

BRIGHTON
ZONING BOARD OF APPEALS
MEETING

March 3, 2021
At approximately 7 p.m.
Brighton Town Hall Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRPERSON

JEFF FRISCH

18 KEN GORDON, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

24 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
25 FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRPERSON MIETZ: Okay. Okay. Good
2 evening. Welcome to the March meeting of the Zoning
3 Board of Appeals. And this evening we have four
4 applications that we will be going through. So, when
5 you hear your application called, then please join the
6 call and announce yourself, your name and your address
7 and then you can go ahead and present your
8 application.

16 MS. SCHWARTZ: Excuse me, we really can't
17 see you.

18 MR. DiSTEFANO: Oh, I'm sorry.

19 MS. SCHWARTZ: Yeah.

20 MR. DiSTEFANO there we go. Is that better?

21 MS. SCHWARTZ: Not even your full eye yet.

22 | No.

23 MR. DiSTEFANO: I don't know.

24 CHAIRPERSON MIETZ: Can you push your camera
25 down a little bit?

1 MS. SCHWARTZ: There you are.

2 MR. DiSTEFANO: Okay. The roll. Let the
3 record show that all members are present.

4 CHAIRPERSON MIETZ: Okay. Do you have
5 anything, Rick, that you want to let the Board Members
6 know about any of the applications?

7 MR. DiSTEFANO: I don't unless any of the
8 Board Members have any questions.

9 CHAIRPERSON MIETZ: Okay. There being none,
10 then why don't you proceed with the first application.

11 MR. DiSTEFANO: Just for the record we will
12 not be approving the January 6, 2021 meeting minutes.
13 We will hold those off to the February meeting --
14 excuse me -- until the April meeting.

15 So, applications 12A-05-20 and 12A-06-20
16 have adjourned once again.

17 **APPLICATION 2A-02-21**

18 So, we are on application 2A-02-21,
19 application of Lot-Bar-Vie, owner of property located
20 at 2601 Lac De Ville Boulevard for an area variance of
21 Section 205-12 to allow for the reuse from a
22 professional office building to a medical office
23 building with 45 parking spaces in lieu of the minimum
24 57 parking spaces required by code. All as described
25 on application and plans on file. This application

1 was tabled from the February 3rd, 2021 meeting.

2 CHAIRPERSON MIETZ: Okie-doke.

3 MR. ARDIETA: Good evening, ladies and
4 gentlemen. Joe Ardieta of Vanguard Engineering.
5 Tonight I'm representing the applicant and with us
6 tonight is the owner, Seenu Kaza. And also with us is
7 Chuck Armbruster of Hamilton Stern, the general
8 contractor.

9 You should have my letter dated February
10 16th responding to the questions that you had posted
11 after the previous meeting. I guess I should say this
12 is 2601 Lac De Ville application.

13 CHAIRPERSON MIETZ: Okay. Joe, do you want
14 to go ahead and walk through the responses maybe tied
15 to the floor plan? Because I think that's where a lot
16 of the questions were.

17 MR. ARDIETA: Okay. So, there's two floors.
18 The lower floor, although there is a floor plan there,
19 that is subject to change. There were tenants
20 scheduled to go there, but they pulled out. So, right
21 now, there are no scheduled tenants for the lower
22 floor. That floor plan is subject to change.

23 Therefore, when we signed or calculated
24 demand for parking, we assigned all of that as medical
25 which is your most restrictive. And that's one space

1 per 150 square feet. So, the whole lower floor is
2 assigned to medical use and they came up with -- I
3 think it was 27 spaces.

4 The first floor is the floor that has been
5 determined -- that floor will be used by the owner and
6 his wife in two suites. And their demands at peak is
7 13 spaces. So, if you combine the 27 with the 13,
8 that's actually a demand of 40. And the site has 45
9 spaces. And that's really it in a nutshell.

10 CHAIRPERSON MIETZ: I -- I think one of the
11 questions was, you know, again, how -- how that load
12 was calculated for that floor. So, if you have the
13 owner available, then maybe he could walk us through
14 what -- what goes on in this floor plan and what
15 the -- how that ties to the parking calculation that
16 you guys made.

17 MR. ARDIETA: Seenu, you there?

18 MR. KAZA: Yes, I'm here. I hope everyone
19 can hear me okay.

20 MR. ARDIETA: Yes, sir.

21 CHAIRPERSON MIETZ: Sure.

22 MR. KAZA: Great. And I just want to thank
23 everyone for the time and allowing to be on. So,
24 the --

25 CHAIRPERSON MIETZ: Sir, could you just give

1 us your address for the record, please?

2 MR. KAZA: So, Seenu Kaza. And do you want
3 my residential address or the --

4 CHAIRPERSON MIETZ: Either one. It doesn't
5 matter.

6 MR. KAZA: I'll give you the 2601 Lac De
7 Ville Boulevard property owner.

8 CHAIRPERSON MIETZ: That's fine. Okay.

9 MR. KAZA: Just a quick sidebar, I noticed
10 in the zoning agenda it has the name of the property
11 owner as Lot Bar-Vie. I'm assuming that was an auto
12 correct text or voice recognition that went haywire.
13 The owner entity is Lakeside LDV Properties, LLC.

14 CHAIRPERSON MIETZ: Okay. We can get that
15 corrected.

16 MR. KAZA: Just for the record, that is what
17 appeared on the application.

18 MR. ARDIETA: Yeah. Actually we put that on
19 the application because our surveyor had it as the
20 owner.

21 CHAIRPERSON MIETZ: Oh. Okay. We can get
22 that corrected. That's no problem.

23 MR. KAZA: That'd be great. It does sound a
24 lot like Lakeside LDV if you say it quickly.

25 So, the -- let's see. The -- I'm going to

1 get my north, south, east, west, wrong so I'm just
2 going to say the right half of the blueprints here.
3 So, Suite 1A, that is my practice. So, I'm an ENT
4 surgeon. And for office setup, that would be fairly
5 traditional. We'd have exam rooms as you see there.

6 At peak, even before COVID and now more so
7 than ever, four patients an hour tops. And so,
8 four -- really in a seven, eight-hour day, four
9 patients an hour. We just can't have any more
10 throughput than one patient every 15 minutes. So,
11 that's our standard flow.

12 So, coming to the lobby and that main
13 reception, that is for my practice. The large waiting
14 room at the rear of the building is for my practice.
15 The Suite 1B which says "audiologist," that really is
16 also part of my practice. So, when my patients have
17 to come in and have a hearing test done, they'll come
18 in there. And as our project evolved, what we really
19 had to do was -- and I guess, Joe, you have the mouse
20 there. But the backdoor entrance to the Audiology
21 Suite, that interfaces with my wife's practice. So,
22 that's doors -- I can't even read it, but -- so, Joe
23 if you back into --

24 MR. ARDIETA: I -- I don't have control of
25 the --

1 CHAIRPERSON MIETZ: We have control.

2 MR. KAZA: Oh, okay. Yeah, that's it. So,
3 those back two consult rooms -- so, let's say
4 Consult/Meeting Room 133 and then Consult Office
5 134 -- that's actually going to be for my audiologist.
6 And we determined that A, the audiologist needs an
7 office space to just to admin and B, for any of our
8 patients who have hearing testing that need to be
9 consulted for hearing aids or fitted or anything like
10 that, we don't want them to walk all the way across
11 the lobby to the ENT side for that. So, we actually
12 created that door so those patients could use that
13 space.

14 So, it does create a little bit of a
15 blurring of the lines, if you will, between my
16 practice and my workflow in which we'd be using those
17 two rooms that we just mentioned that are on Leslie's
18 side. So, maybe we can just come about to that. So,
19 if we go back to the lobby on my wife's practice which
20 says Suite Number 2, James, at the bottom of the
21 screen. Right there.

