

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
MAY 5, 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 May 5, 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 March 3, 2021 meeting.
Approve the minutes of the April 7, 2021 meeting. **To be done at the June 2, 2021 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Brighton Pittsford Post of April 29, 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 (proposed 10,000 sf addition has been eliminated) 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.

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. **WITHDRAWN BY APPLICANT**

5A-01-21 Application of Best Construction of Wayne County, agent, and Ellen McCauley, owner of property located at 1129 Highland Avenue, for an Area Variance from Section 205-2 to allow an enclosed entryway addition to extend 8 ft. into the existing 39.5 ft. front setback (Cobb Terrace) where a 60 ft. front setback is required by code. All as described on application and plans on file.

- 5A-02-21 Application of the Country Club of Rochester, owner of property located at 2935 East Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and hold up to six (6) outdoor weddings and club special events for the year 2021. All as described on application and plans on file.
- 5A-03-21 Application of Robert Orlando and Sandra Kyle-Orlando, owners of property located at 151 Brookside Drive, for an Area Variance from Section 205-2 to allow a sun room addition to extend 14 ft. into the existing 56 ft. rear setback where a 60 ft. rear setback is required by code. All as described on application and plans on file.
- 5A-04-21 Application of Christopher Brandt, architect, and Courtney and Kevin Cotrupe, owners of property located at 85 Council Rock Avenue, for an Area Variance from Section 205 -2 tp allow a front porch to extend 13.35 ft (12 ft. with 1.25 ft. overhang) into the existing 51.8 ft front setback where a 60 ft. front setback is required by code. All as described on application and plans on file.
- 5A-05-21 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.
- 5A-06-21 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.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Gardner, Julie and Tenley Odenbach, 5 Whitney Lane, dated April 19, 2021, in support of the variance requests for the Country Club of Rochester, 2395 East Avenue.

Letter from Lucy and Phil Shells, 3 Whitney Lane, dated April 20, 2021, in support of the variance requests for the Country Club of Rochester, 2395 East Avenue.

Letter from Charlie and Maggie Symington, 6 Whitney Lane, dated April 20, 2021, in support of the variance requests for the Country Club of Rochester, 2395 East Avenue.

Letter, with attachment, from Ramsey Boehner, Environmental Liaison Officer, dated April 22, 2021, regarding the Planning Board's SEQRA Negative Declaration for the office conversion project at 1075 Clover Street.

Letter from Betsy Brugg, Woods Oviatt Gilman, dated April 21, 2021, withdrawing application 12A-06-20, 1075 Clover Street.

Letter from Gregory Hurwitz, 104 Council Rock Avenue, dated April 25, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Jaclyn Richard, dated May 3, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Arie Schochat, 75 Grosvenor Road, dated May 3, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Kandee Tabor, dated May 3, 2021, regarding the Baptist Temple's need to sell the property and in support of application 12A-05-20, 1075 Clover Street.

Letter from Michael Cornell, 65 Sandringham Road, dated May 3, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from The Rev'd Dr. W. Kenneth Williams, dated May 3, 2021, regarding the Baptist Temple's need to sell the property and in support of application 12A-05-20, 1075 Clover Street.

Letter from Abraham Glazer, 350 Ambassador Drive, dated May 3, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Barry Srolis, 130 Thackery Road, dated May 3, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Morris and Rebecca Wortman, 191 Trevor Court, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Barbara Glazer, 270 Ambassador Drive, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Dr. Jeromne Glazer, 270 Ambassador Drive, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter, with attachments, from Paul Sylvestri, Harter Secrest & Emery LLP, dated May 4, 2021, requesting the Zoning Board to deny application 12A-05020, 1075 Clover Street.

Letter, with attachments, from J. Michael Wood, Boylan Code LLP, dated May 4, 2021, requesting the Zoning Board to deny application 12A-05020, 1075 Clover Street.

Letter from Michael Gordon, 166 Thackery Road, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Andrew Gordon, 165 Pelham Road, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Melinda Goldberg and Ronald Turk, 167 Council Rock Avenue, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Rueben Auspitz, 80 Ambassador Drive, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Jason Pierce, 932 South Grosvenor Road, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from David Ross and Bette Gould-Ross, 309 Grosvenor Road, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Alexander Williams, 96 Grosvenor Road, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Jerry Goldman, Woods Oviatt Gilman, dated May 4, 2021, regarding home builder's costs to subdivide and construct 6 single family homes at 1075 Clover Street.

Letter from Helena and David Shrier, 352 Antlers Drive, dated May 5, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Kristin Vanden Brul, 4 Marvin Park, dated May 4, 2021, with comments and concerns regarding application 12A-05-20, 1075 Clover Street.

Letter from Clare Schlegel and Rodger Schlegel, dated May 4, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Larry Heininger, P.E., Marques and Associates, dated April 21, 2021, with comments regarding application 9P-NB1-21, 1075 Clover Street.

Letter from Glen Stahl, 40 Jarley Road, dated May 5, 2021, in support of application 12A-05-20, 1075 Clover Street.

Letter from Luke Dutton, 2619 Highland Avenue, dated May 5, 2021, in support of application 12A-05-20, 1075 Clover Street.

PETITIONS:

NONE



Rick DiStefano <rick.distefano@townofbrighton.org>

Support for CCR Tennis Court Site Plan

1 message

gardner odenbach <gardyodenbach@gmail.com>

Mon, Apr 19, 2021 at 12:12 PM

To: rick.distefano@townofbrighton.org

Cc: Tenley Odenbach <tenleyodenbach@yahoo.com>, "Julie H." <jhodenbach@yahoo.com>

Town of Brighton Zoning and Planning Board
Attn: Rick DiStefano,

Dear Rick,

We live at 5 Whitney Lane in Brighton and support the proposed Country Club of Rochester new tennis complex which is located directly South of our property. CCR has addressed all of our concerns and we look forward to the new addition to the tennis area. CCR management and staff have been excellent neighbors and cooperative in all aspects of property concerns.

Thank you for your assistance in this matter.

Regards,
Gardner, Julie and Tenley Odenbach
5 Whitney Lane
Rochester, NY 14610
585-738-7080



Rick DiStefano <rick.distefano@townofbrighton.org>

Re: quesitons about item 4A-07-21 for zoning board of appeals on 4/7

1 message

margaret symington <maggielondon2000@gmail.com>

Tue, Apr 20, 2021 at 6:21 PM

To: Rick DiStefano <rick.distefano@townofbrighton.org>

This email is to confirm that we are satisfied with the new plan presented by CCR that mitigates the effects of the new tennis courts on the Whitney Lane neighbors.

Charlie and Maggie symington

6 whitney lane

3 Whitney Lane,
Rochester, NY 14610

April 20, 2021

Dear Mr. DiStefano,

Our home at 3 Whitney Lane is directly north of the proposed tennis court addition to the Country Club of Rochester. While we initially had concerns about the placement of the courts and the lighting that was proposed, we have had the opportunity to discuss our concerns with various members of the CCR staff and committee members, and feel that the new plan addresses those concerns successfully.

Specifically, the new plan places the courts farther from our property, in the location of the existing skating rink. Now, the courts will extend only 15 feet (or less) closer to our property than the existing rink. In addition, lights will be placed on the one court farthest from us (only); no lights will be placed on the two courts close to us.

In the new plan, landscaping has been added to the south side of the road entrance to CCR, which will provide us with visual screening and noise dampening from the new courts. The club will also plant trees on the north side of the road to provide us with more privacy. Finally, new signs will be put up and announcements made in the CCR publications (online and by mail) and at various board meetings to remind staff, members and their guests that the entrance road is one way from East Avenue to the courts, and should not be used as an exit to East Avenue for any purpose.

These are the measures that the CCR representatives have agreed to. We appreciate the respect they have shown us, and are grateful that our concerns have been successfully addressed. We welcome the new project, in all of its proposed detail.

Sincerely,

Lucy and Phil Sheils



Building and Planning
Department

Commissioner of Public Works – Michael Guyon, P.E.

Ramsey Boehner
Environmental Review Liaison
Officer

Department of Public Health
Environmental Health
Attn: John J. Frazer, PE
111 Westfall Road, Room 910
Rochester, N.Y. 14620

Monroe County Dept. of Transportation
Attn: Jim Pond, PE
6100 City Place
50 West Main Street
Rochester, N.Y. 14614

Monroe County Water Authority
Steven Savage, Director of Engineering
PO Box 10999
475 Norris Drive
Rochester, N.Y. 14610

Brighton Sewer Department
Attn: Mike Guyon, PE
2300 Elmwood Avenue
Rochester, N.Y. 14618

New York State Department of Transportation
Attn: Kevin Bush, Regional Director
1530 Jefferson Road
Rochester, N.Y. 14623

Brighton Highway Department
Attn: Mike Guyon, PE
2300 Elmwood Avenue
Rochester, N.Y. 14618

New York Dept. of Environmental Conservation
Attn: Thomas Haley
6274 East Avon-Lima Road
Avon, NY 14414-9519

Brighton Zoning Board of Appeals
Attn: Rick DiStefano, Secretary
2300 Elmwood Avenue
Rochester, NY 14618

April 22, 2021

Re: 1075 Clover Street, Office Conversion – Clover Park Properties, LLC
Town of Brighton Project #ER-5-20

Dear Involved and Interested Agencies:

The Brighton Planning Board as lead agency adopted the attached Negative Declaration at its April 21, 2021 meeting for the above referenced project. If there are any questions regarding this matter, please feel free to contact me.

Sincerely yours,

Ramsey A. Boehner
Environmental Review Liaison Officer

attachment

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: 9P-NB1-20

Date: April 21, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Planning Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Office Conversion – Clover Park Properties, LLC

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Conversion of an existing church building into high end office space on property located at 1075 Clover Street.

Location: 1075 Clover Street, Brighton N.Y., Monroe County

Reasons Supporting This Determination:

Based on information submitted to the lead agency and after considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant, the Criteria for determining significance in the SEQR regulations and other supplemental information, documentation, testimony and correspondence, the Town Planning Board finds that the proposed action will not have a significant impact on the environment based on the following findings:

1. Air, Water, Waste, Erosion, Drainage, and Site Disturbance.

The Project will not create any significant adverse impact in the existing air quality or water quality, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project can be sufficiently served by existing utility infrastructure, including water and sanitary sewer facilities. The storm water drainage system will be designed and will be constructed in accordance with all applicable Town requirements. Approximately 26,000 sf of disturbance will occur as part of the Project. All SWPPP and/ or storm water requirements will be complied with as part of the Project. The storm water drainage system will be designed and will be constructed in accordance with all applicable Town requirements. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.

2. Noise, Visual, and Neighborhood Character.

The Project will not impact the neighborhood character of the surrounding area nor will it create any adverse noise or visual impacts. The Project will be visible from the Highland Avenue, Clover Street and neighboring properties. The appearance of the property will remain largely unchanged. Minimal site improvements will be made to the property and the exterior of the building. There are no additions or increase in building density proposed as part of this Project. The existing rear lot coverage has been reduced to 49.6% from 52.3%. The site lighting improvements will be consistent with the existing lighting levels and will be Dark-Sky compliant LED fixtures. No trees will be removed in the front yards. The large front yard park-like setting will be maintained with the existing trees and lawn. Attractive landscaping features throughout the remainder of the Project site will be installed, thereby further minimizing any potential noise, visual or community character impacts.

The nature of the improvements to be made as part of this Project and the intensity of the proposed uses are consistent with the existing uses within the surrounding neighborhood (i.e., single family residential and high density residential with a mixed of use office and restaurant).

The project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed uses or will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.

3. Agriculture, Archeology, Historic, Natural, or Cultural Resources.

The Project will not adversely impact agricultural, archeological, historical, natural, or cultural resources. The NYS Cultural Resource Information System (CRIS) indicates that the project area is located near archaeologically sensitive areas. Minimal site improvements disturbance will be made to the property. The Project area has also been previously disturbed during the construction of the existing parking areas and church. There are no known archaeological resources within project site.

4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species, Wetlands, Flood Plains.

The Project will not have a significant adverse impact on plant or animal life. The property does not host any threatened or endangered species, and therefore the Project will have no impact on any threatened or endangered species. There are no State or Federal wetlands on the property, and the property is not within any designated floodway or floodplain. Therefore, the Project will have no significant adverse impact on any wetlands or floodplains.

5. Community Plans, Use of Land, and Natural Resources.

The project is located in a RLA- Residential District and will need to obtain a use variance pursuant to NYS Town Law Section 267-b and Chapter 219 of the Code of the Town of Brighton from the Zoning Board of Appeals to convert the existing church building into high end office space. The Town's Comprehensive Plan does not specifically address the property. The Project is consistent with a number of the Plans recommendations. The project will foster a mix of residential and commercial investment that promotes vitality and walkability. The project will continue to preserve trees in reasonable health and condition. The project also includes appropriate tree replacement measures. No trees in front yards will be removed. Minimal site improvements will be made to the property and the large front yard park-like setting will be maintained with the existing mature trees and lawn. Attractive landscaping features will be installed throughout the Project site. The project will minimize any adverse effect on the health and longevity of trees through appropriate design measures and construction practices. The Project will have no adverse impacts on the natural resources found on the site.

6. Critical Environmental Area.

The Project will not have an impact on any designated Critical Environmental Area as set forth in 6 N.Y.C.R.R. Section 617.14(g).

7. Traffic.

The Project will not have a significant adverse impact on vehicular, bicycle, or pedestrian traffic. A Traffic Impact Study (TIS), dated February 2021 prepared by SRF Associates was prepared for the project. The TIS identifies and evaluates the potential traffic impacts that can be expected from the proposed office conversion. The results of this study determine that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to study area intersections. The TIS has been reviewed by the Monroe County Department of Transportation (MCDOT) and New York State Department of Transportation (NYSDOT). The Monroe County Department of Transportation concurred with TIS that this development will have no significant impact to the Monroe County DOT roadway network. New York State Department of Transportation agreed "that there should be minimal impact to the NYSDOT highway system as a result of this development. No mitigation will be necessary." The Town Engineer has reviewed the TIS and concurs with both the NYSDOT and MCDOT. Thus, the Project will not result in any significant adverse traffic impacts.

8. Public Health and Safety.

The Project will not have a significant adverse impact on public health or safety. The Project is subject to all applicable Federal, State, and Local laws, regulations, and code requirements including all requirements of the Town of Brighton, Monroe County Department of Transportation, Monroe County Water Authority, Monroe County Department of Health, and New York State Department of Environmental Conservation.

Pursuant to SEQRA, based on the abovementioned information, documentation, testimony, correspondence, and findings, and after examining the relevant issues, including all relevant issues raised and recommendations offered by involved and interested agencies and Town Staff, the Lead Agency determines that the Project will not have a significant adverse impact on the environment, which constitutes a negative declaration, and, therefore, SEQRA does not require further action relative to the Project.

The Lead Agency has made the following additional determinations:

- A. The Lead Agency has met the procedural and substantive requirements of SEQRA.
- B. The Lead Agency has carefully considered each and every criterion for determining the potential significance of the Project upon the environment as set forth in SEQRA, and the Lead Agency finds that none of the criteria for determining significance set forth in SEQRA would be implicated as a result of the Project.
- C. The Lead Agency has carefully considered (that is, has taken the required “hard look” at) the Project and the relevant environmental impacts, facts, and conclusions in connection with same.
- D. The Lead Agency has made a reasoned elaboration of the rationale for arriving at its determination of environmental non-significance, and the Lead Agency’s determination is supported by substantial evidence, as set forth herein
- E. To the maximum extent practicable, potential adverse environmental impacts will be largely avoided or minimized by the Applicant’s careful incorporation in its application materials of measures designed to avoid such impacts that were identified as practicable.

Date Issued: April 21, 2021

For Further Information: Contact Ramsey A. Boehner, Environmental Review Liaison Officer, Building and Planning Department, Town of Brighton, 2300 Elmwood Avenue, Rochester, New York 14618, (585) 784-5229 or ramsey.boehner@townofbrighton.org



Rick DiStefano <rick.distefano@townofbrighton.org>

Clover Park Properties, LLC- Withdraw Area Variance Application 12A-06-21

1 message

Brugg, Betsy D. <bbrugg@woodsviatt.com>

Wed, Apr 21, 2021 at 3:39 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Cc: "Goldman, Jerry A." <jgoldman@woodsviatt.com>, John August <jwaugust@outlook.com>

Rick,

I am forwarding this email to you and the Zoning Board of Appeals on behalf of Clover Park Properties, LLC to withdraw their application (12A-06-21) requesting an variance for the rear pavement lot coverage in connection the Baptist Temple property. The area variance is no longer required. If you have any questions or require anything further, please let me know.

Thank you.

Betsy

Betsy D. Brugg, Esq.

Partner

Direct Dial: 585-987-2905

Direct Fax: 585-362-4623

Mobile: 585-739-0913

bbrugg@woodsviatt.com

Firm Phone: 585-987-2800

Firm Fax: 585-454-3968

woodsviatt.com



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Rick DiStefano <rick.distefano@townofbrighton.org>

Clover/Highland Church project

1 message

greg hurwitz <tcjobs@yahoo.com>

Sun, Apr 25, 2021 at 10:34 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Dear Rick,

I would like to let you know my opinion concerning the church to office space project that John August is working on. I think John has put forth a very sensible project that keeps the neighborhood in tact. The church has been here for a long time and the building blends in quite well. I've reviewed John's project and fell it will have no negative impact. I'd hate to see that change. If John's project falls through, the only alternative would be a developer buying it. In order for that to pay off, he'd need to put in a dense housing project. As it is, we have too many condos and high rises in our neighborhood.

Our home is right across the street from the church, so we have a vested interest in seeing it stay the way it is. John's project will ensure that.

Cordially,

Gregory Hurwitz
104 Council Rock Ave.



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist temple

1 message

Jaclyn Richard <jaclynmrichard@gmail.com>
To: rick.distefano@townofbrighton.org

Mon, May 3, 2021 at 1:31 PM

Dear Zoning Board of Appeals

I find the re-use of the existing Baptist Temple building to be a reasonable proposal and preferable to eliminating the park like setting to tear the building down and build new homes. We enjoy this amenity for our neighborhood and support the application.

Sincerely

Jaclyn Richard
jaclynmrichard@gmail.com
585.721.2841

Please note my new email address: jaclynmrichard@gmail.com.



Rick DiStefano <rick.distefano@townofbrighton.org>

Brighton Baptist Temple

1 message

Schochat, Arie <ASchochat@hahnauto.com>

Mon, May 3, 2021 at 1:41 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Dear Zoning Board of Appeals,

I have reviewed the proposed application of the Baptist Temple to convert the existing building for office use. This is by far the best use of the propose site. This proposal will ensure that the green space is protected and maintained for use by all residents in the area. I am in favor of this application.

Sincerely,

Arie Schochat

75 Grosvenor Rd

Rochester, NY 14610



Rick DiStefano <rick.distefano@townofbrighton.org>

1101 Clover Street - The Baptist Temple

1 message

Kandee Tabor <kandeetabor@gmail.com>

Mon, May 3, 2021 at 3:04 PM

To: rick.distefano@townofbrighton.org

Dear Rick,

For over 30 years I have been associated with The Baptist Temple in Brighton. I have been part of the church Leadership Team for over 20 years. You can only imagine how tough the decision was to sell the church property. Physically and financially we reached the point where we could not properly maintain the building and grounds.

We were very hopeful to sell to another church, such that the community services we have provided for 50 plus years could continue. Unfortunately, this plan did not work out. The next best offer was from our neighbor John August. His offer was appealing primarily because his plan maintains the building exterior and the park like landscape.

The unique architecture of the building remains, the trees remain, the daycare remains, the stained glass window remains. We have witnessed first hand over the years how he cares for his property. I am sad to sell the property, but I am happy with the offer, buyer and proposal. Please approve this purchase plan.

Respectfully,

Kandee Tabor
307 1/2 Cedar Place
East Rochester, NY 14445



Rick DiStefano <rick.distefano@townofbrighton.org>

Clover/Highland Proposed Project (Baptist Temple)

1 message

Michael Cornell <michael@cornellsjewelers.com>

Mon, May 3, 2021 at 6:41 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Dear Zoning Board of Appeals,

I have reviewed the pending application of the Baptist Temple to convert the existing building to an office use. If this will leave the beautiful grounds as they are, I am in favor of this application.

Sincerely,

Michael Cornell

65 Sandringham Road
Rochester, NY 14610

MICHAEL CORNELL

STORE MANAGER & DIRECTOR OF ACQUISITIONS

CERTIFIED GEMOLOGIST APPRAISER, AGS

Cornell's Jewelers

3100 Monroe Ave | Rochester, NY

www.cornellsjewelers.com

585.264.0100 general

585.287.8952 direct





Rick DiStefano <rick.distefano@townofbrighton.org>

The Baptist Temple project.

