
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

January 6, 2021

Brighton Town Hall

2300 Elmwood Avenue

Brighton, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON
EDWARD PREMO
JEANNE DALE
KATHLEEN SCHMITT
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON
JUDY SCHWARTZ

KEN GORDON, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

1 CHAIRPERSON MIETZ: Okay very good. Okay.
2 Good evening, everyone. Welcome to the January 7th,
3 2021 meeting of the Brighton Zoning Board of Appeals.
4 I guess -- excuse me. So -- okay. Good evening,
5 Rick. So, we have no minutes tonight; correct?

6 MR. DiSTEFANO: That is correct.

7 CHAIRPERSON MIETZ: Okay. Very good. All
8 righty. So, Rick, was the meeting properly
9 advertised, sir?

10 MR. DiSTEFANO: Yes, Mr. Chairman. It was
11 advertised in the Brighton-Pittsford Post of December
12 31st, 2020.

13 **FINDINGS OF FACT:**

14 CHAIRPERSON MIETZ: Okay. Would you call
15 the roll, please?

16 MR. DiSTEFANO: Mr. Primo?

17 MR. PREMO: Here.

18 MR. DiSTEFANO: Ms. Schwartz?

19 MS. SCHWARTZ: Here.

20 MR. DiSTEFANO: Ms. Tompkins-Wright?

21 MS. TOMPKINS-WRIGHT: Here. Sorry.

22 MR. DiSTEFANO: Ms. Dale?

23 MS. DALE: Here.

24 MR. DiSTEFANO: Mr. Mietz?

25 CHAIRPERSON MIETZ: Here.

1 MR. DiSTEFANO: Ms. Watson?

2 MS. WATSON: Here.

3 MR. DiSTEFANO: Ms. Schmitt?

4 MS. SCHMITT: Here.

5 MR. DiSTEFANO: Please let the record show
6 that all members are present.

7 CHAIRPERSON MIETZ: Okay. So, The Board
8 Members are pretty familiar with the Zoom format, I
9 guess. You know, just to make it go along smoothly if
10 we can keep our remarks, you know, to the subject and
11 then, you know, you can kind of give a waive or
12 whatever so that we can recognize who -- who wants to
13 speak related though questions or the applications
14 themselves. So, we have, I think, 8 applications to
15 get through tonight. There's a couple. Do you want
16 to read the postponements, Rick?

17 MR. DiSTEFANO: Yes. Is there anybody in
18 the audience regarding 1075 Clover Street, which was
19 Application 12A-05-20 and 12A-06-20, that has been
20 postponed to the February 3rd meeting? And also is
21 there anybody in regards to 1675 Monroe Avenue,
22 Application 1A-01-20, that application also has been
23 postponed to the February 3rd, '21 Board Meeting.

24 CHAIRPERSON MIETZ: Okay. Very good. All
25 right. Then at this time then I guess we can begin.

1 MR. DiSTEFANO: Application 1A-02-21
2 APPLICATION 1A-02-21.

3 Application of Jennifer and Jesse Readlynn
4 for an area variance from Section 205-2 to allow a
5 front porch addition to extend 5.2 feet into the
6 40-foot front setback required by Code. All as
7 described in application and plans on file.

8 CHAIRPERSON MIETZ: Okay. Very good. Who
9 do we have speaking for this application?

10 MR. READLYNN: Hi, there. This is -- this
11 is Jesse. Can you all hear me?

12 MS. SCHWARTZ: Yes.

13 CHAIRPERSON MIETZ: Yes, sir.

14 MR. READLYNN: Great. Can you -- can you
15 see me okay?

16 MS. SCHWARTZ: Yes.

17 MR. READLYNN: All right. Yup. I'm here
18 for -- for this application.

19 CHAIRPERSON MIETZ: Okay. So you go right
20 ahead, sir. And let us know what -- what you're
21 doing.

22 MR. READLYNN: So, we -- we currently have
23 just a little, kind of, square front stoop in front of
24 our door that's starting to sort of deteriorate. We
25 did a temporary, sort of, fix when we moved in a few

1 years ago. There was also meant to just be a
2 temporary fix until we could get a little more time
3 to -- to redo the front porch. And now is that time.

4 So, what we want to do is, you know, build a
5 front porch that gives us a little more room for a
6 seating area and, you know, a little bit more cover
7 and protection when we're going in and out of the
8 front door. Right now it's -- you know, there's -- I
9 have two little kids and we get stuck a lot on the
10 front porch between the railings and the storm door
11 and the steps. So, hoping to have a little bit more
12 space for all of that as well as a seating area to
13 enjoy, you know, sitting out in the morning, or
14 whatever, for -- and have a little protected area in
15 the front of the house.

16 So, we're going to -- hoping to bring the --
17 the front porch over toward -- to the side of the
18 house. Across the front half, you know, 5 feet out.
19 And, you know, I can't exactly remember, 16, 17 feet
20 total width. So, that, obviously, sticks into the
21 setback, which is why I'm here tonight.

22 CHAIRPERSON MIETZ: Okay. Very good.

23 Questions by The Board Members?

24 MS. SCHMITT: Dennis, I have some.

25 CHAIRPERSON MIETZ: Go right ahead, Kathy.

1 MS. SCHMITT: Could you describe a little
2 bit more. I just missed some of it, I guess. I -- I
3 just couldn't find some more particulars. Can you
4 describe what the porch would -- would be like. In
5 particular, are you planning on having it be an open
6 porch? Or are you thinking of sides and screens and
7 glass?

8 MR. READLYNN: Perfect. Hopefully that
9 helps answer your question.

10 CHAIRPERSON MIETZ: Okay.

11 MR. READLYNN: Yeah. Open porch, you know,
12 just a -- a simple roof with a little peak to put the
13 number in and give a little interest over the door
14 there. Yeah. But open -- open with railings is
15 our -- our plan.

16 MS. SCHMITT: And I see in your picture you
17 have a little bit of landscaping. Are you planning on
18 putting in some landscaping around that?

19 MR. READLYNN: Yeah. So currently we have
20 a -- on the left-hand side we actually have a tree.
21 You know, in my modeling program I couldn't find a
22 tree that fits very well so I threw a couple of
23 grasses there but I would -- I will leave the tree on
24 the left-hand side, which is kind of in front of
25 the -- the window on the left-hand side of my house.

1 I would -- I would like to put in some more
2 landscaping. Right now, we have a couple bushes and
3 some grasses in the front there. So I'd, you know,
4 replace those at some point when -- once the porch is
5 finished.

6 MS. SCHMITT: And do you have the dimensions
7 finalized for how large the porch is going to be?

8 MR. READLYNN: I believe they're in this --
9 this plan -- I'm not sure who's in control of this
10 plan but if you can know down a few -- yeah. So if
11 you go down, like, one or two more passengers there's
12 a floor plan, I believe. Yeah. So 17 and a half feet
13 wide by six and a half feet depth. And that's -- that
14 should be noted, that's to the wall on the first
15 floor. There is a little overhang in my house. A lot
16 of houses in Brighton seem to have that, like, foot
17 overhang to the second-story so this is to the first
18 floor wall.

19 MS. SCHMITT: Okay. Thank you so much.

20 MR. READLYNN: Sure.

21 MS. SCHMITT: I appreciate it.

22 MR. READLYNN: No problem.

23 CHAIRPERSON MIETZ: Okay. Is there any
24 other questions?

25 MS. TOMPKINS-WRIGHT: I just -- I had a

1 quick one. It does look like most of the homes on
2 Sylvan Street were -- are pretty uniform in how far
3 they are from the road but there are -- I just want to
4 confirm, there are houses on your same street that do
5 have kind of -- either porches built out or extensions
6 that are extending into that front.

7 MR. READLYNN: There are some.

8 MS. TOMPKINS-WRIGHT: (Inaudible.)

9 MR. READLYNN: Sorry. Yeah. There are some
10 that do have front porches. I don't know what the
11 actual, you know, dimensions are from the set -- from
12 the right of way for those other houses. But there --
13 there's some other houses that have similarly-sized
14 front porches along Sylvan Road and throughout the
15 entire neighborhood. You know, there's -- there's
16 several -- there's some new ones that I think are
17 pretty similar in size. They kind of extend for half
18 the house and don't stick out enough so you can see --
19 sit there comfortably. And plenty that are, you know,
20 older built with the home originally I'm sure. So --
21 but yeah. There's -- there's definitely some that
22 have similar size front porches.

23 MS. TOMPKINS-WRIGHT: Thank you.

24 CHAIRPERSON MIETZ: Okay. Very -- very
25 good. Okay. Any other questions? Okay. Very good.

1 Okay, sir --

2 MR. READLYNN: Sorry about the interruption.

3 CHAIRPERSON MIETZ: Okay. Thank you very
4 much though for your presentation.

5 MR. READLYNN: Yeah. You're welcome.

6 Any -- anything else for me or are you good?

7 CHAIRPERSON MIETZ: I think you'll be all
8 set.

9 MR. READLYNN: Okay. Thank you. Thanks all
10 for your time.

11 CHAIRPERSON MIETZ: Okay. Thank you. Is
12 there anyone on the conference that would like to
13 speak regarding this application? Okay. That being
14 the case then the Public Hearing is closed.

15 MR. DiSTEFANO: Application 1A-03-21.

16 APPLICATION 1A-03-21

17 Application of Nicole DeBraal, owner of
18 property located at 400 Clover Hills Drive, for an
19 area variance from Section 203.2.1B(6) to allow a
20 standby emergency generator to be located in a side
21 yard in lieu of the rear yard behind the house as
22 required by Code. All as described on application and
23 plans on file.

24 CHAIRPERSON MIETZ: Okay. And who do we
25 have speaking?

1 MS. DeBRAAL: It's Nicole DeBraal.

2 CHAIRPERSON MIETZ: Hi, Nicole.

3 MS. DeBRAAL: Hi.

4 CHAIRPERSON MIETZ: Whenever you're ready,
5 please proceed.

6 MS. DeBRAAL: Sure. So, I want to put in a
7 stand by generator and I can't put it directly behind,
8 kind of, the main house, if you will. The areas in
9 green are kind of the main house, if you will, and
10 there's glasses -- or, there's windows and sliding
11 glass doors there. I could put it off to the right
12 where the blue is is where -- behind the garage. If I
13 put it there they have to dig trenches to do so and it
14 would cost an additional 1,000 to 1,500. Or I can put
15 it off to the left side there in the red. It would
16 still be behind part of the house but, I guess, by the
17 Board's description, that's technically the side. So
18 that would be a 1,000 to \$1,500 cheaper. It's right
19 next to the AC unit. It's still behind part of the
20 house. It's not seen from the road. And the neighbor
21 over to the -- that's on that side is -- I believe the
22 property line is about 45 feet away and their house
23 structure is 90 feet away and it faces their garage
24 and they have provided consent.

25 CHAIRPERSON MIETZ: Okay. So, questions by

1 any of The Board Members?

2 MS. SCHWARTZ: Yes. Judy.

3 CHAIRPERSON MIETZ: There's a call -- yes.

4 MS. SCHWARTZ: What time will they be
5 testing it on its weekly test, do you know?

6 MS. DeBRAAL: I -- I don't know. I'm -- if
7 I have control over that. If there's any
8 preference -- preferential time I'm happy to ask to
9 have it done at that time.

10 MS. SCHWARTZ: Yeah. Usually, it's day time
11 so that it doesn't disturb, you know, the neighbors.
12 Even --

13 MS. DeBRAAL: Sure.

14 MS. SCHWARTZ: -- though they're a distance
15 you do hear -- you can hear testing so, I don't know,
16 some -- like mid-morning or earlier afternoon if you
17 can, I think, would be a rage to do that. And the
18 other thing is your utilities are over on the side
19 where everything is red because the A. CO2 is there
20 too; is that a fair assumption?

21 MS. DeBRAAL: The utilities are not over
22 there. The -- I'm thinking the utilities are on the
23 front of the house.

24 MS. SCHWARTZ: Oh -- oh, they're not far
25 then?

1 MS. DeBRAAL: Yeah.

2 MS. SCHWARTZ: Okay. Thank you.

3 CHAIRPERSON MIETZ: Very good. Okay. Other
4 questions for Nicole? Okay. Sounds good. Thank you
5 very much.

6 MS. DeBRAAL: Thank you.

7 CHAIRPERSON MIETZ: Okay. Great. All
8 right. So, is there anyone on the conference that
9 would like to speak regarding this application? Okay.
10 There being none, then the Public Hearing's closed.

11 MR. DiSTEFANO: Application 1A-04-21.

12 APPLICATION 1A-04-21.

13 Application of Guy Donahoe, architect, and
14 James and Tracey Sconfietti, owners of property
15 located at 55 Oak Lane, for area variances from
16 Section 203-21B(3) to 1. Allow a detached garage to
17 be constructed in a front yard in lieu of the side or
18 rear yard as required by Code. And 2. Allow said
19 garage to be 900 square feet in size in lieu of the
20 maximum 600 square feet allowed by Code. And, an area
21 variance from Section 207-6A to allow the detached
22 garage be 22 plus or minus feet in height in lieu of
23 the maximum 16 feet allowed by Code. All as described
24 on application and plans on file.

25 CHAIRPERSON MIETZ: Okay. And who do we

1 have speaking for this application?

2 MR. FRISCH: I don't see anybody. So, if
3 there's somebody that is here for the application,
4 raise your hand or start your video.

5 MR. DiSTEFANO: Yeah. This may be the one
6 that the applicant said that they could be coming in
7 late because they had another 7 o'clock meeting. So,
8 why don't we hold it and move on to 1A-05-21.

9 CHAIRPERSON MIETZ: Okay. That be fine.

10 MR. DiSTEFANO: Okay. 1A-05-21.

11 APPLICATION 1A-05-21

12 Application of Anderson Water and Power,
13 agent, and Kenneth Brooks, owner of property located
14 at 38 Richs Dugway Road, for an area variance from
15 Sections 203-2.1B(6) and 203-16A(4) to allow a standby
16 emergency generator to be located in side yard in lieu
17 of the rear yard behind the house as required by Code.
18 All as described on application and plans on file.

19 CHAIRPERSON MIETZ: Okay. And who do we
20 have speaking for this application?

21 MS. GERSNER: Good evening. This is Santina
22 Gersner (phonetic) from Anderson Water and Power.

23 CHAIRPERSON MIETZ: Okay. Very good. So,
24 go right ahead and let us know what you're trying
25 to do.

1 MS. GERSNER: Yes. We are going to install
2 a Cummins standby generator for Mr. Brooks. He cannot
3 be with us to attend the meeting. Unfortunately, he's
4 on life support.

5 However, we have been working to secure a
6 permit for Mr. Brooks to install his standby generator
7 and he only has 10.5 inches of the property line on
8 the rear of his home. And because of that, we are
9 looking to get filed for a variance for a side
10 installation. We are not opposed to the rear
11 installation. It does not look like there are
12 properties or things close to the rear of his home.
13 However, he will have enough space on the side of his
14 home -- I don't know if you have the drawing pulled
15 up -- facing the home. It will go to the left of the
16 front of his home, past the driveway. And we are
17 hoping we could have this approved for Mr. Brooks to
18 go on the side property as we does need the generator
19 for medical reasons.

20 CHAIRPERSON MIETZ: Good.

21 MR. DiSTEFANO: Just for clarification for
22 the record, I think it's 10.5 feet to the rear
23 property line from the house.

24 MS. GERSNER: Yup.

25 MR. DiSTEFANO: Not 10.5 inches.

1 MS. GERSNER: Sorry. I'm looking at this
2 little tiny diagram.

3 MR. DiSTEFANO: That's okay.

4 MS. GERSNER: We --

5 MR. DiSTEFANO: I just want to make it clear
6 for the record.

7 MS. GERSNER: Yup. And we -- it is a
8 Cummins generator. It -- they only test twice a month
9 on the second and fourth Tuesday and we do set them so
10 they do not start the -- the engine so it is a -- it
11 is a quiet -- it's a one -- it is the quietest
12 generator on the market. And it will -- we will set
13 it so it will not start the engine when it does set
14 the test time to -- it's 2 p.m. the second and fourth
15 Tuesday of every month.

