

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
APRIL 7, 2021

Due to the public gathering restrictions and executive orders in place because of COVID-19, this Zoning Board of Appeals meeting will be conducted remotely. Members of the public will be able to view the meeting via Zoom.

Written comments will be received by Rick DiStefano, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to rick.distefano@townofbrighton.org, until April 7, 2021 at 12:00 PM.

Applications subject to public hearings are available for review on the town's website.

The public may join the Zoom meeting and share comments with the Board. For Zoom meeting information, please reference the town's website at <https://www.townofbrighton.org> prior to the meeting.

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Approve the minutes of the January 6, 2021 meeting.
Approve the minutes of the February 3, 2021 meeting.
Approve the minutes of the March 3, 2021 meeting. **To be done at the May 5, 2021 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Brighton Pittsford Post of April 1, 2021 will now be held.

12A-05-20 Application of Clover Park Properties, LLC, contract purchaser, and the Baptist Temple, Inc., owner of property located at 1075 Clover Street, for a Use Variance from Chapter 203, Article IA to allow for a church building (with a proposed 10,000 sf addition) to be converted into professional and medical office use in a residential RLA District where not permitted by code. All as described on application and plans on file. **POSTPONED TO THE MAY5, 2021 AT APPLICANTS REQUEST**

12A-06-20 Application of Clover Park Properties, LLC, contract purchaser, and the Baptist Temple, Inc., owner of property located at 1075 Clover Street, for an Area Variance from Section 207-10E(3) to allow rear yard impervious surface coverage (parking area) to increase from 52.3% to 65% where a maximum 35% is allowed by code. All as described on application and plans on file. **POSTPONED TO THE MAY5, 2021 AT APPLICANTS REQUEST**

3A-03-21 Application of Kenneth Bracker, architect, and Kevin and Rachel Glazer, owners of property located at 129 Ambassador Drive, for 1) an Area Variance from Section 205-2 to allow a building addition to extend 4.5 +/- ft. into the 30 ft. side setback required by code; and 2) an Area Variance from Section 209-10 to allow liveable floor area, after construction of said addition, to increase from 7,280 sf to 7,552 sf where a maximum 5,566 sf is allowed by code. All as described on application and

plans on file.

- 4A-01-21 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for extension of an approved variance (3A-02-20) allowing for reduced building setbacks. All as described on application and plans on file.
- 4A-02-21 Application of James and Karen Coffey, owners of property located at 36 Midland Avenue, for an Area Variance from Section 205-2 to allow a side setback to be 4.5 ft. in lieu of the minimum 30 ft. required by code, all for the purpose of resubdivision approval. All as described on application and plans on file.
- 4A-03-21 Application of John Geer, owner of property located at 2171 West Henrietta Road, for modification of conditions of approval (12A-04-20) requesting a 62.8 sf building face sign in lieu of a maximum 12.5 sf building face sign as conditioned. All as described on application and plans on file.
- 4A-04-21 Application of Christopher and Rebecca Hays, owners of property located at 41 Midland Avenue, for an Area Variance from Section 203-2.1B(7) to allow an air conditioning unit to be located in a front yard in lieu of a side or rear yard as required by code. All as described on application and plans on file.
- 4A-05-21 Application of Jeffrey Gardiner, owner of property located at 45 Knolltop Drive, for an Area Variance from Section 205-2 to allow a two story addition to extend 6 +/- ft. (4 ft. addition with 2 ft. overhang) into the existing 39.8 ft front setback where a 40 ft. front setback is required by code. All as described on application and plans on file.
- 4A-06-21 Application of Jack Sigrist, architect, and Jacob and Rachel Moalem, owners of property located at 22 Westland Avenue, for an Area Variance from Section 205-2 to allow a building addition to extend 2.4 ft. into the existing 30.4 ft. rear setback where a 40 ft. rear setback is required by code. All as described on application and plans on file.
- 4A-07-21 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for 1) an Area Variance from Section 207-10D(3) to allow for the construction of three (3) clay tennis courts in a front yard in lieu of the rear yard as required by code; and 2) an Area Variance from Section 207-2A to allow fencing, surrounding said tennis courts, to range in height from 4 ft. to 16 ft. in lieu of the maximum front yard fence height of 3.5 ft. allowed by code. All as described on application and plans on file. **WITHDRAWN BY APPLICANT**
- 4A-08-21 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for an Area Variance from Section 203-2.1B(2) to allow a shed to be located in a front yard in lieu of the rear yard as required by code. All as described on application and plans on file. **WITHDRAWN BT APPLICANT**

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Jerry Goldman, Woods Oviatt Gilman LLP, requesting postponements of applications 12A-05-21 and 12A-06-21.