1 message

Barbara Glazer <barbara.glazer@icloud.com>
To: rick.distefano@townofbrighton.org

Tue, May 4, 2021 at 10:27 AM

May 4, 2021

Dear Zoning Board of Appeals,

I find the re-use of the existing Baptist Temple building to be a reasonable proposal and preferable to eliminating the park like setting to tear the building down and build new homes. We enjoy the amenity for our neighborhood and support the application.

Sincerely,

Dr. Jeronme Glazer
270 Ambassador Dr.
Rochester, NY 14610

May 3, 2021
The Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

Dear Friends,

I write in support of the proposed sale and conversion of use of the Baptist Temple building and property, 1101 Clover Street.

My life as a Brighton resident encompassed 30 very pleasant years, during which time I served as pastor of the Baptist Temple (1984-1995), then as Executive Minister of the American Baptist Churches of the Rochester/Genesee Region (1995-2000) and, finally, as pastor of the First Baptist Church of Rochester (2000-2013). For 25 years I served as Chaplain of the Brighton Fire Department, president of the department, and as elected Commissioner (2007-2013). I list these connections to say that I put down roots, made good friends, and contributed as both a member of the clergy and as a resident to Brighton as a beautiful and warmly relational place to live.

While conditions require the Baptist Temple congregation to sell their property, the metric I have just described – beauty enhancing relationships – will continue under the new owner. The park-like setting of the property will be retained, the building will remain as an architecturally unique gift to the neighborhood, and the site will serve as a point of connection between the larger community and services that will enhance quality of life.

The human spirit is fed in many ways. It is very satisfying to me to ponder that a building devoted to, and consecrated for, spiritual pursuits will continue to do so with different functions within. Without, the environment will continue to be beautiful and neighborly.

Blessings, and in all things, gratitude,

The Rev'd Dr. W. Kenneth Williams
38 Cambridge Court
Fairport, NY 14450



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple Project

1 message

Abraham Glazer <glabe@mac.com>
To: rick.distefano@townofbrighton.org
Cc: Glazer Abraham <glabe@mac.com>

Mon, May 3, 2021 at 10:01 PM

Dear Zoning Board of Appeals,

I have been a Brighton resident virtually my entire life. I feel that converting the current building to office use will be a much better use of the property than tearing it down and building new homes. Leaving the current building will leave the beautiful grounds as they are. As a runner that runs in the neighborhood regularly, I would hate to see the property subdivided into smaller parcels. Thanks for your consideration.

Abraham Glazer
350 Ambassador Drive
glabe@mac.com
585-943-8393



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple property

1 message

srolis5 <barrysrolis@gmail.com>

Mon, May 3, 2021 at 6:54 PM

To: rick.distefano@townofbrighton.org

I have reviewed in detail the pending application of the Baptist Temple to convert the existing building to office use. If this will leave the beautiful grounds as they are, I am completely in favor of this application.

Sincerely,

Barry Srolis
130 Thackery Rd, Rochester, NY 14610
716-912-2085

Barry Srolis
716-912-2085



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple Project

1 message

Moe Wortman <moe2020@cmdrc.com>

Tue, May 4, 2021 at 9:11 AM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Cc: Rebecca Wortman <rpw@cmdrc.com>

To: Mr. Rick Distefano

Re: Baptist Temple Project

From: Morris and Rebecca Wortman

191 Trevor Court

Rochester, New York 14610

Tel: 585 473 8770

Dear Zoning Board of Appeals,

I have lived at the above captioned address for the past 20 years and my wife and I are very familiar with the site of the current Baptist Temple. I have had the opportunity to review the pending application of the Temple to convert its existing building for office use. Since the current grounds occupied by the Baptist Temple are simply beautiful I am in favor of the pending application as it seeks to preserve these charming and delightful grounds on the corner of Highland and Clover Street.

Very sincerely yours,

Morris and Rebecca Wortman



Rick DiStefano <rick.distefano@townofbrighton.org>

BAPTIST TEMPLE PROJECT

1 message

Barbara Glazer <barbara.glazer@icloud.com>
To: rick.distefano@townofbrighton.org

Tue, May 4, 2021 at 10:23 AM

May 4, 2021

Dear Zoning Board of Appeals,

I have reviewed the pending application of the Baptist Temple to convert the exiting building to an office use. If this will leave the BEAUTIFUL GROUNDS AS THEY ARE, I am in favor of this application.

Sincerely,

Barbara Glazer
270 Ambassador Dr.
Rochester, NY 14610



Harter Secrest & Emery LLP

ATTORNEYS AND COUNSELORS

WWW.HSELAW.COM

May 4, 2021



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

Re: Application of Clover Park Properties, LLC and the Baptist Temple, Inc., re 1075
Clover Street
12A-05-20

Dear Members of the Zoning Board of Appeals:

Harter Secrest & Emery LLP is writing this letter as counsel on behalf of Jon and Erika Stanat, Kristin Vanden Brul, Jonathan Friedberg, and Laura Calvi (our “Clients”), longtime owners of residential property within the Town of Brighton, New York (the “Town”) near 1075 Clover Street, Rochester, NY (the “Property”).¹ The Property, which is surrounded by residential uses, is currently owned by The Baptist Temple, Inc. (“Baptist Temple”) and is the subject of potential redevelopment by Clover Park Properties, LLC (the “Developer”, together with Baptist Temple, the “Applicants”). Although the Property is located in a low-density residential district, the proposed redevelopment contemplates converting the existing church into an office and medical office building for on-site patient visits (the “Project”). The Project proposes to introduce commercial uses not allowed on the Property under applicable zoning regulations. Therefore, Applicants submitted a use variance application for the Project (the “Application”) to the Town Zoning Board of Appeals (the “ZBA”) for its consideration. The Applicants have failed to meet their burden of proof demonstrating unnecessary hardship, and thus, the ZBA may not grant a use variance for the Project.

I. Introduction and Overview

The Stanats have resided adjacent to the Property for approximately 21 years, Kristin Vanden Brul has resided near the Property for approximately 17 years, and the Friedberg/Calvis have owned a residential property adjacent to the Property for approximately 14 years. The area around the Property is a quiet, residential neighborhood and the Project would greatly alter its existing character by introducing new and relatively large-scale commercial activity to the area. The Property is currently owned by Baptist Temple and has been used as a church since Baptist Temple acquired the property in 1964, a use which is consistent with and expected in a

¹ Jon and Erika Stanat live adjacent to the Property at 2 Marvin Park. Kristin Vanden Brul lives near the Property at 4 Marvin Park. Jonathan Friedberg and Laura Calvi own the residential property adjacent to the Property at 1128 Clover Street.

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residential neighborhood. The proposed Project, on the other hand, eliminates religious use, and instead contemplates the introduction of an office park to the otherwise residential neighborhood. The introduction of an office park to this residential neighborhood would undeniably alter the existing character and detrimentally impact the neighborhood.

We note that the use of the Property for religious purposes has diminished over the last few years. The predominant use of the Property now appears to consist of a daycare center along with intermittent use for community organizations and events. It is our understanding that the daycare center is allowed on the property via a conditional use permit. It is also our understanding that the Property is currently being used for various other purposes, including a small two-person office, a dance studio, and various club activities that may or may not be tied to Baptist Temple. While we question the legality of some of the current uses, that is not the focus of this letter.

Finally, although the burden is ultimately on the Applicants to make the requisite showing, residents in opposition to the Project have used their personal resources to provide information, including an appraisal report and an engineer's report, for the ZBA's consideration to demonstrate that the Applicants have not established the criteria necessary to obtain a use variance. While in no way required to do so, neighbors opposed to the Project are submitting these reports in the interest of protecting the existing character of their neighborhood. Indeed, New York's highest court has recognized that "[i]t should be readily apparent that a person desiring relaxation of zoning restrictions – such as a change from residential to business – has little to lose and much to gain if he can prevail." *Douglaston Civic Assoc. v. Galvin*, 36 N.Y.2d 1, 6 (1974). Recognizing the economic disparity between an applicant and an individual homeowner, the Court stated that "an individual property owner, who stands only to gain (or prevent the loss of) the maintenance of the *status quo* as regards the value of his homestead and his peace and quiet, cannot be expected, nor should he be required, to assume by himself the burden and expense of challenging the zoning change." *Id.* It follows, therefore, that our Clients have no burden to refute the Applicants' submissions, but rather, the burden is on the Applicants to fully show that they have satisfied **each and every criteria** required for a use variance. As set forth below, the Applicants have failed to make this showing.

II. Use Variance Criteria

The Property is located in the RLA Residential Low Density (RLA) District. Permitted uses in the RLA District include single family dwellings, family child-care homes, and buildings operated for municipal use. Town Code of the Town of Brighton ("Town Code") § 203-2.1(A). Certain conditional uses, including places of worship, may be allowed in the RLA District subject to Planning Board approval. Town Code § 203-2.1(C). However, the proposed office park contemplated by the Project is neither a permitted nor a conditional use in the RLA District, necessitating the subject Application for a use variance.

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It is well settled that an “applicant for a use variance bears a heavier burden of proof than one who desires relaxation of an area limitation.” *Village Bd. of Fayetteville v. Jarrold*, 53 N.Y.2d 254, 257 (1981). The standard for obtaining a use variance is stringent, and in the case of residential neighborhoods, “[u]njustified variances . . . may destroy or diminish the value of nearby property and adversely affect those who obtained residences in reliance upon the design of the zoning ordinance.” *Id.* at 260 (internal quotations and citations omitted); *see also Young Women’s Hebrew Ass’n v. Board of Standards & Appeals*, 266 N.Y. 270 (1935) (illustrating that a use variance should be granted only in extreme situations).

As you know, the ZBA may not grant a use variance unless the applicant shows that the “applicable zoning regulations and restrictions have caused unnecessary hardship.” Town Law § 267-b(2)(b). To prove unnecessary hardship, the Applicants must demonstrate *each* of the following:

- (1) Under applicable zoning regulations, the Applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- (2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
- (3) The requested use variance, if granted, will not alter the essential character of the neighborhood and will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, including natural features such as trees; and
- (4) The alleged hardship has not been self-created.

Town Code § 219-2(B)(1)(b); *see also* Town Law § 267-b(2)(b). Under Town Law, the applicant need only show that the applicant “cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.” Town Law § 267-b(2)(b)(1). The Town Code, therefore, places an even more onerous standard of proof before a use variance may be granted, requiring an applicant to demonstrate that it is “deprived of *all* economic use or benefit from the property.” Town Code § 219-2(b)(1) (emphasis added). In addition to the factors listed in the Town Code, the ZBA’s use variance application form also states that the applicant must demonstrate that the variance “is the minimum necessary to grant relief from the hardship” and “will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

As set forth below, Applicants have failed to meet their burden of proof with respect to at least three out of the four factors listed above, and therefore, the Application must be denied.

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A. Baptist Temple is not deprived of all economic use or benefit of the Property without the granting of a use variance

It is well settled that “a landowner who seeks a use variance must demonstrate factually, by dollars and cents proof, an inability to realize a reasonable return under existing permissible uses. Without such evidence, a grant of a use variance by a zoning board is not justified.” *Village Bd. of Fayetteville*, 53 N.Y.2d at 256. The applicant is required to present “‘dollars and cents’ proof with respect to *each* permitted use.” *Matter of Nemeth v. Village of Hancock Zoning Bd. of Appeals*, 127 A.D.3d 1360, 1361 (3d Dept. 2015) (emphasis added and citation omitted). Moreover, “proof of diligent and bona fide efforts” to sell the property to a buyer who will use the property for a conforming use “is essential before hardship on the ground of unreasonable return is adequately displayed.” *Bellamy v. Board of Appeals*, 32 Misc.2d 520, 524 (Sup. Ct. Monroe County 1962). Finally, the inquiry is whether a permitted use may yield a reasonable return, not whether some other use may yield a greater return. *Crossroads Recreation Inc. v. Broz*, 4 N.Y.2d 39, 46 (1958) (collecting cases). Applicants have failed to meet their burden with respect to this element because they (i) have not shown proof to demonstrate *diligent* marketing efforts, and (ii) have failed to present sufficient “dollars and cents” proof. Specifically, Applicants have not provided any information demonstrating the inability to realize a return if the Property were used for permitted purposes other than for single-family dwellings and the proof it has provided for single-family development is unreliable. However, the appraisal report submitted on behalf of area neighbors provides evidence that Baptist Temple could achieve a reasonable return by selling the Property as a vacant six-lot subdivision intended for residential use.

i. Baptist Temple has not shown proof of diligent marketing efforts to sell the Property for a conforming use

As mentioned above, an applicant must show “proof of diligent and bona fide efforts” to sell a property to a buyer who will use the property as a conforming use before it can adequately demonstrate hardship on the ground of reasonable return. *Bellamy*, 32 Misc.2d at 524. The Application states that the “Property is a unique 2 story church not viable for permitted uses, as evidenced by marketing efforts” and that “[o]ther uses would have greater impact on the neighborhood.” The marketing efforts discussed in the Application, however, do not show a diligent effort to sell the Property for a conforming use.

First, although the Application states that the Property was listed for two years, the only marketing efforts discussed in the Application refer to a request for proposals open for only two months — from May 12, 2019 to July 12, 2019. It can hardly be said that all marketing efforts have been exhausted over the span of two months. *C.f.*, *Crone v. Brighton*, 19 Misc.2d 1023, 1041 (Sup. Ct. Monroe County 1952) (“Although [the court] cannot say [applicant] exhausted every possibility in his efforts to sell, the [property] was publicly advertised for over four years.”) In addition, because of the specialized marketing efforts used (request for proposals instead of traditional marketing for sale), the general public may not have been aware of the

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Property's listing for sale, further limiting the scope of potential buyers. The request for proposals listed no purchase price and gave no parameters to a buyer. Thus, while the request for proposals may have been intended to expand the scope of potential buyers, it likely deterred certain prospective buyers due to its lack of basic criteria to begin with.

Moreover, the request for proposal identified the project as a "development opportunity" but made no clear indication of an effort to sell the property to a buyer who would use the property for a conforming use. The Application's only indication that Baptist Temple sought to sell the Property to a buyer who would use the Property for a conforming use is a statement made in the letter dated August 28, 2020 from KW Commercial, stating that marketing of the Property included "local call out efforts to other commercial brokerages soliciting potential buyers for alternate uses including but not limited to current use, other commercial use, single family residential use with multiple sites and condominium project." This statement provides no concrete information regarding the nature or scope of these calls (e.g., geographic scope of outreach). Similarly, it is our understanding that no "for sale" signs were posted on the Property which could have reached a larger pool of prospective buyers. In fact, our client Kristin Vanden Brul, who is a residential real estate broker in the area, was not aware that the Property was even listed for sale. The Application simply fails to demonstrate proof of diligent marketing efforts to sell the property for a permitted use. *See Congregation Beth El. v. Crowley*, 30 Misc. 2d 90, 93 (Sup. Ct. Monroe County, 1961) ("While the minutes of the hearing include statements of petitioner's counsel that the property had been listed with realtors for about one year, that a sign had been erected on the property, and that the only *written* offer had come from [potential commercial developer], no *proof* was offered as to the extent of any efforts made by anyone to effect a permitted use sale, the means employed, if any, and the terms and conditions upon which the property was offered . . ."). The failure to demonstrate such standard efforts shows that this element has not been met. *See Bellamy*, 32 Misc.2d at 525.

The Application contains unsubstantiated statements suggesting that the Property has been actively marketed from 2018 to the present. The Application states that the "Baptist Temple has sought to sell the property since 2018" and that "[s]ince the start of the approval process, Mr. August allowed the property to continue to be marketed for single family development." Baptist Temple "first entertained a potential purchase by another church" in 2018 but negotiations eventually failed. The Application does not describe its marketing efforts, if any, in 2018, 2020, or 2021. The Application states that Mr. August *allowed* the Property to be marketed since the "start of the approval process," however, this does not mean, nor is there any proof, that the Property has actually been marketed during this period. The Application does not address, nor have we identified, any indication that the Property has been actively marketed except for the limited two-month period in 2019 soliciting request for proposals. The Application, therefore, fails to demonstrate "proof of diligent and bona fide efforts" to sell the property to a purchaser who will use the premises for a permitted use. *See Bellamy*, 32 Misc. 2d at 524 ("[I]t is clear that diligence of effort has the connotation of affirmative action.").

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ii. Baptist Temple has failed to show sufficient “dollars and cents” proof to support its position of unnecessary hardship

Baptist Temple has not provided concrete evidence supporting the estimated costs for residential development, and thus, the estimated return outlined in the Application remains speculative. *See Village Bd. of Fayetteville*, 53 N.Y.2d at 260. Applicants have provided figures for the estimated costs to build six 4,000 square-foot residential homes at \$235 per square foot. Applicants have not provided reasoning for how they arrived at the estimated \$235 per square foot cost of construction, or why they based the calculations on 4,000 square-foot homes only, and not also for smaller sizes, which would presumably decrease construction costs.

Moreover, the Application states that “Marathon Engineers has determined that the property could be subdivided into six Code compliant residential lots which could be developed with 4,000 square foot Code compliant homes.” This does not say that the Property could be subdivided into *a maximum* of six Code compliant lots. In fact, the engineering and land surveying firm of Marquees & Associates, P.C. (“Marquees & Associates”) has prepared a concept residential site plan, included in the Consulting Appraisal Report prepared by Rynne, Murphy & Associates, Inc. for a representative of the Country Club Condominiums, dated April 29, 2021 (the “Appraisal Report” attached hereto as **Exhibit A**), that shows a Code-compliant seven-lot subdivision for the Property can occur. *See* Appraisal Report at page 17. Similarly, in support of Applicants’ conclusion that the construction cost for homes would be \$235 per square foot, Applicants rely on a conclusory statement from Woodstone Custom Homes, Inc. (“Woodstone”) with no factual support that “\$235 per square foot estimate for the construction of a 4000 SF custom built home is reasonable and consistent with the local residential market.” It does not necessarily follow that lower costs may also be within a reasonable range for the local market. In fact, a review of homes sales information on Woodstone’s website indicates that their construction costs per home are likely much lower because the quoted \$235 per square foot for “construction” is comparable to Woodstone’s average *listing* price per square foot based on the current listings on its website. *See* Woodstone, Custom Homes, Inc., <http://homesbywoodstone.com/homes-for-sale/>. It is basic logic that the listing price exceeds actual cost of construction per square foot to include profit and expenses such as marketing, insurance, and other holding costs. Thus, the Applicants’ use of \$235 per square foot for the construction costs creates significant double counting because Applicants also include site acquisition, development, and sales commission costs of \$322,833 per home that should already be included in a list price.

The Application concludes that “[t]he costs of redevelopment for single-family homes exceeds the market value of homes that could be constructed.” However, the estimate for redevelopment costs “includes the \$940,000 appraised value of the existing church” as the “purchase price” to serve as a starting point to calculate redevelopment costs, rather than a value reflecting the reasonable value of the *land*. In addition, the Application does not appear to consider the current state of demand in the residential market and surging sale prices. Inventory is at a record low and the median home sale price in New York State increased by over 30%

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from March 2020 to March 2021. A study of housing markets across the county identified Rochester as one of the top 5 markets where list prices have risen the most in the past year. This study found that inventory fell by nearly 50% and list prices have gone up by over 20% compared to last year. Examples of recent media articles illustrating this data and addressing the housing market in the Rochester area are attached hereto as **Exhibit B**. The Property has not been on the market since 2019, and based on the current market trends, it is possible that the potential return for residential redevelopment has significantly changed since the Property was marketed and even since materials used to justify the Application were prepared. Finally, the Applicants provide no rationale for why a 4,000 square foot home is used as a basis for the estimate and not a smaller, more affordable home.

