
B R I G H T O N
Z O N I N G B O A R D
O F
A P P E A L S

March 3rd, 2020

Brighton Town Hall

2300 Elmwood Avenue

Brighton, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON

JEANNE DALE

DOUGLAS CLAPP

KATHLEEN SCHMITT

ANDREA TOMPKINS WRIGHT

JENNIFER WATSON

DAVID DOLLINGER, ESQ.

Town Attorney

RICK DiSTEFANO

Secretary

NOT PRESENT:

JUDY SCHWARTZ

REPORTED BY: ALEXANDRA K. WIATER, Court Reporter
Forbes Court Reporting Services, LLC
21 Woodcrest Drive
Batavia, New York 14020

CHAIRPERSON MIETZ: Good evening. I'd like

1 Brighton Zoning Board of Appeals 3/04/2020
2 to call to order the March session of the Zoning Board of
3 Appeals.

4 Rick, was the meeting properly advertised?

5 MR. DiSTEFANO: Yes, Mr. Chairman, it was
6 advertised in the Brighton-Pittsford Post of
7 February 27th, 2020.

8 **FINDINGS OF FACT:**

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

11 MR. DiSTEFANO: Mr. Clapp?

12 MR. CLAPP: Here.

13 MR. DiSTEFANO: Ms. Schwartz?

14 MS. SCHWARTZ: Here.

15 MR. DiSTEFANO: Ms. Tompkins-Wright?

16 MS. TOMPKINS-WRIGHT: Here.

17 MR. DiSTEFANO: Ms. Dale?

18 MS. DALE: Here.

19 MR. DiSTEFANO: Mr. Mietz?

20 CHAIRPERSON MIETZ: Here.

21 MR. DiSTEFANO: Ms. Schmitt? Please let the
22 record show that Ms. Schmitt is not present.

23 CHAIRPERSON MIETZ: Okay. How about the
24 minutes?

25 MS. SCHWARTZ: On Page 8, Line 15 the first

1 Brighton Zoning Board of Appeals 3/04/2020
2 word should be two words "a" and "count". On Page 10, Line
3 23, the word towards the end should be "personal". Page 12,
4 Line 12, the last should be "1,500". And on Line 13, towards
5 the end of the line should be "expanding". Page 34, Line 12,
6 the third word should be "eighths". That's all I have.

7 CHAIRPERSON MIETZ: Okay. Does anybody have
8 any other suggestions? Changes? Ideas? No? Okay. Can we
9 have a motion then, please?

10 MS. TOMKINS-WRIGHT: I'll move to approve the
11 amended minutes.

12 (Seconded by Mr. Clapp.)

13 CHAIRPERSON MIETZ: Okay.

14 MR. DiSTEFANO: The motion is to approve the
15 January minutes with corrections.

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

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

20 CHAIRPERSON MIETZ: So, Rick, when you're
21 ready, you can read the first application.

22 MR. DiSTEFANO: Application 3A-01-20.

23 APPLICATION 3A-01-20

24 Application of Nicholas Leonardo, Owner of
25 property located at the intersection of Clover Street and

1 Brighton Zoning Board of Appeals 3/04/2020
2 Greenway Road, known as Tax ID Numbers 122.16-1-5, 122.16-1-4
3 and 122.16-1-3, for an area variance from Section 205-2 to
4 allow for the construction of a new house with a 20-foot
5 front setback in lieu of the minimum 40-foot front setback
6 required by code. All as described on application and plans
7 on file.

8 MR. McMAHON: Good evening. I'm Greg McMahon
9 with McMahon LaRue Associates Engineers and Surveyors, 822
10 Holt Road in Webster, representing the property owners who
11 are also here this evening and available to answer any
12 questions.

13 The property we're discussing is at the end of
14 Clover Street and where it makes a sharp right-hand turn into
15 Greenway. The Clover Street right of way does continue
16 until it's interrupted by the railroad. It picks up again at
17 the other side of the railroad just for reference. Nick
18 Leonardo has purchased what are three tax parcels. He is
19 combining those parcels. That's been approved by the
20 Planning Board for a combination. And then as -- they're
21 going to build a new home on those parcels.