22 Her background is -- it's not traditional
23 internal medicine or primary care or family medicine.
24 She really has a consulting model. So, she has
25 patients that come from far and wide. She does some

1 remote consultations with people out of state and even
2 in other parts of the world. But it's really one to
3 two hour consultations. So, especially a new patient
4 gets about two hours, two and a half hours with her.
5 Intensive one-on-one time, lots of intake, lots of
6 talking. Today she had -- in her current place, she
7 had two patients. A busy day for her is four patients
8 for an entire day. So, you know, she's not a
9 traditional primary care practice model at all.

10 So, really the reception area -- she has one
11 receptionist that works with her. The waiting area is
12 what you see. There will be some products and books
13 and a library on the wall. The office room, that's
14 Room Number 138 right there, that's where she will
15 meet with patients. And then the room adjacent to
16 that, the Consult Room 136, is where she would do the
17 exam. So, she has a pretty tight triangle from where
18 the patients have the intake, have some vital signs
19 and her to talk for the two hours and do a brief exam.

20 So, that is why we're coming way under what
21 might seem typical for medical practice. It is a
22 medical practice, but really probably functions more
23 like -- I don't know, like a psychologist or someone
24 that does more intensive one-on-one time. That's kind
25 of my, maybe, long-winded nutshell.

1 CHAIRPERSON MIETZ: Okay. That certainly
2 addresses the questions. Okay. Is there anything
3 else, Joe, that you guys wanted to point out? Or we
4 can open it up from some questions from the Board
5 Members.

6 MR. ARDIETA: As I explained at the previous
7 meeting, that if we are required to meet code and put
8 in the 57 spaces, that we would have to actually
9 violate the ordinance whereby we would have to place
10 parking within the setbacks of the property lines.

11 So, we either attempt to get a variance for
12 this or we'll have to go to attempt to get a variance
13 for that. Either way we need a variance.

14 CHAIRPERSON MIETZ: Okay. Could you put
15 that up, Rick, for a minute -- or -- Jeff, the floor
16 plan? Do you want to show us, Joe, where the other
17 parking would have to go, please?

18 MR. ARDIETA: Rick, do you have that plan we
19 sent that would show what it would look like if we --

20 MR. DiSTEFANO: I think it's under -- this
21 is new stuff that you sent over?

22 MR. ARDIETA: Yeah, no. It was in the
23 original package.

24 MR. DiSTEFANO: I'm not sure.

25 MR. ARDIETA: Okay. So -- all right. Oh.

1 Actually, if you look -- actually it's still there.
2 Zoom in, please. You can see the dashed lines, like,
3 up towards the top.

4 CHAIRPERSON MIETZ: Okay.

5 MR. ARDIETA: That's where we'd have to put
6 parking. There's also parking over on the left side.

7 CHAIRPERSON MIETZ: Oh, I see. Where those
8 two big trees are?

9 MR. ARDIETA: Where the two trees are.
10 Those trees would have to come out. We'd have to put
11 parking there. And then down in the southeast corner
12 at the end of the parking lot, we'd have to put two
13 spaces there and re-stripe the parking lot in order --
14 oh. Also, the little triangle where the bend is, we'd
15 have to pave that as well. And that would be to meet
16 the required code.

17 So, what happens at the southeast corner
18 along the west property line and up at the north
19 property line, we would require variances for that
20 encroachment into the setback with pavement.

21 CHAIRPERSON MIETZ: Okay. Okay. All right.
22 So, Board Members, questions about this new
23 information on this application?

24 MS. TOMPKINS WRIGHT: Yes. This is Member
25 Wright. I just had a question. The services provided

1 at these medical practices, I'm assuming this is one
2 physician in each group, you and your wife. Is this
3 the type of practice that could expand to additional
4 physicians and what does that do to the parking count
5 if it does?

6 MR. KAZA: So, I'll jump in on that. So, we
7 have multiple practice locations. Our kind of
8 flagship main office is in Canandaigua. Much bigger
9 building. Much bigger square footage. We do have
10 multiple providers there. This setup, just because we
11 have such a tight space to work in, can really only be
12 for one provider. I mean, it's going to be me or one
13 of my partners. There's just not space to expand. I
14 mean, the lower level is there, but really the goal
15 was to bring in outside tenants. Unfortunately we
16 don't have them right now.

17 So, I guess the expansion would really be
18 the lower level tenants. And then, you know, we
19 address what that tenant or tenants might be and what
20 their parking requires. But, you know, for the upper
21 level that throughput is the throughput. You saw the
22 space we have there as far as the exam rooms. I have
23 a scribe. So, the scribe really just follows me
24 around into the visits. They're just not able --
25 we're not able to have multiple patients. I can't be

1 in two places at once.

2 And then, with the three other office
3 locations with the physicians we have, it's just not
4 possible to have more than one physician in this
5 location.

6 MS. TOMPKINS WRIGHT: And what's the --
7 what's the -- and I apologize if this was covered in
8 the last meeting. I can't recall. What's the typical
9 staff for one physician at this location? What would
10 you anticipate the typical -- you know, one physician
11 and how many other staff members?

12 MR. KAZA: Yeah. That might have been in
13 some of the stuff that came through. I wasn't at that
14 last meeting. Essentially the plan is we have one to
15 two receptionists. I have one -- me or another
16 physician and a scribe. So, that's four people. And
17 again, it's just a manpower -- we're stretched out.
18 We don't want to increase the personnel. So, it's
19 going to be a lean, sort of tightly run ship.

20 CHAIRPERSON MIETZ: Okay. Thank you. Other
21 questions by the Board Members?

22 MR. DiSTEFANO: I have one question.

23 CHAIRPERSON MIETZ: All right. Go ahead.

24 MR. DiSTEFANO: I thought this was kind of a
25 crystal ball question. On that lower level what are

1 you looking for to put in there? Are you looking for
2 any type of medical use going in there or are you
3 going to have some self -- parameters that would limit
4 the type of use you would allow to go into that lower
5 level?

6 MR. KAZA: Yeah. That -- that is a crystal
7 ball question and I think my perfect dream tenant
8 would be, first of all, one tenant. So, I would have
9 one tenant taking the entire space.

10 The other maybe dream sort of crystal ball
11 is that it would be complementary to what I do. For
12 example, the physical therapist group that had walked
13 away, that was not actually a physical therapy group
14 per se. They actually specialized in balance therapy.
15 So, vestibular -- so specifically to help with balance
16 problems. And that's a population of patient that we
17 take care of.

18 So, I guess in the order of hierarchy we
19 would want services that complemented or helped, you
20 know, the services that we provide. Leslie's practice
21 would have some need for physical therapy. And the
22 chiropractor was another potential tenant that walked
23 away, unfortunately, based on some of the timeline
24 constraints.

25 So -- but, I guess, I would not be open to

1 something that competed. So, I wouldn't sublet to
2 another ENT. But, yeah. Beyond that, I guess I just
3 don't know. I think even a nonmedical or a
4 non-traditional tenant would be acceptable too.

5 MR. DiSTEFANO: I guess that's -- kind of
6 going on that, would you be open to a, you know,
7 professional office on the lower level? Nonmedical.
8 Or, you know --

9 MR. KAZA: Yeah. That's exactly right. I
10 mean -- right. If we went to a nonmedical, like,
11 let's say -- I don't know -- CPA really wanted to be
12 on Lac De Ville there and they needed space in a lower
13 level, I mean, I think we would be open to that. I
14 mean, it was USA Payroll before we purchased the
15 property. So, it was an office professional building.
16 And that would save us a huge amount of money on the
17 lower levels. That would be on the list too.