Even if the ZBA is satisfied with Applicants' claim that they will not yield a reasonable return if they subdivide and redevelop the Property with single-family residential homes, the Applicants have not met their burden of proof because they have not presented any evidence "regarding whether other permitted uses within the applicable zoning district would fail to yield a reasonable return." *Ferrugia v. Zoning Bd. of Appeals*, 233 A.D.2d 505, 507 (2d Dept. 1996) (citations omitted). Indeed, Applicants are required to address "the possible return with respect to all uses permitted within the zoning district." *Matter of Dean v. Town of Poland Zoning Bd. of Appeals*, 185 A.D.3d 1485, 1487 (4th Dept. 2020); *see also Forrest v. Evershed*, 7 N.Y.2d 256, 262 (1959) ("This court has consistently held that a mere showing of present loss is not enough. In order to establish a lack of 'reasonable return', the applicant must demonstrate that the return from the property would not be reasonable for each and every permitted use under the ordinance.") (citations omitted). There is nothing in the Application demonstrating that Baptist Temple made efforts to sell the Property for municipal purposes; nor is there anything in the record demonstrating that the use of the Property for municipal purposes would not yield a reasonable return. Since Applicants have not provided data reflecting potential return for all permissible uses, they have "failed to meet their burden of demonstrating that they cannot realize a reasonable return on the property without the requested use variance." *Matter of Dean*, 185 A.D.3d at 1487.

iii. Baptist Temple could realize a reasonable return under existing permissible uses

It is inconsequential that the property may yield a higher return if redeveloped for commercial purposes. *Carriage Works Enterprises, Ltd. v. Siegel*, 118 A.D.2d 568, 570 (2d Dept. 1986) ("zoning . . . may legally leave in its wake scares of lost profits to landowners as well as restricted uses causing inconvenience and disappointments but that is the exact meaning of zoning.") (citations and quotations omitted). The "proper inquiry is whether the presently permitted use can yield a reasonable return, even if not the most profitable return." *Douglaston Civic Assoc.*, 36 N.Y.2d at 9 (citation omitted). As set forth in the Appraisal Report, Baptist Temple would not be deprived of all economic use from the Property and could, in fact, receive a reasonable return if the Property were sold as a six-lot subdivision for residential use, leaving a

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seventh lot at the corner of Highland Avenue and Clover Street to preserve the existing open space. *See* Appraisal Report at page 17.

First, the appropriate question is whether Baptist Temple may yield a reasonable return for the sale of the Property, or, under the Town Code's requirement, whether it is "deprived of all economic use or benefit from the Property" if not granted the use variance. Town Code § 219-2(B)(1)(b)(1). The question is not whether the Developer could yield a reasonable return if it were to purchase the Property at its proposed purchase price of \$1,135,000.00.²

Second, what is considered a "reasonable return" may be impacted by Baptist Temple's unique circumstances as a tax-exempt entity. Baptist Temple is exempt from town, county, and school taxes (except for special district charges of approximately \$652, *see* Appraisal Report at page 11) and has had the benefit of the Property since 1964 without having to pay such taxes. Baptist Temple is, therefore, differently situated than most applicants when it comes to determining what constitutes a "reasonable return". Based on the total assessed value of the Property (land with improvements), the annual taxes for 2020-2021 would be over \$83,000 if Baptist Temple were not tax-exempt. Appraisal Report at page 11. Baptist Temple has enjoyed the benefit and use of this Property for over 55 years and has not been subject to such payments. Thus, the threshold for whether Baptist Temple may yield a reasonable return is lower than for a non-tax-exempt applicant.

We also note that, although requested on the Town's use variance application form, the Applicants do not list the purchase price for when Baptist Temple acquired the Property in 1964, which may have a bearing on whether Baptist Temple suffers a hardship. *Douglaston*, 36 N.Y.2d at 9 ("While present value most often will be the relevant basis from which the rate or return is to be calculated, it is important that the 'present value' used be the value of the parcel as *presently zoned*, and *not* the value that the parcel would have if the variance were granted. . . the original cost becomes relevant where, despite the prohibition upon converting the land to another use, the land has nevertheless appreciated significantly to the extent that the owner may have suffered little or no hardship.")

The Appraisal Report concludes that developing the Property as a six-lot residential subdivision, keeping a seventh lot as open space, results in "a positive rate of return since the residual land value is \$269,000" as of the date of the report based on a single-family residential subdivision analysis. Appraisal Report at pages 8, 51-52. In other words, the Baptist Temple could sell the Property "as-is" to a developer for \$269,000. This developer would then demolish the existing structure, subdivide the Property, and otherwise get the lots "shovel-ready" to sell to a third-party who would build on the lot(s) purchased. The Appraisal Report factors in a profit of over \$99,500 for the developer responsible for the demolition and subdivision of the land. *See* Appraisal Report at 51. The Appraisal Report is conservative in that it contemplates that one of

² The Application does not clearly state the proposed purchase price and appears to refer to the contract price as both \$940,000.00 and \$1,135,000.00. *See* Application, Exhibit D.

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the seven lots permitted to be developed in compliance with the Town Code will remain vacant to preserve the existing open space at the corner of Clover Street and Highland Avenue. *See* Appraisal Report at page 17. The Appraisal Report includes the costs unique to the Property including costs for demolition of the existing building and asbestos abatement and disposal during the demolition process, using the same numbers included in the Application (i.e., \$240,000 for removal and \$237,000 for demolition and regrade). Appraisal Report at page 46. We further note that appraiser John Rynne's, MAI, SRA, own calculations are conservative. The Appraisal Report used some of the same development costs as the Applicants (e.g., costs associated with removal and disposal of asbestos, demolition and regrade) and lower development costs as substantiated by an engineer (e.g., tree removal). Mr. Rynne further states that these development costs per lot used in the Appraisal Report "are at the higher end of the subdivision costs which we have observed over many years." Appraisal Report at page 46.

Since such proposed subdivision and sale has a positive value, it is clear that the Applicants have not made the required showing of necessary hardship because they have not demonstrated that "[u]nder applicable zoning regulations, the Applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence." Town Code § 219-2(b)(1). In fact, the Appraisal Report shows that the Baptist Temple can obtain a "reasonable return" from selling the Property for low-density residential development. Thus, Applicants have failed to meet all criteria required to obtain a use variance.

B. The requested use variance will alter the essential character of the neighborhood and will have an adverse effect or impact on the physical or environmental conditions in the neighborhood

It has long been established that "[z]oning laws . . . are intended to bring about conformity with a chosen standard." *Congregation Beth El.*, 30 Misc. 2d at 95 (citation omitted). It is undeniable that a commercial use serves an entirely separate purpose and changes the dynamic of a residential neighborhood. *See id.* The Project's proposed office park is incompatible with permitted uses in the RLA District and such use would "unquestionably alter[] the essential character of an otherwise residential neighborhood developed in reliance on the stability of the ordinance." *Style Rite Homes, Inc. v. Zoning Bd. of Appeals*, 54 Misc. 2d 866, 872 (Sup. Ct. Monroe County, 1967) (citing *Matter of Taxpayers' Assn. v. Board of Zoning Appeals*, 301 N.Y. 215 (1950)). The introduction of the proposed office park would not only in itself have an impact on the neighborhood by altering the existing character, but it could also establish a trend of allowing commercial uses in the area, further threatening the neighborhood's existing character. *See Congregation Beth El.*, 30 Misc. 2d at 95.

The Project would significantly change the character of the neighborhood by greatly increasing the intensity and frequency of use. For many years, the Property was mainly used over the weekend. The predominant use of the Property appears to now consist of a daycare center, which was introduced in 2016. It is our understanding that the Property is also currently

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used for other purposes, including a small two-person office, a dance studio, various club activities, and intermittent use for community organizations and events, that may or may not be tied to Baptist Temple. Although we question the legality of some of these uses, they are far less intense than allowing the entire building to be used for commercial purposes. The Project would significantly increase the intensity of use by introducing an office park, including medical offices for on-site patient visits occurring throughout the day, to this otherwise residential neighborhood. Although the amended letter of intent included in the Application states that the office use, including the medical offices, will be “low intensity”, apart from mentioning that the medical use will not involve a clinic or urgent care facility, the Application provides no concrete information regarding the proposed medical office use. This statement, therefore, is more of a conclusory opinion and we disagree with the opinion given the likely steady stream of patient visits throughout the day, and especially as compared to the intensity of residential use.

The Application states that the granting of the variance will not alter the essential character of the neighborhood in part because “[t]he proposed use will maintain the existing building and preserve the large front lawn that defines the corner of Highland Avenue and Clover Street.” Maintaining the existing building and certain landscaping features of the Property does not nearly go far enough to protect the character of the neighborhood. The intensity of the use of the Property will greatly increase from its existing use and will be far greater than if the Property were developed as a residential single-family subdivision. A letter submitted to the Town Planning Board from Marquees & Associates dated April 21, 2021 (attached hereto as **Exhibit C**) highlights the intensity of use of the proposed development in comparison to residential use. Comparing the conclusions of the Trip Generation Study prepared by Marathon Engineering, dated February 2021, included in the Application, against a six-lot single family residential use developed under applicable zoning, Marquees & Associates found that the proposed use generates 38 times more traffic during the AM peak hour for trips entering, and 21 times more traffic for the during the PM peak hour for trips exiting the Property than a six-lot single-family residential use would generate. This comparison is highly relevant because it compares the traffic created by the proposed non-conforming use against a permitted use in this low-density residential district. The influx of traffic resulting from commercial uses will also adversely affect the physical and environmental conditions of the neighborhood. In addition, the Applicant’s proposed Project necessitates changing the lighting on the Property that will increase light spillage across both Highland Avenue and Clover Street. Indeed, the Town Engineer, by letter dated April 19, 2021 to Town Planning Board staff (attached hereto as **Exhibit D**), indicated that the Project’s light plan would cause light spillage far exceeding of industry recommendations. See Exhibit D at Plans(4)(b). Such intense lighting requirements would not be needed for single-family residential development. Because the proposed office park will increase intensity and create a “commercial atmosphere” in a residential neighborhood, it is appropriate to deny the Applicants’ requested use variance. *Rostlee Associates Ltd. V. Amelkin*, 121 A.D.2d 725, 726 (2d Dept. 1986). In *Rostlee*, the court specifically considered a “medical office center” and found that “the proposed use itself is, in this case, much more intense, and is essentially commercial” and “[t]hus, in the present case, there is substantial evidence to support the inference that allowing the proposed use would create a ‘commercial

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atmosphere' in the neighborhood, and that the essential character of the locality would be altered." *Id.*

The introduction of an office park to this residential neighborhood would undeniably alter its essential character. This neighborhood, in particular, consists primarily of several large lots with historic homes that have been there for over 100 years, including the historic Stone-Tolan site just down the street. The neighborhood's unique character is what drives many residents to the area. In fact, our Clients made the decision many years ago to move into their respective homes based in large part on the unique and special character and quality of the neighborhood. Had they known the potential for the property across the street to be converted into a commercial facility, dramatically changing the essential character of the neighborhood, they would not have purchased and made significant investments into their respective homes over the years. While there may be potential economic upside for the Applicants in converting the Property to the proposed office park, our Clients have significant concerns about the corresponding loss in value of their own properties resulting from the changed character and other impacts to the neighborhood.

For the reasons stated above, the Application should be denied because the Project will "alter the essential character of the neighborhood" and will "have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district." Town Code § 219-2(b)(3).

C. The Hardship has been Self-Created

It is well settled that "[h]ardship is self-created, for zoning purposes, where the applicant for a variance acquired the property subject to the restrictions from which he or she seeks relief." *Ferrugia*, 233 A.D.2d at 507 (citations omitted). The Developer, the prospective purchaser of the Property, is the applicant listed on the use variance application *as agent* for Baptist Temple. Insofar as Baptist Temple is the applicant for the use variance, the hardship has been self-created because Baptist Temple purchased the Property "subject to the restrictions from which he or she seeks relief." *Id.* Thus, the hardship is self-created if Baptist Temple seeks to sell the property for any other use than what was allowed under the applicable zoning when it *purchased* the property in 1964, not just for any use allowed under the current zoning code. Our understanding is that the Property has been historically zoned for residential use and that the Property was formerly developed for residential use as depicted on **Exhibit E** attached hereto. Review of Town records indicate that the Property was zoned "Class-A Residential" according to a 1962 map. Thus, we presume that the Property was zoned for residential use only when Baptist Temple purchased the Property, and the burden is ultimately on the Applicant or ZBA to demonstrate otherwise.

Baptist Temple purchased the Property knowing it was in the center of a residential district, and even though it is looking to sell the Property after over 55 years of ownership, the

May 4, 2021
Page 12

hardship is still self-created insofar as Baptist Temple seeks relief from the restrictions in place when it purchased the Property in 1964.

D. Other Considerations

While we are sympathetic to the Baptist Temple's desire to sell the property and mitigate further expenses, this fact has no bearing on the appropriateness of granting a use variance. *Conte v. Town of Norfolk Zoning Bd. of Appeals*, 261 A.D.2d 734, 736 (3d Dept. 1999) (“[A] use variance runs with the land and thus the hardship must relate to the land, and a variance may not be granted merely to ease the personal difficulties of the current landowner”) (citations omitted); *see also Rochester Transit Corp. v. Crowley*, 205 Misc. 933, 936 (Sup. Ct. Monroe County 1954) (“The mere fact of financial hardship to the individual owner, or the fact that it might be to its financial interest to sell the property for [a non-permitted use], does not justify the granting of a variance upon the ground of practical difficulties or unnecessary hardship.”) (citations omitted). Rather, the “financial situation or pecuniary hardship of a single owner does not warrant the exercise of the power thus to affect the property of other owners and the public generally.” *Joyce v. Dobson*, 255 A.D.348, 351 (4th Dept. 1938) (citation and quotation omitted); *see also Congregation Beth El*, 30 Misc.2d at 90-95 (court affirmed denial of use variance where religious organization had already incurred “considerable expense” with respect to the property).

III. Conclusion

Applicants have failed to meet their burden of proof for their Application for a use variance. The alleged hardship created by the Town's zoning code appears to have been self-created as Baptist Temple purchased the Property when it was zoned for residential use. The introduction of the proposed office park to this residential neighborhood will have an adverse impact on the essential character of the neighborhood. Furthermore, Applicants have failed to provide sufficient evidence showing that Baptist Temple will be denied all economic use or benefit of the Property, or even a reasonable economic return, unless a use variance is granted. Since Applicants have not proven each factor required for a use variance, the ZBA must deny the Application at this time.

We hope that the concerns expressed in this letter are acknowledged in the variance review process and welcome the opportunity to discuss any of these issues further.

Very truly yours,

Harter Secrest & Emery LLP



Paul D. Sylvestri

DIRECT DIAL 585 231 1194
EMAIL PSYLVESTRI@HSELAW.COM

PDS:aeb

EXHIBIT A

CONSULTING APPRAISAL REPORT OF

Proposed 6-lot subdivision to be situated
on the approximately 4.8 acre Baptist Temple site
Located at 1075 Clover Street
Town of Brighton
Monroe County, New York

PREPARED FOR

Mr. Timothy G. Hanna, President
Country Club Condominiums
Kenrick Corporation
3495 Winton Place, Suite D-4
Rochester, New York 14623

PREPARED BY

John P. Rynne, MAI, SRA
President
Rynne, Murphy & Associates, Inc.
The Chapin Building, Suite 305
205 St. Paul Street
Rochester, New York 14604

EFFECTIVE APPRAISAL DATE

April 29, 2021



RYNNE, MURPHY & ASSOCIATES, INC.

Real Estate Appraisals and Consultations

April 30, 2021¹

Mr. Timothy G. Hanna, President
Country Club Condominiums
Kenrick Corporation
3495 Winton Place, Suite D-4
Rochester, New York 14623

Dear Mr. Hanna:

At your request, I have outlined the market opinion for the highest and best use analysis of a proposed 6-lot subdivision to be situated on the approximately 4.8 acre, Baptist Temple site located at 1075 Clover Street, Town of Brighton, New York, identified by Tax Map Number: 122.200-0001-006.1.

The “hypothetical” condition will assume that the current building improvements will be demolished and the subject will be developed as a 6 lot subdivision as outlined in the body of the report.

There are a number of extraordinary assumptions of this report whose use might have affected the assignment results:

- 1) It is assumed that the subject “proposed” single family lots are a legal use in regards to zoning and building codes.
- 2) The report will outline the availability of utilities to the subject site based upon some information we obtained from various sources including but not limited to public records. We warrant no complete accuracy of this information and suggest that a licensed engineer provide the information.
- 3) A formal engineering study was not provided. It is assumed that there are no unusual soil, legal, topographical, or other conditions. If there are, the property value may be diminished or increased.

¹Report Date

- 4) The global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO) and a state of emergency declared by national, state, and various local governments. There was an initial large negative effect on the local and national economy. However, single family housing was least affected of all of the real estate property types. Also, recently with the vaccines and lower infection rates, there has been a resurgence in economic activity. The conclusions presented in this appraisal report considers the ongoing resurgence of the economy. Sources: Appraisal Institute Region IV - LIA and Rynne, Murphy & Associates, Inc.
- 5) It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate after the environmental cleanup is completed during demolition. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.

This report's scope of work section is located on Page 6 of the body of this report.

Improvements on the site consist of a 29,304 SF (square foot), one and two-story, brick, concrete block, precast concrete and steel frame church and school, built in 1964. Assessor records indicate the building has no basement. The building improvements are above average quality construction, in average condition, with average modernization. Improvements are to be demolished for the proposed future residential development.

The subject site is slightly irregular in shape and contains approximately 4.8 acres of generally level land located at the southwest corner of Clover Street and Highland Avenue. The parcel has frontages of approximately 648.84' along the westerly side of Clover Street, corner frontage of 40.94', and 322.12', 36.13' and 9.88' along the south side of Highland Avenue. The site has ingress and egress from both roads. The property has mature trees, some of which will be preserved. There will be a small park located at the corner of Highland Avenue and Clover Street. The site is proposed for redevelopment into 6 residential building lots ranging in size from 0.5309 acre to 0.9147 acre. Utilities servicing the site include gas, electric, public water, sanitary sewers, telephone and cable.

Mr. Timothy G. Hanna, President
April 30, 2021
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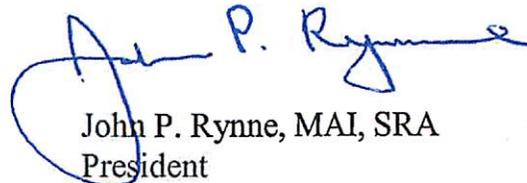
Based upon my personal inspection, data acquired, analysis, and conclusions set forth in this consulting appraisal report, it is my opinion that the subject property as a residential subdivision has a positive rate of return since the residual value is **\$269,000** as of April 29, 2021 based upon a subdivision analysis.

Estimated Exposure Time: 3-6 Months

Estimated Marketing Time: 3-6 Months

I appreciate the opportunity to serve your real estate appraisal and consultation request. If you should have any questions, please do not hesitate to contact me.

Sincerely,



John P. Rynne, MAI, SRA
President
NYS Certified General Real Estate
Appraiser #46000004052

JPR/jfl:amh

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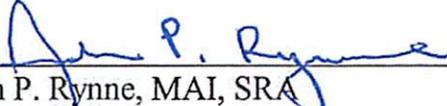
CERTIFICATION

I certify that, to the best of my knowledge and belief . . .

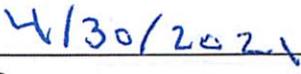
- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics and Standards of Professional Appraisal Practice for the Appraisal Institute; the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA); and specifically is in compliance with the Competency Provision of the Uniform Standards.
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- the appraiser is state certified in accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and any state laws and regulations of the state in which the appraiser is certified.
- as of the date of this report, I, John P. Rynne, MAI, SRA have completed the requirements of the continuing education program for Designated members of the Appraisal Institute.

CERTIFICATION (CONT.)

- John F. Lum, a staff appraiser with Rynne, Murphy & Associates, Inc., provided real property appraisal assistance to the person signing this report.
- I have made an exterior inspection of the property that is the subject of this report.
- I have provided services regarding the subject property as an appraiser during the past three years immediately preceding the acceptance of this assignment.
- this appraisal consulting report was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



John P. Rynne, MAI, SRA
President
NYS Certified General Real Estate
Appraiser #46000004052



Date

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal consulting report has been made with the following General Assumptions and Limiting Conditions:

- No responsibility is assumed for the legal description or legal matters, and title to the property is assumed to be good and marketable unless otherwise stated.
- The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
- Responsible ownership and competent property management are assumed.
- The information furnished by others is believed to be reliable; however, no warranty is given for accuracy.
- All engineering is assumed to be correct. The plot plans and exhibits in this report are included only to assist the reader in visualizing the property.
- It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
- It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the report.
- It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report.
- The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS (CONT.)

- Possession of this report, or a copy thereof, does not carry with it the right of publication. Also, the report should be used only in its entirety.
- The appraiser herein, by reason of this report, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made thereof.
- Disclosure of the contents of this report is governed by the By-Laws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which he is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
- My investigation makes it reasonable to assume, for appraisal purposes, that no insulation or other product banned by the Consumer Product Safety Commission has been introduced into the appraised premises.
- It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.
- The Americans with Disabilities Act (ADA) became effective January 26, 1992. I (we) have not made a specific survey or analysis of this property to determine whether the physical aspects of the improvements meet the ADA accessibility guidelines. Since compliance matches each owner's financial ability with the cost to cure the property's potential physical characteristics, the real estate appraiser cannot comment on compliance to ADA. A brief summary of physical aspects is included in this report. It in no way suggests ADA compliance by the current owner. Given that compliance can change with each owner's financial ability to cure non-accessibility, the value of the subject does not consider possible non-compliance. Specific study of both the owner's financial ability and the cost to cure any deficiencies would be needed for the Department of Justice to determine compliance.