22 After -- we did receive site plan approval
23 from the Planning Board but after staking the house, and the
24 field and looking at it, they felt that there was a better
25 location for the house. And, you know, we've looked at that

1 Brighton Zoning Board of Appeals 3/04/2020
2 and that involves a setback variance -- a front setback. And
3 we're taking what we're calling the front setback variance is
4 the right of way of Clover Street. Again, there's no road
5 there, but we're looking to situate the house approximately
6 20 feet off of the right of way line of Clover Street and
7 well within the setbacks of the other sides. And what this
8 does is, it moves the house -- it moved a little bit to the
9 north and preserves many of the trees around the rear of the
10 house. It provides more room by moving it up. They provided
11 more space between the existing residents to the south. And
12 also opened up to the space between the residents that are
13 over here. I'm not sure of the name of that subdivision.
14 But it really, as we explained in the variance application,
15 felt this really didn't impact the character of the
16 neighborhood. We're still quite a distance away from any of
17 the existing residences. And as a point, the residents at 4
18 Greenway has approximately a 9.25-foot setback off of the
19 same Clover Street right of away.

20 So I think that's the case we're presenting
21 and we'd be happy to answer any questions.

22 CHAIRPERSON MIETZ: All right. Questions?

23 MS. TOMKINS-WRIGHT: The section of Clover
24 Street, there's no intersection with Clover Street?

25 MR. DiSTEFANO: Yes. There are no intentions

1 Brighton Zoning Board of Appeals 3/04/2020
2 of that ever being paved.

3 MS. TOMKINS-WRIGHT: Okay.

4 CHAIRPERSON MIETZ: All right. Any other
5 questions for the applicant?

6 MS. TOMKINS-WRIGHT: This isn't necessarily
7 related to that location of the house within 20 feet of the
8 pavers being the property line. But do you have an easement
9 for the driveway being on the property? Or is that --

10 MR. McMAHON: The driveway of -- the driveway
11 will be in the town right of way until it enters the lot.

12 MS. TOMKINS-WRIGHT: Okay.

13 MR. McMAHON: Now, it will be a bit longer
14 than your normal driveway. On a residential street, typical,
15 you've got about 17 or 18 feet of your driveway in the right
16 of way. This will be longer within the right of way. But an
17 easement is not required.

18 MS. TOMKINS-WRIGHT: Okay. I'm good.

19 CHAIRPERSON MIETZ: Are you good?

20 MS. DALE: I'm good.

21 CHAIRPERSON MIETZ: Okay. Thank you.

22 MR. McMAHON: Thank you.

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

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2 Hearing is closed.

3 MR. DiSTEFANO: Application 3A-2-20.

4 APPLICATION 3A-2-20

5 Application of the County Club of Rochester,
6 owner of property located at 2935 East Avenue, for an area
7 variance from Section 203-2.1C(3)(a) to allow for the
8 construction of a new maintenance building with a 42-foot
9 setback from the west property line and a 56-foot setback
10 from the north property line in lieu of a minimum 150-foot
11 setback as required by code. All as described on application
12 and plans on file.

13 MR. DESTRO: Good evening. I'm Ryan Destro
14 from BME Associates. Here with me tonight is Rick Holfoth,
15 the gold course superintendent of CCR.

16 We are requesting an area variance, as
17 mentioned, to allow reduction to the required building
18 separation from a private lot line of a golf course, which is
19 150 feet per Section 203-2.1C(3)(a) of the Town Code. This
20 project includes the demolition removal of the existing 5,000
21 square foot maintenance building to the north of the CCR
22 clubhouse. And for reference, this is the location of the
23 CCR clubhouse and the pool area. And then this is the
24 existing maintenance building on the magenta line. And then
25 the new proposed location of the maintenance building is

1 Brighton Zoning Board of Appeals 3/04/2020

2 shown in yellow.

3 The existing building is over 40 years old.
4 It's rusting. It's falling apart. And the existing
5 maintenance building is located within the 150-foot setback,
6 as mentioned, and that represents a preexisting nonconforming
7 setback. Currently, the existing building has a 38-foot
8 setback from the north property line and a 33-foot setback
9 from the western property line.

