120 owner sold after two years
13 and the pool rarely gets used. We doubt the repercussions of
14 the Zoning Board not doing their job everyday since then.

15 The neighbors on our other side,
16 90 Heatherstone Lane, have changed a number of times over our
17 last 26 years on Heatherstone. Typically they have been
18 individuals looking to downsize since it is a smaller house
19 on a smaller piece of property relative to the other houses
20 on the street. We have been informed that the new owners
21 wish to be granted a variance to expand the house extending
22 out toward the private drive. They knew the size of the
23 property and capacity, the number of bathrooms, bedrooms, and
24 garage space when they bought the house. They know there's
25 room to build out back without needing a variance.

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3 To our understanding the reason for requesting
4 a variance does not meet the Brighton Town Code. Our living
5 room and dining room which currently overlook a number of
6 trees and green space -- I've shown pictures -- overlook the
7 area on which they wish to build. I'm sure the picture of
8 the brick wall taken yesterday, damp in spite of no rain for
9 days, current view from our living room, dining room and how
10 this expansion would affect the visibility for those on the
11 private drive and aesthetes for the whole street.

12 We love the Town of Brighton. But the Town
13 Zoning Board failed to do due diligence in 1998, with daily
14 lasting consequences for us. Please recognize the current
15 requested variance does not meet Town conditions, and explain
16 to the new property owners they can build half if they choose
17 without needing a variance. Do not fail us and our
18 neighborhood again and please don't hesitate to reach out if
19 you have further questions.

20 MITCHELL CHESS: They might have questions for
21 you. Part of our concern, again, is it changes the nature of
22 our property. Right now, whereas the house with the addition
23 may not be closer to our house than others in the
24 neighborhood, that's because there is a private drive between
25 our house and that other house. When we built our house

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3 there it was with the understanding that there was the
4 setback and this was basically what we had. It was, in
5 essence, a forever green space we were promised because of
6 all of the construction and -- putting in the property.

7 We have no problem if they're increasing the
8 size of their house just as long as it doesn't encroach on
9 the space that should not be encroached upon and that was
10 known at the time they purchased the house. Taking the
11 building into that space, I understand that they're claiming
12 it would not affect visibility but I don't see how anybody
13 could claim that putting a structure in that spot would cause
14 less obstruction than a tree.

15 I have looked at trees and I've looked at
16 garages and I could certainly see around trees much better
17 than garages. So in essence, I understand what they are
18 claiming and why they are saying it, but there are ways they
19 can get what they want without infringing and going into this
20 and needing a variance. Thank you.

21 CHAIRPERSON MIETZ: Thank you. Is there
22 anyone else who would like to speak?

23 FRANCES FINE: I have no visual aids, I have
24 no prepared statement, I will wing it. It's a lot different
25 standing up here than it is sitting at home making notes.

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3 You want my name, Frances Fine 170 Heatherstone Lane.

4 CHAIRPERSON MIETZ: Thank you.

5 FRANCES FINE: Yeah, sitting at home just
6 reviewing notes and stuff. I'd like to ask the Board members
7 if any of them have been on or come to Heatherstone Lane to
8 see the layout, the character, the feeling of, and conditions
9 of the neighborhood?

10 CHAIRPERSON MIETZ: Yes.

11 FRANCES FINE: Thank you. I will do my best
12 to describe what is to be seen and evaluated. I haven't seen
13 these, so I can't use them. I think this is a terrific house
14 plan. I think a family could live there very, very happily,
15 but I don't think this is the lot for it. When you consider
16 the visual, the spacial, and the functional changes that
17 would come from this substantial variance, you get a negative
18 change to the essential character of the neighborhood, in
19 terms of proportion and in appearance, and also sharp
20 contrast to the foot of Heatherstone which gives an adverse
21 effect and impact on the physical and environmental
22 conditions in the neighborhood.

23 There are 34 houses on Heatherstone, and one
24 vacant lot which is a redemption pond; 13 of the houses are
25 between Number 90 and French Road; 21 of the houses are

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3 beyond Number 90 up to the ending called Satin Krieger Road
4 at the other end. So any impact definitely has an effect on
5 more than 50 percent of the residents.

6 I think one of the first impacts is to the
7 green space. And we're going to talk about these trees until
8 we're blue in the face. There's a plaque over here in the
9 lobby that says Brighton is a Tree City USA and has been for
10 17 years. Granting of the variance requires the taking down
11 of this big Evergreen and the Weeping Willow and other
12 landscaping, which destroys the current pleasing vision of
13 Number 90, whether you're driving, walking, or biking.

14 It also alters the quality of the exterior
15 appearance and green space that's been planted and
16 persevering for 30 years. This Willow tree has an
17 interesting, right now an interesting stance to it. I have
18 been told that this Willow tree on that corner I believe it
19 is, it actually straddles two properties because of the
20 setback that's required through there.

21 I call it private road, other call it the
22 driveway only because the sign says private road. My
23 question, I don't understand how one owner of that tree that
24 straddles two properties can take it down without the consent
25 of the other owner, and I'm pretty sure the other owner

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3 wouldn't give consent. I guess what we would have to rely on
4 is the wisdom of King Solomon on this one.

5 We also have to look at the physical condition
6 which would have a negative impact that the people already
7 described as the footprint of the street. The altered plan
8 is simply too big for the lot and the neighborhood.