16 CHAIRPERSON MIETZ: Okay.

17 MS. WATSON: I do have a question.

18 CHAIRPERSON MIETZ: Yes. Go right ahead,
19 Jen.

20 MS. WATSON: So, with ten and a half feet
21 available on the rear property line that is not
22 sufficient for a generator. Forgive me. I don't
23 know -- I don't know how much space is needed.

24 MS. GERSNER: 9 square feet.

25 MS. WATSON: Okay. I thought it would be

1 tight.

2 MR. DiSTEFANO: Another regulation of the
3 Code is that even if it was in the backyard, it still
4 would have to be 10 feet from the lot line.

5 MS. GERSNER: Yes.

6 MR. DiSTEFANO: So, they -- they would be
7 for a variance either way. If they put it behind the
8 house, they're going to be in there for a variance for
9 the proximity to the lot line. In this instance,
10 they're just asking for the variance to be on the side
11 of the house. They will meet the 10 foot requirement
12 this way but it's on the side instead of the rear.

13 MS. WATSON: Great. And just for the
14 record, could you describe what vegetation is around
15 that side yard. Will it be screened at all from the
16 neighbors or the street?

17 MS. GERSNER: I did look at the aerial view
18 of the property. I have driven by there. I live in
19 Brighton. And it is -- there is vegetation, it's kind
20 of overgrown in the front of his home. So, it is not
21 an eyesore by any means to go on the side of the home
22 because you really are not able to see much of the
23 home from the road.

24 MS. WATSON: Thank you.

25 MS. DALE: Do you know if the homeowner

1 spoke to the neighbor on -- on that side? It would be
2 facing -- adjacent to the generator?

3 MS. GERSNER: No. He has not. He's not
4 able to leave his home. So, I know he has not. We
5 did post the -- the sign as -- as instructed in ample
6 time for anyone to be able to, you know -- to contact
7 the Town and -- and make a request against us
8 installing the generator for him. And I do not
9 believe he's ever received anything. We not have been
10 notified of any.

11 MS. DALE: And what -- is -- was -- when
12 you're deciding which side of the house to place it
13 on, did you -- is the recommended spot, is that, like,
14 in proximity to existing air conditioners or others
15 or -- or why did you choose that side versus the
16 others maybe practically --

17 MS. GERSNER: Because on the other side
18 there is a concrete wall, an asphalt, and a grill on
19 the other side of the home. So, that is why we chose
20 the side of the home that we have. And, you know,
21 if -- if I -- looking at an aerial view from the map
22 there are, you know -- is really the best place to
23 place the generator.

24 MR. DiSTEFANO: Just for the record, I did
25 speak to the property owner next door, explained the

1 situation.

2 MS. GERSNER: Okay.

3 MR. DiSTEFANO: After talking to him, it did
4 not seem like he had any objection to the request by
5 the applicant.

6 MS. GERSNER: Thank you.

7 MR. DiSTEFANO: Can I ask a question though?
8 For the record, approximately where is the next-door
9 neighbor's house in comparison to where you plan on
10 placing the generator?

11 MS. GERSNER: It is -- I do not know if we
12 have an aerial view. I'm just pulling it up on my
13 computer right here. Did the homeowner -- did the
14 next-door neighbor call continue the -- into Brighton?
15 Into the Town?

16 MR. DiSTEFANO: Yes. I spoke to him
17 directly.

18 MS. GERSNER: Okay. Yeah. You have the
19 aerial view here. There is a neighbor -- it's -- it's
20 fairly -- it's fairly wooded, the area.

21 MR. DiSTEFANO: Am I correct to say that the
22 neighbor's house is much closer to Richs Dugway than
23 the applicant's house?

24 MS. GERSNER: Yeah.

25 MR. DiSTEFANO: So, basically, that -- that

1 generator would be across from open backyard, not
2 another structure?

3 MS. GERSNER: Yes.

4 MR. DiSTEFANO: Correct?

5 MS. GERSNER: Yes. Correct.

6 MR. DiSTEFANO: Thank you.

7 CHAIRPERSON MIETZ: Okay. Very good.

8 MR. GORDON: Mr. Mietz, this is Ken Gordon.

9 If I could ask this --

10 CHAIRPERSON MIETZ: Sure.

11 MR. GORDON: -- brief question of the
12 presenter. You -- and not to be indelicate but you
13 describe the owner as being on life support. Could
14 you just confirm for the Board that the owner is
15 conscious, competent, and aware that you're proceeding
16 with this application?

17 MS. GERSNER: Yes, he is. And we've
18 actually been -- we have someone that we've been in
19 contact with that is helping him with the generator
20 installation. He had to secure a site survey because
21 he did not have a site survey. So we have been
22 working with Beth Collins who has -- one of his
23 assistance -- and she actually, you know, coordinated
24 for the site survey to -- the site survey that we are
25 looking at was just performed because he has been

1 living in the home for a long time. He did not have a
2 site survey. He could not find one. So, yes. We
3 have been in contact with Beth Collins and she is --
4 is working with us to install the generator for
5 Mr. Brooks. He is on oxygen so that's, you know, part
6 of the reason he wants the generator installed.

7 MR. GORDON: Thank you for that.

8 MS. GERSNER: Yeah. Thank you.

9 CHAIRPERSON MIETZ: Okay, Ken. That's good.
10 All right. Anyone else have any questions for
11 Vanessa? Okay. Thank you very much, Vanessa.

12 MS. GERSNER: Thank you.

13 CHAIRPERSON MIETZ: Is there anyone on the
14 call that would like to make comments regarding this
15 application? Okay. Then there being none, then the
16 Public Hearing's closed.

17 MS. GERSNER: Thank you.

18 CHAIRPERSON MIETZ: You're welcome.

19 MR. DiSTEFANO: The next three applications
20 are for the same property so I will read all three
21 applications so please be patient.

22 APPLICATION 1A-06-21

23 Application of James Fahy, architect, and
24 Wendy Frieda and Bruce Dan, owners of properties
25 located at 561 Winton Road South and 575 Winton Road

1 South, for an area variance from Section 207-16A(4) to
2 allow for two access points after combining two lots
3 into one where only one access point per lot is
4 allowed by Code. All as described on application and
5 plans on file.

6 APPLICATION 1A-07-21

7 Same applicant, same owners, of properties
8 located at 561 Winton Road South and 575 Winton Road
9 South, for an area variance from Section 205-2 to
10 allow a new home to be constructed with a 34.5 foot
11 rear setback in lieu of the minimum 40-foot rear
12 setback required by Code. All as described on
13 application and plans on file.

14 APPLICATION 1A-08-21

15 Same applicant, same owners, same property,
16 for a temporary and revocable use permit pursuant to
17 Section 219-4 to allow for two dwelling units to be on
18 a single lot where not allowed by Code. All as
19 described on application and plans on file.

20 CHAIRPERSON MIETZ: Okay. Very good. So,
21 who do we have speaking?

22 MR. FAHY: Good evening, everyone. This is
23 Jim Fahy from Fahy Design Associates. We're
24 representing Wendy Frieda and Bruce Dan on these
25 projects and in the -- in a nutshell what the Friedas

1 are doing is they own both properties, 561 and 575
2 Winton Road South. They currently live in 575. What
3 their plans are is to combine the two parcels and
4 raise the home at 561 while they maintain residence at
5 575 through the construction of a new single-family
6 dwelling on the property.

7 Following completion of the new home, they
8 will then take residence and -- in the new home,
9 demolish the home at 575, and they will be leaving the
10 foundation of the existing two-car garage at 575 to
11 construct a superstructure over the existing
12 foundation for a -- an accessory detached garage. So,
13 we're combining a prop -- two properties, we're
14 building a -- a new single-family home on the property
15 with an accessory detached garage.

16 So, I think if we step in to the first
17 variance request that Rick had read, there --
18 obviously, with two parcels now there are two existing
19 curb cuts. What we are proposing to do is, since
20 we're building the detached garage directly over the
21 footprint of the existing garage for 575, we would
22 like to keep the curb cut at that location so that
23 they can get direct access from Winton Road South to
24 the detached garage for a vehicle that they will be
25 storing in there.

1 They will be, as you can see on -- on the
2 site plan, they will be keeping only a portion of the
3 existing asphalt that there is now. There -- that
4 portion of the how -- of the yard between the new home
5 and the de -- proposed detached garage will be their
6 main entertaining space for the family. They have
7 a -- a large family with seven grandkids and -- and
8 they like to entertain family get-togethers at the
9 house. So, that existing asphalt that's showing to
10 remain is going to be a basketball court for the kids.
11 And then the rest of that yard between the detached
12 garage and the dwelling will be grass and outdoor
13 living.

14 The remaining portion of the driveway will
15 be removed and placed -- replaced with a geogrid paver
16 system to allow more of a -- a natural feel to the
17 property but have the durability to be able to bring a
18 car in and out of there under any weather conditions
19 without rutting.

20 So, we're asking for that second curb cut
21 but in essence, we have two lots that already have two
22 curb cuts. We feel that what we're doing here is --
23 is really positive. We're providing access to the
24 detached garage with the existing curb cut at 575 but,
25 in removing the majority of the driveway and -- and

1 turning that into green space, it -- I think we're
2 working in a very positive direction here. You know,
3 if we were forced to bring our driveway out of that
4 detached garage and kind of swing it around or
5 serpentine it around to the driveway for the new home,
6 we'd have much more coverage on the site and I think
7 it would just be -- wouldn't be attractive at all. It
8 would be a long driveway sweeping across the majority
9 of the property.

10 So, that in a nut -- in a nutshell is why
11 we're asking for the second curb cut.

12 MS. DALE: So, I've got a couple questions
13 if that's okay.

14 MR. FAHY: Absolutely.

15 MS. DALE: Thank you. I was wondering if
16 you could tell us a little bit about why the design
17 includes a separate detached garage as well as the
18 two-car garage on the house itself versus just having
19 the -- just having the attached garage. And then --
20 because I -- I think if you -- if you had just the
21 attached garage, obviously, you wouldn't need the curb
22 cut that wouldn't be the need for the second driveway
23 at all and it could just be grass.

24 MR. FAHY: That's true. I -- I think that
25 there -- there's a couple of reasons behind this and

1 as we got into the design of the project we talked
2 about several things.

3 We have -- they want the ability for -- to
4 be able to store more than two cars. We're in a
5 neighborhood that although it's a very eclectic
6 neighborhood when you look at it as a whole, when you
7 start going back into Rhinecliff and Highland and all
8 the other roads that are part of this neighborhood, it
9 is somewhat eclectic and you get varying lot sizes and
10 varying homes. But where we are right now on -- on
11 Winton Road, we fit into the neighborhood much better
12 with a home with a two-car garage from a scale and
13 massing standpoint. So, the -- the conversation led
14 to having this detached garage that is fully compliant
15 with your building and Zoning codes from setback,
16 size, height, we're staying well right within it, it
17 gives them the ability to park that third car that
18 they want and it also gives them the ability to have
19 it as a spot when the kids are playing where they can
20 go in and out of that as a place to get out of cover
21 when they're outside playing, it's close by, there
22 will be no plumbing in this garage. There's nothing
23 that would lead anyone to use this for anything other
24 than a garage. I mean, we're not even putting --
25 we're not putting any plumbing in it at all.

1 So, it's a combination of wanting the
2 storage for the garage, finding it attractive for use
3 when the kids are out playing in the yard, and also to
4 maintain this house. And if you see -- if you saw the
5 rendering that I provided with the package, I mean,
6 this house fits seamlessly, in my opinion, in -- into
7 this neighborhood of -- many of them are old English
8 and French style -- Tudor style homes and I think that
9 in combination is what got us to do what we did.

10 MS. DALE: Thank you. I -- I also wanted to
11 ask you, I noticed in -- in the application it --
12 it -- there's a statement that there will not be a
13 visible driveway leading from the road access to the
14 detached garage?

15 MR. FAHY: Correct.

16 MS. DALE: And I -- I do understand about
17 the pavers with grass but I'm not really sure why that
18 makes it invisible. So, I was hoping you would
19 explain to me a little bit about why there would not
20 be a visible driveway to the detached garage.

21 MR. FAHY: The -- the pavers become pretty
22 much -- grass is growing through these pavers. This
23 is an open work geogrid structure, it will be grass.
24 When you're -- when you're driving down Winton Road
25 you will see grass leading up to the asphalt that we

1 have, which will be the play court for the kids. It
2 will not look like -- it's not pavers that grass grows
3 between them. This grows right through it. It's --
4 all this is doing is providing a subbase for a vehicle
5 to drive across that grass surface without rutting the
6 ground. So, it's -- it's -- it's a really -- it's a
7 green -- green infrastructure type of construction.
8 It gives them more area for their front yard
9 entertaining and it also --

10 MS. DALE: And I'm sorry I'm not familiar
11 with this type of -- if -- if you're walking across
12 the grass, do you -- can you not -- you can't see the
13 pavers at all? They're --

14 MR. FAHY: You may -- you may see some
15 slight portions of pavers. But when you're looking at
16 this, especially from the road, it will -- it will
17 look like grass.

18 MR. DiSTEFANO: One thing that is important
19 to remember is that the apron area that basically
20 leads out on Winton Road, that would still be retained
21 as asphalt. So you will still see the curb cut and
22 the asphalt apron. But once you're onto their
23 property then you would see grass. So on the other
24 side of the fence, you basically see a grass field.

25 MS. DALE: Until it gets to the -- to the

1 asphalt --

2 MR. DiSTEFANO: Correct.

3 MS. DALE: Basketball -- so, the -- the
4 asphalt that will remain for that basketball court
5 will go right up to the garage --

6 MR. FAHY: Correct.

7 MS. DALE: Door?

8 MR. FAHY: Correct.

9 MS. DALE: Thank you.

10 MR. FAHY: You're welcome.

11 CHAIRPERSON MIETZ: Okay.

12 MR. PREMO: I -- I just had a question.

13 CHAIRPERSON MIETZ: Yes.

14 MR. PREMO: With respect to the -- the
15 pavers, how is that maintained during the winter? I
16 mean, do you -- do you plow them or how does that
17 work?

18 MR. FAHY: Well, the Dan's actually spend
19 their winters in Florida so that will see virtually no
20 action in the wintertime.

21 MR. PREMO: So, you wouldn't be plowing it;
22 is that right.

23 MR. FAHY: I doubt it. It -- if -- it would
24 be a very, very rare occasion to do that. Now, I -- I
25 put geogrid pavers on many properties for similar

1 types of situations with carriage garages, and so
2 forth, and they can be plowed with care. You just
3 have to make sure that you're -- you're -- whoever's
4 maintaining that driveway understands that you have
5 geogrid pavers and they will hold their plow slightly
6 up above so that you can get a path but you have to be
7 careful -- no question, you have to be careful about
8 ripping it up if you dropped a -- a front end on it
9 too deep too hard. But it probably won't get plowed
10 in the winter. They -- they actually leave and --
11 they're a six month a year in Florida and then six
12 months back here.

13 CHAIRPERSON MIETZ: Okay.

14 MS. SCHWARTZ: I was wondering -- it's
15 Judy -- if you had a rendering or something of this
16 paver situation with the grass. Personally, I
17 visualize, you know, it looking like weeds coming up
18 but you say not. I mean, you showed the house and it
19 would be nice if we saw the full, you know, rendering
20 of what the -- the new -- the new property will look
21 like and I think -- I think that would be helpful to
22 see. And really, in essence, you're having a four-car
23 garage, not three. I don't think we have four-car
24 garages around. Certainly not on Winton Road or in my
25 neighborhood or Bell Air.

1 MR. FAHY: Actually, Judy -- I'm sorry not
2 to interrupt you but it's actually only three. If
3 you'll see, we've only got a single car garage on that
4 garage.