10 In place, CCR is proposing a new 8,550 square
11 foot maintenance building. The use is to remain exactly the
12 same as the previous maintenance facility. While it would
13 also provide a safer and higher quality work experience for
14 the employees. And it will also allow for additional
15 vehicles and equipment that's currently stored outside in the
16 CCR parking lot. Some of that can be stored inside now in
17 the new maintenance facility.

18 It's proposed to be roughly in the same
19 location as the existing maintenance building, except it will
20 provide an additional setback to the northern and western
21 property lines. A 56 foot setback is now proposed to the
22 north property line, where 38 foot exists, for an additional
23 18-foot separation from the north property line. And a 42
24 foot setback to the western property line is now proposed,
25 where 33 foot setback currently exists for an additional 9

1 Brighton Zoning Board of Appeals 3/04/2020

2 feet.

3 An aerial photograph, which is shown up here,
4 was included with this application with a letter of intent
5 that we provided -- went over the six factors that this board
6 has to consider for granting an area variance. And at the
7 February 28th -- or 25th ARB meeting, they did grant approval
8 for the architecture for the new proposed maintenance
9 facility. So with that being said, I'd be happy to answer
10 any of your questions.

11 MS. TOMKINS-WRIGHT: Can you speak to the
12 height on the current maintenance building. Will that
13 compare to the height on the proposed maintenance building?

14 MR. DESTRO: The proposed maintenance
15 building is 20 feet height and the existing one is --

16 MR. HOLFOTH: 16.

17 MR. DESTRO: 16 feet high.

18 MR. HOLFOTH: And it's not to exceed 20.
19 We're hoping to be a little bit lower.

20 CHAIRPERSON MIETZ: Okay. So the difference
21 between, you know, approximately 5 and 8,000 square feet is
22 to house some of the equipment that's outside now. Are there
23 any other functions that are going to be -- do they work on
24 equipment in the building, you know, currently? I mean, I
25 understand they might change a spark plug on a lawnmower or

1 Brighton Zoning Board of Appeals 3/04/2020
2 something but is there any other work that's done on trucks
3 or other kinds of vehicles?

4 MR. DESTRO: Rick can certainly speak to
5 that. But --

6 MR. HOLFOTH: Yeah. The functionality of the
7 building is to remain the same. But then it also enhances
8 the employee aspect of it. So a larger kitchen, more office
9 space for the employees.

10 CHAIRPERSON MIETZ: Okay. That's fine. Just
11 state your name.

12 MR. DiSTEFANO: Introduce yourself.

13 MR. HOLFOTH: Yeah. Rick Holfoth. I'm the
14 director of grounds of the Country Club of Rochester. And
15 really -- it's really the twofold thing. One, to take some
16 of the equipment that we currently store outside and allow it
17 to be stored inside. And secondly, to expand employee areas
18 which are pretty much nonexistent in the existing building.
19 In season, we have approximately 16, 18 employees. So this
20 new facility provides, you know, for a break room, restrooms,
21 a locker room, some office space. Things of that nature.
22 But we're really not proposing any change of the
23 functionality of the building.

24 CHAIRPERSON MIETZ: And the amount of
25 employees is not really changing?

1 Brighton Zoning Board of Appeals 3/04/2020

2 MR. HOLFOTH: No. Not at all.

3 MS. SCHWARTZ: What utilities are in the
4 current building? Is it just heat and water?

5 MR. HOLFOTH: Oh, yeah. Heat, water, and
6 gas.

7 MS. SCHWARTZ: And gas?

8 MR. HOLFOTH: Yes. Correct.

9 CHAIRPERSON MIETZ: In the wintertime, how
10 much is heated?

11 MR. HOLFOTH: So approximately -- I'm not
12 exact on -- 60 percent is heated. 40 percent is cold
13 storage, for just equipment storage. And that 60 percent is
14 where we store certain equipment that needs to be stored in a
15 heated environment. That's the employee area and the shop
16 area for the two mechanics to work on, maintain, and repair
17 the equipment.