9 Heatherstone lots are larger than most other
10 areas of Brighton. The smallest lot on the street is .51
11 acres, the biggest is .22 acres. I'm going to have to say
12 don't believe a word. I say, the biggest is actually
13 6.38 acres, which when you drive onto Heatherstone is the
14 first house on the left, But for figures and calculations
15 because it is so dramatically different than the other lots I
16 have left that out. That would skew things quite a bit.
17 Number 90 is close to the smallest lot on the street being at
18 .57 acres, three quarters of the other lots on the street are
19 larger.

20 This house when it was built -- I need to back
21 up. When Heatherstone was put in there was a requirement of
22 minimum square footage for the houses. This being the
23 smaller of the lots on the street was allowed to be built
24 under the minimum because the builder wanted a ranch.

25 The average lot size of the eight lots that

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3 are immediately neighbors to Number 90 is .71 acres. The
4 average lot size of the 24 remaining homes on Heatherstone
5 Lane is .67 acres. Again, I'm not including Number 35 at
6 over six acres. Of the immediate neighbors only two are
7 smaller but they're smaller by a whisker. One being .55
8 acres, the other being .56 acres, but the proportion is much
9 different because those two smaller by a whisker lots are
10 two-story houses which gave them the minimum square footage
11 for when the houses were built.

12 We also have to look at drainage. Drainage
13 not only affecting the private road but potentially washing
14 onto Heatherstone. This is a substantial variance that's
15 being asked for. It's nearly a half of the required setback.
16 You're taking out, if you look at outside walls,
17 approximately a thousand square feet of soil, lawn and tree
18 drainage from rain and snow melt. There are no storm drains
19 on Heatherstone itself. There are storm drains somewhere on
20 the lots, which probably settled quite a bit by now.

21 We would potentially be looking at increased
22 runoff not only in the private road where when snow is plowed
23 it is hard to see coming out of there, but also on to
24 Heatherstone itself, which presents an environmental safety
25 impact for the 21 houses or 62 percent of the houses on

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3 Heatherstone that are above Number 90 that drive past there
4 to and from French Road multiple, can be multiple times a
5 day.

6 I've asked this question but not gotten an
7 answer. Would the downspouts from the gutters on the
8 addition, would they be putting into a drainage system
9 underneath somehow or would they just be left to drain out
10 onto the lawn? We can see drainage is an issue right there.

11 It is entirely possible that benefit can be
12 achieved by other means and denial of this variance does not
13 equal a hardship. The majority of houses on Heatherstone are
14 two-story Colonial contemporary provincial, traditional.
15 29 of them, which is 85 percent of the houses are already
16 two-story. Five houses, which is 15 percent, are ranches.
17 No variance will be needed to make this a two-story house
18 over the original house or to make egress changes and use the
19 basement, which would achieve the same means as the requested
20 variance and the addition. I thank you for your time and
21 your consideration.

22 CHAIRPERSON MIETZ: Thank you. Is there
23 anyone else that would like to speak?

24 BOB BARBATO: Yes, sir. I'm Bob Barbato, I
25 live at 197 Heatherstone Lane. I'm here to speak in

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3 opposition to this variance. I don't have any concerns about
4 GPS, I don't have any concerns about Willow trees, my concern
5 is about the encroachment, it's too much. It does change the
6 character of our neighborhood. We moved to Brighton because
7 we knew Brighton was very strict and had regulations to
8 protect property owners. We invested a lot of money in our
9 property and we are asking the Board to uphold those
10 restrictions that protect our neighborhood and the character
11 of the neighborhood and the value of our property. Thank
12 you.

13 CHAIRPERSON MIETZ: Okay.

14 SUSAN GASPARINO: Thank you very much. My
15 name is Susan Gasparino and I live at 106 Heatherstone Lane.
16 I'm here tonight on behalf of over 30 residents of
17 Heatherstone Lane who object to the granting of this variance
18 in the center of our neighborhood and who have signed their
19 opposition. The petition referenced before I'm responsible
20 for that petition. I have three children, I'm at the bus
21 stop the majority of the day. I have met a lot of neighbors,
22 I see a lot of neighbors. I'm also a physician, I would
23 never mislead anyone, I would never lie, I would go under
24 oath and swear I did not provide false information.

25 I found out that the architectural plans did

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3 change and so I re-went around to all of the neighbors and
4 shared with them the new plans. I have for you a new
5 petition tonight that does reflect the change from a
6 two-story to a one-story and I will submit that as well.

7 The 30-plus residents I have spoken with and
8 who wish to share their opposition are not people who take
9 their signatures lightly and who sign things without careful
10 consideration. These are hardworking members of the Brighton
11 community who, like Mr. Barbato, value the peace, safety and
12 serenity of their homes on Heatherstone Lane and who take
13 comfort in the regulations enforced by the Town of Brighton
14 to preserve this.