18 I guess if it had to be medical, preferably
19 medical that complemented and provided some synergy.
20 You know, sort of a center of care where patients
21 could get a lot of services together. We would not
22 want to do, for example, a phlebotomy or lab draw at
23 this location. That's not a good fit for the type of
24 foot traffic that we would want. I mean --

25 MR. DiSTEFANO: Thank you.

1 CHAIRPERSON MIETZ: Okay. Any other
2 questions by the Board Members? Okay. Thank you very
3 much, gentlemen, for your additional information and
4 explanations.

5 MR. ARDIETA: Have a good evening.

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

10 **Application 3A-01-21**

11 Application 3A-01-21. Application of Robert
12 Duca, owner of the property located at 537 Grosvenor
13 Road for an area variance from Sections 203-2.1B(3)
14 and 203-9A(4) to allow a detached garage to be 960
15 square feet in size in lieu of the maximum 600 square
16 feet allowed by code. All as described on
17 applications and plans on file.

18 CHAIRPERSON MIETZ: Okay. Who do we have
19 speaking for this application?

20 MR. DUCA: Good evening. It's Robert Duca.

21 CHAIRPERSON MIETZ: Good evening, Mr. Duca.

22 MR. DUCA: How are you?

23 CHAIRPERSON MIETZ: What's your address,
24 sir?

25 MR. DUCA: I'm at 537 Grosvenor Road.

1 CHAIRPERSON MIETZ: Okay. Proceed, please.

2 MR. DUCA: I have a detached garage now.

3 It's a single car. And I'm looking to expand that to
4 a multi-car garage. That would be 24 by 40. So, it
5 would be -- I'm really looking to request an
6 additional 360 square feet from the 600 that's allowed
7 on the detached. It would be two car wide. And it
8 would be -- have an additional two car deep.

9 It's somewhat of a unique situation. Where
10 it's located you can see it's in the back right-hand
11 corner. There's privacy fences on both sides. I have
12 a school -- elementary school on the left side with a
13 privacy fence. My neighbor to the right is completely
14 supportive and has provided a letter of support for me
15 as well.

16 And from the street you really -- you just
17 wouldn't know there was an additional two bays that
18 went back. It would look like a traditional four
19 car -- or -- two car with a pitch that would be
20 complimentary with the house which is important to me
21 that it remains visually correct with the addition.

22 CHAIRPERSON MIETZ: Okay. Could you give us
23 the general purpose for this, we'll call it, oversized
24 garage.

25 MR. DUCA: Well, it's strictly for storage.

1 There's not going to be any repair work. There's no
2 water. There's no drain. I have -- I have some
3 collector cars that -- that I own that I like to keep
4 with me through the summer. And now I tend to -- I do
5 store them for the winter months. And I'd like to
6 have them, you know, in one contained spot.

7 And again, strictly for storage. There
8 might be room for a workbench. But that workbench
9 would be strictly used for some other purposes, not
10 for auto repair. I can tinker inside a car, but I
11 don't do any mechanical repair.

12 CHAIRPERSON MIETZ: Okay.

13 MR. DUCA: Storage only.

14 CHAIRPERSON MIETZ: Okay, very good.
15 Anything else you'd like to add?

16 MR. DUCA: No. No. I think, you know, from
17 the lot size coverage it's well under the
18 requirements. It's -- again, most important to me is
19 that it maintains visually the same look of the house.

20 CHAIRPERSON MIETZ: All right. Okay. So,
21 questions by the Board Members?

22 MS. TOMPKINS WRIGHT: Member Wright. Are
23 there any other oversized garages in that
24 neighborhood?

25 MR. DUCA: There's one other garage that's

1 down the street. It looks large to me. I don't know
2 much about it. I knocked on the door, but I didn't
3 get an answer. I didn't know if they were home. But
4 other than that, I didn't see anything that looked
5 any -- any deeper than -- than what I'm looking for.
6 Yeah. So, not that I could see. But that one -- just
7 that other one looked a little larger than 600 to me.

8 CHAIRPERSON MIETZ: Okay.

9 MS. Schwartz: Is there -- are you done? I
10 didn't mean to cut in.

11 CHAIRPERSON MIETZ: Go ahead.

12 MS. SCHWARTZ: Is there any other use for
13 that garage beyond the storage of your collector cars?

14 MR. DUCA: No. No. Well, I might do
15 some -- I do -- I buy guitars and bicycles and do
16 restoration work. Right now I do them in my basement.
17 I would probably do a little of that there. And then
18 I donate them to church or to friends and family that
19 need such things. And -- but, yeah. No. The answer
20 would be nothing other than a little bit of that kind
21 of work out there.

22 CHAIRPERSON MIETZ: Okay.

23 MR. DUCA: And only during the summer.

24 CHAIRPERSON MIETZ: Yeah.

25 MR. DUCA: Of course.

1 CHAIRPERSON MIETZ: Okay. Other questions
2 by the Board Members? All set? Okay. Very good.
3 Thank you, Mr. Duca.

4 MR. DUCA: Thank you very much.

5 CHAIRPERSON MIETZ: Okay. So, at this point
6 is there anyone on the Zoom call that would like to
7 speak regarding this application? Okay. There being
8 none, the public hearing is closed.

9 MR. DUCA: Thank you.

10 CHAIRPERSON MIETZ: Yes, thanks.

11 **APPLICATION 3A-02-21**

12 Application 3A-02-21. Application of Mary
13 Kokinda and Annalisa Iannone, owners of the property
14 located at 34 Cardiff Park, for an area variance from
15 Section 207-11D to allow an above-ground pool to be 1
16 foot from the rear lot line in lieu of the minimum 10
17 feet required by code. All as described on
18 application and plans on file.

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

21 MS. KOKINDA: Good evening, everyone. I'm
22 Mary Kokinda. Thank you for having me tonight. So,
23 basically we live --

24 CHAIRPERSON MIETZ: Excuse me, Mary. Can
25 you just give us your address, for the record, please?

1 MS. KOKINDA: Yes. I live at 34 Cardiff
2 Park.

3 CHAIRPERSON MIETZ: Okay. Great. Go right
4 ahead.

5 MS. KOKINDA: My block is only about six
6 houses long. We're a very tiny little tucked away
7 neighborhood here. And our backyards back up to train
8 property. The fence line is what everyone really
9 treats as the end of their property. The fences have
10 been up there for decades. But there is an easement
11 of 14 feet. And that space is something that we
12 didn't, I guess, realize would change the location of
13 our pool.

14 We're really simply looking to put up a very
15 standard above-ground pool. It's not a temporary --
16 or -- I'm sorry. It's not a permanent structure. And
17 it's one of the smaller ones. It's only 18 feet
18 across in diameter.

19 Our yards are very small. So, basically
20 where we have it in the plans here is almost the only
21 place it could go. We can't move it towards the --
22 well, the left side of the picture here I'll say,
23 because it would be under the power line that runs
24 from the back of our property to our home. And if we
25 move it to the right, we literally break the 10 foot

1 code on that side of the yard. And if we move it any
2 closer to the house, I mean -- if we actually measure
3 starting from our true property line 14 feet in from
4 our fence, if we measure another 10 feet in and then
5 we have exactly 18 feet from that point to the side of
6 our home. So, the pool would literally be touching
7 the side of our home.

8 So, we're just requesting this variance so
9 we can use -- you know, only go 1 foot from our
10 property line instead of the whole 10 feet so that we
11 have, you know, at least about 9 feet between our home
12 and the side of the pool. We're really -- this is
13 really our only option as you can see because of all
14 of the other, you know, specific little things
15 happening around the yard. The pool won't be visible
16 from the front of the home or the street because of
17 the size of my house. And we do have 6 foot privacy
18 fencing all the way around the home also. So, that's
19 also not an issue for safety or for the way it would
20 look. Nobody would be able to see it anyway. So,
21 that's basically what we're asking for.