5 MS. SCHWARTZ: You said one would have
6 parking and the other would be where the kids would
7 go, to me that's --

8 MR. FAHY: No, no, no, no, no. What they
9 would do is when the kids know into their play, they
10 would actually pull the car out of the garage. But it
11 only has a single car -- Rick, do you have the -- the
12 detached garage in your packet there?

13 MR. DiSTEFANO: I --

14 MS. SCHWARTZ: Is it a double car garage
15 now?

16 MR. FAHY: Yes, it is. Okay. So, that's
17 the dwelling. The detached garage is right there.
18 So, it -- where you -- it's -- it's 5 -- it's a little
19 bit over 500 square foot but we're designing it -- and
20 we're -- it's enough -- you know, we're trying to tone
21 this thing down on the property but we only put a
22 single car garage on it so it's -- it's a really
23 attractive accessory structure on the property but it
24 will -- it only will be able to take one car because
25 we're not -- we're not giving it the ability to have

1 more than one. And then, you know, he can keep tools
2 and things like that in there to the side of the
3 vehicle.

4 MS. SCHWARTZ: But you don't have a
5 rendering of what this paved driveway is going to look
6 like or paver driveway is going to look like? You
7 don't have an example of that?

8 MR. FAHY: It's going to -- I can -- all I
9 can tell you is that it's going to look like grass and
10 if I -- if you've never seen a geogrid paver, you
11 probably have seen them you just don't recognize it
12 because it looks like grass, but it's -- that's what
13 it looks like. You put them in where you don't
14 want -- there you go. Appreciate who pulled that up.
15 Once -- when it's -- when it's grown in it does not
16 look like anything but grass.

17 CHAIRPERSON MIETZ: All right.

18 MS. SCHWARTZ: Because it's a very, very,
19 very, very pedestrian area. Very. So...

20 MR. FAHY: I'm sorry, Judy. So, when you're
21 saying that in the sense of what?

22 MS. SCHWARTZ: I just hope that it really is
23 going to look like lawn rather than, you know --

24 MR. FAHY: Well, their -- their -- their
25 idea is -- they're going to entertain as much on their

1 side and their front lawn as they will on their back.
2 Well, part of it will be. I mean, they're going to --
3 they've got a big family so they're using all of this
4 house. But it will look like grass. That is -- that
5 was a critical thing for Wendy and Bruce to make sure
6 that it had that appearance. So, it -- it will. It's
7 going to look like grass. It's -- but just like the
8 photos that were just put up that's -- when the grass
9 grows through it you barely see any paver system at
10 all.

11 CHAIRPERSON MIETZ: Jim, can you talk about
12 just how often, you know, this vehicle that's going to
13 be stored in here is this something that's going to be
14 used on a daily basis, like the -- maybe the other
15 side of the house garage or is this like some antique
16 car or something that's not being used all the time?
17 What's the use here?

18 MR. FAHY: I don't have the answer to that.
19 I -- I believe it's -- it's just a third kind of a
20 hobby car set up so I don't believe it's an everyday
21 use thing but I don't -- I can't give you a frequency
22 of pulling it in and out of there.

23 CHAIRPERSON MIETZ: Okay. All right. Is
24 there any other questions on Application 06, which is
25 the two access points, and then Jim can go on with 7

1 and 8. Any other --

2 MS. TOMPKINS-WRIGHT: I just had a --

3 CHAIRPERSON MIETZ: Excuse me?

4 MS. TOMPKINS-WRIGHT: This is Andrea. I
5 just had a quick question. I'm assuming because the
6 locations of these curb cuts aren't changing at all
7 that there's no need for any kind of additional permit
8 or approval from county D.O.T?

9 MR. FAHY: The curb cut for the new home is
10 not in the exact location as the curb cut for 561 now.
11 So, 575 curb cut will remain exactly where it is. If
12 you look at our plan and where we have our new curb
13 cut for the home it's further to the north of the
14 existing curb cut at 561. So, that will be --

15 MS. TOMPKINS-WRIGHT: And --

16 MR. FAHY: So that will be filled in. And
17 then a new curb cut will be placed for the new
18 dwelling.

19 MS. TOMPKINS-WRIGHT: So, will you need an
20 amended permit or approval from Monroe County D.O.T?

21 MR. FAHY: I believe that all the site work
22 is being done by Land Tech and they're well along with
23 that. I believe that came -- that came up in the
24 Planning Board meeting. They've -- there's contact
25 with the D.O.T. They're moving -- it's moving in a

1 very positive direction so I don't see that as being
2 any kind of an issue at all.

3 MS. TOMPKINS-WRIGHT: Okay.

4 CHAIRPERSON MIETZ: Okay. Go ahead then and
5 let's proceed with application number 7.

6 MR. FAHY: Okay. The next application is
7 for a rear yard setback variance and that's -- the
8 reason we're asking for that is again the -- the Dans
9 are here principally in the warm weather months so
10 their outdoor living amenities are very, very
11 important to them and how they live. And Wendy got
12 very specific with me on their use of this covered
13 screened-in porch in the back. And that area that
14 we're asking for the slight variance is designed to
15 accommodate both some -- a dining table, a small
16 gathering area, and then a grilling station that's
17 back there.

18 So, we -- we just couldn't get it to work
19 and have proper maneuvering space without bumping
20 the -- the screened-in porch back several feet from
21 the back of the existing -- of the home. So, it has
22 very set needs for them that I'm designing too. I --
23 I think if they wished it could be even deeper but I
24 told them we really have -- did you lose me?

25 CHAIRPERSON MIETZ: Yeah. Go ahead. Just

1 repeat the last sentence or so.

2 MR. FAHY: Okay. Anyways, I think the
3 bottom line is, number one, it has very specific needs
4 and uses by the homeowners, which is what dictated the
5 size of the porch. I think it's important for the
6 Board to realize that this -- this is a neighborhood.
7 This is a very eclectic neighborhood of accessory
8 structures and encroaches onto setbacks. If you look
9 at the site plan on -- right up on the screen right
10 now you'll see that it -- at 72, 64, and 54 Rhinecliff
11 Drive that are bordering the property to the rear all
12 have accessory detached garages that are within 5 feet
13 of the property.

14 There's -- there's a mature stand of trees
15 along that area. So, looking at this is from a --
16 from a standpoint of disruption or out of character in
17 the neighborhood, this slight variance request is
18 definitely not fighting the -- the -- the feeling or
19 the whole appeal of this -- of the house fitting into
20 the neighborhood. I mean, it's -- it's within the
21 character of the neighborhood.

22 There's homes that -- again, neighboring
23 homes that are encroaching equally as close as this --
24 existing structures. Some may be additions to the
25 structures but they definitely are encroaching as

1 close as we are to our rear property line. And I
2 think it's also just important to understand that
3 there -- the existing house that's on there now has a
4 hardcover over a deck that is actually 28 feet from
5 the property line now. So, when we, as noted, you can
6 see on 575 it shows where the -- the deck is that has
7 a hardcover. So, that's 28 feet plus or minus from
8 the property line. We're pulling our house fur --
9 much further back than that and -- and this covered
10 porch is going to be 34 and a half feet. So, we're --
11 we're picking up over 6 feet of clearance from the
12 existing back of a covered structure on the property
13 now to what we're proposing at the new -- for the new
14 home.

15 CHAIRPERSON MIETZ: Okay. All right. Any
16 questions related to this part of the presentation?

17 MS. SCHWARTZ: Yes.

18 CHAIRPERSON MIETZ: Go --

19 MS. SCHWARTZ: Thank you, Dennis.

20 CHAIRPERSON MIETZ: Go ahead, Judy.

21 MS. SCHWARTZ: Okay. Question, just -- it
22 popped into my mind, how many years have they lived
23 at -- at this property or had both of the properties,
24 do you know?

25 MR. FAHY: 561 they just recently

1 purchased --

2 MS. SCHWARTZ: Oh.

3 MR. FAHY: -- for this plan --

4 MS. SCHWARTZ: Okay.

5 MR. FAHY: -- to do this work. 575 they've
6 been in there -- I don't know exactly how long, Judy.
7 It's a number of years but it's not -- it's -- I think
8 it's under five years. I'm just guessing.

9 MS. SCHWARTZ: Oh. So, that's not long.
10 Okay. And -- and I have a question. You said that,
11 you know, the properties on Rhinecliff are very close
12 to the lot line but there's a huge difference in my
13 opinion. Those are all garages and there's nothing
14 open facing the neighbor behind them, whereas this is
15 a screened-in porch and you said they've got seven
16 grandkids. I would imagine at least one possibly two
17 parents for all those kids and so on. And in the
18 summer when they are here voices really travel quite
19 easily in -- in warm weather.

20 This is new construction and to me, perhaps,
21 it could be tweaked so it does meet Code. I mean,
22 it's 5 feet. I don't know how far you are with your
23 front setback but it -- it just seems that it could be
24 tweaked to meet Code because it's brand new
25 construction. It's not like an addition and you're

1 confined and so on. And did you really consider
2 trying to bring it into Code.

3 MR. FAHY: Absolutely. My first -- my
4 first drawing -- if you look at this house and you
5 look at the setbacks, the -- I originally designed the
6 house with that porch lining up with the back wall of
7 the dining area, which is the next closest point to
8 the rear --

9 MS. SCHWARTZ: Uh-huh.

10 MR. FAHY: -- and I -- I purposely designed
11 it where we could have a 40-foot front yard setback,
12 which is Code, and a 40-foot rear yard setback, which
13 is Code.

14 MS. SCHWARTZ: Uh-huh.

15 MR. FAHY: And this was -- and I -- I mean,
16 I worked diligently on making this housework and I was
17 told by the Dans that it just isn't going to work for
18 them. They need this depth of a porch to make their
19 living arrangements and use of the porch work.

20 So, I'm here with a homeowner's request.
21 I'm sure you hear that from architects all the time
22 that they're -- they're doing their best to work
23 within the Zoning and also to satisfy their client's
24 needs but -- and I fully understand it if this -- you
25 know, I understand the concern. I understand feeling

1 that -- that there -- there could be issues when
2 you're granting setbacks like this. But, you know,
3 their existing outdoor deck where they spend a lot of
4 time is closer than this, I think so, from a
5 standpoint. Their family is no larger now than it was
6 this past summer and they were back there entertaining
7 on an open deck area closer to their neighbors than
8 this will be. And there's never been a complaint.

9 And I also -- I'm trying to -- in the
10 context of this neighborhood setting, there are many
11 homes that are closer than this. And I -- I named
12 three that had accessory structures and you're right.
13 Those are accessory and they can be closer. If you --
14 there's a house that's, I believe, 2 Rhinecliff is a
15 home that's much, much closer. It's two doors, three
16 doors down. Much closer than this. And, you know, I
17 didn't go through a full survey of all the homes but
18 I -- I -- I guarantee you if I had an hour or two I
19 would give you a number of them that are equally as
20 close if not closer. It's just how these
21 neighborhoods are.

22 CHAIRPERSON MIETZ: Would you --

23 MR. FAHY: And --

24 CHAIRPERSON MIETZ: Jim?

25 MR. FAHY: I'm sorry. Go ahead. Yup

1 fire -- fire away.

2 CHAIRPERSON MIETZ: Jim, what about -- you
3 know, how far are those houses, you know, on
4 Rhinecliff away from the -- the 34 and a half foot
5 setback?

6 MR. FAHY: The one I -- the one that --
7 there's one at 2 Rhinecliff and then 447 Oakdale. I
8 don't have their exact distance but I guarantee --
9 I -- I know they're closer. I've seen -- I've seen
10 them on -- on the map there. And that one looks like
11 an addition to an -- to an old house where it was --
12 might be a garage that went back there.

13 But I -- you know, I think we're improving
14 the -- we're improving the setting on this site with
15 what we're doing. We're going from a house that has a
16 hardcover at 28 feet, we're going to 34 to another
17 unheated covered porch. So, that's -- you know,
18 that's an important thing to remember. This is an
19 unheated covered porch. It's not, you know -- and
20 it's a one-story structure. We're reducing our lot
21 coverage by over six percent. We're doing so much
22 good on this property. This is the only variance
23 that -- that my clients are -- have asked me to
24 approach the Town with.

25 The curb cut is -- you know, I think that's

1 a technicality. You got two lots. You have two --
2 two curb cuts, property that's 210 feet wide. I'm not
3 sure why they shouldn't be able to two curb -- curb
4 cuts. Especially with a detached garage.

5 But, anyways, it -- I think you know these
6 neighborhoods well and you've probably have had many
7 of the homeowners come before you overtime and there's
8 just many that have -- have varying setback variances.

9 MR. DiSTEFANO: Jim, I have -- I have a
10 question. I -- I know we're talking inches here but
11 why did you pick a 41-foot front setback and move the
12 40-foot that's necessary?

13 MR. FAHY: I -- I think -- all right. So
14 that wasn't chosen -- selected by me. That was by the
15 civil engineer and I think the reason he did it is he
16 knew that we needed to -- we were asking for a
17 variance and instead of pinning the front property at
18 40 feet he gave them a little extra room so that they
19 did not -- didn't have to pin it. If that's one foot
20 of difference was important to this Board, we will
21 pull -- we would pull the house forward to 40 feet in
22 a heartbeat.

23 MR. DiSTEFANO: The only reason I -- the
24 only reason I make that comment is at least that would
25 make the house proper meet Code. Right now, the house

1 proper is, you know --

2 MR. FAHY: 39-foot.

3 MR. DiSTEFANO: -- extending --

4 MR. FAHY: Yup.

5 MR. DiSTEFANO: -- you know, .8 feet in to
6 the rear setback.

7 MR. FAHY: Yup.

8 MR. DiSTEFANO: And then we're --

9 MR. FAHY: And when I --

10 MR. DiSTEFANO: We're only talking about a
11 screened porch. But -- I mean, that's for the Board
12 to --

13 MR. FAHY: I would -- I would absolutely --
14 I would absolutely do that before we -- you know, to
15 get with our final site plan approval, we would -- I
16 would have no problems. And I know that Wendy and
17 Bruce would have no problems pulling that foot back
18 out.

19 CHAIRPERSON MIETZ: Okay. That's something
20 we can certainly discuss later. Is there any other
21 questions related to application number 7, the rear
22 setback? Okay. Then Jim go ahead with number 8,
23 please.

24 MR. FAHY: Okay. Number 8 is purely a
25 temporary use permit, Revocable Use Permit, to allow

1 Wendy and Dan to live in 575 during the construction
2 of the new dwelling. And I gave you that quick
3 summary at the beginning. As soon as they get the C
4 of O from the Town of Brighton, they will move over
5 into the new house and demolish the existing and
6 finish the detached garage and all of their exterior
7 hardscaping and landscape -- landscape features. That
8 will be about a year we're estimating. If all goes
9 well, we -- they would like to start this construction
10 in March. They've already picked a builder. They
11 have a very good builder on -- onboard. And they --
12 we are estimating it could be up to a year max that
13 they would need to live in their existing house before
14 taking ownership of the new home.

15 CHAIRPERSON MIETZ: Okay. All right. So,
16 are there questions related to the --

17 MS. SCHMITT: Just one quick question,
18 did -- did I miss it or did you -- I know you said
19 that you would quickly demolish the other house once
20 you're able to move in. But is there a timeframe of
21 what quickly means?

22 MR. FAHY: I believe -- Rick, what are we
23 limited -- there's a timeframe on the revocable
24 permit; correct?

25 MR. DiSTEFANO: That is correct.

1 MR. FAHY: So --

2 MR. DiSTEFANO: There -- we -- yeah. And
3 then that would depend on what the Board felt
4 comfortable with on giving you that timeframe. If you
5 think that it's going to be -- it -- could be done
6 within a year's time maybe they give you 13 months,
7 you know, just for a little bit of buffer there. So,
8 the temporary Revocable Use Permit does carry a
9 timeframe on when that structure does need to be
10 demolished because after that they would be in
11 violation of the Code. Does that help you, Kathleen?