15 These are reasonable and rational people who
16 oppose the granting of this variance in the center of our
17 neighborhood. Many of those people are here tonight. The
18 residents who are opposed to the granting of this variance
19 are: Mrs. Christina Thraul of 20 Heatherstone Lane,
20 Dr. John Broder of 30 Heatherstone Lane, Miss Lisa Pelta,
21 Esq. of 50 Heatherstone Lane, Mr. Donald Conners of
22 60 Heatherstone Lane, Mrs. Doreen Conners of 60 Heatherstone
23 Lane, Mrs. Felicia Cerini of 77 Heatherstone Lane,
24 Dr. Mary Rita Murphy of 89 Heatherstone Lane, Dr. Philip
25 Murphy of 89 Heatherstone Lane, Mrs. Suzanna Fitzgerald of

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3 102 Heatherstone Lane, Mr. John Fitzgerald, Esq. of
4 102 Heatherstone Lane, myself, Dr. Susan Gasparino of
5 106 Heatherstone Lane, Dr. Joseph Gasparino of
6 106 Heatherstone Lane, Mrs. Marcia Kaplan of 112 Heatherstone
7 Lane, Mrs. Denise Santiago of 118 Heatherstone Lane, Mr. T.
8 Christopher Dorsey of 118 Heatherstone Lane, Dr. Mitchell
9 Chess of 120 Heatherstone Lane, Dr. Patricia Chess of
10 120 Heatherstone Lane, Dr. Nancy Krieger of 123 Heatherstone
11 Lane, Dr. David Bushinsky of 123 Heatherstone Lane,
12 Mrs. Patricia Salacci of 127 Heatherstone, Mr. Michael
13 Salacci of 127 Heatherstone Lane, Mrs. Louise Epstein of
14 137 Heatherstone Lane, Mrs. Elizabeth Liano of
15 160 Heatherstone Lane, Dr. Douglas Liano of 160 Heatherstone
16 Lane, Mrs. Joyce Heilbronner of 163 Heatherstone Lane,
17 Mrs. Frances Fine of 170 Heatherstone Lane, Mrs. Farrah
18 Sumore of 180 Heatherstone Lane, Dr. Hanie Awaad of
19 180 Heatherstone Lane, Mrs. Danielle Kozel-Ruthburg of
20 195 Heatherstone Lane, Mrs. Linda Barbato of 197 Heatherstone
21 Lane, and Dr. Robert Barbato of 197 Heatherstone Lane.

22 I also have with me tonight a statement from
23 Mr. and Mrs. Jack Fitzgerald who live at 102 Heatherstone
24 Lane, close property directly borders 90 Heatherstone Lane on
25 the private drive. And the Fitzgeralds could not be here

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3 tonight and asked me to share with you their statement for
4 the record.

5 This is attention Chairman Dennis Mietz, we
6 are writing in opposition to the variance request for the
7 proposed addition to the property at 90 Heatherstone Lane.
8 We are residents on the private drive that abuts that
9 property. You may be aware that the four houses on that
10 drive own a ten-foot strip of land down Heatherstone Lane.

11 When the neighborhood was built this was
12 required by the Town of Brighton in order that we could
13 receive town services. Town services do not come up the
14 drive, it is a driveway. Our four households maintain it and
15 retain private plowing services. Our concern is that if the
16 addition encroaches upon the setback as proposed it will be
17 too close to the drive. It appears to decrease the setback
18 by over 40 percent. The setback beyond our ten-foot-wide
19 strip of property beside Number 90 allows for a graceful
20 approaching to our houses as well as a sight line when
21 turning that corner.

22 It appears that the proposed addition creates
23 a long almost solid wall with very little room for
24 landscaping that might soften the visual effect. In
25 addition, there is a Willow tree on our shared lot line that

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3 we feel will have to be removed to accommodate the addition,
4 again, detracting from the drive to our house.

5 Also, we are wondering how heavy machinery
6 will access the yard of Number 90 in order to create the
7 proposed addition. The remaining setback doesn't appear to
8 provide enough space for such equipment and we're concerned
9 about possible damage to the ten-foot strip and the driveway.

10 Finally, we are concerned about the possible
11 negative effect of the proposed addition on our own property
12 value. For all of the above reasons we are opposed to the
13 variance request for 90 Heatherstone Lane. Thank you for
14 your consideration of our concerns. Sincerely yours, Suzie
15 and Jack Fitzgerald of 102 Heatherstone Lane.

16 I also have a statement from Mrs. Felecia
17 Cerini of 77 Heatherstone Lane, who could not be here and ask
18 that I share her feelings as well. This is attention Town of
19 Brighton Zoning Board of Appeals and members: I live at
20 77 Heatherstone Lane and I am against giving either variance
21 requested by the family at 90 Heatherstone Lane. I
22 understand that they wish for an eight-and-a-half-foot
23 variance that will extend outward toward the private drive.

24 Here are some of the reasons that I am against
25 it: One, there does not appear to be a hardship involved.

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3 Two, the family can come up with a plan that doesn't need a
4 variance that juts out sideways. They can put a second floor
5 on or build behind their house. Three, the addition will
6 block the view of the people on the private drive. Their
7 parents won't be able to see their kids at the bus stop which
8 is located on the corner of that private drive. Four, a
9 Willow tree will have to come down. That Willow absorbs
10 water in an area that is already very wet. Five, the
11 proposed addition will negatively impact the character and
12 beauty of our street. The boundary rules are there to
13 preserve aesthetics, among other things. And six, the
14 proposed addition will cut off the private drive from the
15 rest of the street. Thank you for your attention to this
16 matter. Sincerely, Felicia Cerini, 77 Heatherstone Lane.

17 Ladies and gentlemen of the Board, we are here
18 again tonight discussing the same area variance request as
19 was put forth last month. The roofing material may have
20 changed and the height of the structure may have come down a
21 bit, but what has not changed is the size of the variance
22 requested, the proposed location for the structure, and for
23 what purpose it is being erected.