Letter from Maggie and Charlie Symington, 6 Whitney Lane, dated April 1, 2021, with comments and concerns regarding applications 4A-07-21 and 4A-08-21.

Letter from Andrew Spencer, BME Associates, dated April 5, 2021, withdrawing applications 4A-07-21 and 4A-08-21.

Letter, with attachments, from Jeffrey Gardiner, 45 Knollop Drive, dated April 6, 2021, with signatures of neighboring property owners in support of the variance request.

PETITIONS:

NONE

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Rochester, New York 14604
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www.woodsoviatt.com

Writer's Direct Dial Number: 585.987.2901

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Email: jgoldman@woodsoviatt.com

Mr. Rick DiStefano, Clerk
Zoning Board of Appeals
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: Clover Park Properties, LLC and Baptist Temple, Inc. – 1075 Clover Street
Zoning Board of Appeals Applications 12A-05-20 and 12A-06-20

Dear Rick:

This office represents Clover Park Properties, LLC, the contract vendee of the Baptist Temple property located at the southwest corner of Clover Street and Highland Avenue.

In accordance with my letter dated February 23, 2021 updating status last month (attached), we met with the Town Planning Board at its March 17 meeting and have made progress in refining the site plan which will be presented to the Zoning Board of Appeals for consideration (understanding that Zoning Board approval is typically limited to the plan before it). We also addressed the issues that the Planning Board must consider as lead agency for coordinated SEQR review (which SEQR review must be completed before the Zoning Board can take action).

Furthermore, discussions continue to address issues of interest to neighbors of the project. We also are working on responses to staff comments on the site plan that we recently received.

Finally, the anticipated changes to the site plan will likely result in the elimination of the need for the sole area variance contemplated at the start of this process, leaving only the use variance to be considered.

We are scheduled to appear before the Planning Board at its April 21 meeting where we anticipate that we will be far enough along in the site plan and SEQR process to allow us to come before your Board on May 5 for consideration of the use variance application.

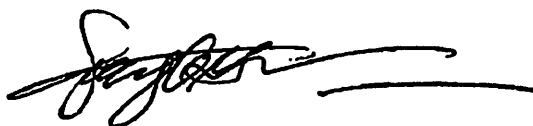
Accordingly, we are requesting that this matter be adjourned to the May 5 meeting. In my February 23 letter, we contemplated the possibility of this going off until May for further Planning

Board proceedings. Based on our e-mail exchange yesterday, it is my understanding that you will not publish notice of this hearing for April 7.

If you, or any Zoning Board member, has any questions, please do not hesitate to contact me.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

A handwritten signature in black ink, appearing to read "Jerry A. Goldman", followed by a horizontal line.

Jerry A. Goldman

Please direct responses to Rochester Office

1900 Bausch and Lomb Place
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February 23, 2021

Mr. Rick DiStefano, Clerk
Zoning Board of Appeals
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: Clover Park Properties, LLC and Baptist Temple, Inc. – 1075 Clover Street
Zoning Board of Appeals Applications 12A-05-20 and 12A-06-20

Dear Rick:

In accordance with our telephone conversation earlier today, this letter is to confirm the request of the above referenced applicants to reschedule the public hearings on the above referenced applications from the March 3, 2020 meeting to the April 7, 2020 Zoning Board of Appeals meeting.

As a part of this application process, the proposed purchaser of this property has been regularly meeting and in contact with neighbors to this project and their representatives to ascertain whether project changes can result in common ground as to the redevelopment proposal. Those discussions continue, and we anticipate will be concluded in short order, likely resulting in changes to the site plan.