18 CHAIRPERSON MIETZ: Okay. But is that -- in
19 the wintertime, is the facility used other than somebody
20 working on equipment inside? I mean, are there trucks going
21 in and out? Loaders? Things like that?

22 MR. HOLFOTH: Yup. So there is seven
23 full-time year-round employees. Theirs is a loader with a
24 snow pusher that's currently stored outside. It would be
25 stored inside. There's currently a snowplow truck that would

1 Brighton Zoning Board of Appeals 3/04/2020

2 probably be stored inside. It's currently stored outside.

3 So those seven employees function year-round.

4 CHAIRPERSON MIETZ: Okay. Doing maintenance,
5 and --

6 MR. HOLFOTH: Yeah. Maintenance, parking lot
7 maintenance; things like that.

8 MS. TOMKINS-WRIGHT: Just so that it is in
9 the minutes, it looks like the proposed maintenance to the
10 building was to be at least over 180 feet from any home lot?

11 MR. DESTRO: So we showed some dimensions on
12 this aerial exhibit that was submitted. That would be
13 correct. Approximately 140 feet from the western property
14 line to the building. And then an additional 30 feet on top
15 of that. So 170-something, give or take, at the closest
16 point.

17 MR. DiSTEFANO: Did you have any discussions
18 with the neighboring property owners?

19 MR. HOLFOTH: Yes. We have reached out to
20 the neighboring properties. We've had ongoing discussions
21 with this particular property owner here. I certainly made
22 her aware of the meeting tonight and I believe it's an
23 amicable agreement that we've reached. We're going to make
24 sure we plant some trees. Make sure we do whatever we can do
25 to buffer the property. We have a great relationship.

1 Brighton Zoning Board of Appeals 3/04/2020

2 MR. DiSTEFANO: Can you explain a little bit
3 what your plans to buffer the property are?

4 MR. HOLFOTH: Yes. So currently, I think we
5 have -- the difficulty is -- and honestly, it's a heavily
6 wooded area. I know it doesn't necessarily show that way on
7 the overhead. But when these trees are leafed out, it's a
8 fairly heavily wooded area. We've agreed to plant whatever
9 screening is necessary along this current fence line. We've
10 discussed the property line. That the fence is 7 feet -- CCR
11 owns 7 feet on their side of the property line. And then we
12 would plant whatever necessary arborvitae, cedars, pine
13 trees. Whatever is necessary to improve the screening.

14 MR. DiSTEFANO: So that's going to be on your
15 property but on their side of the fence?

16 MR. HOLFOTH: Correct. The challenge, again,
17 is that it's shady and they've already planted some hemlocks
18 there. But we plan to work cooperatively together to make
19 sure that we've reached a -- you know, keep a good
20 relationship.

21 MR. DiSTEFANO: New fence? Maintain the
22 existing fence? Repair --

23 MR. HOLFOTH: Currently, the existing fence
24 is getting some needed repairs. But it's in pretty good
25 shape. So we're planning to keep the existing fence.

1 Brighton Zoning Board of Appeals 3/04/2020

2 CHAIRPERSON MIETZ: All right. Other
3 questions? Questions? Questions? Okay. Thank you very
4 much.

5 MR. DESTRO: Thank you.

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

10 MR. DiSTEFANO: Just in case, again, if
11 there's anybody in the audience, Application 3A-03-20, which
12 was the parking lot expansion for CCR, has been withdrawn.
13 And will not be heard.

14 MS. TOMKINS-WRIGHT: Has it been withdrawn
15 permanently?

16 MR. DiSTEFANO: It has been withdrawn
17 permanently, yes. I mean, obviously, it will come back to us
18 but it will be a new application.