24 Ladies and gentlemen, in summary tonight let's
25 talk about what this variance request really is about and

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3 what it is not about. This request is not about needing a
4 variance for reasons of hardship. The desire for an
5 oversized master suite with a step ceiling, a sprawling
6 master bath, with a nine-foot vanity and double sinks, a
7 custom walk-in shower, a 105-square foot wardrobe, and a
8 third 18-foot high peaked garage bay are not reasons to
9 violate the existing codes in the Town of Brighton.

10 This case is not about a minor change to an
11 existing neighborhood. It is not about adding a backup
12 generator, installing a wheelchair ramp or raising an
13 existing fence line by a couple of inches. This variance
14 request encroaches by almost 50 percent into an existing
15 setback and erects a permanent structure the size of a new
16 home directly onto that setback.

17 This setback borders private property, a
18 driveway which is shared by four homes who use that driveway
19 as their only ingress and egress to their houses. This
20 driveway is where the children safely board the school bus
21 everyday, and the setback in question is at the very heart of
22 our community on Heatherstone Lane. It's right in the
23 middle. It provides safety from the street, the setback
24 provides a sight line to oncoming traffic and it provides
25 significant green space in the center of our neighborhood.

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3 Leaving a small strip of green grass after this proposed
4 structure is erected should not be a consolation to us. This
5 green space should not be destroyed in the first place.

6 This case is also not about having a lack of
7 alternatives for the desired construction. There is a very
8 spacious backyard and additional room even in the front of
9 the property that do not require an area variance for an
10 addition.

11 No. What this case is really about is about a
12 newly purchased piece of property with known square footage,
13 known setback requirements and knowledge of existing zoning
14 laws. This case is about those laws being violated to add
15 unnecessary permanent construction that encroaches onto the
16 private property of four homes. Placing almost the entirety
17 of this construction onto the side setback in violation
18 against your Town code and against the wishes of our entire
19 neighborhood community is wrong.

20 Should this particular variance be approved it
21 would undermine our Town Code and make our voices
22 meaningless. It would weaken this entire process which is
23 designed to grant variances only for specific and limited
24 purposes after asking for and receiving input from the
25 neighboring homeowners who will be affected. We have all

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3 live in this area for decades and we have all respected the
4 laws of the Town of Brighton. The residents of this
5 neighborhood have spoken. They have a right to be heard and
6 the residents should be heard. The granting of this variance
7 in this case is unfair and it's wrong, and we humbly ask the
8 Town Board hear our voices and turn this request down. Thank
9 you.

10 CHAIRPERSON MIETZ: Thank you. Is there
11 anyone else who would like to speak?

12 ELIZABETH LIANO: My name is Elizabeth Liano,
13 I live at 160 Heatherstone. I spoke to the prior owners of
14 the property because I was asking -- the current owners were
15 saying that it was the smallest house on the street and they
16 were trying to bring it up to the standard. In fact, the
17 footprint of that house is larger than the footprint of my
18 house at 160. So I don't think they are bringing it up to
19 any standard outside of expanding it beyond the capacity that
20 was originally designed for that property.

21 The other thing is the -- there was a few
22 disingenuous statements that were made. The garage is
23 actually a two-and-a-half-car garage currently. It is not a
24 two-car garage. There's a very generous space in there where
25 the prior owner had a wheelchair ramp. And also back behind

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3 the garage is a significant amount of space where there was a
4 workshop and refrigerator space. There's room within the
5 house to expand into that garage area if they wanted to add a
6 separate bedroom for their son and not have it be downstairs.

7 There also is a library that could be used as
8 an additional bedroom within the home, even though it's
9 classified as a two-bedroom home, so I don't think there's a
10 hard situation. I think it's a case of wants versus needs.
11 And I do think it will impact negatively the aesthetics in
12 the neighborhood. And even though the last time we had a
13 meeting here one of the members sitting at this circle of
14 tables said that the yard was sufficient to accommodate for a
15 larger -- he was referring to the standard Brighton home
16 occupied a larger space of the property and that it was not a
17 small property.

18 But the reason these people have purchased a
19 home on Heatherstone Lane is they like the aesthetics of a
20 large piece of property and it is unfair for them to come
21 into our neighborhood liking that elbow space and then
22 constricting it for rest of us. Thank you.

23 CHAIRPERSON MIETZ: Thank you. Is there
24 anyone else? Okay. At this point the Public Hearing is
25 closed.

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3 PATRICIA HALL: Can I just clarify the
4 easements?

5 CHAIRPERSON MIETZ: Ma'am, if we have
6 questions during deliberations we will ask you. Thank you.

7 11A-01-19 Application of Helio Health, Inc.
8 Contract vendee, and Genesee Valley Group Health Association,
9 owner of property located at 1850 Brighton Henrietta Town
10 Line Road, for an extension of an approved Use Variance
11 (12A-04-18) pursuant to Section 219-6F, allowing for an
12 inpatient withdrawal and stabilization facility in an IG
13 Industrial District. All as described on application and
14 plans on file.