To the extent that (1) the Planning Board is lead agency for a coordinated review of this action under the State Environmental Quality Review Act and their determination of significance is a pre-requisite to the Zoning Board being authorized to decide the applications before it and (2) the Zoning Board typically conditions variance grants to the plans before it, the applicant has opted to present the anticipated revised site plan to the Planning Board at its March 17 meeting and hopefully receive enough guidance to allow it to proceed to the Zoning Board hearing on the variances on April 7. If the Planning Board process dictates that we re-visit that Board in April, we may ask for one further adjournment of the ZBA hearings, but that is not our desire.

We appreciate the patience of the Board as this process unfolds. If you or any Board member has any questions, please do not hesitate to contact me.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

A handwritten signature in black ink, appearing to read "Jerry A. Goldman", followed by a horizontal line.

Jerry A. Goldman

Please direct responses to Rochester Office

cc: Kenneth W, Gordon, Esq.

questions about item 4A-07-21 for zoning board of appeals on 4/7

1 message

Maggie symington <maggielondon2000@gmail.com>

Thu, Apr 1, 2021 at 2:13 PM

To: rick.distefano@townofbrighton.org

Hi Rick -

we have a several of questions regarding CCR's variance request for the tennis courts.

1) is there any setback code for tennis courts? in their application dated March 15, in answer to question 1, they state: "Additionally, approximately 175' exists between the proposed tennis courts and the nearest property line." It is clear from the diagram, however, that the tennis courts are in fact located much closer to the property lines of #3 and #5 Whitney Lane (it is certainly less than 100', judging both by the length of parking spots and the width of the proposed tennis court).

2) Are there any restrictions on tennis court lighting? We are a bit concerned, because they have moved the orientation of the courts further towards Whitney Lane than the existing footprint of the ice rink, and they have added extensive lighting, which they implied they weren't going to. This means there will be light and noise at night, both of which will be detrimental to the adjoining neighbors. And the proposed new tennis courts with lighting have a more significant impact on neighbors than a lighted ice rink that operates at most 3 months a year, in the winter, when most neighbors are inside (and in fact, in the past few years, the ice rink has only been operational approximately 10 days each year).

3) The shed they reference seems not to be fixed spatially, as it is sometimes referred to as being 185' from the nearest property line (e.g., question 1) and 175' from the property line (question 3).

4) The 16' fence height along the golf course side of the proposed courts will certainly be necessary to protect tennis players from stray golf balls. However, they state in question 1 that "the project will provide nearly contiguous (sic) evergreen plantings between the tennis court and the golf course which will aid in disguising the fence from view." That's nice for the golfers (an internal property view), but does nothing for shielding adjoining neighbors from the sight of a 16' fence.

5) What are the requirements for them to plant new landscape shielding for the Whitney Lane residents? They state, in question 5, that "this area is visually shielded from neighboring properties by existing mature trees and shrubs." This was more true before they cut down several trees recently in order to make way for a shift in the orientation of the tennis courts from the existing footprint of the ice rink.

6) We don't see that they've asked for a variance for the additional parking spots they plan to add (and the plan they submitted to the town has even more spots than originally shown to the members for approval)? is that because the additional spots are all on 'their' side of the access road? does that imply that they can continue to add as many parking spots as they want, as long as they are all on the "inside" of the access lane?

7) are there any restrictions that the town could impose in exchange for granting all of these variances? For example, could the town require that the lighting on the new tennis court be off from 10pm-8am? could there be a restriction on CCR cutting down healthy mature trees that provide neighbor sheilding?

The addition of 3 lighted tennis courts and 19 new parking spaces will absolutely adversely affect adjacent Whitney Lane residents. Whether those adverse affects can be mitigated is the question. However, these additions will certainly lower the property values of the houses on the CCR side of Whitney Lane.