PURPOSE OF APPRAISAL

The purpose of this consulting appraisal report is to outline the "hypothetical" conditioned value opinion of the subject property.

INTENDED USE AND USERS

This consulting appraisal report is intended to be used by the client on whether there is an economic hardship which applies to the subject property. The intended users and clients are Timothy Hanna and the Town of Brighton.

MARKET VALUE DEFINED

Market value is defined as follows*:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- buyer and seller are typically motivated,
- both parties are well informed or well advised,
- both acting in what they consider their own best interest,
- a reasonable time is allowed for exposure in the open market,
- payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto, and the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

*(*12 C.F.R. Part 34.42 (g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994).*

PROPERTY RIGHTS APPRAISED

The fee simple interest of the land is being appraised subject to the use as a residential subdivision. This is the highest form of private ownership of real property. This includes all the rights that may be owned.

APPRAISAL CONSULTING PROCESS

The appraisal consulting problem is to estimate whether the residual value is positive when considering its development as a 6 lot subdivision.

A subdivision method is used to estimate the residual value. First, a Sales Comparison Approach is utilized to determine the value of individual lots in this subdivision. These lot values are utilized in a lot inventory which is used in the discounted cash flow analysis. An absorption analysis is then outlined for the lots based on market data of competing properties. Next, a discounted cash flow analysis, being a form of the Income Capitalization Approach, is used to determine the bulk residual value of the land. The discounted cash flow analysis is effectively the present worth of the net income stream generated by the sale of the lots over the estimated absorption period discounted at a market estimated discount rate after expenses are considered. The net income stream is effectively the gross sales revenue less holding costs, development costs, and sales expenses.

SCOPE OF APPRAISAL CONSULTING WORK

The scope of the appraisal consulting assignment is the extent of the process of collecting, confirming, and reporting data. The data used in this appraisal represent comparable and verifiable data known to be available within the market. The extent of the market is generally southeast Monroe County with a focus on the inner suburbs, the City of Rochester and the Town of Brighton. An exterior site inspection of the subject property was made. An exterior inspection of the comparable sales was made. This report will analyze comparable sales in sufficient detail for the readers understanding and correlate to the subject property.

This is an appraisal consulting report which presents summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussions contained in this report is specific to the needs of the client and for the intended use stated. The Sales Comparison Approach utilized sales that were in the Rynne, Murphy & Associates, Inc. database, CoStar, LandMax Data, and NYS Alliance MLS (Realist). A lump sum unit of comparison was used in estimating lot values. A search was made of comparable sales from these sources of similar facilities as the subject which sold in 2017 and after.

The primary collection sources are the office files of Rynne, Murphy & Associates, Inc. and other independent sources. Data is confirmed by primary sources if possible and/or secondary sources including but not limited to the deed, municipality records, client, lenders, developers, brokers, and/or other sources. The client furnished some basic information including but not limited to a recent offer, demolition costs, preliminary subdivision costs, etc.

The pertinent data used in this report is detailed in the analyses. In addition, Rynne, Murphy & Associates, Inc. maintains an office file with other supplemental information which may have been considered in the analysis. This is consistent with the intended use, the perceptions of the intended users, and the client.

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

ADDRESS:

Proposed 6-Lot Single Family Subdivision
On 4.8 acre Baptist Temple site located at
1075 Clover Street
Town of Brighton
Monroe County, New York

HYPOTHETICAL CONDITION:

The "hypothetical" condition will assume that the current building improvements will be demolished and the subject will be developed as a 6 lot subdivision as outlined in the body of the report.

**EXTRAORDINARY
ASSUMPTION:**

There are a number of extraordinary assumptions of this report whose use might have affected the assignment results:

- 1) It is assumed that the subject "proposed" single family lots are a legal use in regards to zoning and building codes.
- 2) The report will outline the availability of utilities to the subject site based upon some information we obtained from various sources including but not limited to public records. We warrant no complete accuracy of this information and suggest that a licensed engineer provide the information.
- 3) A formal engineering study was not provided. It is assumed that there are no unusual soil, legal, topographical, or other conditions. If there are, the property value may be diminished or increased.
- 4) The global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO) and a state of emergency declared by national, state, and various local governments. There was an initial large negative effect on the local and national economy. However, single family housing was least affected of all of the

real estate property types. Also, recently with the vaccines and lower infection rates, there has been a resurgence in economic activity. The conclusions presented in this appraisal report considers the ongoing resurgence of the economy. Sources: Appraisal Institute Region IV - LIA and Rynne, Murphy & Associates, Inc.

5) It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate after the environmental cleanup is completed during demolition. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.

IMPROVEMENTS:

Improvements on the site consist of a 29,304 SF, one and two-story, brick, concrete block, precast concrete and steel frame church and school, built in 1964. Assessor records indicate the building has no basement. The building improvements are above average quality construction, in average condition, with average modernization. Improvements are to be demolished for the proposed future residential development.

SITE:

The subject site is slightly irregular in shape and contains approximately 4.8 acres of generally level land located at the southwest corner of Clover Street and Highland Avenue. The parcel has frontages of approximately 648.84' along the westerly side of Clover Street, corner frontage of 40.94', and 322.12', 36.13' and 9.88' along the south side of Highland Avenue. The site has ingress and egress from both roads. The property has mature trees, some of which will be preserved. There will be a small park located

at the corner of Highland Avenue and Clover Street. The site is proposed for redevelopment into 6 residential building lots ranging in size from 0.5309 acre to 0.9147 acre. Utilities servicing the site include gas, electric, public water, sanitary sewers, telephone and cable.

**HIGHEST AND BEST USE
OF THE SITE AS VACANT:**

Single-family residential. The market for this property will be local developers and/or potential individual homeowners.

DATES OF INSPECTION:

December 14, 2020, January 8 & January 18, 2021, and April 29, 2021

**EFFECTIVE DATE OF
APPRAISAL:**

April 29, 2021

REPORT CONCLUSION:

Since the residual value of **\$269,000** is positive, there is no economic hardship by definition.

LEGAL DESCRIPTION

As described in the Monroe County Clerk's Office. The Tax Map Number is 122.200-0001-006.100. The record owner is The Baptist Temple.

TAXES AND ASSESSMENT DATA

The following information was provided by the municipality in which the subject property is located.

ASSESSMENT:

Land	\$ 628,200
Improvements	<u>\$1,363,800</u>
Total	\$1,992,000

TAXES AND ASSESSMENT DATA (CONT.):

The property has an NP, not for profit religious exemption and is fully (100%) exempt from town, county, and school taxes, except for special district charges of \$652.23. The tax rates are outlined below along with applicable taxes if the property was not exempt.

TAXES	Tax Rates/ \$1,000 of Assessment	Taxes W/O Exemption
2021 Town/County Tax	\$15.43685	\$31,402.43
2020-21 School Tax	<u>\$23.75239</u>	<u>\$51,776.72</u>
Total True Taxes	\$39.18924	\$83,179.15

The current equalization rate for the Town of Brighton is 100%.

The current assessed value for the land is \$628,200, the real estate taxes are \$24,619 (\$628,200 x \$39.19). If the finished lots are assessed for \$150,000 per lot, the lot taxes are \$150 x \$39.19 or \$5,879 per lot; rounded to \$6,000 per lot.

ZONING

RLA, Residential - Low Density "A"

Permitted uses include single family detached dwellings, not to exceed one dwelling on each lot; buildings, structures and uses owned or operated by the Town of Brighton for municipal use; and family child-care homes. A copy of the appropriate zoning ordinance pages is included in the Addendum section of this report.

FLOOD HAZARD AREA

The subject property is not located in a flood hazard area according to Flood Zone Panel Number 360410-36055C0218G, effective August 28, 2008.

RECENT SALES HISTORY OF SUBJECT PROPERTY

Reportedly, there may be an offer on the existing improved property in the amount of \$1,000,000. This offer is based upon the improvements being rehabbed into an office complex.

Area and Neighborhood Analysis

The Town of Brighton is located in the central sector of Monroe County and borders the City of Rochester to the north and west. Almost the entire town is within 4 miles of the Central Business District of Rochester, New York. Brighton is further bordered to the east by the Towns of Pittsford and Penfield, to the south by the Town of Henrietta, and to the west by the Genesee River. Brighton is a well established, highly desirable residential suburb of the City of Rochester with most of the light industrial and commercial areas located along the primary roadways. Because of its proximity to the Central Business District and its centralized location, the town is within a short distance of many major employment centers.

The 2010 census population for the Town of Brighton is 36,609 which is an approximate 2.9% increase over the 2000 census population of 35,588. The 2000 census population represented an approximate 3.9% increase over the 1990 Census population of 34,229. The per capita income for the Town of Brighton as of 1999 was \$32,642 and \$40,500 for 2010. According to the 2018 American Community Survey 5-Year Estimates, the per capita income was \$42,921 and the median household income was \$75,812. According to the Greater Rochester Association of Realtors, the median value of an existing single family home in Brighton for 2020 was approximately \$195,000, with the median value as of January 22, 2021 being \$205,000.

Major transportation routes include Interstate Routes 490, 590, and 390 and State Highways 15, 15A, 31, 65, 96, and 286. There are also numerous primary highways such as Elmwood Avenue, Westfall Road, Winton Road, Clinton Avenue, and Crittenden Boulevard which provide additional access throughout the town. These thoroughfares provide good access to all support facilities in the general metropolitan area.

The recent COVID-19 pandemic had created a temporary decline in real estate activity fueled by the general economic recession caused by government actions in response to COVID-19. This had initially increased marketing time and a reduction in appreciation and some declines in values along with job decreases, COVID-19 spending bills, low interest rates, and the recent vaccines. Thus, the impact of the crisis has been decreased. The residential home market was least affected of all property types and is also back to normal.

The subject property is located in an upscale older neighborhood of single family homes, directly adjacent to higher density upscale apartment, condominium and townhouse development where East Avenue, Clover Street, Highland Avenue and Penfield Road meet. Users in the subject vicinity include East Avenue Tower residential high rise condominium, Country Club Apartments, Crossways Condominium, Stone Tolan House museum, Council Rock Greens professional offices, Allyn's Creek Garden Club, Grosvener East residential condominium, Oak Hill Terrace Apartments, and The Venue apartment high rise. The subject neighborhood has good shopping and services within 1 mile to the northwest at East Avenue and Winton Road, and within 2 miles to the southeast via Clover Street to Monroe Avenue. There are very satisfactory support services.

Site Analysis

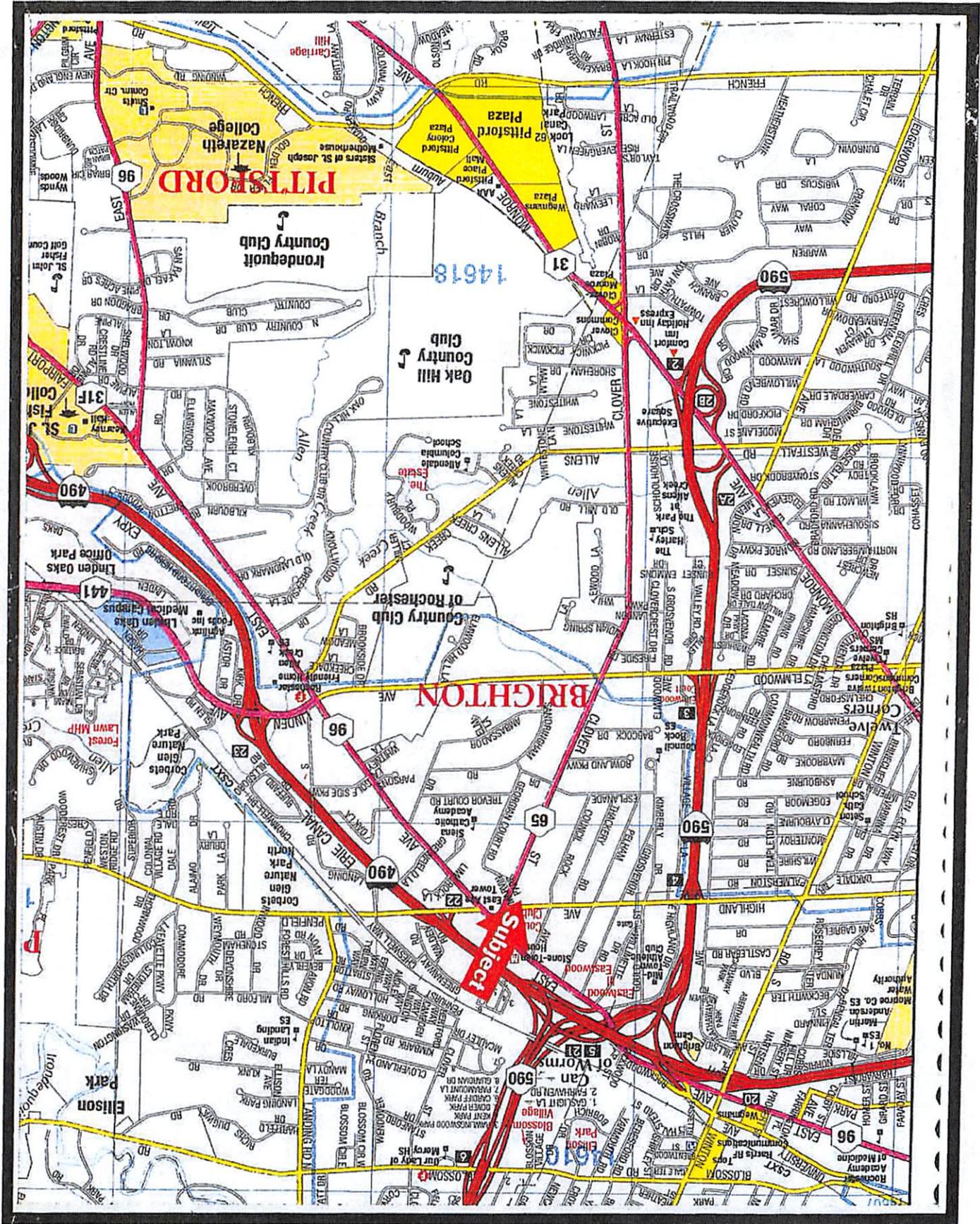
The subject site is slightly irregular in shape and contains approximately 4.8 acres of generally level land located at the southwest corner of Clover Street and Highland Avenue. The parcel has frontages of approximately 648.84' along the westerly side of Clover Street, corner frontage of 40.94', and 322.02', 36.13' and 9.88' along the south side of Highland Avenue. The west line is approximately 489.89'. The south line is approximately 366.83'. The site has ingress and egress from both roads. The property has mature trees, some of which will be preserved. There will be a small park located at the corner of Highland Avenue and Clover Street. The site is proposed for redevelopment into 6 residential building lots ranging in size from 0.5309 acre to 0.9147 acre.

Various off-site utilities service the parcel. These include public water, sanitary sewers, electric, gas, cable and telephone. Off-site improvements include the 2-lane plus left turn lane public roadways known as Clover Street (Route 65) and Highland Avenue, which are surfaced with asphalt in average condition at the time of the inspection. Other off-site improvements include concrete sidewalks, granite curbs, streetlights and a traffic signal at the intersection.

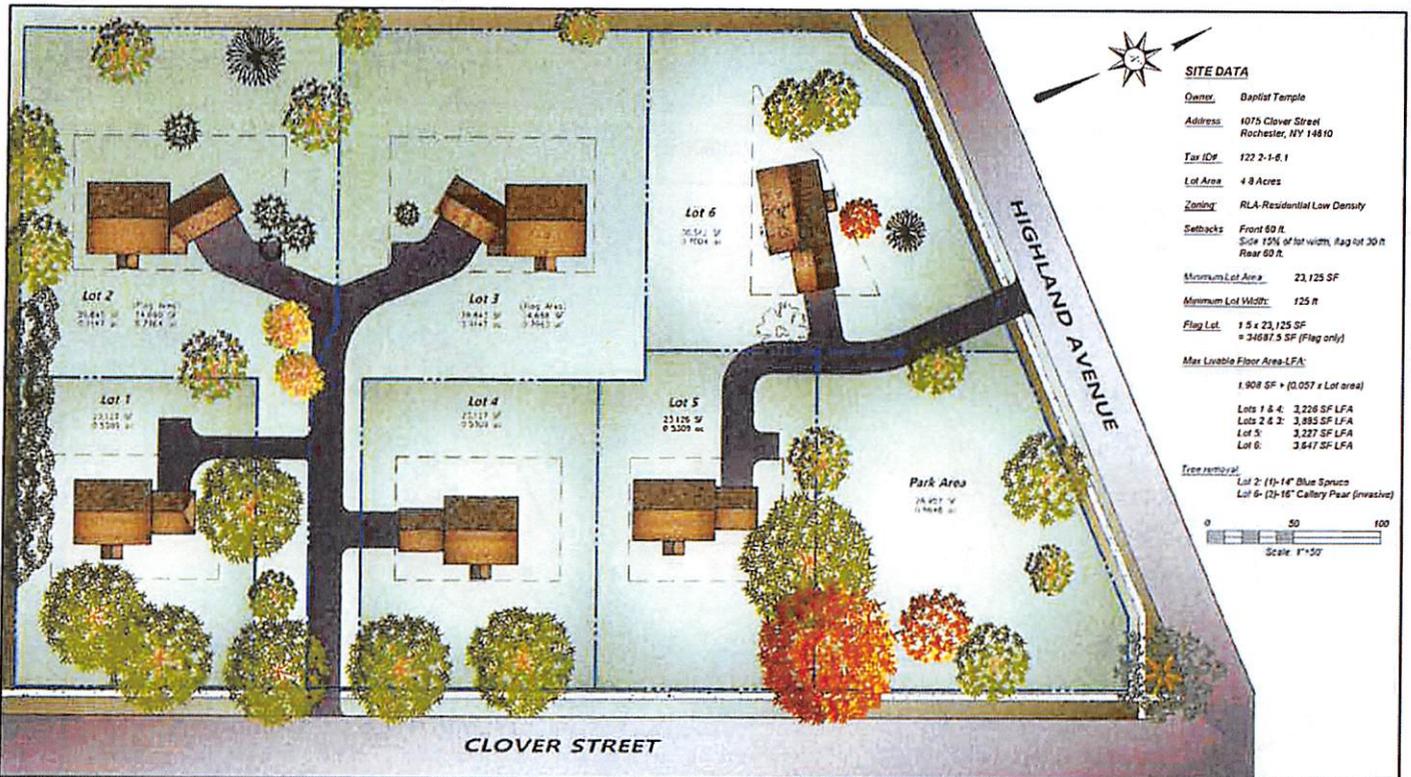
It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate after the environmental cleanup is completed during demolition. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.

Building Analysis

Improvements on the site consist of a 29,304 SF, one and two-story, brick, concrete block, precast concrete and steel frame church and school, built in 1964. Assessor records indicate the building has no basement. The building improvements are above average quality construction, in average condition, with average modernization. Improvements are to be demolished for the proposed future residential development.



Neighborhood Map



SITE DATA

Owner: Baptist Temple
Address: 1075 Clover Street
 Rochester, NY 14610

Tax ID#: 122 2-1-6 1

Lot Area: 4.8 Acres

Zoning: RLA-Residential Low Density

Setbacks: Front 60 ft.
 Side 15% of lot width, flag lot 30 ft.
 Rear 60 ft.

Minimum Lot Area: 23,125 SF
Minimum Lot Width: 125 ft

Flag Lot: 1.5 x 23,125 SF
 = 34687.5 SF (Flag only)

Max Livable Floor Area-LFA:
 1,908 SF + (0.057 x Lot area)
 Lots 1 & 4: 3,228 SF LFA
 Lots 2 & 3: 3,895 SF LFA
 Lot 5: 3,227 SF LFA
 Lot 6: 3,647 SF LFA

Tree removal:
 Lot 2: (1)-14" Blue Spruce
 Lot 6: (2)-16" Callery Pear (invasive)

0 50 100
 Scale: 1" = 50'

PREPARED BY:
 MARQUES & ASSOCIATES, P.C.
 LAND SURVEYING ENGINEERING
 930 East Avenue Rochester, New York 14607
 585-723-1820 (Tel) 585-723-1821 (Fax)

Date February 19, 2021 Scale: 1" = 50'

SHOWING:
 Concept Residential Site Plan
 1075 Clover Street
 Town of Brighton, Monroe County, New York

PREPARED FOR:
 X
 X
 Rochester, New York 146xx

STREET SCENE - CLOVER STREET



STREET SCENE - CLOVER STREET



STREET SCENE - HIGHLAND AVENUE



STREET SCENE - HIGHLAND AVENUE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



Highest and Best Use Analysis

The highest and best use of a vacant site or improved property is that reasonably probable and legal use which is physically possible, legally permissible, financially feasible, and maximally productive.