12 MS. SCHMITT: It does. Thank you.

13 CHAIRPERSON MIETZ: All right. Very good.
14 All right. Any other questions on number 8?

15 MS. SCHWARTZ: I have one. So --

16 CHAIRPERSON MIETZ: Yes. Go ahead, Judy.

17 MS. SCHWARTZ: -- you're saying it's going
18 to take a year to build that new house, is that
19 including demolishing the one that's up there now and
20 then --

21 MR. FAHY: Yes. It could and it -- it could
22 and so -- I think that would be what our late winter
23 conditions are and our early winter conditions are
24 next -- next -- this year. So, it's a safe number, I
25 think, Judy. I -- you know, built -- this is a -- you

1 know, this is a custom home, so -- and I think they're
2 going to want to make sure everything is done right.
3 So, I -- I think a year is a safe number.

4 MS. SCHWARTZ: Well, I -- well, I --

5 MR. DiSTEFANO: One other method we could
6 use is that they might -- they probably would be just
7 granted a temporary C of O for the new house with the
8 condition being that the existing house has to be
9 removed. So, the temporary -- we could issue the
10 temporary C of O for 30 days and which time gives them
11 that 30 days if it corresponds with the TNR. So,
12 there -- there is another method to hold them to
13 getting that second house down quickly.

14 CHAIRPERSON MIETZ: Right.

15 MS. SCHWARTZ: All right. The -- the reason
16 I -- I ask. I know that by starting, you say, in
17 March, they may not be able to do something on, you
18 know, every day of the week. But during good weather,
19 they will be there every day working on the
20 construction of the new house?

21 MR. FAHY: Oh, absolutely. As you know in
22 construction, time is money. So the contractor, once
23 he gets going, you know, he's not going to want to
24 stop. Dan Ridge Homes is the builder. They've been a
25 quality home builder for -- I've worked with them for

1 almost 35 years. So, it's a well-oiled group and a
2 team and they're very respectful. We've had
3 discussions with the neighbors and, you know, on
4 making sure they're aware of everything that's going
5 on with construction. And -- so, it's --

6 MS. SCHWARTZ: So, they -- they're not the
7 type of company that's going to work on the house, you
8 know, three days this week and then go to another
9 project for two more days? They're going to be there
10 doing just one?

11 MR. FAHY: Yeah.

12 MS. SCHWARTZ: The reason I am concerned is
13 there's a lot of traffic on Winton Road. There's a
14 lot of pedestrian traffic and this is really going to
15 impair quite a bit. So, I -- I hope that this is
16 going to be taken into consideration. It -- it's a --
17 it's a very busy street. I live over there. Not in
18 that neighborhood but across the other side of Winton
19 so I know it really, really well. And I can wait at
20 the end of my street to get on to Winton Road for
21 quite a while. I mean, it's a little different now
22 with COVID but you can wait a long time so there is
23 considerable traffic and that was my concern that this
24 be done, you know --

25 MR. FAHY: Yeah -- No. It's a great -- it's

1 a great --

2 MS. SCHWARTZ: -- as quickly as possible.

3 MR. FAHY: It's a great concern. But I
4 mean, I'd love to tell you this will be nine months
5 but I -- I -- we're just not a hundred percent sure.
6 But there -- once construction starts I can assure you
7 that it will be --

8 CHAIRPERSON MIETZ: All right.

9 MR. FAHY: It's not a hit and leave type of
10 thing. We'll be working every day.

11 MS. SCHWARTZ: Okay. Thank you.

12 MR. FAHY: You're welcome.

13 CHAIRPERSON MIETZ: Very good. Okay. Any
14 other questions on these applications then? Okay.
15 Very good. Thank you very much, Jim.

16 MR. FAHY: Thank you for -- appreciate the
17 time.

18 CHAIRPERSON MIETZ: You're welcome. Is
19 there anyone on the Zoom call that would like to speak
20 regarding these three applications? Okay.

21 MR. DiSTEFANO: There -- there -- I see
22 David Feldman is on the line. I know he is a
23 neighbor. I'm wondering if he has any comments.

24 MR. FRISCH: I'll ask him to unmute.

25 MS. FELDMAN: Yes. This is Roberta Feldman.

1 I'm on Dave's Zoom account. Let's see --

2 MS. SCHWARTZ: There you go.

3 MS. FELDMAN: I don't know if you can --

4 CHAIRPERSON MIETZ: Yup. We can hear you.

5 MS. FELDMAN -- see me?

6 MR. DiSTEFANO: We can hear you.

7 MS. SCHWARTZ: We see you.

8 CHAIRPERSON MIETZ: Yup. Go right ahead.

9 MS. FELDMAN: Thank you. So, we are the
10 neighbors to the direct north.

11 CHAIRPERSON MIETZ: Okay.

12 MS. FELDMAN: And I honestly think this is
13 going to be an improvement. The house at 561 is empty
14 right now and I think that it doesn't have as much
15 architectural significance as the new home that's
16 going to be built. And I do -- I wasn't aware of the
17 type of pavers but I think that will just give us less
18 asphalt and bring us some more green space.

19 As far as the porch in the back, I -- I
20 understand that it could be maybe moved, you know,
21 move the whole thing closer to the street so that
22 you're not looking for the variance. But as far as
23 noise from kids, it's beautiful noise as far as I'm
24 concerned. So, I have no objections.

25 We don't have a fence right now from our

1 house to 561. There are fences along the back
2 boundary line but it's -- it's open grass for maybe
3 four -- four yards. So, when my kids were home, the
4 whole thing was their playground. So, I -- I don't
5 have any objections. I've seen the plans and I'm a
6 little concerned about a year's worth of construction
7 but I've been assured that, you know, weekends,
8 hopefully, it will be quiet and that they want to get
9 this done quickly. So, that's all I have.

10 CHAIRPERSON MIETZ: Okay. Thank you for
11 your comments. Appreciate it. Is there anyone else
12 in the conference that would like to speak related to
13 this application? Okay. There being none then the
14 Public Hearing on these three applications is closed.

15 MR. FAHY: Thank you, everyone. Happy new
16 year.

17 CHAIRPERSON MIETZ: Thank you again.

18 MR. DiSTEFANO: You too, Jim.

19 Application 1A-09-21.

20 Application 1A-09-21.

21 Application of David Crowe, architect, and
22 Matthew and Kimberly Jones, owners of property located
23 at 96 Chadbourne Road for an area variance from
24 Sections 203-2.1B(3) and 203-9A(4) to allow a detached
25 garage addition and platform deck to be 3 feet from a

1 lot line in lieu of the minimum 5 feet required by
2 Code. All as described on application and plans on
3 file.

4 CHAIRPERSON MIETZ: Okay. And who do we
5 have speaking?

6 MR. CROWE: This is Dave Crowe, architect
7 for the project. And I'll talk you through what we're
8 proposing here. So --

9 CHAIRPERSON MIETZ: Just -- could Dave just
10 give us an address for the record, please?

11 MR. CROWE: Yeah. It is 96 Chadbourne Road.

12 MS. SCHWARTZ: Your address.

13 MR. DiSTEFANO: Your address.

14 CHAIRPERSON MIETZ: Your address, sir. Just
15 an address for you.

16 MR. CROWE: Oh, I'm sorry. Probably 99
17 Garnsey Road, Pittsford, New York.

18 CHAIRPERSON MIETZ: Okay. Great.

19 MR. CROWE: My office.

20 CHAIRPERSON MIETZ: Okay. Thank you. Just
21 go ahead and proceed.

22 MR. CROWE: Sure. Okay. So, in the very
23 back rear of the -- of the property to the far north
24 is an existing garage and it's a two-car garage. It's
25 original to the home. And so, the owner is proposing

1 to put an addition, which is going to be a shed
2 addition on to that. Were -- it's a 229 square foot
3 addition so it keeps us under the 600 square foot
4 maximum allowed area. And the existing addition --
5 the existing garage is 3 feet from the north property
6 line, as you can see from the site plan.

7 And what we're proposing and hoping for
8 is -- is that the addition could ride along that same
9 line being 3 feet from the property line. And the
10 reason for that is because it gives us a nice little
11 setback between the face of the garage and the face of
12 the addition so that it just looks very nice and
13 there's a nice massing and stepping to it.

14 The existing garage is 18 feet wide. The
15 proposed shed is 18 wide on the east/west dimensions
16 so the two ridgelines connect on that basis. So, it
17 just has a nice, sort of, look to -- in the back of
18 the yard, which is very important to the owners.
19 So -- and that's really about it. There's not a whole
20 lot more.

21 CHAIRPERSON MIETZ: Okay. So, did -- did
22 you tray -- what -- did you try to pull it up? I
23 mean, what did it look like?

24 MR. CROWE: Well, the -- it -- the
25 complications.

1 CHAIRPERSON MIETZ: (Inaudible).

2 MR. CROWE: Yeah. Basic geometry. It's 18
3 wide on the driveway side and so our addition is 18
4 wide. So those two ridges at the same pitch converge
5 at the same point. And so we didn't want to change
6 the dimension, that 18-foot dimension, because it
7 looks very nice with the ridgelines lining up. And
8 when we bring it forward, of course, then we lose that
9 step in the front. You can see where the garage steps
10 back to the addition. There's just a nice little
11 2-foot offset. And they just think that it looks very
12 nice and they're hopeful that -- that's something that
13 we can accommodate. So...

14 CHAIRPERSON MIETZ: Okay. Can -- can you
15 describe what -- what is behind the existing garage
16 and this new addition? Or what will be behind it
17 between -- in that 3-foot setback?

18 MR. CROWE: It is a flat grassy area. As
19 soon as you get to the property line there is a very
20 old natural stone retaining wall that goes up about 30
21 inches to 36 inches. And then that -- that is the
22 backyard of the neighbor to the north and that rises
23 up fairly steeply as you head north. So, we're at the
24 very back, you know -- you know, for that neighbor
25 we're at the far back southern edge of that line. So,

1 there is enough room to walk down there and there --
2 they have grass in there and that needs to be
3 maintained. So, you know, it is 3 feet now behind the
4 existing garage in that --

5 CHAIRPERSON MIETZ: Right.

6 MR. CROWE: -- I'd say seven years has
7 worked out really well but --

8 MS. SCHWARTZ: Okay.

9 CHAIRPERSON MIETZ: Okay. So they feel they
10 can maintain it properly and all that? Okay.

11 MR. CROWE: Absolutely. Yup.

12 CHAIRPERSON MIETZ: Okay. Very good.

13 MR. DiSTEFANO: Dave, can I just verify
14 some -- some of the numbers you were just speaking of?

15 MR. CROWE: Sure.

16 MR. DiSTEFANO: The existing garage is 18.2
17 feet wide and this addition is --

18 MR. CROWE: Yup.

19 MR. DiSTEFANO: -- 12 -- 12.75 --

20 MR. CROWE: Yeah.

21 MR. DiSTEFANO: -- feet according to the
22 plan, not 18 feet; correct?

23 MR. CROWE: Exactly. Well, it's -- it's
24 18-foot, Rick, on the north -- south.

25 MR. DiSTEFANO: Right.

1 MR. CROWE: What would be the -- the east
2 elevation.

3 MR. DiSTEFANO: Okay.

4 MR. CROWE: That is 18 wide.

5 MR. DiSTEFANO: That's what you were talking
6 about with the 18 feet but -- but --

7 MR. CROWE: Yeah.

8 MR. DiSTEFANO: -- the width is 12 -- 12
9 feet? Okay.

10 MS. SCHWARTZ: Yeah.

11 MR. CROWE: You got it exactly, yup.

12 MR. DiSTEFANO: I just wanted to be clear.

13 MR. CROWE: Yup.

14 CHAIRPERSON MIETZ: Okay.

15 MR. CROWE: Yeah. We worked -- worked very
16 hard to keep it under 230 square feet. So...

17 CHAIRPERSON MIETZ: Okay.

18 MR. DiSTEFANO: Can you just explain a
19 little bit about the deck? What's the --

20 MR. CROWE: Yeah.

21 MR. DiSTEFANO: -- using the deck for?

22 MR. CROWE: Sure. It's a place to sit in
23 the summer. They've got a deck at the house and they
24 were hopeful for the -- that deck just another area to
25 enjoy. They've got a very nice garden area back

1 there. It's heavily treed. Very lovely backyard.
2 And it -- it's just another place to sit and enjoy
3 the -- the --

4 MR. DiSTEFANO: And the deck itself is just
5 a platform? No railings, no permanent seating,
6 anything like that; correct?

7 MR. CROWE: That's correct. It's less than
8 30 inches above the adjacent grade. There's no need
9 and -- no need for guardrails and it's simply just a
10 flat wood deck with a traffic surface. Wood frame.

11 MR. DiSTEFANO: Thanks.

12 CHAIRPERSON MIETZ: Okay.

13 MR. CROWE: Yup.

14 CHAIRPERSON MIETZ: All right. Other
15 questions for Mr. Crowe?

16 MS. SCHWARTZ: Yeah. Judy.

17 CHAIRPERSON MIETZ: Yes?

18 MS. SCHWARTZ: What is the purpose going to
19 be for this shed?

20 MR. CROWE: It's primarily storage. They
21 have two cars and that existing garage just barely
22 large enough for the two cars. So, really more in the
23 winter but it's about lawn furniture and athletic and
24 exercise equipment and kids toys and all the sorts of
25 stuff that you accumulate and you need for a fun

1 summer season and you try to find a place to put it in
2 the cold winter season.

3 MS. SCHWARTZ: Okay. And what --

4 MR. CROWE: So --

5 MS. SCHWARTZ: -- utilities will be in it,
6 if any?

7 MR. CROWE: The only thing we're running to
8 this building is electric. No water. No sewer. No
9 gas.

10 MS. SCHWARTZ: Okay. Okay. And the
11 reason -- I mean, to me when I looked at the plan it
12 looked like two stores. And the reason being is you
13 wanted the roof to line up nicely and that's why the
14 dormers were in and everything so from an aesthetic
15 point of view is --

16 MR. CROWE: That's exactly it.

17 MS. SCHWARTZ: Okay.

18 MR. CROWE: Yup.

19 CHAIRPERSON MIETZ: Okay. Good. All right.
20 Is there any other questions for Mr. Crowe? Okay.
21 Very good. Thank you. Appreciate it.

22 MR. CROWE: Sure.

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

1 then the Public Hearing is closed.

2 MR. DiSTEFANO: Application 1A-10-21.

3 APPLICATION 1A-10-21

4 Application of Borg & Ide Imaging, lessee,
5 and Anthony J. Costello and Son Development, owner of
6 property located at 995 Senator Keating Boulevard, for
7 a temporary and revocable use permit pursuant to
8 Section 219-4 to allow a mobile PET/CT scanner to be
9 on site for approximately four weeks where not allowed
10 by Code. All as described on application and plans on
11 file.

12 CHAIRPERSON MIETZ: Okay. Who do we have
13 speaking for this application?

14 MS. DOLL: Joyce Doll, director of clinical
15 operations for Borg & Ide.

16 CHAIRPERSON MIETZ: Okay. Joyce, go right
17 ahead. Just give us an address for yourself, please.

18 MS. DOLL: I reside at -- 2263 South Clinton
19 is my main office.

20 CHAIRPERSON MIETZ: Okay. Very good. Go
21 right ahead.

22 MS. DOLL: Thank you very much. Probably
23 about two years ago I presented to the Board that we
24 wanted to bring in a mobile PET/CT scanner. And after
25 you had approved that the project got delayed. And

1 then the project was then canceled. It's back on the
2 table now. They have equipment purchased to replace
3 our existing PET/CT. And in order to do that, to
4 maintain services for our cancer patients, they'd like
5 to bring in a mobile PET/CT scanner and park it on the
6 side of the building, same as we did in 2010. There
7 is currently 15 parking spaces along the side of the
8 building there. And two of them are handicapped.
9 We'll be using up about 12 of the parking spaces. But
10 we will not encroach on the handicapped parking
11 spaces.

12 CHAIRPERSON MIETZ: Okay. Now, what -- how
13 is the parking utilized today? Is there times where
14 that might be an issue or would you believe it not to
15 be an issue?

16 MS. DOLL: The entire parking lot has 368
17 spaces and that side of the building the parking is
18 mostly filled with employees.