Thank you,
Maggie & Charlie Symington
6 Whitney Lane
585-586-0681



April 5, 2021

Zoning Board of Appeals
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

**Re: Country Club of Rochester – Tennis Court
(Application Number 4A-07-21 and 4A-08-21)**

2439B

Dear Board Members:

On behalf of the Country Club of Rochester, we request to withdraw Application Number 4A-07-21 and 4A-08-21. We will be submitting an updated variance application to request to be placed on the May 5th meeting agenda.

Thank you for your consideration.

Sincerely,
BME ASSOCIATES

A handwritten signature in blue ink, appearing to read 'Andrew R. Spencer', is written over the printed name.

Andrew R. Spencer, RLA

/ARS

Encl.

c: Mike Smith; Country Club of Rochester
Rick Holfoth; Country Club of Rochester

Jeffrey Gardiner
45 Knolltop Drive
Rochester NY 14610
Cell: 518 857 3707

April 6, 2021

Zoning Board of Appeals
2300 Elmwood Ave,
Rochester, NY 14618

Dear Members of the Board:

In relation to application 4A-05-21, I hereby submit the results of a canvassing effort of my neighbors on Knolltop Drive. Canvassing was performed to document my neighbors opinions of the variance request before the board. In summary, my immediate neighbors have concurred that the proposed variance does not represent an undesirable change in the character of the neighborhood or a detriment to their properties.

I affirm that:

1. I have met with the undersigned individuals, discussed my plans with them and shown a copy of the plan documents submitted to the board.
2. Any objections have been duly noted and documented within the attached table.

I look forward to our meeting on April 7.

Sincerely

A handwritten signature in blue ink, appearing to read 'Jeffrey Gardiner', with a stylized flourish at the end.

Jeffrey Gardiner

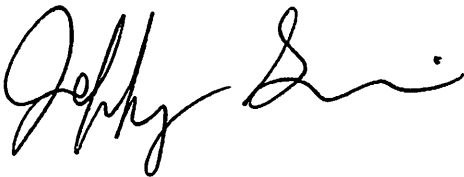
Jeffrey Gardiner
45 Knolltop Drive
Rochester NY 14610
Cell: 518 857 3707

Instructions to neighbor: Good afternoon, I reside at 45 Knolltop Drive. I have variance request 4A-05-21 before Brighton's Zoning Board of Appeals. The variance is an application for a tear-down replacement of my single car garage and family room with a two-story addition. The project requires a variance because the front yard setback would be decreased by 4' (structure) and 2' awning. This is less than the code required setback of 40'. As part of the variance process, the Zoning Board of Appeals requires the property owner to demonstrate:

- A. The requested variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
- B. The benefit sought by the applicant can not be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- C. The requested area variance is not substantial.
- D. The variance is the minimum necessary to grant relief from your difficulty.
- E. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

I ask that you as a neighboring property owner review my plans and document your approval/opinions regarding the proposed zoning variance based on the attached table .

Thank you


A handwritten signature in black ink, appearing to read 'Jeffrey Gardiner', with a stylized flourish at the end.

Jeffrey Gardiner

Jeffrey Gardiner
45 Knolltop Drive
Rochester NY 14610
Cell: 518 857 3707

Address	Location In Relation To Property	Owner (Print)	Signature	Concur with Proposed Variance/ Objections Noted
37 Knolltop Drive	Next Door Neighbor (Left-Side)	Peter P. MacDowell	P. D. MacDowell	no objections
55 Knolltop Drive	Next Door Neighbor (Right-Side)			Spoke with home owner. Home owner intends to attend online meeting. JMG 4/6/2021
40 Knolltop Drive	Across Street (Diagonal)	Lindsay Gleichauf	Lindsay Gleichauf	no objections
48 Knolltop Drive	Across Street	Trocie Weise	Trocie Weise	no objections
56 Knolltop Drive	Across Street (Diagonal)	Janet Ayer	Janet Ayer	No objections.

Jeffrey Gardiner
45 Knolltop Drive
Rochester NY 14610
Cell: 518 857 3707

Address	Location In Relation To Property	Owner (Print)	Signature	Concur with Proposed Variance/ Objections Noted
63 Knolltop Drive	2 doors down	Laura Deckman	Laura Deckman	No objections
21 Knolltop Dr	3 doors down	Rick Tyson		no objections