Physically possible uses are related to the physical characteristics of the vacant site or improved property. Given the subject site's characteristics with respect to size, shape, topography, subsoil condition, access, and utilities, the subject site would appear to be able to support a wide variety of structures within the four general improved property categories. These categories include residential, commercial, industrial, and special use type properties. The ability of the site to support various structures is further supported by the existence of the present improvements on the site.

Legally permissible uses are a very important criteria to be considered in the highest and best use of the vacant site or improved property because zoning, environmental conditions, master land use plans and other regulations can restrict development. Since the property is zoned RLA, Residential Low Density, the vacant site is suitable as a single family subdivision.

Financially feasible uses are those physically possible and legal uses which produce a positive rate of return. As outlined in Extraordinary Assumption #4, the global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO) and a state of emergency declared by national, state, and various local governments. There was an initial large negative effect on the local and national economy. However, single family housing was least affected of all of the real estate property types. Also, recently with the vaccines and lower infection rates, there has been a resurgence in economic activity. The conclusions presented in this appraisal report considers the ongoing resurgence of the economy. Sources: Appraisal Institute Region IV - LIA and Rynne, Murphy & Associates, Inc. Given the zoning restrictions for non residential uses and the conclusions of this report that the residual value of the land is positive and there is no economic hardship.

Given the physically possible, legally permissible, and financially feasible uses, the maximally productive use is under the hypothetical condition and extraordinary assumption of this report as a residential subdivision with a positive rate of return. Therefore, the highest and best use is the same.

Subdivision Method

SALES COMPARISON APPROACH OF VACANT LOTS

The Sales Comparison Approach is based upon the premise that an informed, prudent, and rational purchaser (investor) will pay no more for a property than the cost of acquiring a similar, comparable and competitive property with the same utility as of the valuation date.

This approach is based upon the assumption that there is, in fact, an active market for the type of property being appraised and that data on recent sales of similar, comparable and competitive properties in the market representing bona fide, arm's length transactions are an appropriate guide to the most probable sales price that the subject property should command as of the valuation date.

Comparable properties which have recently sold in the subject's market are used in this approach. Adjustments for major characteristic differences between the comparable sales and the subject are estimated through market analysis. Applying these various adjustments to the comparable sales, an adjusted range of sale prices results. Positive or inferior adjustments are denoted by a "+". Negative or superior adjustments are denoted by a "-".

The following information is provided for your information and is not intended to constitute an offer of insurance. The information is provided for your information only and is not intended to constitute an offer of insurance. The information is provided for your information only and is not intended to constitute an offer of insurance.

The following information is provided for your information and is not intended to constitute an offer of insurance. The information is provided for your information only and is not intended to constitute an offer of insurance. The information is provided for your information only and is not intended to constitute an offer of insurance.

Comparable Land Sales

The following information is provided for your information and is not intended to constitute an offer of insurance. The information is provided for your information only and is not intended to constitute an offer of insurance. The information is provided for your information only and is not intended to constitute an offer of insurance.

COMPARABLE LAND SALE 1

Address: 150 Old Mill Road
 Municipality: Brighton
 County: Monroe State: NY
 Class Code: 311
 Approved Residential Site
 Deed Recorded: 3/16/2017
 Sale Price: \$360,000
 Liber/Page: 11832/ 237
 Sale Price/ Acre : \$225,000
 Financing: Conventional
 Grantor: Alan A. Cook
 Grantee: Susan A. Fournier
 Tax Map Number: 137.160-0001-011
 Zoning: R-1, Residential
 Assessment: \$360,000
 Frontage: 74.93'
 Utilities: Electric: Y Gas: Y Water: Y Sewers: Y Cable: Y
 Lot Size: 1.60 Acres
 Flood Area: No
 Topography: Level, Trees
 Corner:
 Verification: LandMax Data, Deed, Realist

Comments:

This is a 1.60 acre, level, partly wooded site off Clover Street, on a private drive overlooking and adjacent to the Country Club of Rochester Golf Course. All utilities are available to the site including gas, electric, public water, and sewer. The property was listed for \$369,900. DOM: 7.

The site once contained an older 1930 home which was demolished and a new house was built in 2017.

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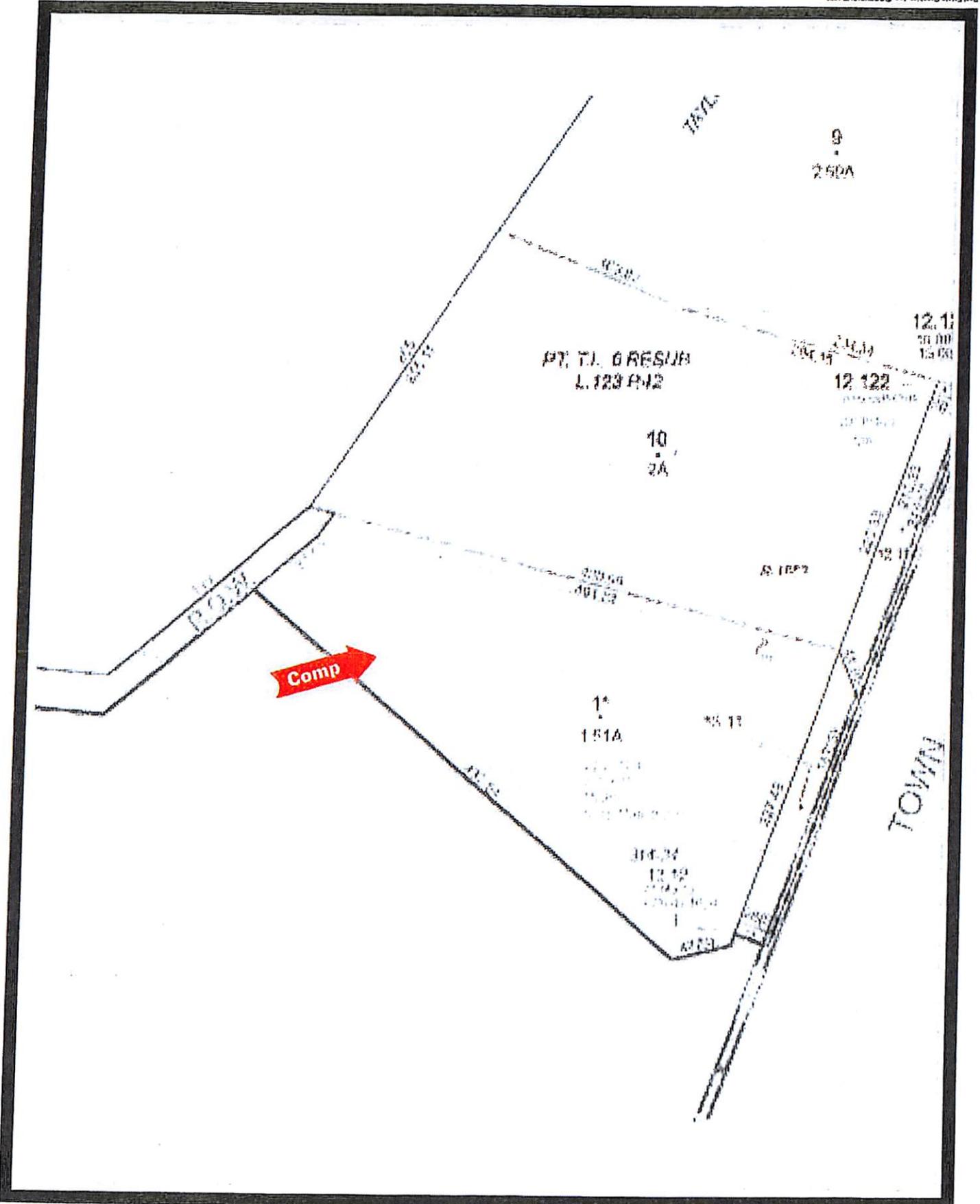
Comparable File Number:

20108

MM 1/13/2021

Tax Map Location

Map Data Graphics, Inc. © COPYRIGHT 1978



COMPARABLE LAND SALE 2

Address: 4 San Rafael Drive
 Municipality: Pittsford
 County: Monroe

State: NY

Class Code: 311
 Vacant Residential Site

Deed Recorded: 5/17/2019
 Sale Price: \$380,000

Liber/Page: 12184/ 675
 Sale Price/ Acre : \$345,455

Financing: Conventional

Grantor: Nunzio Salafia
 Grantee: Christian Krapf

Tax Map Number: 151.060-0001-017
 Zoning: RN, Residential Neighborhood

Assessment: \$150,000
 Frontage: 206.66'

Utilities: Electric: Y Gas: Y Water: Y Sewers: Y Cable: Y

Lot Size: 1.10 Acres or 47,916 SF
 Flood Area: No

Topography: Sloped, Trees
 Corner: Y

Verification: SalesWeb, Realist, LandMax Data

Comments:

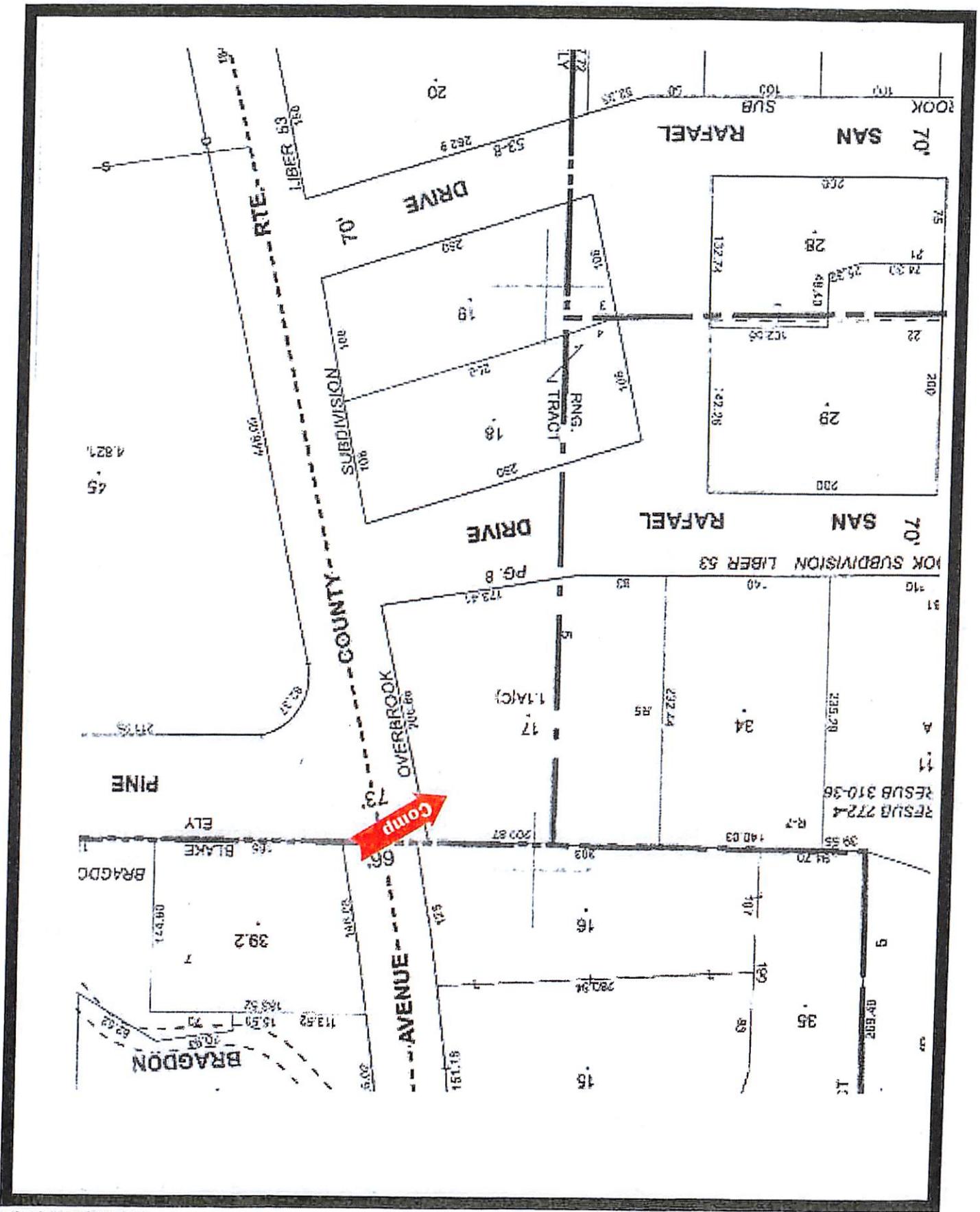
This is mainly a clear site with a few mature trees situated on an irregular shaped corner lot at the intersection of San Rafael Drive and East Avenue.

RYNNE, MURPHY & ASSOCIATES, INC.

Comparable File Number: 20109

MM 1/15/2021

Tax Map Location



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COMPARABLE LAND SALE 3

Address: 11 Babcock Drive
 Municipality: Brighton
 County: Monroe State: NY
 Class Code: 311
 Approved Residential Building Lot

Deed Recorded: 11/14/2019
 Sale Price: \$137,500
 Liber/Page: 12269/ 696
 Sale Price/ Acre : \$327,381

Financing: Cash

Grantor: Kenneth A. Marvald
 Grantee: Justin L. Hopkin and Courtney N. Hopkin

Tax Map Number: 137.110-0002-003.1
 Zoning: RLB, Residential Low Density "B"
 Assessment: \$110,400
 Frontage: 119.46'

Utilities: Electric: Y Gas: Y Water: Y Sewers: Y Cable: Y

Lot Size: 0.42 Acre
 Flood Area: No
 Topography: Level
 Corner: No

Verification: MLS# R1223952, Realist, LandMax Data, Deed

Comments:

This is an slightly irregular shaped, cleared approved building lot in the Cloverwood Subdivision. It is situated near the cul-de-sac of Babcock Drive which runs west off of Clover Street. This location is north of Elmwood Avenue.

Original List Price: \$150,000
 DOM: 59

RYNNE, MURPHY & ASSOCIATES, INC.

Comparable File Number:

19828

AMH 3/12/2020

COMPARABLE LAND SALE 4

Address: Grosvenor Road	Class Code: 312
Municipality: Brighton	Residential Land w/Small Improvement
County: Monroe	State: NY

Deed Recorded: 8/ 7/2020	Liber/Page: 12374/ 53
Sale Price: \$175,000	Sale Price/ Acre : \$530,303

Financing: Cash or Equivalent

Grantor: David C. Vilas
Grantee: Patrick S. Massie

Tax Map Number: 122.190-0001-024	Assessment: \$69,100
Zoning: RLA, Residential Low Density "A"	Frontage: 90'

Utilities: Electric: Y	Gas: Y	Water: Y	Sewers: Y	Cable: Y
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Lot Size: 0.33 Acre	Topography: Level, trees
Flood Area: No	Corner: No

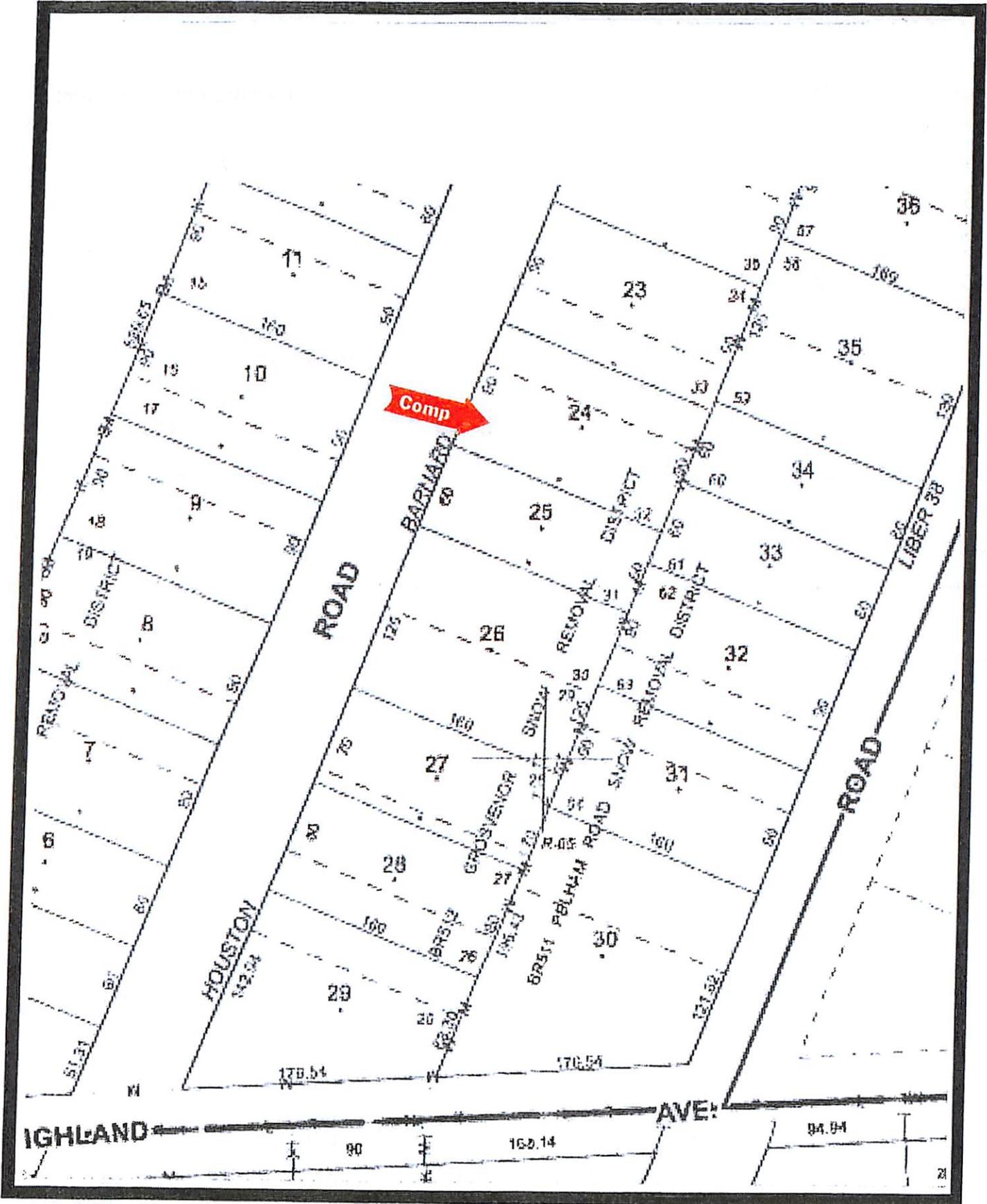
Verification: SalesWeb, Deed, Realist

Comments:

This is a rectangular shaped parcel with approximately 90' of lot frontage along Grosvenor Road with a small one story structure at the rear of the site. The site is mainly level with brush and mature trees. No other improvements on the site.