19 CHAIRPERSON MIETZ: So, you feel you can
20 maneuver that around and --

21 MS. DOLL: Yup. We're going to make them
22 park further out to the side.

23 CHAIRPERSON MIETZ: Okay. All right. Are
24 there any other questions by The Board Members?

25 MS. TOMPKINS-WRIGHT: The -- the -- I'm

1 sorry. This is Member Andrea -- Andrea Wright. The
2 structure -- the shelter that was going to be built
3 last year or that -- two years ago that you applied
4 for, is that still being planned as part of this
5 application?

6 MS. DOLL: There will be a covered walkway
7 that's still being put together. It was not available
8 to me at the time of this call.

9 MS. TOMPKINS-WRIGHT: Okay. And last -- the
10 last application we expanded it for a six week period
11 because we weren't quite sure when the start date was.
12 Are the start and end dates of its use specific this
13 time?

14 MS. DOLL: I can tell you that as of today,
15 they plan on bringing the mobile in on the 12th, next
16 week. And then the mobile would get pulled out on the
17 11th of February.

18 MS. TOMPKINS-WRIGHT: Okay.

19 CHAIRPERSON MIETZ: Okay. Any other
20 questions by The Board Members? Okay. Thank you very
21 much.

22 MS. DOLL: Thank you.

23 CHAIRPERSON MIETZ: All right. Is there
24 anyone on the call that would like to speak regarding
25 this application? Okay. There being none then, the

1 Public Hearing is closed.

2 MR. DiSTEFANO: Hey, Dennis, I'm going to go
3 back to Application 1A-04-21.

4 CHAIRPERSON MIETZ: Right. Yes.

5 MR. DiSTEFANO: Again, I'll read it.
6 APPLICATION 1A-04-21.

7 Application of Guy Donahoe, architect, and
8 James and Tracey Sconfietti, owners of property
9 located at 55 Oak Lane, for an area variance from
10 Section 203-2.1B(3) to 1. Allow a detached garage to
11 be constructed in a front yard in lieu of the side or
12 rear yard as required by Code. And 2. Allow said
13 garage to be 900 square feet in size in lieu of the
14 maximum 600 square feet allowed by Code. And, an area
15 variance from Section 207-6A to allow the detached
16 garage to be 22 plus or minus feet in height in lieu
17 of the maximum 16 feet allowed by Code. All as
18 described on application and plans on file.

19 CHAIRPERSON MIETZ: Okay. So, do we have
20 the architect or the homeowners?

21 MR. DONAHOE: Yes. Good evening, Members.
22 Thanks for your patience. We just got off of a Zoom
23 call in Skaneateles.

24 CHAIRPERSON MIETZ: Could you -- could you
25 just identify yourselves and the address, please?

1 Your address.

2 MR. DONAHOE: Guy Donahoe, architect. My
3 daughter-in-law here, Angela Donahoe, also an
4 architect at Donahoe Group. Located at 4503 Northwest
5 Townline Road in Marcellus, New York.

6 CHAIRPERSON MIETZ: Okay. Very good. Then
7 go ahead and proceed.

8 MR. DONAHOE: All right. So, this --
9 this -- I'm here to represent, obviously, Jimmy and
10 Tracey Sconfietti. On July 8th, a storm came through
11 Brighton, I think it leveled a bunch of things, and
12 one of them was a very large tree had fallen on the
13 structure that was a -- a detached building on their
14 property. The structure was completely demolished.
15 The Town was helpful in allowing us to immediately
16 demolish that building. It was a safety hazard as it
17 stood then.

18 So, when I met with the Sconfietti's and we
19 talked about rebuilding that garage, as they would be
20 permitted to do, we also wanted to explore the idea of
21 making some improvements to that structure. That
22 structure, I believe, is probably original to the
23 house. I believe it was an older agriculture
24 building. It was -- I say that because it was timber
25 frame. And the building had been modified to be able

1 to use as a vehicle garage but I believe the building
2 was 20 feet deep -- 20 by 28 I believe. It was a very
3 difficult building to be able to put a vehicle in.
4 The height of the ceiling inside the -- the existing
5 space was about 7 feet. So, likewise, they had some
6 sliding doors on there but it really wouldn't
7 facilitate on an overhead door or at least not to
8 build it exactly the way it was.

9 So, we wanted to explore -- if we're going
10 to rebuild this building, we wanted to explore what
11 our options were for this lot. And I did send out a
12 bunch of material early on in the pursuit of this or
13 an informal review by the Board or some of the Members
14 of the Board and the property, as you can see from the
15 site plan, is an extremely unusual shaped property.
16 And it had -- it fronts on two different streets. And
17 the property actually has no rear yard. And very
18 little side yard. Especially as the front yard being
19 defined by the front of the building.

20 So, our options, our compliant option, seems
21 to be to rebuild the structure as it existed where
22 it -- where it sat. But again. The challenges of
23 that as far as being a garage to service the house as
24 well as the maneuvering of vehicles we could
25 technically attach the garage to the house and perhaps

1 put it -- I know that was attempted at one time to
2 attach to the house and put -- the left side of the
3 house but that too required a variance. So, the only
4 places to be able to attach it would be directly on to
5 the north side of the house, which is the kitchen, the
6 dining, and the -- the breakfast area in all glass,
7 attach it to the east side, which would face the
8 street, or put it in the dooryard on the south. This
9 is the one place we could actually put the detached
10 garage is in the dooryard in the south too. But
11 that's the opposite side of the surface (inaudible) in
12 through the house. I kind of think the master bath in
13 the basement for a second-story master bedroom.

14 So, the -- the original locations seemed to
15 be really the ideal location. And so what we propose
16 to do is to rotate the building so that it -- that it
17 was 5 feet off the property line. It previously was 5
18 feet to the building but it fell short of the required
19 setback in that the overhang would have been closer.
20 Well, we've moved it to 6 feet so that the -- the
21 overhang will be 5 feet from the property line. We've
22 angled it so it will allow for us to make a better
23 maneuverability. The typical maneuverability with the
24 vehicle in and out of the garage. And we've enlarged
25 it to become a three-car garage where it was a two-car

1 garage. Again, we do not have the reasonable ability
2 to attach it to the house. And again, I'll remind the
3 Board that that was attempted and denied some years
4 back by the previous owner.

5 We -- I made the building two stories as the
6 building was before for the storage because the type
7 of storage -- because the type of construction that
8 this building would be. The area upstairs is really
9 about the same size as the existing building was due
10 to the fact that a great deal of it is taken up with a
11 truss structure. The downstairs is indeed bigger,
12 whereas the garage was slightly less than 600 square
13 feet. This is 900 square feet. I picked 900 square
14 feet despite the fact that it is beyond what the Code
15 would typically permit. It is what the Town has
16 identified in its Zoning as a reasonable or maximum
17 garage that would be attached to a home understanding
18 what a typical home needs -- what a typical home
19 really desires to have for garage space typically
20 today.

21 I would also like to point out to the Board
22 relative to the size of that building, the -- the fact
23 that this property has no rear yard excludes this
24 building except with the granting of a variance from
25 any other additional structures. We cannot put a

1 trailer in here, a storage trailer, we cannot but a
2 tool shed in here, we cannot put a horticulture
3 building. We have no other buildings that we can
4 develop on this property without the benefit of a
5 variance.

6 MR. DiSTEFANO: Guy, can I just interrupt
7 you for a second there? There is a rear yard on this
8 property. Again, it would be the rear -- it would be
9 the front of the house but by Code that would be a
10 rear yard and would allow for accessory structures.
11 So, basically, south of your front wall of the house,
12 that would be all rear yard for this property.

13 MR. DONAHOE: Okay.

14 MR. DiSTEFANO: So, I just --

15 MR. DONAHOE: I --

16 MR. DiSTEFANO: -- want to make that clear
17 for --

18 MR. DONAHOE: Okay. Thank you, Rick. I had
19 sent that in before. I did not hear back on that
20 because -- and I had drawn that diagram, if you
21 recall, because I really had a difficult time
22 understanding how we would define the yards. But
23 okay. Then, I stand corrected. So -- so we --
24 perhaps we could put some other development in the
25 dooryard or that south lawn. It's not really the -- a

1 desirable place, I think the neighbors would agree as
2 well to post up a building in that south lawn, the
3 dooryard.

4 And relative to rebuilding this building in
5 this location, the -- the owners have talked to the
6 neighbors. The -- particularly, the neighbor to the
7 west who suffered some of the damage when the tree
8 fell as well and was concerned about our plans for
9 redevelopment and I would imagine she may have even
10 reached out to the Town regarding this stuff and she
11 was very supportive of this application.

12 As a matter of fact, rather than rebuilding
13 the garage as it is by our slight adjusting it to run
14 parallel with that northern boundary, it allows those
15 garage doors to not -- to even be further from her
16 view, if you -- if you will. And, obviously, the less
17 maneuvering of the vehicles is -- is a positive thing
18 as well. And it restores the privacy of the neighbor
19 to the north, which is not that far from that northern
20 boundary line.

21 CHAIRPERSON MIETZ: Okay. Okay. What else
22 do you have, sir?

23 MR. DONAHOE: I think that that is it. I do
24 not wish to -- to push the Board with the height of
25 the building. I think that was something that I had

1 proposed based on my understanding of how the Zoning
2 might have read relative to building height. But I
3 understand that the -- the -- the Town defines the
4 building height for the accessory structure at 16 feet
5 to the peak of the building differently than it
6 defines height for a primary structure. The
7 existing -- but I will point out the existing
8 structure was 20 feet tall. And again, they had a
9 second -- second-story storage to it and we really
10 did, just like most of the buildings and homes in the
11 area and the main building here, they all have a very
12 rich robust pitch on them and we certainly wanted to
13 maintain that architectural character of this building
14 and the neighborhood.

15 CHAIRPERSON MIETZ: Okay.

16 MS. TOMPKINS-WRIGHT: Okay. Real quick,
17 just to kind of follow up on that point. The two
18 additional feet that you're looking for as compared to
19 the prior non-conforming garage is due to the severe
20 peak or the pitch of the -- the roofline for this
21 garage?

22 MR. DONAHOE: Well, it -- I mean, Andrea,
23 I'd say that that -- that probably is -- is accurate.
24 I just mean that the -- the existing building whereas
25 the Zoning Code calls for a maximum 16, I erroneously

1 thought that I had achieved that because the height of
2 this building is 16 feet tall through the middle of
3 the sloping space but that's not how the Zoning
4 defines it. So, it was not my intention necessarily
5 that I -- I guess what I would say is, that I would
6 like to maintain the shape of this building, the
7 height of this building, I just mean -- I wasn't
8 really looking for a big push to -- to push the Board
9 to get two more feet of height there.

10 MS. TOMPKINS-WRIGHT: Could this be designed
11 in a very similar fashion just 2 feet shorter to keep
12 it consistent with the garage.

13 MR. DONAHOE: It most certainly could.

14 MS. TOMPKINS-WRIGHT: Okay. And just one
15 unrelated question but no plumbing or other utilities,
16 only electric in the garage; is that accurate?

17 MR. DONAHOE: I'm sorry? Just electric.
18 I'm sorry. Just electric. Just electric, yes. No
19 plumbing.

20 CHAIRPERSON MIETZ: Okay.

21 MR. DONAHOE: It's not -- it won't be
22 insulated or heated as well.

23 CHAIRPERSON MIETZ: Okay. There -- but
24 there is going to be a loft up there in the area that
25 you could have some height?

1 MR. DONAHOE: Yes. Yeah. And, again, that
2 loft that's up there is about the same square footage
3 as the loft was in the existing building. There will
4 be --

5 CHAIRPERSON MIETZ: Is it going to be loaded
6 with a stair or how's it going to be accessed?

7 MR. DONAHOE: Yeah. There's some -- some
8 building plans in the package.

9 CHAIRPERSON MIETZ: Okay. Yes. I see it.
10 I'm sorry. I forgot. Okay. Very good. All right.
11 Good. Okay. Other questions by the Board Members?
12 Okay. Thank you very much.

13 MR. DONAHOE: I'm unfamiliar -- you guys
14 have done a very good job with all the materials that
15 you have supplied for me. I'm unfamiliar with the
16 process that the Town of Brighton takes in the
17 consideration of this request.

18 CHAIRPERSON MIETZ: Okay. I can answer that
19 quickly. So what we do is yours is the last
20 application we have a presentation on and we'll close
21 the Public Hearing. And we'll maybe take a couple
22 minute break. And then what we do is we go through
23 the applications and deliberate on them this evening.
24 And then there's a decision rendered on each of them.
25 If you would like to stay on, you're welcome to listen

1 to those deliberations. If not, then you can call
2 Rick tomorrow in the building office and find out what
3 the result of the application was.

4 MR. DONAHOE: Would it be -- although I'm --
5 would, of course, be very curious. Would it be
6 helpful to stay on should there be questions that were
7 wanted --

8 CHAIRPERSON MIETZ: I would say 99 point
9 something percent, no. Because we really don't
10 entertain more discussion. The Public Hearing's been
11 closed. So it's really just a discussion of The Board
12 Members and we very rarely ask an applicant to add
13 something.

14 MR. DONAHOE: Okay.

15 CHAIRPERSON MIETZ: All right.

16 MR. DONAHOE: All right. Thank you very
17 much, Members.

18 MS. DONAHOE: Thank you.

19 CHAIRPERSON MIETZ: Okay. Thank you. Okay.
20 Is there anyone in the audience that would like -- the
21 audience, oh, boy. Anyone that would like to speak
22 regarding this application? Okay. Then the Public
23 Hearing's closed.

24 So, do we want about a couple minute --
25 five-minute break here or -- or is everybody willing

1 to proceed? You want the break?

2 MR. DiSTEFANO: A couple minute break would
3 be good.

4 CHAIRPERSON MIETZ: Yeah. Okay. That
5 sounds great. We'll take no more than five minutes,
6 okay?

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

January 6, 2021

Brighton Town Hall

2300 Elmwood Avenue

Brighton, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON
EDWARD PREMO
JEANNE DALE
KATHLEEN SCHMITT
ANDREA TOMPKINS WRIGHT
JENNIFER WATSON
JUDY SCHWARTZ

KEN GORDON, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

1 CHAIRPERSON MIETZ: All right. Let's go.
2 So, we're starting with 1A-02. All right. So, that
3 is 114 Sylvan. And what -- what say -- does anyone
4 have any issues with this?

5 MS. WATSON: I don't.

6 CHAIRPERSON MIETZ: Pardon me? No issues?
7 Okay. I certainly don't. So, Kathleen --

8 MS. SCHMITT: My only question -- and this
9 is to Rick -- is it important to discuss the size of
10 the porch? It's not part of the variance but I wasn't
11 sure if that was integral to the variance itself that
12 it seemed like an attractive size when we're
13 authorizing it?

14 MR. DiSTEFANO: Yeah. Kathy -- Kathy, I
15 think you can basically say it's per -- per a porch as
16 per plans submitted. So, you don't have to give an
17 actual size of it. But basically, you're saying that
18 that's the porch that they can build is what was
19 submitted in the plans.

20 MS. SCHMITT: Okay.

21 MS. TOMPKINS-WRIGHT: Real quick, Rick, and
22 it may just be my copy but I did not have -- I had,
23 like, a quick rough drawing. But I didn't have all of
24 the -- like the architectural --

25 MR. DiSTEFANO: No. That was not

1 submitted -- that was not submitted to us, Andrea. It
2 was submitted -- I think Jeff got it from the
3 Architectural Review Board application. We did not
4 get those as part of our packet. I was a little
5 surprised when I saw it, too.

6 MS. TOMPKINS-WRIGHT: Oh, okay. Good.
7 Well, not good that you were surprised. But I would
8 just make sure Kathleen that you mention not just
9 plans submitted but also presented at the hearing
10 because, you know, in essence, that's -- you know,
11 it's not just the size, it's also the appearance of
12 what was presented.