22 CHAIRPERSON MIETZ: Okay. Very good. Okay.
23 Board Members, questions?

24 MR. PREMO: Yeah. Hi, this is Ed Premo.
25 Just so I'm understanding, Rick, feel free to jump in

1 if you can. So, it's really -- the variance is only
2 for the rear lot line, not for the sides?

3 MS. KOKINDA: Exactly.

4 MR. PREMO: And, Rick, did I get that right?
5 Is that right?

6 MR. DiSTEFANO: Yes, that is right.

7 MR. PREMO: Okay.

8 MR. DiSTEFANO: And you can see the edge of
9 the house is 12.6 feet from the lot line.

10 MR. PREMO: Yup.

11 MR. DiSTEFANO: And it looks like the pool
12 lines up with the edge of the house. So --

13 MR. PREMO: And then that rear lot line,
14 what's behind that is the railroad property?

15 MR. DiSTEFANO: Yeah. It's a very
16 interesting situation. I don't know how many of you
17 are familiar with the subdivision -- allowing the
18 subdivision to overrun off of Clover Street, but they
19 have a lot of private alleyways, some that are
20 developed and some that are not developed. And what
21 backs up to this particular property is an undeveloped
22 alley. These alleys aren't owned by anybody.

23 So, the neighbors where -- who -- the
24 properties' owners that back up to the undeveloped
25 alleys basically look at that as their backyard. And

1 those back alleys will never be developed. So, it
2 will be -- for all intents and purposes, that's their
3 rear yard. The only problem here is you can't build
4 over a lot line. So, they are trying to tuck in as
5 close to that lot line as possible, even though they
6 have additional yardage behind that. And of course
7 you have the railroad behind that.

8 CHAIRPERSON MIETZ: Okay.

9 MR. PREMO: Okay. Thanks.

10 CHAIRPERSON MIETZ: Okay. Other questions,
11 Board Members?

12 MS. TOMPKINS WRIGHT: This is Member Wright.
13 Do you know -- I apologize. I wasn't able to get back
14 to this property. Is that shed shown on the survey
15 still there?

16 MS. KOKINDA: Yeah. There are sheds in
17 every single yard on my block that I think have been
18 there for decades.

19 MS. TOMPKINS WRIGHT: Okay.

20 CHAIRPERSON MIETZ: All right.

21 MS. KOKINDA: Yeah. We did not install it.
22 So -- I'm sorry.

23 CHAIRPERSON MIETZ: No problem.

24 MS. TOMPKINS WRIGHT: And -- and I'm
25 assuming that when this pool drains, it will be

1 drained so as not to overload the rear neighbor with
2 water unexpectedly.

3 MS. KOKINDA: Absolutely. In fact, what you
4 see -- what you see -- the dotted line on this
5 survey -- when I bought my home 13 years ago, the
6 previous owner must have just put up a pool
7 themselves. There was a pool on this property when I
8 bought it which I had -- I offered it up for free and
9 somebody took it down that same day that I moved in.
10 And we drained the pool at that time and it didn't
11 cause any problems whatsoever. So, I know it can be
12 done.

13 CHAIRPERSON MIETZ: All right. That's good.
14 Okay. Other questions by the Board? Okay. Looks
15 like we're good. Thank you very much, Mary.

16 MS. KOKINDA: Thank you.

17 CHAIRPERSON MIETZ: Okay. So, is there
18 anyone in the audience -- audience. Oh, boy. Anyone
19 on the Zoom call that would like to speak regarding
20 this application? There being none, then the public
21 hearing is closed.

22 MR. DiSTEFANO: Just for the members in the
23 audience, there is application 3A-03-21 which is the
24 one for 129 Ambassador which has been postponed by the
25 applicant. So, we will go on to application 3A-04-21.

1 **APPLICATION 3A-04-21**

2 Application of Jack Sigrist, architect, and
3 Mike and Kim Mallon, owners of the property located at
4 20 Buckland Avenue, for an area variance from Section
5 205-2 to allow a building addition to extend 8 feet
6 into the 40 feet rear setback required by code. All
7 as described on application and plans on file.

8 CHAIRPERSON MIETZ: Okay.

9 MR. SIGRIST: How are you?

10 CHAIRPERSON MIETZ: Good. What's going on?

11 MR. SIGRIST: We are the client Buckland --

12 MR. DiSTEFANO: Jack. Jack, could you --

13 CHAIRPERSON MIETZ: Hold on one second.

14 MR. DiSTEFANO: State your name and address.

15 MR. SIGREST: Oh, sorry. Jack Sigrist, 99
16 Shoreham Drive in Brighton. I'm the architect of the
17 project.

18 MR. DiSTEFANO: Thank you.

19 CHAIRPERSON MIETZ: Go right ahead.

20 MR. SIGRIST: Start my video. We have a
21 client that's getting older. The couple is getting
22 older. They are looking to, in the next few years,
23 move down to the first floor because right now they're
24 over the garage and the -- their suite. So, what
25 they're trying to do is take half of -- there's a den

1 on the south side of the house. And they want to put
2 a 13 by 18 addition on it just so they can have more
3 space for the master suite. The master suite will
4 have to accommodate handicap accessibility at one
5 point. They have additional furniture. They have to
6 get a wheelchair around there. They also have
7 additional closets.

8 We've looked at other locations and none of
9 them make sense. They have to either take up a larger
10 space of construction or they go through spaces that
11 don't make any sense. This is right off the foyer.
12 And it works well for them. It also goes to the
13 aging-in-place which everyone in Brighton is trying to
14 encourage so they don't move out of the town. And
15 that's it, I guess. If you have any questions, let me
16 know.

17 MS. DALE: I -- I do. This is Member Dale.
18 I was just wondering if there had been thought to
19 putting the addition where the existing patio is, sort
20 of behind the garage, so that it wouldn't require
21 variance and also wouldn't be seen from the street?

22 MR. SIGRIST: That would be -- the existing
23 patio is where they get -- they get the light
24 for their -- inside their home right now. If you put
25 in a new addition, you'd cut that light off. Does

1 that make sense?

2 MS. DALE: Mm-hm. And have -- have -- do
3 you know if the applicant has spoken to the neighbors
4 on that side where the addition would be placed?

5 MR. SIGRIST: I -- I invited them tonight,
6 but I would have to ask them. I don't know, honestly.

7 MS. DALE: Just one more question. There's a
8 pretty large pine tree --

9 MR. SIGRIST: Yes.

10 MS. DALE: Would that be able to stay? I
11 couldn't tell if it would be sort of back further from
12 the addition.

13 MR. SIGRIST: We took that into account and
14 that tree it staying --

15 MS. DALE: Okay. Thank you.

16 MR. SIGRIST: -- by the owners' wish.

17 CHAIRPERSON MIETZ: All right. That's good.
18 Okay. Other questions by Board Members? Okay. All
19 right. Jack, you got off easy.

20 MR. SIGRIST: By the way. That house -- or
21 that building they're building on Lac De Ville, that
22 was my building.

23 CHAIRPERSON MIETZ: Oh, really? Okay. Very
24 fine.

25 MR. SIGRIST: I wish them luck.

1 CHAIRPERSON MIETZ: Okay. Great. Okay.
2 Thanks, Jack.

3 MR. SIGRIST: All right.

4 CHAIRPERSON MIETZ: Okay. Is there anyone
5 on the call that would like to speak regarding this
6 application? Okay. There being none then the public
7 hearing is closed. All right, folks. We're rolling.
8 So, everybody okay to proceed? Good.

