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**B R I G H T O N**

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**Z O N I N G   B O A R D**

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**A P P E A L S**

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March 3rd, 2020

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8

Brighton Town Hall

9

2300 Elmwood Avenue

10

Brighton, New York 14618

11

12

PRESENT:

13

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

14

15

DAVID DOLLINGER, ESQ.  
Town Attorney

16

17

18

RICK DiSTEFANO  
Secretary

19

20

NOT PRESENT:  
JUDY SCHWARTZ

21

22

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

23

24

CHAIRPERSON MIETZ: Good evening. I'd like

25

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.

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 way.

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

1                    Brighton Zoning Board of Appeals 3/04/2020

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. HOLFOOTH: 16.

17 MR. DESTRO: 16 feet high.

18 MR. HOLFOOTH: 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. HOLFOOTH: No. Not at all.

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

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

7                   MS. SCHWARTZ: And gas?

8                   MR. HOLFOOTH: Yes. Correct.

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

11                  MR. HOLFOOTH: 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. HOLFOOTH: Yup. So there is seven  
23                  full-time year-round employees. There 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. HOLFOOTH: 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. HOLFOOTH: 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.

19 \* \* \*

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1 REPORTER CERTIFICATE

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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;

10

11

12 Dated this 22nd day of March, 2020

13 At Rochester, New York

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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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7                   March 3rd, 2020

8                   Brighton Town Hall  
9                   2300 Elmwood Avenue  
10                   Brighton, New York 14618

11                   PRESENT:

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

18                   DAVID DOLLINGER, ESQ.  
19                   Town Attorney

20                   RICK DiSTEFANO  
21                   Secretary

22                   NOT PRESENT:  
23                   JUDY SCHWARTZ

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

28                   REPORTED BY: ALEXANDRA K. WIATER, Court Reporter  
29                   Forbes Court Reporting Services, LLC  
30                   21 Woodcrest Drive  
31                   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

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3 I, Alexandra K. Wiater, do hereby certify  
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Alexandria Wiater  
Alexandra K. Wiater