13 MS. SCHMITT: Okay.

14 CHAIRPERSON MIETZ: The -- the 3d one you're
15 talking about, right?

16 MR. DiSTEFANO: Yeah.

17 CHAIRPERSON MIETZ: Okay. All right.
18 Kathleen when you're ready.

19 MS. SCHMITT: Okay. I am just editing and
20 adding that twist. Okay. All right.

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1 APPLICATION 1A-02-21

2 Application of Jennifer and Jesse Readlynn,
3 owners of property located at 114 Sylvan Road, for an
4 area variance from Section 205-2 to allow a front
5 porch addition to extend 5.2 plus or minus feet into
6 the 40-foot front setback required by Code. All as
7 described on application and plans on file.

8 Motion made by Ms. Schmitt to approve
9 Application 1A-02-21 based on the following findings
10 of fact.

11 **FINDINGS OF FACT:**

12 1. The request is to allow a front porch to extend
13 5.2 feet into the 40-foot setback required by Code.

14 2. The home's current front door portico does not
15 allow for seating nor does it provide an adequate
16 entranceway in that only one person may be under it at
17 a time.

18 3. While the variance is self-created, the granting
19 of the variance will not produce an undesirable change
20 in the character of the neighborhood or be a detriment
21 to nearby properties as other properties in the
22 neighborhood have front porches that are in the
23 setback. Moreover, there's no evidence that there
24 would be a negative impact on the health, safety, and
25 welfare of the neighborhood.

1 **CONDITIONS:**

2 1. The variance will apply only to that which is
3 described in the application, the plan presented at
4 the Hearing, and testimony provided, and will not
5 apply to future projects.

6 2. The front porch must remain open.

7 3. The homeowners shall plant landscaping.

8 4. And all necessary building permits shall be
9 obtained.

10 (Seconded by Ms. Watson.)

11 (Ms. Schwartz, yes; Ms. Tompkins-Wright,
12 yes; Ms. Dale, yes; Ms. Watson, yes; Mr. Mietz, yes;
13 Mr. Premo, yes; Ms. Schmitt, yes.)

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

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Brighton Zoning Board of Appeals - 01/06/21

1 CHAIRPERSON MIETZ: Okay. Very good. So,
2 the next application is 400 Clover Hills for the
3 generator. Are there any issues with this? Okay.
4 Judy?

5 MS. SCHWARTZ: Okay. Did anybody have
6 anything -- say anything? No? Okay.

7 CHAIRPERSON MIETZ: Go ahead.

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1 APPLICATION 1A-03-21

2 Application of Nicole DeBraal, owner of
3 property located at 400 Clover Hills Drive, for an
4 area variance from Section 203-2.1B(6) to allow a
5 standby emergency generator to be located in a side
6 yard in lieu of the rear yard behind the house as
7 required by Code. All as described on application and
8 plans on file.

9 Motion made by Ms. Schwartz to approve
10 Application 1A-03-21 based on the following findings
11 of fact.

12 **FINDINGS OF FACT:**

13 1. The extent of windows, and doors with windows, and
14 a concrete step prevent the installation of the
15 generator in the rear yard.

16 2. Placing the generator behind the garage would
17 necessitate digging a trench across the entire
18 backyard with a substantial extra cost.

19 3. The generator will not be visible from the street
20 and will be placed near the existing air conditioner
21 in the side yard.

22 4. There will be no detriment to the character of the
23 neighborhood as there is significant vegetation
24 between the side yard and the proposed location of the
25 generator.

1 5. The neighboring property is 90 and 100 feet
2 between the nearest home.

3 **CONDITIONS:**

4 1. This variance only applies to the side yard
5 location of the generator as presented, and testimony,
6 and written application.

7 2. All necessary building permits shall be obtained.

8 3. The generator will be tested weekly between 9 a.m.
9 and 4 p.m.

10 (Seconded by Ms. Tompkins-Wright.)

11 (Ms. Schwartz, yes; Ms. Tompkins-Wright,
12 yes; Ms. Dale, yes; Ms. Watson, yes; Mr. Mietz, yes;
13 Mr. Premo, yes; Ms. Schmitt, yes.)

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

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1 CHAIRPERSON MIETZ: Okay. Very good. Okay.
2 The next one is Oak Lane with the three pieces to the
3 variance. Why don't we circulate around on this one?
4 You just heard this one. Kathleen, thoughts?

5 MS. SCHMITT: It's a beautiful home. If
6 they are choosing to wish to spend their money that
7 way -- I -- I -- I hate to try to stop it. The one
8 thing that gave me pause -- well, there's, like, two
9 things that gave me pause. One, I was concerned about
10 construction for almost a year. I don't know if
11 that's worthy of a discussion within the group but
12 that did give me pause. And I wasn't sure about the
13 noise issue. To me, that was the one thing -- the
14 idea of imploding a home or however --

15 MR. DiSTEFANO: Kathy, we're talking
16 about -- we're talking about number four, which is
17 the detached garage.

18 MS. SCHMITT: Oh, I'm sorry. I thought we
19 were talking about the one --

20 CHAIRPERSON MIETZ: I'm sorry. Yeah, it's
21 on oak. This is Oak Lane. The one with the detached
22 garage at the property line.

23 MR. DiSTEFANO: Yeah. This -- just the last
24 one we just heard.

25 MS. SCHMITT: Okay. No, I'm fine with that.

1 CHAIRPERSON MIETZ: Okay. Good. All right.

2 MR. DiSTEFANO: Remember what she said when
3 the other ones come up.

4 CHAIRPERSON MIETZ: Yes.

5 MR. PREMO: On the one -- on the one on Oak
6 Lane, I mean, did I understand the testimony right
7 that he did think he could --

8 MS. TOMPKINS-WRIGHT: Yeah.

9 MR. PREMO: -- get rid of the 2-foot?

10 CHAIRPERSON MIETZ: Yes.

11 MR. DiSTEFANO: I think that's something the
12 Board should consider that maybe maintaining the
13 pre-existing non-conformance of the previous structure
14 might be, you know -- giving them something but not
15 giving them everything type of --

16 CHAIRPERSON MIETZ: Yeah. Yeah. The way
17 that roof pitch is, that two feet, you would never
18 notice it really is -- but -- so, to have -- in other
19 words, the -- it would work just fine without the 2
20 feet.

21 MS. TOMPKINS-WRIGHT: Yeah. I guess that
22 was -- that's how I started to rewrite this approval
23 as an approval of the front yard and the size. But I
24 wasn't sure if -- if we can approve this third element
25 of the variance as amended to be 20 feet instead of

1 6 -- instead of --

2 MR. DiSTEFANO: Andrea, what any can do is
3 just break them up into parts. And then when you get
4 to part number three, which is the height, just
5 condition it that it can't be any higher than 20 feet.

6 CHAIRPERSON MIETZ: Right. Yeah. Which is
7 in essence where the pre-existing structure was.
8 Okay.

9 MS. TOMPKINS-WRIGHT: But do I say that I
10 approve the variance request to permit a detached
11 garage to be 22 feet and then condition it to be only
12 20? Is that --

13 MR. DiSTEFANO: You can say -- you can --
14 you can basically say -- I mean, they're not
15 officially modifying it per -- per the application. I
16 think what you want to say is that -- you might want
17 to say -- state in your motion that, as originally
18 requested at 22 feet to be 20 feet. Don't say "as
19 modified" because they didn't request the
20 modification.

21 CHAIRPERSON MIETZ: Right. Right.

22 MR. DiSTEFANO: So, you can just say it and
23 then we condition it that it cannot be higher than 20
24 feet.

25 CHAIRPERSON MIETZ: Right.

1 MR. GORDON: Effectively -- effectively they
2 applied for the variance. What they applied for was
3 22 feet. You're saying it's being approved with
4 conditions. One of those conditions is that the roof
5 does not exceed 20 feet.

6 MS. TOMPKINS-WRIGHT: Okay.

7 CHAIRPERSON MIETZ: I think we can craft
8 that up.

9 MR. DiSTEFANO: We've done that before. So,
10 I think that -- that's, you know --

11 MS. TOMPKINS-WRIGHT: Okay.

12 MR. DiSTEFANO: -- a safe way to do it.

13 CHAIRPERSON MIETZ: Okay.

14 MS. TOMPKINS-WRIGHT: And that's how I --
15 that's how I would vote on it, that we give them 20
16 feet instead of 22.

17 CHAIRPERSON MIETZ: Okay. How about you,
18 Jeanne?

19 MS. DALE: Yeah, I'm okay with that.

20 CHAIRPERSON MIETZ: Okay. And Jen?

21 MS. WATSON: Yeah, I feel the same.

22 CHAIRPERSON MIETZ: Okay. Judy, you're all
23 set?

24 MS. SCHWARTZ: I agree, yeah.

25 CHAIRPERSON MIETZ: Okay. All right. Well,

1 then go ahead, Andrea.

2 MS. TOMPKINS-WRIGHT: Okay. I might need a
3 few more minutes to -- to change the language on this
4 one.

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1 APPLICATION 1A-04-21

2 Application of Guy Donahoe, architect, and
3 James and Tracey Sconfietti, owners of property
4 located at 55 Oak Lane, for area variances from
5 Section 203-2.1B(3) to 1) allow a detached garage to
6 be constructed in a front yard in lieu of the side or
7 rear yard as required by Code, and 2) allow said
8 garage to be 900 square feet in size in lieu of the
9 maximum 600 square feet allowed by Code. And, an area
10 variance from Section 207-6A to allow the detached
11 garage to be 22 plus or minus feet in height in lieu
12 of the maximum 16 feet allowed by Code. All as
13 described on application and plans on file.

14 Motion made by Ms. Tompkins-Wright to
15 approve Application 1A-04-21 based on the following
16 findings of fact.

17 **FINDINGS OF FACT:**

18 1. The granting of the requested front yard and size
19 variance will not produce an undesirable change in the
20 character of the neighborhood or be a detriment to
21 nearby properties.

22 The general location of the proposed garage
23 is comparable to the former garage that was demolished
24 on the property. And will thus appear in line with
25 the current character of the neighborhood and

1 consistent with the past structure.

2 2. The requested variance is not substantial given
3 that the prior non-conforming garage was already
4 located in the front yard. And while there is an
5 increase in square footage, given the significant size
6 of the property itself at well over one acre, the size
7 of the garage to be constructed is appropriate for the
8 lot.

9 3. The benefits sought by the applicant cannot
10 reasonably be achieved by any other method or without
11 grants. The garage requires reconstruction/
12 replacement due to damage sustained when a tree fell.
13 No other areas of the property are more appropriate
14 for a location of a replacement garage.

15 And further, the applicant testified that
16 with respect to the size of the garage, it was
17 integral to their parking and storage needs.

18 4. There is no evidence that the proposed variance
19 will have an adverse effect or impact on the physical
20 or environmental conditions in the neighborhood or
21 district with respect to the requested variance to
22 permit a height of 22 feet in lieu of the maximum 16
23 feet.

24 Applicant testified that a height, 20 feet,
25 was the minimum necessary to accomplish their goals.

1 The granting of a 20-foot tall garage will not produce
2 an undesirable change in the character of the
3 neighborhood or be a detriment to nearby properties as
4 it is consistent with the height of the prior
5 non-conforming garage at the same location.

6 **CONDITIONS:**

7 1. The variance granted herein applies only to the
8 garage described in, and in the location as depicted
9 on the application, and in the testimony given.

10 2. The garage shall not exceed 20 feet.

11 3. All necessary permits must be obtained.

12 (Seconded by Ms. Schwartz.)

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

16 (Upon roll call, motion to approve with
17 conditions carries.)
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1 CHAIRPERSON MIETZ: Okay. Let's go to Richs
2 Dugway. This is the generator situation. But I think
3 maybe we got a little -- the description of this
4 gentleman's health issue might have been a little
5 misinterpreted, I guess. But apparently, he's on home
6 02 but I'm not sure what his exact condition is today
7 but I think -- sounds like they're supporting him.
8 So, does anyone have any issues related to this?

9 MS. DALE: No.

10 MS. WATSON: No, I'm good.

11 CHAIRPERSON MIETZ: Okay. Okay, Jen.

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1 APPLICATION 1A-05-21

2 Application of Anderson Water and Power,
3 agent, and Kenneth Brooks, owner of property located
4 at 38 Richs Dugway Road, for an area variance from
5 Sections 203- 2.1B(6) and 203-16A(4) to allow a
6 standby emergency generator to be located in a side
7 yard in lieu of the rear yard behind the house as
8 required by Code. All as described on application and
9 plans on file.

10 Motion made by Ms. Watson to approve
11 Application 1A-05-21 based on the following findings
12 of fact.

13 **FINDINGS OF FACT:**

14 1. The variance request is to allow a generator to be
15 placed on the west side yard where the Code requires
16 generators to be placed in the backyard.

17 2. There is not sufficient room to place the
18 generator in the backyard as there is only 10.5 feet
19 of property to the rear of the home and a variance
20 would be required either way.

21 The granting of this variance would not
22 appear to result in any substantial detriment to
23 nearby properties or otherwise adversely affect the
24 neighborhood as the proposed generator is small in
25 size and will be well hidden by existing trees and

1 vegetation.

2 3. There's no evidence that there would be a negative
3 impact on the health, safety, and welfare of the
4 neighborhood.

5 **CONDITIONS:**

6 1. The variance applies only to the application and
7 testimony provided for the placement of a generator on
8 the west side yard and will not apply to future
9 projects.

10 2. All necessary building permits shall be obtained.

11 (Seconded by Ms. Schwartz.)

12 (Ms. Schwartz, yes; Ms. Tompkins-Wright,
13 yes; Ms. Dale, yes; Ms. Watson, yes; Mr. Mietz, yes;
14 Mr. Premo, yes; Ms. Schmitt, yes.)

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

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1 CHAIRPERSON MIETZ: Okay. Great. Okay.
2 So, the next three applications I think we can talk
3 about together. And then we would have to approve
4 them or deny them individually. Okay. So, why don't
5 we go around the room and -- and why don't you give us
6 your comments on all three of them, okay?

7 So, Andrea, what are your thoughts here
8 about Winton Road?

9 MS. TOMPKINS-WRIGHT: Sure. I don't have a
10 problem with the two curb cuts for this one. It's
11 consistent with past use, and we have other properties
12 in the Town of Brighton with two curb cuts. In fact,
13 we approved this same scenario six, eight months ago.
14 I don't know. The last nine months are a blur. So,
15 maybe longer ago than that. So, I think there's an
16 argument -- I'm happy to support a vote -- you know, a
17 motion that describes this as consistent. You know,
18 based on past practice and not a change to the
19 character of the neighborhood, et cetera.

20 I also don't, obviously -- well, maybe not
21 obviously -- don't have a problem with there being two
22 homes on the lot for a limited amount of time. I
23 would keep that time short and force them to come back
24 if they start delaying construction. And so, I think
25 their testimony that they thought it would be a year

1 and Rick's comment that maybe the Board gives 13
2 months for some extra padding, I like that idea. I
3 don't like giving them much longer than that. And
4 then if -- if something delays construction they can
5 come back and we can confirm how much has been done.

6 And then with respect to the rear yard, I --
7 I here the thought that most of the rear yard
8 encroachments tend to be garages. I don't know if the
9 screened-in porch is really that much more of an
10 encroachment on living -- you know, outdoor living
11 space than a garage. So, I'm supportive although I
12 would -- in order to make that finding of this is the,
13 you know, least variance that the applicant needs, I
14 would modify it to force them to push the property 1
15 foot closer to the right of way so that only the
16 screened-in porch is within the rear yard setback.
17 That would be my thought on it.

18 CHAIRPERSON MIETZ: Okay. That's good. All
19 right. What about -- let's see, Jeanne, what do you
20 think?

21 MS. SCHWARTZ: Judy? Okay --

22 CHAIRPERSON MIETZ: Jeanne.

23 MS. SCHWARTZ: Oh, Jeanne. I'm sorry.

24 MS. DALE: Oh, okay. I wasn't sure either.

25 CHAIRPERSON MIETZ: Okay.

1 MS. DALE: It's interesting. I -- I had
2 not -- I did not know that about the pavers so
3 that's -- that's interesting if it -- you know, the
4 comment about it's going to be invisible. I -- you
5 know, I didn't understand.