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1 | **REPORTER CERTIFICATE**

2

3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

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

11

12 Dated this 4th day of April, 2021

13 at Rochester, New York.

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Holly Castlesman

Holly E. Castleman,
Notary Public.

1

2 **BRIGHTON**

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ZONING BOARD OF APPEALS

4

MEETING

5

6

7 March 3, 2021

8

At approximately 7 p.m.

9

Brighton Town Hall Zoom Meeting

10

2300 Elmwood Avenue

11

Rochester, New York 14618

12

13 PRESENT:

14

DENNIS MIETZ, CHAIRPERSON

15

EDWARD PREMO)
JEANNE DALE)
KATHLEEN SCHMITT)
ANDREA TOMPKINS WRIGHT) Board Members
JENNIFER WATSON)
JUDY SCHWARTZ)

16

JEFF FRISCH

17

KEN GORDON, ESQ.
18 Town Attorney

19

RICK DiSTEFANO
Secretary

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REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
25 Batavia, NY 14020 CHAIRPERSON MIETZ:

1 CHAIRPERSON MIETZ: Okay. Good. All right.
2 So, we're going to go over to Lac De Ville. So, why
3 don't -- you know, we had this last month. We asked
4 for some clarification which I think was helpful. So,
5 why don't we kind of go around and see what everyone's
6 thoughts are here. How about Ms. Wright.

7 MS. TOMPKINS WRIGHT: Yeah. I'm certainly
8 more okay with it now after hearing how their practice
9 runs and confirming that this wouldn't be a practice
10 that's likely to expand and put a higher parking
11 count. I don't know what restrictions we're going to
12 be able to write into the approval that prevents this
13 from becoming a different type of use with a
14 significantly higher parking count. I don't know if
15 that's two physicians -- you know, no more than two
16 physicians working on the first floor in order to
17 approve this variance or if it's a specific type of
18 use, like the ENT use. But, that's my thought on it.

19 CHAIRPERSON MIETZ: Okay. So, generally
20 you're saying with the right conditions that you would
21 be all right with this?

22 MS. TOMPKINS WRIGHT: Yeah. Absolutely.

23 CHAIRPERSON MIETZ: Okay.

24 Ms. TOMPKINS WRIGHT: I don't know what
25 meaningful restrictions we can put in that can be

1 enforced.

2 CHAIRPERSON MIETZ: Well, why don't we hear
3 what everyone has to say and we can discuss the
4 various options about that. Okay. Jeanne, what do
5 you think?

6 MS. DALE: Yeah. I'm -- I think the
7 additional, you know, presentation and information was
8 definitely helpful. I'm okay with it.

9 CHAIRPERSON MIETZ: Okay. All right.
10 Kathy, how about you?

11 MS. SCHMITT: I agree the same with Jeanne
12 and Andrea. As long as we can put some type of
13 condition that this won't be expanded to a different
14 type of practice that would have people being seen
15 every 15 minutes or the equivalent, then I'm okay.

16 CHAIRPERSON MIETZ: Okay. All right. And
17 how about Ed?

18 MR. PREMO: Yeah. I'm generally all right
19 with this. I guess one of my thoughts is the options
20 if we deny this are that they have to get another
21 variance anyways.

22 CHAIRPERSON MIETZ: Correct.

23 MR. PREMO: Or do they go through a whole
24 other process of land banking which doesn't make much
25 sense. I don't know if we need to think about

1 conditions concerning the tenants. I guess it's just
2 not there practice that might change, but it is
3 possible there could be a tenant that's going to
4 change the whole parking situation. I mean, I guess I
5 don't really -- can't think of that off the top of my
6 head -- or if that's something we need to be concerned
7 about.

8 CHAIRPERSON MIETZ: Okay. How about Judy?

9 MS. SCHWARTZ: I'm okay with it. I really
10 echo what people have said and my concern with the --
11 the use at some point of the lower level. I mean,
12 there are some practices that would really have
13 several people in and turn -- a fast turnaround. But
14 if conditions are put in, I feel comfortable with it.

15 CHAIRPERSON MIETZ: All right. And Jen?

16 MS. WATSON: Yeah. I'm totally comfortable
17 with it. I think the alternative variances that
18 they'd need to request to install the parking are
19 actually more obtrusive than this variance would be
20 especially given the evidence that they presented
21 about their business practices and knowing that the
22 downstairs, the calculation is already for the highest
23 number of parking spaces possible for medical use.
24 So, I really do think it will be fine.

25 CHAIRPERSON MIETZ: Okay. All right. So,

1 it sounds like everyone's kind of in the same plane
2 here. And I guess the couple options -- I know Rick
3 can shed a little light here. But, you know, it puts
4 the onus on the building department to try to regulate
5 in some fashion what goes on that first floor.
6 Because I think in the basement, you know, two things
7 could happen. One is as we discussed in the hearing,
8 is that, you know, if it were to go to professional
9 use of some kind, then obviously the requirement is
10 lower. So, it gives us more space, you know, as it
11 relates to the parking. And -- or the other scenario
12 is as we discussed last month and they said again
13 today it meets for medical, but as we all know there
14 are some medical practices that, even though our code
15 is probably near the top of the line as far as parking
16 is concerned for medical, that there are things that
17 use even more. And obviously we wouldn't have the
18 option to know that until they lease the space.

19 As Ed pointed out, there's always this
20 option to put them, you know, in this position of land
21 banking. And then the last thing probably is that,
22 you know, if we were to deny this application, right,
23 that they would have the option then to continue
24 trying to lease the ground floor and then there -- if
25 it was a professional space, then there'd be no issue;

1 right? And then if there was a specific medical use,
2 then we'd have to look at it or the worst case then
3 they'd have to add the parking.

4 So, there's a bunch of options. I don't
5 know, Rick, maybe you could shed a little light on
6 what your thoughts are.

7 MR. DiSTEFANO: The only thing I would say,
8 Dennis, is I can't guarantee you what the numbers
9 would calculate out to if the lower level was just a
10 professional office and the upper level was medical.
11 There still could be, you know, variance needed for
12 the upper level at that point being medical. I don't
13 know. I don't have those --

14 CHAIRPERSON MIETZ: Right.

15 MR. DiSTEFANO: It's hard to speculate on
16 that.

17 CHAIRPERSON MIETZ: Okay.

18 MR. DiSTEFANO: But, I believe that if we
19 craft some conditions -- I know it puts the burden on
20 the department, but without the floor would we have
21 high uses into the existing tenant? If that tenant
22 leaves, then you just have to be -- the ability to
23 bring them back and say, hey, you have to, you know,
24 go back to the Zoning Board and we have to review this
25 new tenant proposal.

1 CHAIRPERSON MIETZ: Right. Yeah, because I
2 think it's pretty difficult -- we can identify the
3 uses and tenants depicted. However, if they happen to
4 add one more person, you know, two years from now,
5 it's going to be pretty impossible to figure that out.
6 I don't think we can do it. And I don't think we've
7 ever done it, Rick, on number of doctors or things
8 like that. I think we've talked about, you know, the
9 floor plan as depicted and the testimony that was give
10 as it relates to this very specific practice. So, if
11 the practice was to be sold and a new practice came
12 in, then in essence that would trigger some action.
13 Would you agree?

14 MR. DiSTEFANO: Yup.

15 CHAIRPERSON MIETZ: Okay.

16 MR. DiSTEFANO: I mean, that's something too
17 that it could be a new practice and they could come to
18 me and say, hey, we're running it exactly the way it
19 was run before. And maybe staff can have a little bit
20 of flexibility and say yeah, if you're doing that,
21 then you're meeting the terms of the initial variance.
22 But if they bring in a pediatrician, then we go, oh,
23 no. Wait a minute. You're going back to the Zoning
24 Board and you have to prove your case all over again.