15 BETSY BRUGG: Thank you. Good evening, my
16 name is Betsy Brugg, I'm with the firm of Woods Oviatt
17 Gilman. As you may recall I was here 11 months ago to secure
18 a use variance approval for 1850 Brighton Henrietta Town Line
19 Road for Helio Health, which has plans to open a medically
20 supervised drug treatment facility. The Board granted the
21 approval, we are here tonight solely because the way the
22 funding approval for these type of projects is it just
23 requires time. So we just need some additional time, they
24 needed another approximately six to nine months to get
25 through the process with Oasis, which is the State agency

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3 that needs to approve and fund us.

4 They're moving ahead, the application is
5 pending. We just simply need additional time, we don't want
6 to allow the approval to expire. So we requested a one-year
7 extension which hopefully will be enough time to get the
8 approval taken care of and move forward with the project.

9 Nothing has changed about the project, there's
10 no changes to the project, to the property, to the
11 circumstances, everything remains the same otherwise.

12 CHAIRPERSON MIETZ: So would you suggest then
13 that the time that it has taken is simply administration
14 logistics with the State of New York, whatever, but not any
15 contention over the use or --

16 BETSY BRUGG: Correct, it's just taking time.

17 CHAIRPERSON MIETZ: Very good.

18 MS. TOMPKINS WRIGHT: Right now you're of the
19 belief, the thought is that it will be completed a year from
20 now?

21 BETSY BRUGG: Yes.

22 MS. TOMPKINS WRIGHT: Okay.

23 CHAIRPERSON MIETZ: As long as you're
24 representing to us there's no changes to the spirit of the
25 variance or the use?

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3 BETSY BRUGG: There's no changes, everything
4 is the same. It's just the pace of state government.

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

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

10 11A-02-19 Application of Cathy Reitz, owner of
11 property located at 55 Emmons Drive, for an Area Variance
12 from Section 205-2 to allow a rear addition to extend 12 ft.
13 into the existing 36 ft. rear setback where a 40 ft. rear
14 setback is required by code. All as described on application
15 and plans on file.

16 MIKE O'KEEFE: My name is Mike O'Keefe, I live
17 at 55 Emmons Drive.

18 CATHY O'KEEFE: And I'm Cathy O'Keefe, Reitz
19 is my maiden name, at 55 Emmons Drive.

20 MIKE O'KEEFE: Basically, we're looking to add
21 an 12-by-24-foot addition to the back of the property. The
22 house currently sits at 36 feet off the property line, this
23 will put us at about 24, for the 40-foot variance.

24 Basically, we're looking to have a little bit
25 of additional living space for our growing family. Cathy

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3 purchased the home prior to us being together. We have since
4 been married and have a child and just trying to open up a
5 little bit more living space. The new layout would be very
6 comparable with pretty much all of the homes in the area.

7 And other than that, we had a meeting with the
8 Architectural Review Board and basically when they reviewed
9 the plans they made one suggestion to us in regards to the
10 sliding glass door on the addition. Essentially, centering
11 it as opposed to it being offset, which we are more than
12 happy to oblige to that. And then we do have a letter signed
13 by basically our neighbors on the east and west stating they
14 approve.

15 MR. DiSTEFANO: For the record I have a letter
16 here from Susan Gertner, 234 Clovercrest and a letter from
17 Rita Proctor at 45 Emmons Drive, both saying they don't have
18 any objection to the variance as requested.

19 MIKE O'KEEFE: And if there's any confusion,
20 Clovercrest and Emmons kind of are at a corner. That's why
21 Clovercrest is our actual neighbor.

22 MS. TOMPKINS WRIGHT: Just to clarify the
23 record, your rear neighbor is the Harley School and they
24 submitted a letter saying they have no issues with the
25 encroachment into the rear setback. And most every other

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3 home on Emmons Drive has either a garage or an expansion, an
4 addition that cuts into that setback as well. Many of them
5 are further in and this is planned.

6 MIKE O'KEEFE: Correct.

7 MS. TOMPKINS WRIGHT: Can you just give us a
8 little bit of background on why this area of the house
9 instead of another area of the house, the layout, why this
10 makes sense?

11 MIKE O'KEEFE: Yes. The home basically if you
12 are to look at it you have a kitchen, living room, and what
13 our proposed new family room would be is basically you've got
14 a 12 by 24, 12 by 24, 12 by 24. On the other it basically, I
15 guess that would be the east side of the home, is a split
16 level. There wasn't really any true option in that respect,
17 where this really kind of seemed to fit the best as far as
18 what we're looking for.

19 MS. SCHWARTZ: Is this going to be like the
20 one next door to you as you're facing your house to the
21 right, size-wise?

22 MIKE O'KEEFE: Yes. I would say it's probably
23 a little bit larger than the home on Clovercrest. Probably a
24 little, I think it would be a little bit overall smaller than
25 the home on the Emmons side. Being that it's a two-story

1 Brighton Zoning Board of Appeals 11/06/19
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3 without knowing their exact layout.

4 CHAIRPERSON MIETZ: Okay. Other questions?

5 Thank you.

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

9 APPLICATION 11A-03-19

10 11A-03-19 Application of Cornell Construction
11 and Design, contractor, and Bennett and Patti Bennett, owners
12 of property located at 229 Howland Avenue, for an Area
13 Variance from Section 205-2 to allow a front porch addition
14 to extend 1 ft. into the 40 ft. front setback required by
15 code. All as described on application and plans on file.

16 ROBERT CORNELL: My name is Robert Cornell,
17 I'm the contractor involved in this project, and Mr. Bennett
18 is here to speak.