6 CHAIRPERSON MIETZ: Okay.

7 MS. DALE: So, that -- that made me feel a
8 little better. I -- I -- yeah, I don't -- I don't
9 really -- I don't have a problem with the second curb
10 cut since they're maintaining what exists today. So,
11 it's hard to say that there's any negative -- new
12 negative impact to the -- to the neighborhood. So,
13 yeah. I agree on moving the house forward and -- and
14 the -- the -- the gentleman giving testimony didn't
15 seem to think that the owners of the home would have
16 any problem with that at all. So, I think we
17 should -- we should take that -- take that up -- take
18 him up on that.

19 CHAIRPERSON MIETZ: Okay. How about Judy?

20 MS. SCHWARTZ: Okay. I'm certainly okay
21 with the two curb cuts. They're existing. I hope
22 that the pavers look like grass. I am concerned about
23 the length of time. I don't want to give them any
24 more than they really -- than they really need. I
25 mean, it's a very busy area. It really is. And I --

1 I hope that it didn't cause more problems than we
2 already have on -- on Winton Road. I am not in favor
3 of the -- the variance for the rear setback even
4 though they're moving forward. It's new construction.
5 Maybe you tweak -- I -- I mean, we can't get into it.
6 But to me, things could possibly be tweaked so I'm not
7 in favor of that part of it.

8 CHAIRPERSON MIETZ: Okay. All right.
9 Kathleen?

10 MS. SCHMITT: I don't have a problem with
11 the curb cut. I support the idea of maybe moving it
12 that foot forward to try to -- as a compromise just to
13 kind of meet partly in the middle. I -- to me, it's a
14 beautiful back deck and screened porch. I certainly
15 understand their desire to have that eating and
16 separate sitting area.

17 There are two things that -- as I was
18 saying earlier that give me pause. One, I am
19 concerned about the noise. And I don't know what we
20 can do to help with that. But as a person who
21 recently sat through a summer of construction, it was
22 a very bad summer. They were imploding a garage at 7
23 a.m. on a Saturday morning. They did concrete cutting
24 at 8 o'clock on Sunday mornings. I -- to the extent
25 in a neighborhood that we could talk to put some type

1 of additional noise restrictions in, I -- I would
2 think that that would be helpful, especially if this
3 is going to last a year. And whether it -- even if
4 it's not for the construction itself, perhaps for when
5 they tear down the house. I -- I just think that
6 would be important.

7 MR. GORDON: Kathy, if I could -- this is
8 Ken. Just -- just so you know, the noise ordinance we
9 have in place in the Town already restricts
10 construction time. I'm sorry what happened in your
11 neighborhood but construction activities are not
12 supposed to take place before 9:00 a.m. on the
13 weekends. It's -- I think it's 9 to 6, Rick if I'm
14 not mistaken on --

15 MR. DiSTEFANO: Yes.

16 MR. GORDON: -- Saturday and Sunday. It's 7
17 to 7 during Monday through --

18 MR. DiSTEFANO: Right. During the week.

19 MS. SCHMITT: But even -- and we -- and we
20 certainly had them. They were there, you know, again
21 trying to be quick about it. But there was a two to
22 three-month delay, and it's not all about me, but it's
23 really -- it's very difficult to have an explosion
24 crack of dawn in the morning. The idea that
25 everyone -- particularly in a pandemic -- the idea

1 that everyone is off and out of a home at even at 7
2 a.m. Monday through Friday, I think is a thing of the
3 past. And I think that there are families who have
4 people sleeping at 7 a.m. and even to some extent at 9
5 a.m. That's the noise ordinance and I support that.
6 But it does -- it's worth, to me, it's worth talking
7 about that. And I think the -- the neighbors will
8 find it burdensome to go over a year. And when you're
9 blowing things up, that's a real problem.

10 MR. DiSTEFANO: Let me just make a comment
11 on that. You know, changing the hours of the noise --
12 of the property maintenance and noise ordinance to
13 meet those requirements would be a bigger undertaking
14 than us conditioning something like that because if
15 they didn't need any variances we couldn't apply those
16 restrictions on them. So, I don't think it's fair
17 that, you know -- that one house that's being built
18 has these restrictions and a house right next door
19 being built wouldn't have those restrictions. So,
20 it's kind of a bigger issue than the Zoning Board
21 trying to place hours of construction on a project
22 instead of trying to change the noise ordinance. And
23 I think it even talks about in the property
24 maintenance ordinance to meet those issues.

25 MS. SCHMITT: And that -- I think I -- I

1 just wanted -- like I said, to me, that is the concern
2 of the project that it is a year-long process of it.
3 And maybe that's the thing as a -- as a Brighton
4 residence, maybe I should talk to -- you know, I
5 understand we're going to have a very helpful Town
6 Attorney. Maybe he can help me figure out a way to
7 talk to Brighton to say these are pretty antiquated
8 times. People don't really live in a time period
9 where the house is up and activity at 7 a.m. or 9 a.m.
10 anymore.

11 CHAIRPERSON MIETZ: Okay. Very good.
12 That's fine. Okay. Let's see, who -- let's see, Ed,
13 do you have thoughts on this?

14 MR. PREMO: Yeah. I guess I'm the only one
15 who is concerned about the curb cut. But I'll tell
16 you --

17 CHAIRPERSON MIETZ: Sure. Go right ahead.

18 MR. PREMO: Yeah. So, you know, they're --
19 they're -- the reason why they're -- they're combining
20 two properties -- and, Rick, I assume that's an
21 administrative resubdivision?

22 MR. DiSTEFANO: It is, yes.

23 MR. PREMO: But they're combining two -- and
24 you know, they're getting some benefits from that when
25 they do that. Obviously, they're also making a big

1 investment in the property. But when -- one of the
2 things about combining lots is you have one lot and
3 you usually want to keep limited access. You know,
4 we -- we want to have, I think, generally fewer cuts
5 or entrances onto a roadway than -- than more. And
6 they're -- they're creating one big lot. I would
7 think they could still do this with -- with one cut
8 there. I understand that it's pre-existing but it was
9 pre-existing when there was two lots. Now there's
10 only one lot. And I think they could tie into the
11 other driveway, especially since they're going to use
12 these type of pavers without having the second curb
13 cut. So, at least that's my thought on that.

14 I guess, Rick, I -- I'd ask this: Is -- I
15 mean, they're having a two-car attached garage. And
16 then they want to have a one-car detached garage.
17 Is -- is that -- I mean, that's kind of like two
18 accessory uses --

19 MR. DiSTEFANO: Yeah.

20 MR. PREMO: -- for the garage?

21 MR. DiSTEFANO: Well -- well the Code does
22 not prohibit an attached garage and a detached garage
23 to be on a lot. You can have one detached garage.
24 You can have one attached garage basically per lot.
25 Kind of a little nuance the Code that does allow

1 people to add that extra accessory structure for the
2 storage of the vehicle if -- if needed.

3 MR. PREMO: Right.

4 MR. DiSTEFANO: We do limit our -- we do
5 limit our attached garage to 900 square feet.

6 MR. PREMO: Okay.

7 MR. DiSTEFANO: So, some people want more
8 than that. And then they come in and they request the
9 detached also.

10 MR. PREMO: Yeah. I mean, they're --
11 they're -- I don't know how to put this but I think
12 since they're combining the lots, you know, and
13 they're getting, in essence, another accessory
14 structure, I think they can get rid of -- rid of one
15 of the curb cuts and just make that -- that cleaner to
16 the street.

17 As far as the rear setback, you know, I
18 agree. Let's move the principal building up a little
19 bit so that all the building is in compliance. And
20 then as far as a variance -- Rick, I think we still
21 need to give them a variance for the back deck. I
22 don't have a problem with that.

23 MR. DiSTEFANO: Yeah. That screened porch
24 would be -- instead of what, 5 feet would be 4 feet?

25 CHAIRPERSON MIETZ: 4.5.

1 MR. DiSTEFANO: Less than what --

2 MR. PREMO: Well, I mean we're supposed
3 to -- right. We're supposed to give the minimum
4 variances necessary to address the hardships.

5 So -- and then as far as the two living
6 units for the period of construction, that's -- I
7 think that's fairly typical. And I think we keep it a
8 short period of time. And I would agree with that.

9 CHAIRPERSON MIETZ: Okay. Good.

10 MS. SCHWARTZ: Can I change my -- I liked
11 what Ed said about that second curb cut, really. That
12 was very creative and thoughtful. And I -- I liked
13 what you said that they could use those same pavers
14 across, you know, the front to get to it. They sort
15 of implied that the car wasn't going to be pulled in
16 and out a lot, okay. It's a fun car kind of thing.
17 So, that would eliminate --

18 MS. WATSON: He did not have an answer to
19 the frequency of -- of what --

20 CHAIRPERSON MIETZ: Right.

21 MS. WATSON: -- was being done.

22 MS. SCHWARTZ: I didn't get though that it
23 was going to be a daily basis where they really needed
24 it.

25 CHAIRPERSON MIETZ: I don't think he really

1 knew really.

2 MS. WATSON: He didn't -- he didn't know and
3 he didn't want to give an answer on behalf --

4 CHAIRPERSON MIETZ: Right.

5 MS. WATSON: -- of the homeowners. I -- I
6 personally feel like it's a lesser environmental
7 impact that's being requested than it is currently.
8 It's -- it's an improvement in terms of the
9 pervious -- impervious surface on the lot and I don't
10 have a problem whatsoever with the two curb cuts
11 personally speaking. It is an improvement over today.

12 Currently, there is a deck on the house that
13 is closer to the back lot line than what the
14 screened-in porch will be. I support the idea of
15 moving the primary structure forward a foot so that we
16 are granting the minimum variance possible. But I
17 don't have a problem granting that variance. And I
18 agree with everybody else about keeping the
19 construction time as short as possible with the caveat
20 that, you know, the shorter the construction time is
21 the more likely they will be working early in the
22 morning to get the job done.

23 MS. SCHWARTZ: Yeah.

24 MS. WATSON: So, it's hard to predict.
25 That's a hard thing to --

1 CHAIRPERSON MIETZ: To win on all those
2 things, right. Okay. So, quickly, I think, you know,
3 from my perspective I don't really have a problem with
4 the two access points. I think it is an improvement
5 on the lot. I'm not sure how well it would look to
6 have that connected meeting horizontally across
7 parallel to the road. I'm not sure how that would
8 look.

9 The -- the 1 foot, I think, is good. I
10 don't really have a problem with the rear setback with
11 those garages back there. And the other part is
12 the -- having one structure that's longer versus the
13 two houses that are back there now, I think the scale
14 of that will kind of dissipate over the width.

15 And the construction, I think -- yeah, we
16 can't win on everything. But we can try to tighten it
17 up as much as possible.

18 MR. GORDON: Hey, Dennis. It's Ken. Can I
19 offer something on that construction length? I know
20 that's a concern that a number of Board Members have
21 expressed. And -- and I thought Rick made a great
22 suggestion of saying, you know, if you grant the TNR.
23 The TNR under the Code you can grant up to two years
24 in length so limiting it to 13 months, that's
25 absolutely fine. I'm wondering if it might also be --

1 and I'm the new guy here so I don't know if you ever
2 do this -- have sort of an alternative expiration date
3 for that TNR, which would be 13 months or 30 days
4 after the issuance of a temporary C of O for the main
5 structure, whichever is sooner.

6 CHAIRPERSON MIETZ: That certainly is --
7 that's certainly allowable. Sure.

8 MR. DiSTEFANO: Yeah. We've done that in
9 the past on -- on things like this. So, yeah. We can
10 certainly tie it into the issuance of the C of O.

11 CHAIRPERSON MIETZ: Okay. All right. So,
12 I -- let's -- let's take them one by one then.
13 Jeanne, you have --

14 MS. DALE: Yup.

15 CHAIRPERSON MIETZ: -- number 6.

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1 APPLICATION 1A-06-21

2 Application of James Fahy, architect, and
3 Wendy Frieda and Bruce Dan, owners of properties
4 located at 561 Winton Road South and 575 Winton Road
5 South, for an area variance from Section 207-16A(4) to
6 allow for two access points after combining two lots
7 into one where only one access point per lot is
8 allowed by Code. All as described on application and
9 plans on file.

10 Motion made by Ms. Dale to approve
11 Application 1A-06-21 based on the following findings
12 of fact.

13 **FINDINGS OF FACT:**

14 1. The applicant is requesting to maintain the two
15 existing curb cut access points when combining the two
16 parcels. One access will be the primary serving the
17 new home and its attached two-car garage. The second
18 access will serve the detached garage and there will
19 not be a visible driveway leading from the road to the
20 detached garage.

21 2. The proposed second access point will not create
22 an undesirable change to the character of the
23 neighborhood nor be a detriment to nearby properties
24 as it is to maintain the same number of access points
25 as currently exists. For the same reason, the

1 requested area variance is not substantial.

2 3. Maintaining the existing second access to the road
3 is a necessary element of the applicant's project
4 design for approach to the detached garage and is the
5 minimum relief necessary with the least impact on lot
6 coverage while providing safe access to the structure
7 proposed.

8 4. As the two requested access points equal the
9 number currently present on the property, the proposed
10 variance is consistent with surrounding properties so
11 as not to have an adverse effect or impact on the
12 physical or environmental conditions of the
13 neighborhood. Rather, there will be a positive effect
14 as the applicant will replace the existing second
15 driveway with grass and geogrid pavers, which will
16 enhance site aesthetics and improve site drainage.

17 **CONDITIONS:**

18 1. The second driveway will be replaced with grass
19 and geogrid pavers as described in the application.

20 2. All necessary planning board approvals shall be
21 obtained.

22 (Seconded by Ms. Watson.)

23 (Ms. Schwartz, no; Ms. Tompkins-Wright, yes;
24 Ms. Dale, yes; Ms. Watson, yes; Mr. Mietz, yes;
25 Mr. Premo, no; Ms. Schmitt, yes.)

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

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1 CHAIRPERSON MIETZ: Okay. So then we're
2 looking at the rear setbacks. So, how, Rick, do you
3 think that the 1 foot should be announced?

4 MR. DiSTEFANO: I --

5 CHAIRPERSON MIETZ: If we -- I think we're
6 all agreeing to --

7 MR. DiSTEFANO: I think we take a look at
8 those plans, determine what one additional foot added
9 to that setback would be. So, it's 34. We -- we
10 condition that the screened-in porch shall not be any
11 closer than 3 --

12 CHAIRPERSON MIETZ: 35.5.

13 MR. DiSTEFANO: -- 5.5. Whatever that
14 number is adding a foot and then just let it go. We
15 don't even have to tell them that they've got to move
16 the house to 40 feet. That's up to them to figure out
17 where --

18 CHAIRPERSON MIETZ: Okay.

19 MR. DiSTEFANO: -- they're going to pick up
20 that foot.

21 CHAIRPERSON MIETZ: Okay. That's fine. All
22 right.

23 MR. GORDON: But -- but couldn't --

24 MR. DiSTEFANO: But you're right. But you
25 want the back of the house to be.

1 MR. GORDON: Yeah, couldn't they just shrink
2 the --

3 MR. DiSTEFANO: You're right.

4 MR. GORDON: -- width of the porch?

5 MR. DiSTEFANO: Yes. We want the -- we want
6 the house principal to be at 40 feet.

7 MR. GORDON: Yes.

8 MR. DiSTEFANO: Well, we can condition that
9 the house be setback 40 feet from the front property
10 line and the rear of the house principal structure be
11 setback --

12 CHAIRPERSON MIETZ: No greater than --

13 MR. DiSTEFANO: -- a minimum of 40 feet from
14 the rear property line and grant them X number of feet
15 of encroachment into the rear yard with the screened
16 porch.