25 CHAIRPERSON MIETZ: Okay. So, does anybody

1 object to that sort of line of thinking then? It's
2 mine to do. So, we'll take a shot at it if everyone
3 is generally in agreement with this approach. Okay.

4 MR. DiSTEFANO: This is yours, Dennis;
5 correct?

6 CHAIRPERSON MIETZ: Correct.

7 MR. DiSTEFANO: Okay. Do you have the
8 seeker statement that you can use --

9 CHAIRPERSON MIETZ: Oh, no. You know, I
10 don't actually have it with me where I am right now.
11 So, could you just -- could you just read it and I'll
12 echo it. Thank you.

13 MR. DiSTEFANO: All right. So, make your
14 motion.

15 CHAIRPERSON MIETZ: Okay. And I'll do it at
16 the end. Okay --

17 MR. DiSTEFANO: No, wait a minute. Let me
18 just start it by saying, just -- the Board having
19 considered the information presented by the applicant
20 and having completed the required review of the
21 details, the board determines that the project would
22 likely have a significant impact to the -- would not
23 likely have a significant environmental impact and
24 have made the following decision:

25 CHAIRPERSON MIETZ: I'll make that is part

1 of motion, the first part of the motion. All right.
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1 **APPLICATION 2A-02-21**

2 2A-02-21, application of Lakeside LDV
3 Properties, LLC, owner of property located at 2601 Lac
4 De Ville Boulevard for an area variance of Section
5 205-12 to allow for the reuse from a professional
6 office building to a medical office building with 45
7 parking spaces in lieu of the minimum 57 parking
8 spaces required by code. All as described on
9 application and plans on file. This application was
10 tabled from the February 3rd, 2021 meeting.

11 Motion made my Chairperson Mietz to approve
12 Application 2A-2-21 based on the following findings of
13 fact.

14 **FINDINGS AND FACTS:**

- 15 1. That the current requirement for tenancy in place
16 along with the vacant or proposed to be in place,
17 along with the vacant medical space on the lower level
18 produces a parking requirement of 40 spaces, where 45
19 spaces exist on the current site.
- 20 2. The variances based on the use depicted in the
21 drawing that were submitted, specifically for the
22 first floor as of 3/3/21.
- 23 3. No known negative effect on the character of the
24 neighborhood will likely result from the approval of
25 this variance.

1 **CONDITIONS:**

2 1. The variance is applicable to the tenants depicted
3 on the first floor as described in testimony as to the
4 use and configuration of the space noted on the
5 drawings.

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1 CHAIRPERSON MIETZ: And 2, no -- let's see
2 here. There's not really any permitting required
3 here, is there, Rick?

4 MR. DiSTEFANO: There's a building permit.

5 CHAIRPERSON MIETZ: Yeah. Just a standard
6 building permit.

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1 2. All building permits shall be obtained.
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1 CHAIRPERSON MIETZ: Now, the only other
2 thing is, you know, do we need to put a trigger in
3 there as to what -- what they would need to do if
4 something was to change or is this good enough?

5 MR. DiSTEFANO: Yeah. I think -- I think
6 it'd be smart to add --

7 CHAIRPERSON MIETZ: The trigger?

8 MR. DiSTEFANO: -- a condition that -- well,
9 kind of saying the first one, but -- we can just say
10 any change in first floor tenancy shall require --
11 shall require further Town review and approval.

12 CHAIRPERSON MIETZ: Okay. That's fine.

13 MR. DiSTEFANO: That might just be an
14 administrative review.

15 CHAIRPERSON MIETZ: Sure.

16 MR. DiSTEFANO: Or that might be, hey, you
17 got to go back to the Zoning Board.

18 CHAIRPERSON MIETZ: Yeah. You might agree
19 that it's fine and it's very similar and it's not
20 going to have -- plus we have a little bit of slack in
21 this parking the way it's proposed anyway. Okay.
22 That would be fine. Let's just add that as number
23 three then? Or number two? Oh, it would be number
24 three. Okay. I think that should do it. Can we get
25 a second to that?

1 MR. GORDON: Dennis, this is Ken. Just
2 to --

3 CHAIRPERSON MIETZ: Yeah.

4 MR. GORDON: Just to comment on that
5 condition. So, the trigger's fine. The condition
6 sounded fine to me. Understand -- as I understand it,
7 what you said is that the layout and use of that first
8 floor space needs to remain the same in order for this
9 variance to continue into effect. So, adding the
10 trigger that any change in tenancy requires further
11 Town review is fine, but -- and maybe this is more for
12 you, Rick -- if the review shows that there's a change
13 in the use or configuration of that first floor space,
14 you cannot use your discretion in making that
15 determination to approve or not approve. It's got to
16 come back to the Zoning Board. That's the only
17 thing --

18 MR. DiSTEFANO: Right. Based on that number
19 one. And that -- I was talking about that. If they
20 come in and decide after two years that hey, you know
21 what? We need to blow out a wall here. We need to
22 put a different type of exam room in. You know, it
23 would trigger the building permit because that
24 triggered number one condition here. They can't do it.

25 MR. GORDON: Right. Because that's -- it's

1 how the space is configured.

2 CHAIRPERSON MIETZ: Right. Right, Ken.

3 MR. GORDON: Okay. I thought -- I thought
4 it was -- I thought it was well thought out then. I
5 think it will be --

6 CHAIRPERSON MIETZ: No. I appreciate your
7 comment.

8 MR. GORDON: I just want to make sure that
9 you -- that we're on the same page, that this is
10 something -- if there is a change in configuration,
11 it's coming back to you.

12 CHAIRPERSON MIETZ: Right.

13 MR. GORDON: The other thing I just wanted
14 to comment on is that I know that you caught it, but I
15 want to make sure the record's clear. So, this is now
16 an application by Lakeside LDV Properties, LLC. So,
17 the record should be corrected to show that. The
18 application should be amended to show that. We did
19 have the actual owner on. I went on to Monroe County
20 Clerk's site while he was talking to just check. That
21 is the actual owner's name. Lakeside LDV -- that's
22 Laurence David Victor -- Properties LLC.

23 CHAIRPERSON MIETZ: Okay. Very fine. Thank
24 you.

25 MR. GORDON: Yup.

1 CHAIRPERSON MIETZ: Okay. Rick, whenever
2 you're ready.

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1 3. Any change in first floor tenancy shall require
2 further Town review and approval.

3 (Second by Mr. Premo.)

4 (Ms. Watson, yes; Ms. Dale, yes; Mr. Mietz,
5 yes; Ms. Tompkins Wright, yes; Mr. Premo, yes; Ms.
6 Schwartz, yes; Ms. Schmitt, yes.)

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1 CHAIRPERSON MIETZ: Okay. So, our next
2 application is Grosvenor Road for the garage, the
3 detached garage. Does anyone have any issue with this
4 or do we need to discuss it? Any issues?

5 MS. DALE: Not for me.

6 CHAIRPERSON MIETZ: Pardon me?

7 MS. DALE: Sorry. I said not for me.

8 CHAIRPERSON MIETZ: Oh, okay. All right.
9 Yeah. It's a very straightforward thing. I think I
10 only saw the one in the neighborhood too, but it's
11 pretty tucked back there.

12 MS. SCHWARTZ: Right. I want to say the
13 property lends itself --

14 CHAIRPERSON MIETZ: Yeah. If you're going
15 to put it anywhere, this is probably a good spot.
16 Okay. Judy, go ahead.