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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 22nd day of March, 2020

At Rochester, New York

Alexandra K. Wiater

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3 **B R I G H T O N**
4 **Z O N I N G B O A R D**
5 **O F**
6 **A P P E A L S**

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March 3rd, 2020

9
10 Brighton Town Hall

11 2300 Elmwood Avenue

12 Brighton, New York 14618

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14 PRESENT:

15 DENNIS MIETZ, CHAIRPERSON
16 JEANNE DALE
17 DOUGLAS CLAPP
18 KATHLEEN SCHMITT
19 ANDREA TOMPKINS WRIGHT
20 JENNIFER WATSON

21 DAVID DOLLINGER, ESQ.
22 Town Attorney

23 RICK DiSTEFANO
24 Secretary

25 NOT PRESENT:
 JUDY SCHWARTZ

 (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:)

23 REPORTED BY: ALEXANDRA K. WIATER, Court Reporter
24 Forbes Court Reporting Services, LLC
25 21 Woodcrest Drive
 Batavia, New York 14020

1 Brighton Zoning Board of Appeals 3/04/2020

2 APPLICATION 3A-01-20

3 Application of Nicholas Leonardo, Owner of
4 property located at the intersection of Clover Street and
5 Greenway Road, known as Tax ID Numbers 122.16-1-5, 122.16-1-4
6 and 122.16-1-3, for an area variance from Section 205-2 to
7 allow for the construction of a new house with a 20-foot
8 front setback in lieu of the minimum 40-foot front setback
9 required by code. All as described on application and plans
10 on file.

11 Motion made by Ms. Dale to approve Application
12 3A-01-20 based on the following findings and facts.

13 **FINDINGS OF FACT:**

14 1. The front setback is up to Clover Street right of way and
15 there are no intentions of this section of Clover ever being
16 paved. Because of the unpaved right of way, the house will
17 be separated by the property to the east by 86 feet, which is
18 the 20-foot setback plus the 66-foot right of way.

19 2. A 40-foot setback is possible, but would not provide the
20 setting and privacy desired by the owner.

21 3. Also the location as proposed presumes more trees on the
22 property and adds space between the new house and neighboring
23 houses.

24 4. The proposed variances will have no impact on the
25 environmental conditions of the neighborhood since it would

1 Brighton Zoning Board of Appeals 3/04/2020
2 result in greater separations from the adjoining residential
3 landowners.

4 **CONDITIONS:**

5 1. All necessary Planning Board and architectural review
6 board approval should be granted.

7 2. This variance is based on the plans as submitted and
8 testimony given.

9 (Seconded by Ms. Watson.)

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

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

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1 Brighton Zoning Board of Appeals 3/04/2020

2 APPLICATION 3A-02-20

3 Application of the County Club of Rochester,
4 owner of property located at 2935 East Avenue, for an area
5 variance from Section 203-2.1C(3) (a) to allow for the
6 construction of a new maintenance building with a 42-foot
7 setback from the west property line and a 56-foot setback
8 from the north property line in lieu of a minimum 150-foot
9 setback as required by code. All as described on application
10 and plans on file.

11 Motion made by Chairperson Mietz to approve
12 Application 3A-02-20 based on the following findings and
13 facts.

14 **FINDING OF FACT:**

15 1. The position of the proposed maintenance structure is
16 similar to the existing structure that's accessed by the
17 currently paved area.

18 2. While the further encroachment exists into the 150-foot
19 setback, the distance from neighboring homes is in excess of
20 142 feet from the closest property line and an additional 42
21 feet from the structure and this mitigates the location of
22 the building.

23 3. No other location on the property would meet the
24 requirements of the applicant.

25 4. The building will not exceed 20 feet in height and will

1 Brighton Zoning Board of Appeals 3/04/2020

2 offer no additional insight of the structure.

3 **CONDITIONS:**

4 1. Based on the testimony given and plans submitted.

5 2. All ARB and building permits shall be obtained.

6 3. Effort shall be made to buffer and repair the fenced area
7 at the west property line with plants.

8 (Seconded by Ms. Tomkins-Wright.)

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

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

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1 REPORTER CERTIFICATE

2
3 I, Alexandra K. Wiater, do hereby certify
4 that I did report in stenotype machine shorthand the
5 proceedings held in the above-entitled matter;

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

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12 Dated this 22nd day of March, 2020

13 At Rochester, New York
14

15 *Alexandria Wiater*
16 Alexandra K. Wiater
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