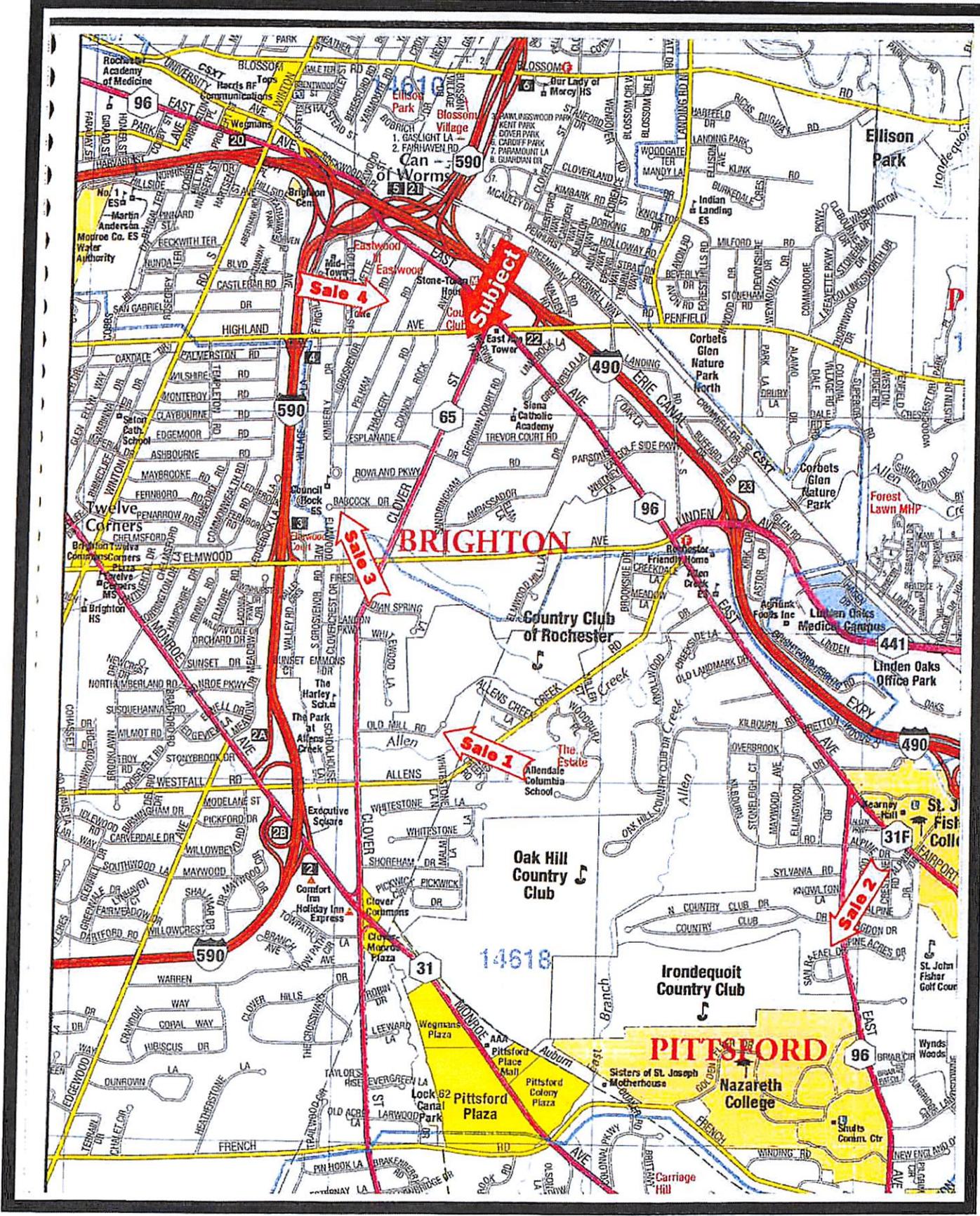
Tax Map Location

METRAK GRAPHICS, INC. COPYRIGHT 1978



Comparable Sales

Real Estate Graphics Inc. © COPYRIGHT 1978



COMPARABLE LAND SALES GRID

	SUBJECT	SALE #1 #20108 150 Old Mill Road \$360,000	SALE #2 #20109 4 San Rafael Dr. \$380,000	SALE #3 #19828 11 Babcock Dr \$137,500	SALE #4 #20110 Grosvenor Road \$175,000
SALE PRICE					
Adj. for Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
ADJUSTED PRICE(1)		0%	0%	0%	0%
Adjustment for Financing Terms	Conventional	Conventional	N/A	Cash	N/A
ADJUSTED PRICE(2)		0%	0%	3%	0%
Adjustment for Conditions of Sale	Typical	Typical-DOM 7	Typical	Typical-DOM 59	Typical
ADJUSTED PRICE(3)		3%	0%	0%	0%
Adjustment for Market Conditions	Hypothetical Value	March, 2017	May, 2019	November, 2019	August, 2020
ADJUSTED PRICE(4)	April, 2021	7%	4%	3%	2%
OTHER ADJUSTMENTS					
LOCATION	Town-Brighton Clover Street And Highland Avenue Some Traffic Influence	-15% Old Mill Road; Private Dr Town-Brighton; Adjacent CC of Rochester	-15% Town-Pittsford San Rafael Dr.	-2% Town-Brighton Babcock Drive	-5% Town-Brighton Grosvenor Road
SITE CONFIGURATION	Average Rectangular	0% Trapezoidal	0% Rectangular	0% Rectangular	0% Rectangular
TOPOGRAPHY	Level, Trees	0% Level, Trees	3% Sloped, Trees	0% Level	0% Level, Trees
UTILITIES	At Street	-5% Most At Lot	-5% Most At Lot	0% At Street	0% At Street
SITE SIZE	0.69 Acres-Average	-35% 1.60 Acre	-20% 1.10 Acres	5% 0.42 Acre	6% 0.33 Acre
OTHER AMENITIES	Average	0% Average	0% Average	0% Average	0% Average
FUNCTIONAL UTILITY	Average	0% Similar	0% Similar	0% Similar	0% Similar
OTHER(1)	Vacant Lot	5% Demolition	0% Similar	0% Similar	-1% Porch
OTHER(2)	N/A	0% Similar	0% Similar	0% Similar	0% Similar
TOTAL OTHER ADJ ADJUSTED PRICE(4)		-50% \$396,756	-37% \$395,200	3% \$145,874	-0% \$178,500
TOTAL \$ ADJUSTMENTS		(\$198,378)	(\$146,224)	\$4,378	(\$0)
FINAL ADJUSTED PRICE		\$198,378	\$248,976	\$150,250	\$178,500
NUMBER OF LOTS	1	1	1	1	1
ADJUSTED PRICE PER LOT SUBJECT LOTS		\$198,378 1	\$248,976 1	\$150,250 1	\$178,500 1
FINAL ADJUSTED SALES PRICE		\$198,378	\$248,976	\$150,250	\$178,500

Analysis of Land Sales Data

Comparable Land Sale 1 is adjusted positively for conditions of sale to reflect short marketing time and for inferior market conditions. The market conditions adjustment was dampened by the COVID-19 virus. An additional positive adjustment is made under Other(1) to reflect the demolition associated with this sale. Negative adjustments are made for superior location and site size. An additional negative adjustment is made to reflect the superior status of most of the utilities being at the center of the site. The adjusted sales price is \$198,378 per lot.

Comparable Land Sale 2 is adjusted positively for inferior market conditions, topography, and utilities. The market conditions adjustment was dampened by the COVID-19 virus. Negative adjustments are made for superior location and site size. An additional negative adjustment is made to reflect the superior status of most of the utilities being at the center of the site. The adjusted sales price is \$248,976 per lot.

Comparable Land Sale 3 is adjusted positively for financing to reflect a cash transaction and for inferior market conditions, and site size. The market conditions adjustment was dampened by the COVID-19 virus. A negative adjustment is made for superior location. The adjusted sales price is \$150,250 per lot.

Comparable Land Sale 4 is adjusted positively for inferior market conditions, and site size. The market conditions adjustment was dampened by the COVID-19 virus. Negative adjustments are made for superior location and under Other(1) to reflect the improvements associated with this property. The adjusted sales price is \$178,500 per lot.

Sales Comparison Approach Summary

From the analysis of the comparable land sales, an adjusted sales price range of \$150,250-\$248,976 per lot results. Comparable Land Sales 3 and 4 are weighted, since they have sold most recently. Comparable Land Sales 1, 3, and 4 are weighted, since they are nearest to the subject. Comparable Land Sales 3 and 4 are weighted, since they have similar site size. Comparable Land Sales 2 and 3 are weighted, since they did not have any building improvements on site at the time of sale. Comparable Land Sales 3 and 4 are weighted to reflect most utilities are at the street. If the low and high are eliminated, the range is \$178,500-\$198,378. Some of the final values are below or above the range because they are below or above the average size.

Lot Inventory

Traffic Influence	Lot	Lot Size Acres	Lot Size SF	Lot Size Acres	Value	Value Per SF
Yes	Lot 1	0.5309	23,127	0.5309	\$165,000	\$7.13
No	Lot 2	0.9147	39,845	0.9147	\$195,000	\$4.89
No	Lot 3	0.9147	39,843	0.9147	\$195,000	\$4.89
Yes	Lot 4	0.5309	23,127	0.5309	\$169,000	\$7.31
Yes	Lot 5	0.5309	23,126	0.5309	\$170,000	\$7.35
Yes	Lot 6	0.7005	30,512	0.7005	\$185,000	\$6.06
		4.1226	179,580	4.1226	\$1,079,000	\$6.01

Total Lots= 6

Total Acres 4.123
Average Lot 0.69 Acres
Average Lot 29,930 SF
Gross Acres 4.7874 Acres
Parcels 6.00
Average SP \$179,833

Market Yield Rates

The discount rate used to calculate the present value factors is estimated from the analysis of market yield rates. It is based upon various investor's annual yield requirements for similar investment type properties and the yield rates from alternate investments which are adjusted for liquidity, risk, and length of terms. Outlined below is a sample of data on market yield rates researched and reported by various national publications. This data is used to estimate a discount and equity yield rate in this analysis.

CORPORATE BORROWING RATES AND YIELDS

Based on J.P. Morgan, Bloomberg Barclays, and ICE Data Services, the corporate borrowing rates and yields are as follows:

Bond Total Return Index	Close	----YIELD (%)----			----52-WEEK----		----TOTAL RETURN (%)----		
		Last	Week ago	High	Low	YTD	52-wk	5-yr	
10+-yr Maturities, ICE Data Services	3547.78	3.561	n.a.	4.127	2.800	-9.33	9.02	n.a.	
10-20 years, Bloomberg Barclays	1611.28	0.640	n.a.	0.830	0.340	-0.95	0.47	n.a.	
Aggregate, Bloomberg Barclays	2209.91	1.600	n.a.	1.620	1.020	-3.43	1.12	n.a.	
High Yield, ICE Data Services	2151.23	4.219	n.a.	9.836	3.877	0.60	23.68	n.a.	
High Yield 100, ICE Data Services	3332.52	3.776	n.a.	9.059	3.261	0.08	20.56	n.a.	
Muni Master, ICE Data Services	592.99	0.962	n.a.	2.197	0.725	-0.45	4.44	n.a.	
EMBI Global, J.P. Morgan	890.87	4.992	n.a.	6.711	4.295	-4.58	15.53	n.a.	

Source: <http://online.wjs.com>
 (Market Data Center; March 29, 2021 - Tracking Bond Benchmarks)

PwC Real Estate Investor Survey*
Third Quarter 2020

	REGIONAL MALL		CBD OFFICE		WAREHOUSE		APARTMENT	
	3rd Qtr. 2020	2nd Qtr. 2020						
Discount Rate (IRR) *								
Range	5.75%-15.00%	5.75%-15.00%	5.50%-12.00%	5.50%-12.00%	5.25%-7.50%	5.25%-7.50%	5.00%-10.00%	5.00%-10.50%
Average	7.75%	7.75%	7.38%	7.16%	6.13%	6.14%	6.83%	6.89%
Change (bps)		0		+22		-1		-6
Overall Cap Rate (OAR) *								
Range	4.50%-15.00%	4.50%-15.00%	3.75%-7.50%	3.75%-7.50%	3.40%-7.00%	3.40%-7.00%	3.50%-8.00%	3.50%-8.00%
Average	6.93%	6.95%	5.59%	5.55%	4.84%	4.84%	5.22%	5.19%
Change (bps)		-2		+4		0		+3
Residual Cap Rate								
Range	4.20%-15.00%	4.50%-15.00%	5.00%-7.50%	5.00%-7.50%	4.50%-7.00%	4.50%-7.00%	4.00%-8.00%	4.00%-8.50%
Average	7.25%	7.68%	5.88%	5.91%	5.48%	5.49%	5.61%	5.64%
Change (bps)		-43		-3		-1		-3

Definitions:

a. Rate on unleveraged, all-cash transactions.

bps. Basis points

Discount Rate (IRR). Internal rate of return in all-cash transaction, based on annual year-end compounding.

Overall Capitalization Rate (OAR). Initial rate of return in an all-cash transaction.

Residual Cap Rate. Overall capitalization rate used in calculation of residual price; typically applied to the NOI in the year following the forecast.

Source: Valuation Insights and Perspectives for Real Estate Appraisers, Q3/Q4 2020, Page 39, Economic Indicators

*Source: PwC Real Estate Investor Survey; Personal Survey conducted by PwC during July, 2020

RYNNE, MURPHY & ASSOCIATES, INC.
REAL ESTATE MARKET INVESTMENT RATE SURVEY (4th Quarter 2019)

	EQUITY DIVIDEND RATES			EQUITY YIELD RATES			OVERALL DISCOUNT			OVERALL CAPITALIZATION*		
	Low	High	Average	Low	High	Average	Low	High	Average	Low	High	Average
OFFICE:												
Small	4.25%	13.75%	9.00%	11.25%	16.75%	14.00%	7.25%	13.00%	9.50%	4.25%	12.75%	8.00%
Class A	4.75%	11.75%	8.25%	11.00%	14.75%	13.25%	7.00%	11.50%	9.00%	4.75%	9.25%	7.50%
Class A/R	5.75%	13.25%	9.50%	12.25%	16.25%	14.25%	7.50%	13.25%	9.50%	6.25%	12.25%	8.25%
Class B	7.25%	15.75%	10.75%	11.50%	16.75%	15.00%	8.25%	13.75%	9.25%	7.50%	13.50%	9.50%
Class C	9.25%	19.00%	14.50%	13.75%	20.75%	16.75%	9.50%	17.00%	11.75%	9.25%	17.00%	11.75%
RETAIL:												
Regional	5.25%	14.25%	9.75%	11.25%	16.50%	14.50%	7.25%	14.00%	9.50%	5.75%	14.75%	8.50%
Community	5.25%	14.75%	9.50%	11.75%	17.00%	14.50%	7.50%	13.50%	9.25%	5.50%	13.75%	8.50%
Neighborhood	5.00%	15.00%	9.50%	11.75%	17.50%	14.75%	7.25%	13.75%	8.75%	5.50%	13.50%	8.00%
INDUSTRIAL:												
Heavy	7.25%	18.00%	12.50%	12.50%	20.00%	16.00%	8.25%	15.50%	11.50%	7.25%	16.75%	10.75%
Older	7.75%	20.00%	12.75%	12.50%	22.00%	16.25%	8.25%	16.50%	10.75%	8.00%	16.75%	11.25%
Light	5.50%	15.75%	9.50%	12.25%	18.00%	14.75%	7.75%	14.00%	9.75%	6.75%	14.25%	9.00%
R & D	5.50%	15.50%	9.25%	12.00%	17.00%	14.75%	7.50%	13.50%	9.75%	6.50%	13.75%	8.75%
APARTMENTS:												
Urban Small Multi-Family	4.00%	19.75%	8.75%	10.50%	21.50%	14.00%	7.25%	17.75%	8.75%	4.00%	18.75%	7.25%
Urban Apartment Project	5.25%	18.50%	9.25%	11.50%	20.50%	14.75%	7.75%	16.50%	9.50%	5.25%	18.50%	7.75%
Suburban Multi-Family	4.75%	14.75%	8.25%	11.50%	16.50%	13.75%	7.25%	13.25%	8.25%	4.00%	13.25%	6.75%
Suburban Apt Project	4.75%	15.00%	8.75%	11.75%	16.75%	13.75%	7.50%	13.50%	8.50%	5.25%	13.75%	7.25%
New Apartment Project	4.50%	11.50%	8.00%	11.00%	14.25%	13.25%	7.50%	10.75%	8.25%	4.50%	9.50%	6.50%
SPECIAL USE:												
Mobile Home Parks	6.00%	16.75%	10.00%	11.50%	18.00%	14.50%	7.75%	14.50%	9.50%	5.75%	14.75%	8.50%
Restaurants	5.50%	17.00%	11.25%	11.50%	19.50%	15.00%	7.50%	14.75%	10.25%	5.50%	15.75%	9.50%
Automotive Dealers	5.75%	15.25%	10.50%	12.00%	17.25%	15.00%	7.75%	14.00%	9.75%	6.50%	14.50%	9.25%
Subdivisions	12.75%	26.50%	16.50%	12.75%	29.00%	17.00%**	10.25%	28.50%	16.00%**	N/A	N/A	N/A
Nursing Homes	8.25%	24.25%	14.50%	13.25%	21.00%	17.00%	8.25%	19.50%	13.00%	8.00%	21.00%	12.00%
Hotel/Motel	8.00%	18.75%	12.25%	12.50%	21.00%	15.50%	8.25%	15.50%	10.50%	7.50%	16.75%	10.75%
City Commer/Indust Property	5.00%	19.25%	9.75%	11.50%	22.00%	14.50%	7.25%	17.00%	9.75%	5.00%	17.25%	9.50%
General Market Range Excluding Extremes	6.25%	14.50%	9.75%	12.00%	17.00%	14.25%	7.25%	13.00%	9.75%	6.50%	12.75%	9.25%

This is based primarily upon properties in Upstate New York and most of the western/central New England region. Lower end rates generally represent newer/modernized, higher quality suburban properties. Upper end rates generally represent older urban, lower quality properties. The above rates generally do not represent highly distressed properties. These rates assume that adequate management and reserve expenses are considered.

* Terminal capitalization rates generally 0.50% above going-in capitalization rates.

** Includes profit and overhead.

Holding and Sales Expenses

Holding and sales expenses are those expenses which may be considered in the discounted cash flow analysis, which is a method used to value the improved building lots.

These expenses include:

Marketing/Commissions: This expense is based upon a total estimate of 7% of gross sales. This is broken down into 6% of gross sales for commissions and an additional 1% of gross sales for marketing. This is based upon market estimates supplied by brokers in the marketplace.

Real Estate Taxes: The real estate taxes were previously outlined in the Taxes and Assessment Data section of this report. Real estate taxes for the project will be reduced as the lots are sold off.

Insurance: This expense is based upon a market estimate of \$3,500 in the first year and \$2,500 in the second year. This includes some liability and property damage coverage. As the lots are sold off this expense will decrease.

Maintenance: The maintenance expense will include grounds upkeep and some maintenance. This expense is based upon a market estimate of \$200 per lot in the first year.

Land Development Costs: The land development costs are outlined on the following page.

Legal/Accounting: This expense is based upon an estimate of 1% of the sold units. This represents primarily closing costs. It is based upon market estimates.

Developer's Profit: The developer's profit is based upon 13% of the total expenses.

Miscellaneous: The miscellaneous expense is based upon a market estimate of less than 0.5% of the sold lots.

Land Development Costs

Subdivision Costs

Legal/Architecture/Engineering	\$28,500
Environmental	\$240,000
Demolition & Regrade	\$237,000
Stormwater Management	\$3,125
Separate Water/Sanitary/Gas	See Below
Separate Electric	\$1,780
Tree Removal-Select	\$2,000
Private Drive-Partial	\$19,323
Total Lot Development Costs	\$531,728
	Lots 6
Cost Per Lot	\$88,621

The subdivision costs are based upon estimated by the site engineer, Larry Heininger; the applicant John August, and some market substantiations. The Legal/Architecture/Engineering cost is based upon the site engineer, Larry Heininger. The development costs are at the upper end of the market even without the environmental and demolition/re-grade. The J. August tree budget was at \$45,000. However, site engineer, Larry Heininger, concluded that only a few trees would have to be eliminated. A copy of the Heininger tree plan is on Page 17 of this report. The L. Heininger tree budget estimate is only \$2,000 and the private drive estimate is \$19,323. Because the roof and asphalt area of the subdivision is so much less than the existing building of 16,674 SF and the existing asphalt of 52,018 SF, the storm management estimate of John August in the amount of \$52,500 is not applicable. According to engineer Larry Heininger, the storm management will be \$3,125 and the water/sanitary sewer estimate is not applicable because the lot values are based upon the utilities which are located at the street. Thus, the house builder will be responsible for these costs. Engineer Heininger also confirmed that the cost to bring electric service would total \$1,780. Approximately 115' of primary service will be needed to come from Clover Street to a new transformer on the Clover Street private drive. Lots 1-4 will pull their secondary services from this transformer. The first 100' of secondary service is provided by RG&E at no charge. A copy of these estimates are in the addendum section of this report. Also, the Environmental, Demolition, and Re-grade estimate totals approximate \$16.28/SF of building area of the existing building. This falls within the market estimates in our files of other demolition projects. Finally, the development costs per lot are at the higher end of the subdivision costs which we have observed over many years.

Real Estate Taxes	1	2	3	4	5	6	7
Average Taxes Per Lot	\$6,000.00	\$6,100.00	\$6,222.00	\$6,346.44	\$6,473.37	\$6,602.84	\$6,734.89
Real Estate Taxes of Period	\$24,000	\$6,100	\$0				
Maintenance	1	2	3	4	5	6	7
Weighted Average Per Lot	\$200	\$204	\$208	\$212	216	\$221	\$225
Maintenance Per Period	\$800	\$204	\$0	\$0	0	\$0	\$0
Unit Sales Summary	1	2	3	4	5	6	7
Number of Lots (BOP)	6	2	0	0	0	0	0
Total Units Sold	4	2	0	0	0	0	0
Average Units During Period	4.00	1.00	0.00	0.00	0.00	0.00	0.00

Risk Rate

The risk or discount rate of 16% is based upon high corporate bond yields and other market factors.

The overall discount rate for the subject property is estimated in part from market sales data. A number of subdivisions or lots sold in bulk were analyzed for purposes of estimating a market overall discount rate for the subject property.

Generally, current market data indicates that the normal overall discount rate range for subdivisions in the Upstate area is between 10-25%. The more outlying and higher risk subdivisions are toward the upper end of this normal range.

Another source for discount rates is the high yield corporate bonds. This will set the lower limit for the subject discount rate. The high yield corporate bonds were 4.219%-9.836% for a past 52 week low and high respectively. An additional premium must be considered because of the risk of the real estate including but not limited to the demolition.