17 MR. DiSTEFANO: I just want to make -- I
18 just want to make a quick comment that -- understand
19 it's very substantial variance. 50 percent variance
20 which is -- over 50 percent variance which is
21 extremely substantial. You're going to have to work
22 that into your findings I think.

23 MS. SCHWARTZ: Okay.

24 CHAIRPERSON MIETZ: Well, let's give it a
25 shot, Judy.

1 MS. SCHWARTZ: All right. I'll try.
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1 APPLICATION 3A-01-21

2 Application 3A-01-21. Application of Robert
3 Duca, owner of the property located at 537 Grosvenor
4 Road for an area variance from Sections 203-2.1B(3)
5 and 203-9A(4) to allow a detached garage to be 960
6 square feet in size in lieu of the maximum 600 square
7 feet allowed by code. All as described on
8 applications and plans on file.

9 Motion made my Ms. Schwartz to approve
10 application 3A-01-21 based on the following findings
11 of fact.

12 FINDINGS AND FACTS:

13 1. The requested variance to allow a detached garage
14 to be 960 square feet in lieu of the 600 square feet
15 permitted by code is substantial. However, it will
16 not change the character of the neighborhood because
17 the garage will not be seen from the street. Also the
18 property abuts the north elevation of Council Rock
19 Elementary School with a 6 foot high stockade fence
20 running the length of the property line which greatly
21 reduces the view of the garage.

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1 MR. DiSTEFANO: Judy, I'm going to stop you there
2 because the garage can be seen from the road. You
3 might just want to modify it to say the -- the --

4 MS. SCHWARTZ: The length --

5 MR. DiSTEFANO: The depth of the garbage
6 cannot be seen --

7 MS. SCHWARTZ: Okay. Okay.

8 MS. TOMPKINS WRIGHT: Well -- I'm sorry.
9 Just -- does it also make sense to instead of that it
10 is substantial, say that it's not substantial in light
11 of the fact and then talk about the fact that you
12 can't see it and the fact, you know, the lot is, you
13 know, quite deep compared to -- I just -- I struggle
14 with saying something is substantial, because -- but
15 it's not --

16 MR. DiSTEFANO: But -- but I think it is
17 substantial and we have to make a reasoning why --

18 CHAIRPERSON MIETZ: What's mitigating it.

19 MR. DiSTEFANO: What's mitigating that
20 substantial -- I mean --

21 MR. PREMO: My -- my view on that is -- is
22 it is substantial and I think what Judy is doing is
23 trying to show why it should be allowed because of the
24 uniqueness of the property.

25 CHAIRPERSON MIETZ: Right. That's fine.

1 MR. PREMO: The situation of that property.

2 MR. GORDON: I think the key is -- and we
3 haven't heard Judy finish. So, we need to let her
4 finish -- is to also have something that says that why
5 this is the minimum variance which accomplishes the --

6 CHAIRPERSON MIETZ: Right. Yeah. Let's let
7 her finish and --

8 MR. GORDON: Let her finish and I'm sure
9 she's going to get it.

10 MS. SCHWARTZ: I'm not opposed to a joint
11 venture here.

12 CHAIRPERSON MIETZ: No, no, no. You're --

13 MR. DiSTEFANO: Judy --

14 CHAIRPERSON MIETZ: Everyone's trying to
15 help you except for Andrea.

16 MS. SCHWARTZ: Where was I here?

17 MR. DiSTEFANO: If you could just go back to
18 that number one where you talk about "cannot be seen
19 from the road."

20 MS. SCHWARTZ: Okay.

21 MR. DiSTEFANO: Modify that so it's --

22 MS. SCHWARTZ: Right. Okay. Let me see.
23 Hold on. Jeepers. Hold on.

24 CHAIRPERSON MIETZ: Okay.

25

1 1. The requested variance to allow a detached garage
2 to be 960 square feet in lieu of the 600 square feet
3 permitted by code is substantial. However it will not
4 change the character of the neighborhood because the
5 depth of the garage will not be seen from the street.
6 Also the property abuts the north elevation of Council
7 Rock Elementary School with a 6 foot high stockade
8 fence running the length of the property line which
9 greatly reduces the view of the garage.

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1 MS. SCHWARTZ: Is that what you wanted,
2 Rick?

3 MR. DiSTEFANO: Yeah. That's -- that's --
4 that's fine. I just wanted something because it can
5 be --

6 MS. SCHWARTZ: Okay. I'll --

7 CHAIRPERSON MIETZ: All right. Go on.

8 MS. SCHWARTZ: Hold on or go on?

9 CHAIRPERSON MIETZ: Go on. Sorry.

10 MS. SCHWARTZ: Okay. Then I can leave that
11 part about the property line with the school? We can
12 leave that in?

13 MR. DiSTEFANO: Yeah. That's fine. I think
14 so.

15 CHAIRPERSON MIETZ: That's fine.

16 MS. SCHWARTZ: Okay. Three, the front
17 elevation --

18 MR. DiSTEFANO: Wait. I don't think we got
19 two.

20 MS. SCHWARTZ: It is two. I'm starting with
21 two. I'm all right. So, two -- and this needs to be
22 clarified -- really the front elevation which faces
23 the street is not going to look any different. I
24 mean, it will be a little bit wider because it will be
25 a two-car door rather than a single car.

1 CHAIRPERSON MIETZ: Yeah.

2 MS. SCHWARTZ: Okay. So, I'll leave it and
3 if you want me to change, we'll go ahead.

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- 1 2. The front elevation of the proposed garage will
- 2 look like a conventional two-car garage and will
- 3 resemble the current look of the one-car garage.
- 4 3. The proposed garage will eliminate the need for the
- 5 cars to be parked in the driveway for at least half of
- 6 the year and then put in storage for the winter.
- 7 4. The larger garage will provide a workshop area for
- 8 the applicant to repair bikes and guitars that he then
- 9 donates.
- 10 5. Even with this proposed garage, lot coverage will
- 11 be below the maximum 25 percent allowed by code.

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1 MS. SCHWARTZ: Then I go into conditions?

2 Any other --

3 CHAIRPERSON MIETZ: Yeah. I think that --

4 MR. DiSTEFANO: I think I'm going -- I
5 just -- going back to Ken's statement there about did
6 we adequately address the minimum relief?

7 MS. SCHWARTZ: Oh.

8 CHAIRPERSON MIETZ: You mean as far as why
9 does the --

10 MR. DiSTEFANO: Why is this, you know,
11 minimum relief necessary?

12 MS. SCHWARTZ: Okay. So, it could be
13 number -- well, it could be number six.

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1 6. This variance is the minimum relief required to
2 accommodate four vehicles.

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1 CHAIRPERSON MIETZ: The tenant desires to
2 park four vehicles inside?

3 MS. SCHWARTZ: Inside, right. Thank you.

4 MR. GORDON: Yeah. I think that does it.

5 CHAIRPERSON MEITZ: Okay.

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1 CONDITIONS:

- 2 1. This variance only applies to the 960 square foot
- 3 detached garage and presented in the written
- 4 application and the testimony presented;
- 5 2. Electricity will be the only utility in the garage.
- 6 3. All necessary building and planning approvals must
- 7 be obtained.

8 (Second by Ms. Dale.)

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

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1 CHAIRPERSON MIETZ: Okay. So, next we go
2 over to the swimming pool on Cardiff Park. Does
3 anyone have any concerns about this? It's kind of a
4 unique situation. Any concerns? All right.

5 MR. PREMO: The only thing I would say, this
6 is one too with a substantial variance, but it is
7 substantial given the way the property's configured
8 and the reality of the situation.

9 CHAIRPERSON MIETZ: Okay.

10 MR. PREMO: So, I think we can say, yes,
11 it's substantial, but, you know, it only concerns the
12 rear property line.