17 CHAIRPERSON MIETZ: All right. Well,
18 let's -- let's -- we'll get to that in the conditions.

19 MR. DiSTEFANO: Yeah.

20 CHAIRPERSON MIETZ: All right. We'll --
21 we'll --

22 MR. DiSTEFANO: We can -- we can just
23 condition that all the way down and --

24 CHAIRPERSON MIETZ: Okay. All right. All
25 right. Does anyone have any other issue with this?

1 Okay. Let me go -- give it a shot then.

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1 APPLICATION 1A-07-21

2 Application of James Fahy, architect, and
3 Wendy Frieda and Bruce Dan, owners of properties
4 located at 561 Winton Road South and 575 Winton Road
5 South, for an area variance from Section 205-2 to
6 allow a new home to be constructed with a 34.5 feet
7 rear setback in lieu of the minimum 40 feet rear
8 setback required by Code. All as described on
9 application and plans on file.

10 Motion made by Mr. Mietz to approve
11 Application 1A-07-21 based on the following findings
12 of fact.

13 **FINDINGS OF FACT:**

14 1. Due to the construction of a single structure
15 versus the two structures across the two lots, the
16 effect of the setback will be scaled across the two
17 lots.

18 2. No other means can achieve the desired result of
19 the functionality of the screened porch as described
20 by the applicant.

21 3. The variance request is not substantial as other
22 structures and encroachments are present in the
23 subject neighborhood. And specifically, there are
24 garages near 5 feet at the property line along the
25 rear elevation.

1 4. Currently, the structure at 575, which is to be
2 demolished, has a covered porch area that is 28 feet
3 from the rear setback.

4 **CONDITIONS:**

5 1. The principal structure shall be constructed at
6 the 40-foot front setback.

7 2. The principal structure shall have a minimum
8 40-foot rear setback.

9 3. The screened porch may be set back no closer than
10 35.5 feet from the rear lot line.

11 4. All necessary Planning Board approvals and
12 building permits shall be obtained.

13 (Seconded by Mr. Premo.)

14 (Ms. Schwartz, no; Ms. Tompkins-Wright, yes;
15 Ms. Dale, yes; Ms. Watson, yes; Mr. Mietz, yes;
16 Mr. Premo, yes; Ms. Schmitt, yes.)

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

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1 CHAIRPERSON MIETZ: Okay. On 1A-08, I think
2 the discussion is how -- how to craft the limitations
3 of the time. I think Ken's suggestion was certainly
4 reasonable of setting it and then having a time clock.
5 I -- I think we've got to understand too that these
6 folks if they go through it and they live there and
7 they move into the new house, I'm sure they will want
8 to get rid of the other one. So...

9 MR. DiSTEFANO: Yeah.

10 CHAIRPERSON MIETZ: But you know, we'll
11 never assume that, I suppose. But -- okay. All
12 right. So, do you have a -- something put together,
13 Kathleen, that you want to throw out there?

14 MS. SCHMITT: It would be helpful to make
15 sure that I understood what Ken said one more time, if
16 I could hear language --

17 CHAIRPERSON MIETZ: Sure.

18 MS. SCHMITT: -- posing, that would be good.

19 CHAIRPERSON MIETZ: I'm sure he would love
20 to tell us.

21 MR. GORDON: So, what I would propose as a
22 condition is that the temporary and revocable permit
23 be set to expire 13 months after it is granted or 30
24 days after the date that a temporary certificate of
25 occupancy is issued by the Town for the new principal

1 structure, whichever occur first.

2 MS. SCHMITT: Okay. I love it. And so what
3 I may end up doing is ask you to read that part into
4 the record because I could not type -- write that
5 fast.

6 MR. GORDON: Where's your stenographer?
7 Just have them read it back. Come on.

8 CHAIRPERSON MIETZ: Either way --

9 MS. SCHMITT: (Inaudible).

10 CHAIRPERSON MIETZ: Okay. Go ahead,
11 Kathleen.

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1 APPLICATION 1A-08-21

2 Application of James Fahy, architect, and
3 Wendy Frieda and Bruce Dan, owners of properties
4 located at 561 Winton Road South and 575 Winton Road
5 South, for a Temporary and Revocable Use Permit
6 pursuant to Section 219-4 to allow for two dwellings
7 units to be on a single lot (during construction of a
8 new home) where not allowed by Code. All as described
9 on application and plans on file.

10 Motion made by Ms. Schmitt to approve
11 Application 1A-08-21 based on the following findings
12 of fact.

13 **FINDINGS OF FACT:**

14 1. The request is to allow two dwelling units to be
15 on a single lot not allowed by Code during the
16 construction of the applicant's new home.

17 2. While the variance is self-created, there would
18 not be an undesirable change in the character of the
19 neighborhood or be detrimental to nearby properties as
20 the variance is temporary in nature.

21 Moreover, due to the temporary nature of the
22 variance, there's no evidence that there would be a
23 negative impact to the health, safety, and welfare of
24 the neighborhood.

25 **CONDITIONS:**

1 1. The Temporary and Revocable Permit would expire 13
2 months after it is issued or 30 days a temporary C of
3 O is granted by the Town for the new principal
4 structure, whichever time period occurs first.

5 (Seconded by Ms. Tompkins-Wright.)

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

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

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1 CHAIRPERSON MIETZ: All right. So, the next
2 one is Chadbourne with the attached garage addition
3 and the unusual deck. Okay. Does anyone have
4 concerns about this?

5 MS. SCHMITT: No.

6 CHAIRPERSON MIETZ: Okay. It's kind of a
7 slick architectural detail where he pulled that back
8 and it probably -- when you look at it as a floor plan
9 it looks kind of strange but I think it does work
10 where the rooflines are.

11 MS. SCHMITT: Right.

12 CHAIRPERSON MIETZ: Okay. All right. So,
13 Judy?

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1 APPLICATION 1A-09-21

2 Application David Crowe, architect, and
3 Matthew and Kimberly Jones, owners of property located
4 at 96 Chadbourne Road for an area variance from
5 Sections 203- 2.1B(3) and 203-9A(4) to allow a
6 detached garage addition and platform deck to be 3
7 feet from the lot line in lieu of the minimum 5 feet
8 required by Code. All as described on application and
9 plans on file.

10 Motion made by Ms. Schwartz to approve
11 Application 1A-09-21 based on the following findings
12 of fact.

13 **FINDINGS OF FACT:**

14 1. The variance for the proposed attached garage
15 addition and deck to be 3 feet from the rear lot line
16 in lieu of the 5 feet required by Code will line up
17 with the existing rear setback of the garage, which is
18 3 feet from the rear lot line creating a step back in
19 the front reducing a more massive look.

20 2. There will be no visible change to the character
21 of the neighborhood as neighboring properties have
22 similar rear setbacks.

23 3. There is vegetation that will help mitigate the
24 variance.

25 **CONDITIONS:**

1 1. This variance only applies to the 3-foot rear
2 setback for the garage addition and deck as presented
3 in the testimony and written application.

4 2. All building and planning permits must be
5 obtained.

6 (Seconded by Ms. Tompkins-Wright.)

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

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

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1 CHAIRPERSON MIETZ: Okay. And then our last
2 one before the other business would be Borg & Ide and
3 they did a similar operation. I can't believe, Rick,
4 it was over ten years ago but it seems like it wasn't
5 quite that long ago.

6 MR. DiSTEFANO: They did one 10 years ago
7 but they came back in 2018 to do another one.

8 CHAIRPERSON MIETZ: Yes, yes, yes. And I
9 guess my point was we had no issue with them and they
10 followed through the last time and there was no
11 problem. So, obviously, the good of the health of the
12 community, I guess, to have that temporary unit there.
13 So, okay. Does anyone have any concerns about it?
14 Okay. Go right ahead.

15 MR. DiSTEFANO: Andrea, is --

16 MS. TOMPKINS-WRIGHT: First -- yes.

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1 APPLICATION 1A-10-21

2 Application of Borg & Ide Imaging, lessee,
3 and Anthony J. Costello and Son Development, owner of
4 property located at 995 Senator Keating Boulevard, for
5 a Temporary and Revocable Use Permit pursuant to
6 Section 219-4 to allow a mobile PET/CT scanner
7 (trailer) to be on-site for approximately four weeks
8 where not allowed by Code. All as described on
9 application and plans on file.

10 Motion made by Ms. Tompkins-Wright to
11 approve Application 1A-10-21 based on the Board having
12 considered the information presented by the applicant
13 and having completed the required review pursuant to
14 SEQR, the Board determines that the proposed project
15 would not likely have a significant environmental
16 impact and has made the following findings of fact.

17 **FINDINGS OF FACT:**

18 1. The proposal is for a Temporary Revocable Permit
19 to allow a mobile PET/CT scanner trailer to be on the
20 site where not permitted by Code.

21 2. The permit is required in order to allow the
22 contingent care and treatment of patients while the
23 exchange of a permanent scanner in the building occurs
24 and benefits the health of the greater community.

25 3. The trailer will not materially impact any

1 customer parking spaces and will be placed on parking
2 spaced generally used by staff.

3 4. The trailer is self-contained and will not be
4 visible from a local street, thereby eliminating any
5 negative visual impact from nearby properties.

6 CONDITIONS:

7 1. The permit applies only to the mobile scanner
8 related shelter described in the application and only
9 in the location as shown on the plans submitted.

10 2. The permit will apply for a maximum of six weeks
11 and shall be completed no later than February 19th.

12 3. The proposed shelter structure should be submitted
13 to the building department for review. And all
14 necessary permits shall be obtained.

15 (Seconded by Ms. Watson.)

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

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

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1 MR. DiSTEFANO: Just so -- you guys heard
2 what Andrea said regarding SEQR there, with the help
3 of Counsel, I think we need to be a little more
4 vigilant with our SEQR determinations. Especially
5 when it comes to commercial properties. In the past,
6 we've always kind of had a disclaimer on our
7 decisions. But I think with the times that we're in,
8 it's probably better to be a little more legal with
9 our -- our SEQR requirements.

10 MS. SCHWARTZ: Good.

11 MR. DiSTEFANO: That's why when we get into
12 more commercial, most of the residential, besides use
13 variances, most of the residential area variances are
14 a Type 2 action, which does not require SEQR to be
15 used. So we don't need to address it. But anything
16 in the Commercial District, we'll be using that
17 statement prior to making the motions.

18 CHAIRPERSON MIETZ: Okay.

19 MS. TOMPKINS-WRIGHT: And real quick --

20 MR. DiSTEFANO: Do you want to add anything
21 to that, Ken?

22 MR. GORDON: No. That was great. Thanks,
23 Rick.

24 MR. DiSTEFANO: Okay. Thanks. All right.
25 So, the other bit of talking -- talking about SEQR,

1 the other item that we have is the Baptist church and
2 Clover. The --

3 MR. GORDON: Andrea, do you want to jump in
4 and say something there be -- about that SEQR?

5 CHAIRPERSON MIETZ: Sorry, I wasn't sure who
6 it was.

7 MS. SCHWARTZ: Andrea.

8 MS. TOMPKINS-WRIGHT: Yeah. Well, I just
9 had a quick question because I thought only one agency
10 has to make a SEQR determination, correct? So, as
11 long as the -- an applicant is before the Planning
12 Board, the Planning Board is making a SEQR
13 determination. We don't necessarily need to make one
14 as well.

15 MR. DiSTEFANO: Well, unless we adopt the
16 Planning Board's, we have to.

17 MS. TOMPKINS-WRIGHT: Oh, oak.

18 MR. DiSTEFANO: We can adopt the Planning
19 Board's findings. If we don't adopt the Planning
20 Board's findings then we have to make --

21 MS. TOMPKINS-WRIGHT: Okay.

22 MR. DiSTEFANO: -- our own findings.

23 MR. GORDON: Right. And on a TNR we have to
24 do it, definitely. Because --

25 MR. DiSTEFANO: Yeah. TNR --

1 MR. GORDON: -- the ZBA is the only one
2 who's doing the --

3 MR. DiSTEFANO: Yeah. TNR. And only the
4 Zoning Board is seeing the TNR's.

5 MS. TOMPKINS-WRIGHT: Okay.

6 MR. DiSTEFANO: Now, getting into that
7 because this leads us right into the next item here,
8 is that -- for 1075 Clover Street, the Planning Board
9 has determined that it's a Type 1 action. So, I
10 shouldn't say Type 1. It's --

11 MR. PREMO: Unlisted.

12 MR. DiSTEFANO: -- unlisted. Right. So,
13 that -- they are going to act as the lead agency on
14 it. And because we are an involved agent, they need
15 our approvals. We can allow them to act as lead agent
16 and sign off on the request form that you received as
17 part of the letter from Ramsey. If you want to
18 challenge the lead agency, we have the right to do
19 that but I don't know why we'd want to do that.

20 CHAIRPERSON MIETZ: Right.

21 MS. TOMPKINS-WRIGHT: I don't.

22 MR. DiSTEFANO: So, are we in agreement that
23 we'll -- we'll allow the Planning Board to act as lead
24 agents on that -- this project?

25 MS. SCHMITT: Yes.

1 MS. TOMPKINS-WRIGHT: Yeah.

2 MR. PREMO: Yes.

3 MR. DiSTEFANO: And -- yes, Judy?

4 MS. SCHWARTZ: How much input can we truly
5 have as -- as, you know, second --

6 MR. DiSTEFANO: Again, we are -- we are an
7 involved agent so we will get, you know, the same
8 information. And if we have comments we can always
9 share those comments as part of that -- the SEQOR
10 review process. Most likely, we would adopt the
11 Planning Board's determination and findings at that
12 point in time before we are going to be able to make
13 any decisions on this project. I forgot my thought
14 here.

15 MR. GORDON: The Brighton --

16 MR. DiSTEFANO: Oh, yeah. So --

17 MR. GORDON: The Brighton Planning Board --
18 you'll have an opportunity to have some input with.

19 MR. DiSTEFANO: Right.

20 MR. GORDON: The City Planning Board, if
21 they were the lead agency, maybe not the same.

22 MR. DiSTEFANO: Maybe not the same. Maybe
23 not at all.

24 CHAIRPERSON MIETZ: I've never had an issue
25 in the past with that.

1 MR. DiSTEFANO: Dennis, I need you to sign
2 that paper -- that --

3 CHAIRPERSON MIETZ: Okay.

4 MR. DiSTEFANO: -- letter.

5 CHAIRPERSON MIETZ: Okay. All right.

6 MR. DiSTEFANO: If you could scan that back
7 to me tomorrow.

8 CHAIRPERSON MIETZ: Okay. That would be
9 great. Can you also -- you and Ken maybe do all the
10 rest of us a small favor then on this SEQR
11 determination? Maybe there's some good language that
12 you could pop out too, Rick?

13 MR. DiSTEFANO: Yes. I will send that out
14 to everybody.

15 CHAIRPERSON MIETZ: Okay.

16 MR. DiSTEFANO: I just sent it to Andrea
17 yesterday but I will send that out to everybody.

18 CHAIRPERSON MIETZ: Yeah.

19 MR. DiSTEFANO: Rick and I have something we
20 worked out.

21 CHAIRPERSON MIETZ: Okay. Good.

22 MR. PREMO: And Rick, I'd like to take a
23 look at it too and --

24 MR. DiSTEFANO: Yup.

25 MR. PREMO: -- you know, give any input. So

1 Andrea, just to one of your questions, if there's a
2 lead agency that's picked and we're an involved agency
3 and the lead agency issues a negative declaration,
4 which means they find that the project won't have a
5 significant adverse impact, we are bound by the
6 determination. If they go forward and decide -- issue
7 a positive declaration and do an environmental impact
8 statement, then typically the lead agency will issue a
9 finding statement and we also have to issue a finding
10 statement and we could -- usually, you do adopt or --
11 or agree with their finding statement. But you can
12 issue a different one if you want to. So...

13 MS. TOMPKINS-WRIGHT: Yeah.

14 CHAIRPERSON MIETZ: Okay. Sounds good. All
15 right. Are we all set, Rick?

16 MR. DiSTEFANO: Yeah. I think we are.

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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;

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 31st day of January, 2021

13 At Rochester, New York
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16 Alexandra K. Wiater
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