The indicated discount rate for the subject is 16%. This falls at the lower midpoint of the range because of the desirability of the location. Also, the developers many times will reduce their profit on the lots in order to gain more profit on the finished home construction.

Comparable Subdivision and Absorption Period Study - SE (January, 2021)

Pinnacle Hills Subdivision, located on Willard Avenue off Highland Avenue between Midland and Howland Avenues, in the Town of Brighton, is an 8-lot subdivision which is now finished. Seven lots are each 0.30 acre; one lot is 0.79 acre. Home prices range from \$429,000 to \$801,600. Developer is Woodstone Custom Homes. Sales are as follows: 3 in 2019; and 5 in 2020.

Whitney East Subdivision, located on the south side of Whitney Road East, between Breezewood Court and Country Claire in the Town of Perinton, is a 9-lot subdivision on a private drive. Lot sizes range from approximately 0.22 acre to 0.44 acre. Home prices start at \$349,900. Developer is Aristo Custom Home Builders. Four lots sold in 2020.

Abbingtion Place Subdivision, located on the west side of Route 250 south of Bainbridge Drive, in the Town of Penfield, is an 85-lot patio home subdivision. Lot sizes range from approximately 0.24 acre to 0.59 acre. Home prices range from \$250,000 to \$441,000. Developer is Crosstown Custom Homes. Sales are as follows: 7 in 2016; 9 in 2017; 8 in 2018; 8 in 2019; and 5 in 2020.

Barclay Park Condo/Townhouse Subdivision, located on the west side of Route 250 south of Bainbridge Drive, in the Town of Penfield, is a 24-lot duplex condo development on a private Drive named River Birch Lane. Lot sizes are fairly uniformly approximately 0.18 acre. Home prices range from \$319,000 to \$469,000. Developer is Crosstown Custom Homes. Sales are as follows: 3 in 2018; 3 in 2019; and 6 in 2020.

Capstone Subdivision, located on the east side of Creek Street north of Bunker Hill Drive, in the Town of Penfield, is a 16-lot subdivision on a private drive named Capstone Rise. Lot sizes range from 0.59 acre to 1.64 acres. Home prices range from \$439,000 to \$589,000. Developer is Mascot Inc. Seven lots sold in 2020.

Waybridge Court, located on the west side of Jackson Road, just south of Plank Road, in the Town of Penfield, is an 11-lot subdivision. The property is located next to a 500 acre nature preserve. Lot sizes range from 0.758 acre to 1.286 acres. Home prices start in the \$400 thousands. Developer is DBD Custom Homes. Marketing began in 2015. Sales are as follows: 5 in 2016; 4 in 2017; 1 in 2018; 1 lot remains.

Crowne Pointe Subdivision, located on the south side of Plank Road approximately opposite State Road, in the Town of Penfield, is a 79-lot subdivision. Lot sizes reange from 0.40 tp 0.59 acre. Home prices are in the \$260,000 to \$500,000 range. Developers include Plank Road Development, Brannon Homes and Redstone Builders. Sales in recent years are as follows: 5 in 2015; 2 in 2016; 4 in 2017; 3 in 2018; 2 in 2019; 4 lots remain available.

Comparable Subdivision and Absorption Period Study - SE (January, 2021) Cont.:

Dunbar Hill Subdivision, located on the south side of Lane Road, just east of High Street, in the Town of Victor, is a 4-lot subdivision. Lot sizes range from 0.62 acre to 2.015 acres. Asking prices are in the mid \$370's. Developer is Redstone Builders. One lot sold in 2020.

Crowne Pointe Subdivision, located on the east and west sides of West Bloomfield Road in Pittsford, just north of the NYS Thruway, is a 75-lot subdivision. Lot sizes range from approximately 0.31 acre to 1.16 acres. Prices start at \$350,000. Developer is Mascot Inc. Marketing began around 2004. Sections 1 and 2 are substantially developed. One lot has sold in 2020 in Sections 1 and 2. Section 3, 31 lots, has not yet opened.

Homestead On Kreag, located on the east side of Kreag Road just north of Bushnell's Basin, in the Town of Perinton, is a 6-lot subdivision. Marketing began in late 2019. Lot sizes range from 0.41 acre to 0.52 acre. Prices are in the mid to high \$400 thousands. Developer is Riedman Homes. Two lots have sold in 2020.

Southgate Hills Subdivision, located on the west side of East Victor Road along the Auburn Trail and north of Boughton Hill Road, in the Town of Victor, is a 28-lot subdivision. Lot sizes range from 0.31 acre to 0.46 acre. Marketing began around 2018. Prices start in the \$370's. Sales are as follows: 5 in 2018; 7 in 2019; and 4 in 2020.

The Preserve At Coventry Ridge, located on the east side of Clover Street opposite Woodgreen Drive, in the Town of Pittsford, is a 115 lot subdivision. Isaac Gordon Nature Preserve adjoins on the south. Lot sizes range from 0.34 acre to 0.88 acre. Prices range from \$455,000 to \$880,000. Sales are as follows: 2 in 2016; 4 in 2017; 4 in 2018; 8 in 2019; and 7 in 2020.

Full Discounted Cash Flow Analysis

The gross sellout of the units is based upon market absorption estimates. In this Discounted Cash Flow Analysis, for each period the net income stream is discounted to a present worth value. The total of the present worth value of income streams is the total present worth of the subject property. Adjustments were made to the comparable lot sales for time, topography, size, and miscellaneous.

Based upon the absorption analysis, it is anticipated that the individual units will be sold within two years, if they were marketed to the general market as building lots. The most recent years result in 4-7 lots per year. This results in an estimated absorption period for the subject at 3-4 lots annually.

Periodic Value Increase =	2.00%
Marketing/Commissions =	7.00%
Legal/Accounting =	1.00%
Miscellaneous =	1.00%
Developer's Profit=	13.00%

	0.50	1.50	2.50	3.50	4.50	5.50	6.50	
Period	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Total
	\$165,000							\$165,000
		\$198,900						\$198,900
	\$170,000							\$170,000
	\$185,000	\$198,900						\$383,900
								\$0
								\$0
	\$169,000							\$169,000
								\$0
								\$0
								\$0
Sales	4	2	0	0	0			
Total Sales Revenue	\$689,000	\$397,800	\$0	\$0	\$0	\$0	\$0	\$1,086,800
Total Sales Revenue	\$689,000	\$397,800	\$0	\$0	\$0	\$0	\$0	\$1,086,800
Marketing/Commissions	\$48,230	\$27,846	\$0	\$0	\$0	\$0	\$0	\$76,076
Real Estate Taxes	\$24,000	\$6,100	\$0	\$0	\$0	\$0	\$0	\$30,100
Insurance	\$3,500	\$2,500	\$0	\$0	\$0	\$0	\$0	\$6,000
Maintenance	\$800	\$204	\$0	\$0	\$0	\$0	\$0	\$1,004
Legal/Accounting	\$6,890	\$3,978	\$0	\$0	\$0	\$0	\$0	\$10,868
Land Development Costs	\$425,382	\$106,346	\$0	\$0	\$0	\$0	\$0	\$531,728
Development Profit	\$77,057	\$22,556	\$0	\$0	\$0	\$0	\$0	\$99,613
Miscellaneous	\$6,890	\$3,978	\$0	\$0	\$0	\$0	\$0	\$10,868
Total Final Expenses	\$592,750	\$173,508	\$0	\$0	\$0	\$0	\$0	\$766,257
Net Sales Operating Income	\$96,250	\$224,292	\$0	\$0	\$0	\$0	\$0	\$320,543
TOTAL SALES AND NET OPERATING INCOME								
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Net Sales Operating Income	\$96,250	\$224,292	\$0	\$0	\$0	\$0	\$0	
Net Sales Operating Income	\$96,250	\$224,292	\$0	\$0	\$0	\$0	\$0	\$320,543
Risk Rate =	16.00%							
PW Factor (NOI)	0.92848	0.80041	0.69001	0.59484	0.51279	0.44206	0.38109	
Present Worth (NOI)	\$89,366	\$179,526	\$0	\$0	\$0	\$0	\$0	
		Total Present Worth=			\$268,892			
		Round To	\$269,000					
		BULK VALUE						
		GROSS SELLOUT VALUE						
		\$1,087,000						

RECONCILIATION

After considering all data compiled and evaluated, the opinion of the property located at 1075 Clover Street, Town of Brighton, Monroe County, New York is that the subject property has a positive return as a single family residential subdivision which is consistent with the current zoning and other highest and best use considerations.

Based upon my personal inspection, data acquired, analysis, and conclusions set forth in this appraisal consulting report, it is my opinion that the subject property as a residential subdivision has a positive rate of return since the residual value is **\$269,000** as of April 29, 2021 based upon a subdivision analysis.

Professional Qualifications
John P. Rynne, MAI, SRA

Employment

President - Rynne, Murphy & Associates, Inc., a real estate consultation, appraisal, and business valuation firm located in Rochester, New York, 1984 - Present.

Owner - J.P. Rynne Associates, a real estate consultation, appraisal, and business valuation firm located in Rochester, New York, 1981 - 1984.

Appraisal Officer and Mortgage Loan Underwriter of Security Trust Company and Sibley Corporation, both part of Security New York State Corporation, Rochester, New York, August, 1978 - March, 1981.

Mortgage Officer and Staff Real Estate Appraiser for Lincoln First Bank of Rochester, Rochester, New York, August, 1975 - August, 1978.

Staff Appraiser at First Federal Savings and Loan Association of Rochester, Rochester, New York, June, 1973 - August, 1975.

Professional

New York State Certified General Real Estate Appraiser, Certification #46000004052. Expires October 7, 2021..

MAI and SRA member of the Appraisal Institute.

Awarded the MAI designation in 1980 by the American Institute of Real Estate Appraisers (Certificate #6112).

Awarded the SRPA (Senior Real Property Appraiser) designation in 1978 by the Society of Real Estate Appraisers.

Awarded the SRA (Senior Residential Appraiser) designation in 1977 by the Society of Real Estate Appraisers.

New York State Licensed Real Estate Broker.

Current Chairperson of Public Relations - Upstate New York Chapter of the Appraisal Institute.

Professional (Cont.)

Current Chairperson and Secretary for Governmental Affairs - New York State Commercial Association of Realtors (Rochester Chapter).

Current Chairperson for Governmental Affairs - Upstate New York Chapter of the Appraisal Institute.

Member and Treasurer of the Board of Directors - New York State Commercial Association of Realtors (Rochester Chapter).

Member of the Board of Directors - Upstate New York Chapter of Appraisal Institute.

Past President of the Upstate New York Chapter of the Appraisal Institute.

Past Co-Chairperson of the Membership Development and Retention Committee of the Upstate New York Chapter of the Appraisal Institute.

Past Vice President of the Upstate New York Chapter of the Appraisal Institute.

Past Chairman of the Admissions Committee for Chapter #30 of the American Institute of Real Estate Appraisers.

Past Chairman of the Candidate Guidance Committee for Chapter #30 of the American Institute of Real Estate Appraisers.

Realtor Member of the Greater Rochester Association of Realtors, Inc.

Past Vice Chair of the Greater Rochester Associations of Realtors, Inc.

Past President of Rochester Chapter #99 of the Society of Real Estate Appraisers (1982-1983).

Past Director of Rochester Chapter #99 of the Society of Real Estate Appraisers (1983-1984).

Education

Graduate of the State University of New York at Buffalo (University of Buffalo), Bachelor of Science, Business Administration, minor in Economics, 1973.

Completion of Instructor's Clinic for SREA Course 201 (Principles of Income Property Appraising) at Purdue University, West Lafayette, Indiana, March, 1979.

Education (Cont.):

Completion of Course VI (Investment Analysis) as sponsored by the American Institute of Real Estate Appraisers at Indiana University, Bloomington, Indiana, January - February, 1979.

Completion of Course II (Urban Properties) as sponsored by the American Institute of Real Estate Appraisers at LeMoyne College, Syracuse, New York, June, 1978.

Completion of Course 201 (Principles of Income Property Appraising, 1974) as sponsored by the Society of Real Estate Appraisers at the University of Rochester.

Completion of Course 101 (Introduction to Appraising Real Estate, Fall, 1973);
Completion of R-2 Examination (Spring, 1975).

Professional Teaching Assignments

Participant/Presenter for Estate & Gift Tax Valuation: What You Need To Know & More, Monroe County Bar Association, Rochester, New York (May 13, 2009).

Participant/Presenter for "Case Studies in the Valuation of Upstate New York Real Estate", sponsored by the Upstate New York Appraisal Institute (June, 2001; June, 2003; June, 2004; June, 2005; June, 2006; June, 2007; June, 2008; June, 2009; June, 2010; June, 2011; June, 2012; June, 2013; June, 2014; June, 2015; June, 2016; and June, 2017).

Instructor for Basic Income Capitalization (Course 310) sponsored by the Appraisal Institute, Rochester Chapter, in Rochester, New York (Fall, 1993).

Instructor for Capitalization Theories and Techniques, Part A (Course IBA), sponsored by the Appraisal Institute, Rochester Chapter, in Rochester, New York (Fall, 1992).

Speaker At Distressed Real Estate Seminar For New York State Bar Association in Rochester, New York (March, 1991).

Speaker At Asbestos Management in Buildings Seminar for Utilcom in Rochester, New York (May, 1990).

Professional Teaching Assignments (Cont.):

Instructor for Principles of Income Property Appraising (Course 201) sponsored by the Society of Real Estate Appraisers:

<u>Date</u>	<u>Location</u>	<u>Local SREA Chapter Sponsor</u>
Winter, 1989	Rochester, N.Y.	#99
Spring, 1987	Rochester, N.Y.	#99
Winter, 1984	Rochester, N.Y.	#99
Winter, 1983	Buffalo, N.Y.	#88
Autumn, 1981	Buffalo, N.Y.	#88
Winter, 1980	Rochester, N.Y.	#99

Instructor for Applied Income Property (Course 202), sponsored by the Society of Real Estate Appraisers, Chapter 99, in Rochester, New York (Winter, 1986).

Guest Instructor for Introduction to Appraising Real Property (Course 101) sponsored by the Society of Real Estate Appraisers (Fall, 1979).

Guest Lecturer at numerous real estate programs, courses and seminars.

Other Related Courses and Seminars

19th Annual "Case Studies in the Valuation of Upstate NY Real Estate", sponsored by Upstate New York Chapter - Appraisal Institute, Waterloo, New York (June 7, 2019)

"Business Practices & Ethics" (online), sponsored by the Appraisal Institute (November, 2017)

"Introduction to Green Buildings, Principles & Concepts" (online), sponsored by the Appraisal Institute (August, 2017)

"International Trends, Standards & Methodology Affect Local Real Estate Valuation Practice", sponsored by the Western NY/Ontario Chapter, Niagara Falls, NY (August 14, 2017)

7-Hour National USPAP Update Course, sponsored by Upstate New York Chapter of the Appraisal Institute, Rochester, New York (April 15, 2016)

7-Hour National USPAP Update Course, sponsored by Upstate New York Chapter of the Appraisal Institute, Rochester, New York (April 17, 2015)

Other Related Courses and Seminars (Cont.)

- Valuation of Cell Towers, sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (October 24, 2013)
- “Mineral Rights Valuation - Part II,” sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (October 24, 2013)
- Appraising the Appraisal Review- General, sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (October 10, 2013)
- “National USPAP Update Course”, course #2404.07, sponsored by the Cusack Center, Buffalo, New York (August 20, 2013)
- Fundamentals of Separating Real Property, Personal Property, and Intangible Business Assets, sponsored by Upstate New York Chapter of the Appraisal Institute, Columbus, Ohio (May 1-2, 2013)
- Marketability Studies: Six-Step Process & Basic Applications, sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (March 28, 2013)
- Valuation of Mineral Rights, sponsored by Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (November 7, 2012)
- Business Practice and Ethics (GO TO CLASS), sponsored by Appraisal Institute-Online Education (October 1-31, 2012)
- Problems in the Valuation of Partial Acquisitions, sponsored by Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (May 15, 2012)
- Property Values as Affected by Property Taxes, sponsored by Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (October 26, 2011)
- Uniform Standards of Professional Appraisal Practice (USPAP) Update Course, sponsored by the Upstate New York Chapter of the Appraisal Institute, Canandaigua, New York (April 21, 2011).
- Course R45057 - Valuation and Market Perspectives 2011, sponsored by the Western New York-Ontario International Chapter of the Appraisal Institute, Ellicottville, New York (February 24, 2011).

Other Related Courses and Seminars (Cont.)

Appraisal Curriculum Overview (Two Day General), presented by the Upstate New York Chapter of the Appraisal Institute, Utica, New York (April 8 & 9, 2010).

Uniform Standards of Professional Appraisal Practice (USPAP) Update Course, sponsored by the Upstate New York Chapter of the Appraisal Institute, Canandaigua, New York (May 7, 2009).

Case Studies in the Valuation of Upstate New York Real Estate, sponsored by the Upstate New York Chapter of the Appraisal Institute, Verona, New York (June 4, 2009).

Distressed and Troubled Real Estate Markets, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 1, 2009).

Business Practices and Ethics, sponsored by the Massachusetts Chapter of the Appraisal Institute, Needham, Massachusetts (May 10, 2007).

Case Studies in the Valuation of Upstate New York Real Estate, sponsored by the Upstate New York Chapter of the Appraisal Institute, Lake Placid, New York (June 2, 2006).

Market Analysis & The Site To Do Business, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 20, 2006).

Invest In What You Know, REITS, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 12, 2006).

Niagara Falls, A City In Transition, sponsored by the Upstate New York Chapter of the Appraisal Institute, Niagara Falls, New York (September 30, 2005).

Case Studies in the Valuation of Upstate New York Real Estate, sponsored by the Upstate New York Chapter of the Appraisal Institute, Alexandria Bay, New York (June 10, 2005).

7 Hour National USPAP Update Course, sponsored by the Upstate New York Chapter of the Appraisal Institute (May 25, 2005).

Appraisal Consulting: A Solutions Approach, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 13, 2005).

Other Related Courses and Seminars (Cont.)

Solving Appraisal Problems in Upstate New York-A Practical Approach, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 8, 2004).

USPAP Update-Changes to the 2003 Edition of the Uniform Standards of Professional Appraisal Practice (USPAP), sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 9, 2004).

Energy Efficiency And It's Effect On Property Value, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 1, 2004).

Demographic Data As A Client Service, sponsored by the New York State Commercial Association of Realtors, Turning Stone Casino Resort, New York (2003).

Scope of Work-Expanding Your Range Of Service, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 16, 2003).

Crossing The Line-Home Mortgage Fraud, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April, 2003).

Valuation For Financial Reporting Purposes, sponsored by the Upstate New York Chapter of the Appraisal Institute, (October 10, 2003).

USPAP Update-Changes to the 2001 Edition of the USPAP, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 11, 2002).

Standards of Professional Practice, Part C, sponsored by the Upstate New York Chapter of the Appraisal Institute, Rochester, New York (May 6 & 7, 2002).

Real Estate Disclosure, sponsored by the Upstate New York Chapter of the Appraisal Institute, Owego, New York (October 3, 2002).

Expert Witness, sponsored by the Upstate New York Chapter of the Appraisal Institute, Owego, New York (October 4, 2002).

Other Related Courses and Seminars (Cont.)

- 2001 USPAP Update, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 12, 2001).
- How Geographic Information Systems (GIS) Can Help Appraisers Keep Pace With Changes In The Real Estate Industry, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 6, 2001).
- Privacy Issues of the Gramm-Leach-Bliley Act Of 1999, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (October 12, 2001).
- Urban & Suburban Sprawl in the Greater Rochester Area-A Planner's Perspective, sponsored by the Upstate New York Chapter of the Appraisal Institute, Rochester, New York (October 13, 2000).
- HUD Multifamily Seminar, sponsored by the Western New York/Ontario Chapter of the Appraisal Institute, Buffalo, New York (September 27, 2000).
- Land Valuation, Turning Stone Casino Resort, sponsored by the Upstate New York Chapter of the Appraisal Institute, Verona, New York (April 7, 2000).
- Regression Analysis in Appraisal Practice: Concepts and Applications, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 13, 2000).
- NYS Department of State & The State Appraisal Board-Policies & Procedures, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 13, 2000).
- 1999 Changes to the Uniform Standards of Professional Appraisal Practice, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 9, 1999).
- New Industrial Valuation, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 8, 1999).
- New Web Applications From the NYS Office of Real Property Services, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 7, 1999).

Other Related Courses and Seminars (Cont.)

Update on the Uniform Standards of Professional Appraisal Practice, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 8, 1998).

Property Value Studies in Relation to Community Residences sponsored by the Appraisal Institute, Rochester, New York (October, 1997).