13 CHAIRPERSON MIETZ: All right. Andrea, why
14 don't you give it a shot here.

15 MS. TOMPKINS WRIGHT: Okay. So, I have it's
16 not overly substantial given the nature of the
17 property to the rear and the significant area between
18 the rear property line and the actual neighboring
19 railroad track.

20 CHAIRPERSON MIETZ: Why don't you go ahead
21 and read it and --

22 MS. TOMPKINS WRIGHT: And I wanted -- do I
23 need to do a seeker for this one?

24 MR. DiSTEFANO: No.

25 MS. TOMPKINS WRIGHT: No? Okay.

1 MR. DiSTEFANO: No. It's residential.

2 MS. TOMPKINS WRIGHT: Okay.

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1 **APPLICATION 3A-02-21**

2 Application 3A-02-21. Application of Mary
3 Kokinda and Annalisa Iannone, owners of the property
4 located at 34 Cardiff Park, for an area variance from
5 Section 207-11D to allow an above-ground pool to be 1
6 foot from the rear lot line in lieu of the minimum 10
7 feet required by code. All as described on
8 application and plans on file.

9 Motion made by Ms. Tompkins Wright to
10 approve application 3A-02-21, based on the following
11 findings of fact.

12 **FINDINGS AND FACTS:**

13 1. The granting of the requested variance will not
14 produce an undesirable change in the character of the
15 neighborhood or be a detriment to the nearby property.
16 The property located to the rear of the applicant is
17 an undeveloped alleyway and railroad tracks. The
18 proposed placement avoids view of the structure from
19 the street and thus will have little to no impact on
20 residential neighbors.

21 2. The requested variance is not overly substantial
22 given the nature of the property to the rear and
23 significant area between the rear property line and
24 the actual railroad tracks behind it.

25 3. The benefit sought by the applicant can not

1 reasonably be achieved by any other method or without
2 a variance. Located in any other area of the yard
3 would create issues with the overhead power lines,
4 would require other variances or create visibility of
5 the pool from the right-of-way.

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

10 **Conditions:**

11 1. The variance granted herein applies only to the
12 pool described in and in the location as depicted on
13 the application and in the testimony given.

14 2. All necessary permits must be obtained.

15 (Second by Ms. Watson.)

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

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

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1 CHAIRPERSON MIETZ: Okay. And then the final
2 application is 20 Buckland for the addition on the
3 first floor. Does anyone have any concerns with this?

4 MS. SCHWARTZ: No. I'm glad they're saving
5 the tree.

6 CHAIRPERSON MIETZ: Yeah. It's a big one.

7 MS. SCHWARTZ: It's a big one, yeah.

8 CHAIRPERSON MIETZ: Okay. I think Jeanne's
9 question was very reasonably to see was there another
10 way to do it, but --

11 MS. SCHWARTZ: Yeah.

12 MR. DiSTEFANO: Yeah. Just so you guys
13 understand, here's a perfect example of a corner lot
14 scenario where that yard actually, for all intents and
15 purposes, is a side yard. But because the code says
16 it's a rear yard, that's what we have to go by. So,
17 if it truly was a side yard, they wouldn't need a
18 variance.

19 CHAIRPERSON MIETZ: Right.

20 MS. TOMPKINS WRIGHT: That's what I was
21 going to ask. What's the setback required if that was
22 considered a side yard?

23 MR. DiSTEFANO: It would be 15 percent of
24 199. So, 15 percent of 200 is 30 feet.

25 MS. TOMPKINS WRIGHT: Okay.

1 CHAIRPERSON MIETZ: Right. Okay. All
2 right. Then let's go ahead, Ms. Dale.

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1 APPLICATION 3A-04-21

2 Application of Jack Sigrist, architect, and
3 Mike and Kim Mallon, owners of the property located at
4 20 Buckland Avenue, for an area variance from Section
5 205-2 to allow a building addition to extend 8 feet
6 into the 40 feet rear setback required by code. All
7 as described on application and plans on file.

8 Motion made by Ms. Dale to approve
9 application 3A-04-21 based on the following findings
10 of fact.

11 FINDINGS AND FACTS:

12 1. The applicant is requesting a variance to allow for
13 a 13 foot by 18 foot addition for a first floor suite
14 to allow them to age-in-place and not have to move to
15 another home.

16 2. The requested variance will not create an
17 undesirable change to the character of the
18 neighborhood nor be a detriment to nearby properties
19 as the addition is compatible with the neighborhood
20 and consistent with the side setbacks of other
21 residences.

22 3. The benefit sought by the applicant cannot be
23 achieved by some other method feasible for the
24 applicant to pursue other than an area variance. The
25 applicant explored other locations for the proposed

1 decision, but they were not compatible with the
2 function of the existing space. The location proposed
3 takes advantage of an existing space and adds area for
4 an owners suite to accommodate aging-in-place.

5 4. The requested area variance is not substantial as
6 the required setback is 40 feet and the request is for
7 32 feet, a reduction of 8 feet. And there is no
8 evidence that the proposed variance will have an
9 adverse effect or impact on the physical or
10 environmental conditions in the neighborhood.

11 5. The requested variance is the minimum necessary to
12 accommodate additional closets and potential
13 renovation of the existing bath to accommodate
14 handicap requirements that might be needed in the
15 future.

16 **CONDITIONS:**

17 1. The addition will be the size and location as
18 described in the application.
19 2. All necessary building permits shall be obtained.

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1 MR. DiSTEFANO: And I'd just like to add to
2 that. All necessary architectural review board and
3 building permits --

4 MS. DALE: Oh, yeah. Thank you. Thank you
5 for your help.

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1 3. All necessary building permits and architectural
2 review board approvals shall be obtained.

3 (Second by Ms. Tompkins Wright.)

4 (Ms. Watson, yes; Ms. Dale, yes; Mr. Mietz,
5 yes; Ms. Tompkins Wright, yes; Mr. Premo, yes; Ms.
6 Schwartz, yes; Ms. Schmitt, yes.)

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1 CHAIRPERSON MIETZ: Okay. So, Rick has
2 mentioned to me that it looks like we may have a
3 little heavier load next month. So, plan accordingly.

4 MR. DiSTEFANO: And just for your knowledge,
5 there -- the church on Clover Street is revising their
6 plans. They're going to be going back to the Planning
7 Board in two weeks. And then again back to them in
8 April. So, we probably won't see their application in
9 front of us until May. Prepare yourself for that
10 variance.

11 CHAIRPERSON MIETZ: Okay. Sounds like
12 they're working with their neighbors and trying --

13 MR. DiSTEFANO: Yup. They're working --

14 CHAIRPERSON MIETZ: -- to make some
15 concessions.

16 MR. DiSTEFANO: They're working diligently
17 with the neighbors. So, hopefully things will work
18 out good with everyone involved.

19 CHAIRPERSON MIETZ: Yes --

20 MR. PREMO: Do we -- do we expect they'll
21 have -- the Planning Board will have finished seeker?

22 MR. DiSTEFANO: That's what we're hoping
23 for.

24 MR. PREMO: Okay.

25 MS. SCHWARTZ: So, we don't have to save

1 those original plans that we got back in December?

2 MR. DiSTEFANO: Hang on to them until I get
3 the new ones.

4 CHAIRPERSON MIETZ: It's not over till it's
5 over.

6 MR. DiSTEFANO: Right.

7 CHAIRPERSON MIETZ: All right. Well, thank
8 you very much everyone. Have a good night.

9 (Proceedings concluded.)

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1 | REPORTER CERTIFICATE

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3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

7

8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

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12 Dated this 4th day of April, 2021
13 at Rochester, New York.

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Holly E Castleman

Holly E. Castleman,

Notary Public