19 BENNETT BENNETT: So the gist of it is, going
20 from a -- there's a 40-foot setback from the front and that
21 would become a 39-foot setback because of the roof of the
22 porch.

23 CHAIRPERSON MIETZ: And your desire to put the
24 porch in is what reason?

25 BENNETT BENNETT: My mother recently moved in

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3 with us and so right now there's no covering over the steps
4 going to the front door so this puts a little bit of covering
5 for rain, snow, and occasional sunshine.

6 CHAIRPERSON MIETZ: Okay.

7 MS. TOMPKINS WRIGHT: This pretty much is the
8 smallest area for a front porch that would provide a safe
9 exit/entry into the home, correct?

10 ROBERT CORNELL: Correct, yes. In fact, the
11 Architectural Review Board when we met on the 22nd, had a
12 concern about the amount of steps and that's been changed and
13 I resubmitted drawings. We're going back to them on the 26th
14 of November. The thing we've actually just finished a porch
15 in Brighton. We're doing a porch in Fairport. This seems to
16 be a trend where people want to sit out front and see their
17 neighbors, it's good for safety.

18 In this instance there is a beautiful deck on
19 the addition we put on the rear of the house, but for her to
20 sit out there she's totally isolated from any of the
21 neighbors. So this gives her an opportunity to sit out in
22 front of the house a little bit nicer. And it also, if you
23 looked at the drawings, I am not patting myself on the back,
24 but I think the house looks a little bit nicer.

25 MS. TOMPKINS WRIGHT: Yes.

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3 MS. WATSON: As part of building the porch
4 will you be taking out the tree in the north part of the
5 corner of the house?

6 ROBERT CORNELL: No, just some shrubbery. And
7 we will put shrubs back, short shrubs.

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

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

13 APPLICATION 11A-04-19

14 11A-04-19 Application of Chris and Amanda
15 Costanza, architects, and Katherine Rizzone and Kathryn
16 Kubiak-Rizzone, owners of property located at 52 Warrington
17 Drive, for an Area Variance from Section 205-2 to allow
18 building coverage, after construction of an addition, to be
19 26.6% of the lot area in lieu of the maximum 25% allowed by
20 code. All as described on application and plans on file.

21 CHRIS COSTANZA: Good evening, I'm Chris
22 Costanza, I'm an architect in town. We were working on a
23 project for Kathryn, the owner, to do an addition for her
24 house to make it a little bit more functional, add a mudroom
25 and a half bath on the first floor, something that the house

1 Brighton Zoning Board of Appeals 11/06/19
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3 doesn't currently have. Because the lot is small the house
4 is almost maxed out on its 25 percent coverage currently, and
5 with the garage. So what we wanted to do is an addition and
6 request a variance for the 300 square feet that we need in
7 order to complete this project.

8 Some of the information that is new that I
9 have tonight that you have not seen, I have a letter from a
10 neighbor just stating they are aware of the project and they
11 have no issue with it. The other is a Google image map and
12 it shows where the outline of the proposed addition would be.
13 As you can see on this map, you can clearly see the neighbors
14 to the north and the south both have similar sized additions
15 in the same location as far as how far they set back on the
16 property.

17 MS. TOMPKINS WRIGHT: Otherwise the addition
18 is fully within all of the setbacks for the property it's
19 just the matter of the 1.5 percent overage?

20 CHRIS COSTANZA: Correct.

21 MS. DALE: So directly behind the house and
22 can't be seen from the street?

23 CHRIS COSTANZA: Yes.

24 MS. DALE: And did you say that the bathroom
25 is on the first floor where you didn't used to have one?

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3 KATHRYN KUBIAK-RIZZONE: There's a bathroom on
4 the first floor --

5 CHAIRPERSON MIETZ: Just give us your name?

6 KATHRYN KUBIAK-RIZZONE: Yes. Kathryn
7 Kubiak-Rizzone, 52 Warrington Drive. There is a half bath on
8 the first floor but this is part of the addition, it's in the
9 kitchen.

10 CHRIS COSTANZA: I should say a more
11 functional half bath.

12 CHAIRPERSON MIETZ: Okay. Can you comment as
13 to just the basic size of this addition? It was obviously
14 predicated on what you tried to achieve. So was there any
15 other way? Was this the minimum that makes the addition
16 worth doing? Can you talk about that a little bit?

17 CHRIS COSTANZA: We are working with some
18 constraints for the driveway access into the garage. It's
19 really tight to get cars in and out of there so we didn't
20 want to encroach too far into that area. We also wanted to
21 keep the addition tight, small so that construction costs
22 wasn't going to be blowing the budget. The space that we
23 have, the mudroom is something -- you have how many kids?

24 KATHRYN KUBIAK-RIZZONE: Three.

25 CHRIS COSTANZA: Three kids, so there's lots

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3 of shoes and coats and everything. The size of the mudroom
4 is pretty tight even for the amount of storage space they
5 will need as a family in that area.

6 The family room is a room that is really going
7 to be used for part of the way the family is living where the
8 kids and the adults kind of separate and have different parts
9 of the house on the same floor. As the kids get older they
10 kind of encroach on the adult space, so this is something for
11 the expanding family.

12 CHAIRPERSON MIETZ: Okay, great. Questions?
13 Thank you.

14 Is there anyone in the audience that would
15 like to speak regarding this application? There being none,
16 then the Public Hearing is closed. We will take a
17 five-minute break and come back.

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3 REPORTER CERTIFICATE
45 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 8th day of December, 2019.13 At Rochester, New York
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1516 
17 Rhoda Collins
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3 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
4 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK ON NOVEMBER 6TH,
5 2019 AT APPROXIMATELY 8:50 **P.M.**

6 November 6th, 2019
7 Brighton Town Hall
8 2300 Elmwood Avenue
9 Rochester, New York 14618

10 PRESENT:

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

17 DAVID DOLLINGER, ESQ.
18 Town Attorney

19 RICK DiSTEFANO
20 Secretary

21 NOT PRESENT:
22 KATHLEEN SCHMITT

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

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

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3 APPLICATION 11A-01-19

4 11A-01-19 Application of Helio Health, Inc.

5 Contract vendee, and Genesee Valley Group Health Association,
6 owner of property located at 1850 Brighton Henrietta Town
7 Line Road, for an extension of an approved Use Variance
8 (12A-04-18) pursuant to Section 219-6F, allowing for an
9 inpatient withdrawal and stabilization facility in an I guess
10 Industrial District. All as described on application and
11 plans on file.

12 Motion made by Ms. Schwartz to approve
13 Application 11A-01-19 for the extension of the use variance
14 for Helio Health. This extension will provide additional
15 time needed to secure governmental approval and funding both
16 of which require additional time. The requested extension is
17 for one year and nothing has changed from the original
18 application.

19 **CONDITIONS:**

20 1. All conditions of the previous approval shall apply.

21 (Second by Ms. Tompkins Wright.)

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

25 (Upon roll call, motion to approve with

1 Brighton Zoning Board of Appeals 11/06/19
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3 conditions carries.)
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3 APPLICATION 11A-02-19

4 11A-02-19 Application of Cathy Reitz, owner of
5 property located at 55 Emmons Drive, for an Area Variance
6 from Section 205-2 to allow a rear addition to extend 12 ft.
7 into the existing 36 ft. rear setback where a 40 ft. rear
8 setback is required by code. All as described on application
9 and plans on file.

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

13 **FINDINGS AND FACTS:**

14 1. The granting of the requested variance will not produce
15 an desirable change in the character of the neighborhood or
16 be a detriment to nearby properties. The addition is in the
17 rear of the property and thus will not effect residential
18 neighbors along Emmons Drive and is similar in nature and
19 size to additions put on by other neighbors along Emmons
20 Drive. Further, the rear of the property borders sports
21 fields where it is unlikely to have any negative effect.

22 2. The requested variance is not substantial given that it
23 represents only a nine-foot decrease in the current setback
24 and is consistent with the setbacks of other homes along
25 Emmons Drive.

1 Brighton Zoning Board of Appeals 11/06/19
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3 3. The benefits sought by the applicant cannot be reasonably
4 achieved by any other method due to the layout of the home.

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

8 **CONDITIONS:**

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

12 2. All necessary permits must be obtained.

13 (Second by Ms. Watson.)

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

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

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3 APPLICATION 11A-04-19

4 11A-04-19 Application of Chris and Amanda
5 Costanza, architects, and Katherine Rizzone and Kathryn
6 Kubiak-Rizzone, owners of property located at 52 Warrington
7 Drive, for an Area Variance from Section 205-2 to allow
8 building coverage, after construction of an addition, to be
9 26.6% of the lot area in lieu of the maximum 25% allowed by
10 code. All as described on application and plans on file.

11 Motion made by Ms. Dale to approve Application
12 11A-04-19 based on the following findings and facts.

13 **FINDINGS AND FACTS:**

14 1. The applicant is seeking the proposed 303-square-foot
15 variance in order to improve the functionality of her home by
16 adding a mudroom, family room and bathroom. The scale of the
17 new rooms is consistent with the existing rooms in the home.

18 2. Approval of the proposed variance request will not result
19 in a substantial change in character to the neighborhood or
20 detrimentally affect surrounding properties as the addition
21 will not be visible from the street.

22 3. The proposed one-story addition is consistent with
23 surrounding properties and it will not affect views or length
24 of neighboring properties. There will be no adverse effect
25 on the physical or environmental conditions of the

1 Brighton Zoning Board of Appeals 11/06/19
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3 neighborhood.

4 **CONDITIONS:**

5 1. All necessary building permits shall be obtained.
6 2. Approval is granted only to plans submitted and testimony
7 given.

8 (Second by Ms. Schwartz.)

9 (Ms. Watson, yes; Mr. Mietz, yes; Ms. Tompkins
10 Wright, yes; Mr. Clapp, yes; Ms. Schwartz, yes; Ms. Dale,
11 yes.)

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

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3 APPLICATION 10A-09-19

4 10A-09-19 Application of Edward and Patricia
5 Hall, owners of property located at 90 Heatherstone Lane, for
6 an Area Variance from Section 205-2 to allow an addition to
7 extend 8.5 ft. +/- ft. into the 18.75 ft. side setback
8 required by code. All as described on application and plans
9 on file.

10 Motion made by Mr. Clapp to approve
11 Application 10A-09-19 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The granting of the requested variance will not produce
15 an undesirable change in the character of the neighborhood.
16 The major purpose of side setbacks is to ensure adequate
17 distances between structures and the residential
18 neighborhood. This property is unique in that it borders a
19 private drive and is over 60 feet from the nearest home along
20 Heatherstone. Further, due to the easement area the addition
21 will be no closer to the private drive than homes are
22 permitted to be to a property line, so it will appear in line
23 with similar homes in the area. There was ample evidence
24 presented that other homes in the neighborhood have three-car
25 garages and also evidence presented that even with the

1 Brighton Zoning Board of Appeals 11/06/19
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3 addition, the home will be sized comparable to other homes in
4 the neighborhood.

5 2. The granting of the requested variance will not be a
6 detriment to nearby properties. There was no actual evidence
7 presented that the construction of the addition will
8 negatively effect drainage to neighboring properties. There
9 was also not sufficient evidence provided regarding safety
10 concerns for sight lines and bus stop issues considering the
11 fact that the addition is over 60 feet from Heatherstone.
12 The Fire Marshal specifically stated no impact from a safety
13 perspective and applicant testified that the police
14 department also confirmed that they have no safety issues
15 with the addition and its impact on the residents of the
16 private drive.

17 3. The benefit sought by the applicant cannot reasonably be
18 achieved by any other method due to the current configuration
19 and construction of the house which would make placing the
20 third garage bay and associated improvements anywhere else on
21 the lot impractical.

22 4. The requested variance is not substantial given the
23 distance from the neighboring structure and the private
24 drive.

25 5. The proposed variance will not have an adverse effect or

1 Brighton Zoning Board of Appeals 11/06/19
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3 impact on the physical or environmental conditions in the
4 neighborhood.

5 6. The Architectural Review Board has approved the design
6 plans submitted.

7 **CONDITIONS:**

8 1. The variance shall apply only to a single story addition
9 as for revised plans submitted and testimony given.
10 2. All necessary permits and approvals shall be obtained.
11 3. The driveway extension to the third bay shall not extend
12 to the street.
13 4. The applicant shall install new landscaping along the
14 side of the addition facing the private drive.

15 (Second by Ms. Tompkins Wright.)

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

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

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1 Brighton Zoning Board of Appeals 11/06/19
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3 APPLICATION 10A-03-19

4 10A-03-19 Application of Charles and Joanne
5 Cavallaro, owners of property located at 41 Monroe Parkway,
6 for an Area Variance from Section 203-2.1B(3) and 203-9A(4)
7 to allow a detached garage to be 4 ft. from a lot line in
8 lieu of the minimum 5 ft. required by code. All as described
9 on application and plans on file.

10 Motion made by Mr. Clapp to approve
11 Application 10A-03-19 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance will not produce an undesirable
15 change in the character of the neighborhood or be a detriment
16 to nearby properties as the proposed garage will back up to
17 commercial property lots and maintain a 5-foot setback from
18 the adjacent residential property.

19 2. The benefit sought by the applicant could not be achieved
20 by a method other than an area variance as the size and
21 configuration of the lot placed the new garage too close to
22 the house if all setbacks required by code were met.

23 3. The requested variance is not substantial requesting a
24 4-foot setback where code requires a 5-foot setback.

25 4. The size of the proposed replacement a 20-by-20-foot

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3 garage is the minimum needed to accommodate modern cars.

4 5. The proposed variance will not have an adverse effect or
5 impact on the physical or environmental conditions of the
6 neighborhood as the adjacent residential property has a
7 similar garage and the new garage will back up to a fenced
8 commercial parking lot.

9 6. The difficulty leading to this is variance request is not
10 self-created as the deteriorated condition of the old garage
11 made demolition necessary.

12 **CONDITIONS:**

13 1. The variance shall apply only to a maximum 20 foot by 20
14 foot detached garage located as per plans submitted.

15 2. All necessary building permits shall be obtained.

16 (Second by Ms. Schwartz.)

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

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

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3 APPLICATION 11A-03-19

4 11A-03-19 Application of Cornell Construction
5 and Design, contractor, and Bennett and Patti Bennett, owners
6 of property located at 229 Howland Avenue, for an Area
7 Variance from Section 205-2 to allow a front porch addition
8 to extend 1 ft. into the 40 ft. front setback required by
9 code. All as described on application and plans on file.

10 Motion made by Ms. Watson to approve
11 Application 11A-03-19 based on the following findings and
12 facts.

13 **FINDINGS AND FACTS:**

14 1. The requested variance will not produce an undesirable
15 change in the character of the neighborhood or be a detriment
16 to nearby properties as other houses on the street have
17 similar porches.

18 2. The benefit sought by the applicant cannot be achieved by
19 a method other than an area variance as the front of the
20 house is already close to the required setback. Any
21 practical construction of the porch would require a variance.

22 3. The requested variance is not substantial as it would
23 encroach only one foot into the front setback.

24 4. The size of the proposed porch is the minimum necessary
25 to provide shelter when entering and exiting the house.

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3 5. The health, safety, and welfare of the community will not
4 be adversely affected by the approval of this variance
5 request. The porch is intended to provide shelter from the
6 elements and improve the curb appeal of the house.

7

CONDITIONS:

8 1. This variance will apply only to the project as described
9 in the application and testimony. In particular it will not
10 apply to projects considered in the future that are not in
11 the present application.

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

14 (Second by Ms. Tompkins Wright.)

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

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

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3 REPORTER CERTIFICATE
45 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 8th day of December, 2019.13 At Rochester, New York
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17 Rhoda Collins
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