Standards of Professional Practice, Part C sponsored by the Appraisal Institute, Chicago, Illinois (August, 1997).

Regression Analysis sponsored by McKissock Data Systems, Pittsburgh, Pennsylvania (June, 1997).

Appraisal of Nursing Facilities sponsored by the Appraisal Institute, Syracuse, New York (April, 1997).

The Internet and Appraising sponsored by the Appraisal Institute, Kansas City, Missouri (June, 1996).

The High Tech Appraisal Office sponsored by the Appraisal Institute, Kansas City, Missouri (June, 1996).

Understanding Limited Appraisals and Reporting Options - General sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January, 1995).

Standards of Professional Practice, Part B (Course SPP) sponsored by the Appraisal Institute, Blasdell, New York (October, 1992).

Standards of Professional Practice, Part A (Course SPP) sponsored by the Appraisal Institute, Boston, Massachusetts (July, 1992).

Hotel-Motel Valuation Seminar sponsored by the Appraisal Institute, Columbia, South Carolina (July, 1992).

The Challenge of Measuring External Obsolescence Seminar sponsored by the Appraisal Institute, Houston, Texas (May, 1992).

Other Related Courses and Seminars (Cont.)

Real Estate Risk Analysis Seminar sponsored by the Appraisal Institute (March, 1992).

Standards of Professional Practice Course sponsored by the American Institute of Real Estate Appraisers (February, 1989).

Attended Mini-Clinic for Instructor's Course 201 sponsored by the Society of Real Estate Appraisers, Chicago, Illinois (October, 1988).

Professional Practice Seminar sponsored by the Society of Real Estate Appraisers (April, 1988).

R41b and the Appraiser Seminar sponsored by the Society of Real Estate Appraisers, Rochester, New York (May, 1986).

Attended the Mini-Clinic for Instructors of Course 202 (Applied Income Property Valuation) at Purdue University, West Lafayette, Indiana, sponsored by the Society of Real Estate Appraisers (March, 1985).

Federal Income Tax Real Estate Seminar sponsored by the American Institute of Real Estate Appraisers, Rochester, New York (Summer, 1984).

Hotel-Motel Valuation Seminar sponsored by the American Institute of Real Estate Appraisers, Nantucket, Massachusetts (May, 1983).

Update in Tax Assessment Litigation Practice sponsored by the Monroe County Bar Association, Rochester, New York (June, 1982).

Attended "A Comprehensive Review of Real Estate Tax Law and Procedures" in Rochester, New York, sponsored by the Monroe County Bar Association and others (November, 1981).

Attended the Mini Clinic for Instructors of Course 201 (Principles of Income Property Appraising) in New York, New York, sponsored by the Society of Real Estate Appraisers (May, 1981).

Attended Proposed Condominium and Conversion Seminar sponsored by the American Institute of Real Estate Appraisers, Chapter 30 (April, 1981).

Other Related Courses and Seminars (Cont.)

Attended Business Valuation Seminar sponsored by the American Institute of Real Estate Appraisers in Rochester, New York (February, 1981).

Attended Appraising Residential Condominiums Seminar sponsored by the Society of Real Estate Appraisers in Rochester, New York (February, 1981).

Attended Condominium Seminar sponsored by the Monroe County Bar Association (November, 1980).

Attended Tax Certiorari and Grievance Procedure Seminar as sponsored by the Monroe County Bar Association (November, 1979).

Completion of Comprehensive Examination sponsored by the American Institute of Real Estate Appraisers in Albany, New York (August, 1979).

Attended one day Commercial Cost Seminar sponsored by Marshall and Swift Publication Company in Buffalo, New York (Fall, 1977).

Completion of Analyzing Financial Statements Course, Fall, 1976, and Credit Administration Course, Spring, 1977, as sponsored by the American Institute of Banking.

Completion of Real Estate Law I and II, Home Construction I and II; sponsored by the United States Savings and Loans (1973-1974).

Scope of Assignments

Real estate consultation, investment analysis, feasibility, and appraisal reports for all types of commercial, industrial, and residential related properties. These include retail, office, industrial, apartments, special purpose, condominiums, planned unit developments, detached single family housing, subdivisions, and undeveloped land. Other assignments include various business valuation problems. Areas of concentration include a wide range of areas in the United States with a focus on Upstate New York.

The function of the assignments is generally to serve clients in mortgage financing, estate, buying/selling decisions, relocation, partnership buyouts, tax certiorari, zoning, market studies, and matrimonial matters.

Representative Clients

ARCS Commercial Mortgage Company
 AT&T Small Business Lending Corp
 Action For A Better Community, Inc.
 Advantage Federal Credit Union
 Agway AG Products
 Alliance Funding Corporation
 Allied Chemical Corporation
 American Appraisal Associates
 Amerada Hess Corp.
 American Financial Corporation
 American Realty Finance Corp.
 Anheuser-Busch Company
 Appraisal Management Company
 Appraisal & Title Management
 Corporation of America
 Arbor National Commercial Mortgage
 Avco Financial Services of N.Y., Inc.
 Bank One, N.A.
 BSB Bank & Trust
 Bank of America
 The Bank of Castile
 Bank One Mortgage Corporation
 Bansbach Zoglin PC
 Barney & Affronti LLP
 Bath National Bank
 Blitman & King
 Bierworth and Reidman Homes, Inc.
 BNY Mortgage Corporation
 Bear, Stearns Commercial Mortgage
 Bombardier Real Estate Ltd.
 Bond, Schoeneck & King, PLLC
 Boylan, Brown, Code, Vidgor & Wilson, LLP
 Branford Realty Corp.
 Breslin Realty Development Corp.
 The Cabot Group
 Canada Life Assurance Company
 The Canandaigua National Bank &
 Trust Company
 Cassara Development Corporation
 Chamberlain, D'Amanda,
 Oppenheimer & Greenfield
 Champion Mortgage Company
 Chase Home Mortgage
 The Chase Manhattan Bank
 Chason Management
 Chrismar Associates
 Chrysler First Financial Services Corp.
 Chrysler Realty Corp.
 CIT Small Business
 Citibank (New York State), N.A.
 Citicorp Mortgage, Inc.
 Citicorp Real Estate, Inc.
 Citicorp Technical Services Group
 Citizens Bank of Massachusetts
 City of Buffalo
 City of Rochester
 Clark & Patterson
 Clarkson University
 Coldwell Banker Relocation
 Collier Capital Corporation
 Columbia Development Group
 Column Financial, Inc.
 Commonfund Mortgage Corp.
 Community Bank, N.A.
 Community Financial Services
 Community Preserves Corp.
 Conboy, McKay, Bachman, Kendall, LLP
 Conifer Realty Corporation
 Connecticut Mutual Life Insurance Co.
 Conti Mortgage Corporation
 Continental Realty Credit, Inc.
 Continental Securities
 County of Monroe
 CUC Mortgage
 Dai-Iachi Kangyo Bank
 Dale Mortgage Bankers
 Davidson, Fink, Cook, Kelly &
 Galbraith
 Dehond Law Office
 Delta Funding
 DePaul Community Facilities, Inc.
 Development Planning Services
 Doyle Chevrolet
 DuPont Company
 Durfee Chevrolet-Oldsmobile
 Dutcher, Hagelberg & Zatkowsky
 Eastman Kodak Company
 Eastman Savings & Loan Association
 Elliott, Stern & Calabrese, LLP
 Embser & Woltag

Representative Clients Cont.:

Emerson Enterprises
 Empire State Development
 ESL Federal Credit Union
 Exchange Mortgage Corporation
 Executive Relocation
 Exxon Corporation
 Faber Homes
 Facilities Development Corp.
 Fairport Savings & Loan Association
 Fallone Homes, Inc.
 Fannie Mae
 Farm Family Life Insurance Company
 Farm Service Agency
 Fast Lane Service, Inc.
 Federal Bureau of Investigation (FBI)
 Federal Deposit Insurance Corp.
 Federal National Mortgage Assoc.
 Feldman Esq., Robert
 First Heritage Financial Corp.
 First Maryland Mortgage Corporation
 First Monroe, Inc.
 First National Bank of Lisbon
 First Niagara Bank
 First Performance Mortgage Corp.
 First Residential Lending Corp.
 First Rochester Mortgage Corp.
 FJR Associates
 Flaum Development
 Flower City Credit Union
 Forsythe, Howe, O'Dwyer, Kalb
 & Murphy, P.C.
 Four Corners Financial Corporation
 Freddy Mac
 Gallo & Iacovangelo
 Gates & Adams
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 General Motors Acceptance Corporation
 Genesee Corporation
 Genesee Regional Bank
 Geneva Housing Authority
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 Goldberg Segalla LLP
 Gould Pumps, Inc.
 GMAC Mortgage Corp.
 Greystone Servicing Corporation
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 Home Properties of New York
 Horizon Bank, N.A.
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 Ibero American Action League
 ICE Communications, Inc.
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 ITT Consumer Financial Corp.
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 J.A. Gaudino Company
 The James Group
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 Jay Builders Inc.
 Johnson, Mullan, Brundage, P.C.
 Kaman, Berlove, Marafioti,
 Jacobstein & Goldman
 Kend Enterprises
 Kenrick Corp.
 Key Bank Northeast Business
 Key Bank of New York
 Keycorp Mortgage, Inc.
 Kimco Realty Corporation
 Kleco Properties
 Kravetz Realty, Inc.
 LaSalle Bank National Association
 Lacy, Katzen, Ryen & Mittleman LLP
 Lane & Neild, P.C.
 Lender's Service, Inc.
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 Liberty Bank
 Liberty Business Credit Corp.
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 M & M Resources Unlimited, Inc.

Representative Clients Cont.:

M & T Bank
 Main Street Funding, Ltd.
 Mangione & Roisman
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 Marketplace Chrysler Plymouth
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 Substance Abuse
 New York State Office of General Services
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 New York State Urban Development Corp.
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 Prudential Relocation
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 Rainaldi Real Estate, Inc.
 Redmond & Parrinello
 Reiber Esq., George M.
 Reliance Mortgage Network
 Relin, Goldstein & Crane, LLP
 Relocation Resources
 Remanco, Inc.
 ReMax International Relocation
 RGP Funding, Inc.
 Richard Gollel & Company, Inc.
 Robert L. Jacobson, Attorney/CPA
 Roberts Wesleyan College
 Rochester Home Equity, Inc.
 RPC-Mitchell/Titus, Inc.
 Rural Opportunities
 S.B. Ashley & Associates

Representative Clients Cont.:

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 Salvation Army
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 Savings Bank of the Finger Lakes
 Savings Bank of Utica
 Scutti Enterprises, Inc.
 Sears Mortgage Corporation
 Security Mortgage Corporation
 Security Mutual Life Insurance Company
 of New York
 Self Storage Group, Inc.
 Skaneateles Savings Bank
 Source One Mortgage Corp.
 State Farm Insurance Company
 SUNY College at Brockport
 Sterling Drugs, Inc.
 Sterling Financial Group
 Steuben Trust Company
 The Stowe Law Firm, LLC
 Sugar Creek Corporation
 Summit Federal Credit Union
 Taco Bell Corporation
 Timothy Dodge, Inc.
 Tompkins County Trust Company
 Town of Avon
 Town of Brighton
 Town of Gates
 Town of Pittsford
 Transamerica Financial Services
 Travelers/Aetna Insurance
 Travelers Property Casualty
 Trevett Cristo Salzer & Andolina PC
 Ukrainian Federal Credit Union
 Ulster Savings Bank
 Underberg & Kessler
 Uniland Development Company
 United Northern Federal
 Savings Bank
 Unity Bank
 University of Rochester
 The Upstate Bank
 Upstate Federal Credit Union
 U.S. Note & Mortgage Company, Inc.
 U.S. Department of Housing and Urban Dev.
 Valley National Bank
 Van Den Bergh Foods Corporation
 Vanderstynne Ford
 Viele Solimano, CPA PC
 Village of Victor Urban Renewal Agency
 Visiting Nurse Service
 Warburg, Dillon & Read
 Ward Greenberg Heller & Reidy LLP
 Ward's Natural Science Establishment, Inc.
 Waste Management of New York
 Wegmans Enterprises, Inc.
 Wegmans Food and Pharmacy
 Welch & Zink
 Wendy's Restaurants
 Western Regional Off Track
 Betting Corporation
 The Widewaters Group
 Wilmorite Corporation
 Wilson Enterprises
 WMF Huntoon Paige
 WMF Washington Mortgage Company
 Woods, Oviatt, Gilman, LLP
 Xerox Corporation
 XL Funding, Incorporated

Various attorneys, real estate appraisers, brokers, investors, municipalities, individuals, and small corporations.



MARQUES & ASSOCIATES, P.C.

LAND SURVEYING and ENGINEERING

930 East Avenue, Suite 1000

Rochester, NY 14607

(585)723-1820 Tel. (585)723-1821 Fax

Est. 1988

Israel L. Marques, PLS

Laurence E. Heininger, PE, PMP

April 30, 2021

John Rynne, MAI
Rynne, Murphy & Associates
The Chapin Building – Suite 305
305 St. Paul Street
Rochester, NY 14604

**RE: Clover-Highland 6 Lot Residential Subdivision
PN M20211.1-1**

Tim:

As a follow up to my e-mail last night this letter summarizes the cost estimating. There have been four iterations of the residential layout. Each layout has different components and associated costs. The current layout is 6 lots. Four have access to Clover Street (CR 271). Two have access to Highland Avenue, a Town street.

Public utilities are available on both streets. This includes sanitary sewer, MCWA water, storm sewers on Highland, gas, electric, telephone and cable.

Pricing for the cost of improvements was developed with input from TUG Excavating, Zoom Drain, Victor Excavating, Sickles Corporation, MCWA, Decca Paving, Villager Construction, Arbor Tree and Loyal 9 Development.

Based on the elimination of 430 LF of 8" cross lot sanitary sewer the developer costs are significantly reduced. The current cost estimate is:

Storm Water	\$3,125 (Connection at Highland, 180' of 10" pipe)
Private Drive (partial)	\$19,323 (155LF at Clover, 70LF at Highland; 18' wide)
Electric (Primary)	<u>\$1,780</u> (115 LF Primary & Transformer)
Total	\$24,228

The average developer utility cost/lot is $\$24,228/6 = \$4,038/\text{lot}$.

The 6 lot design is pretty well thought out. Final engineering plans would include:

- Subdivision Plat
- Utility, grading and erosion control (includes SWPPP)
- Profiles and details

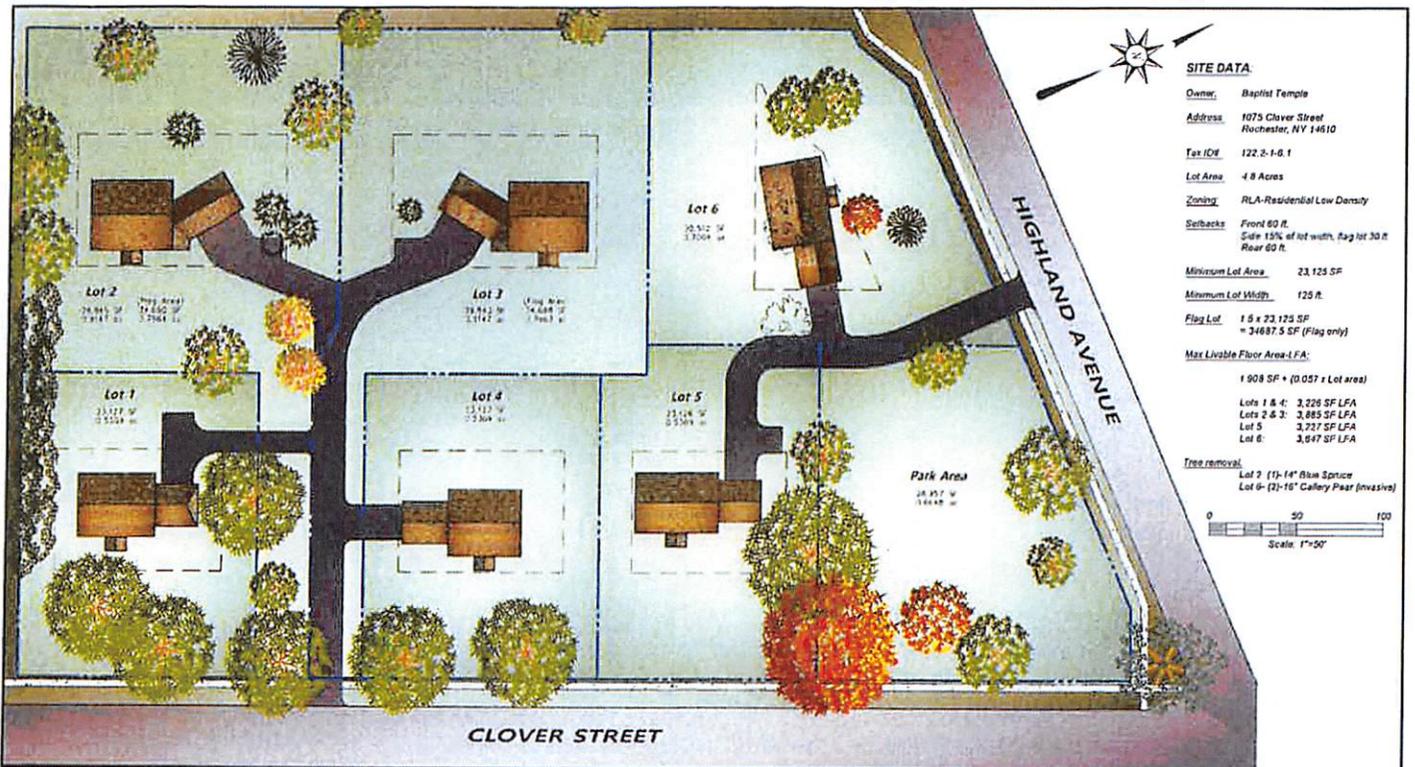
We estimate the cost to complete these drawings and a SWPPP would be \$16,500. We estimate the cost for legal services related to the completion of the subdivision would be \$12,000.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

Very truly yours,
Marques and Associates, P.C.

A handwritten signature in black ink, appearing to read "Larry Heining". The signature is written in a cursive style with a long horizontal stroke at the end.

Larry Heining, P.E., PMP
VP Engineering



SITE DATA

Owner: Baptist Temple
Address: 1075 Clover Street
 Rochester, NY 14610
Tax ID#: 122.2-1-6.1
Lot Area: 4.8 Acres
Zoning: RLA-Residential Low Density
Setbacks: Front 60 ft.
 Side 15% of lot width, Flag lot 30 ft.
 Rear 60 ft.
Minimum Lot Area: 23,125 SF
Minimum Lot Width: 125 ft.
Flag Lot: 1.5 x 73,125 SF
 = 34687.5 SF (Flag only)
Max Livable Floor Area - LFA:
 1,908 SF + (0.057 x Lot area)
 Lots 1 & 4: 3,226 SF LFA
 Lots 2 & 3: 3,865 SF LFA
 Lot 5: 3,727 SF LFA
 Lot 6: 3,647 SF LFA
Tree removal:
 Lot 2 (11'-14" Blue Spruce
 Lot 6 (21'-16" Gallery Pear (invasive))

0 50 100
 Scale: 1"=50'

PREPARED BY:
 MARQUES & ASSOCIATES, P.C.
 LAND SURVEYING ENGINEERING
 930 East Avenue Rochester, New York 14607
 585-723-1820 (Tel) 585-723-1821 (Fax)
 Date: February 19, 2021 Scale: 1" = 50'

SHOWING:
 Concept Residential Site Plan
 1075 Clover Street
 Town of Brighton, Monroe County, New York

PREPARED FOR:
 X
 X
 Rochester, New York 146xx

Chapter 203. District Use Regulations

Article IA. Residential - Low Density District (RLA)

§ 203-2. Purpose and intent.

In accordance with the recommendations and policies of the Town Master Plan, this district is intended to promote and encourage a suitable environment for family living by protecting and stabilizing the residential character of the Town's established neighborhoods. The residential character of this district offers a variety of lot sizes consistent with suburban standards.

§ 203-2.1. Permitted and conditional uses.

In a Residential Low Density RLA District, no building or premises shall be used, and no building or part of a building shall be erected, in whole or in part, for any uses except the following:

A. Permitted uses shall be as follows:

- (1) Single-family detached dwellings, not to exceed one dwelling on each lot.
- (2) Buildings, structures and uses owned or operated by the Town of Brighton for municipal use.
- (3) Family child-care homes.

B. Accessory uses. The following accessory uses shall be permitted, in the rear yard only, limited to the following:

[Amended 7-23-1997 by L.L. No. 5-1997; 9-9-1998 by L.L. No. 3-1998; 7-26-2000 by L.L. No. 6-2000; 3-9-2005 by L.L. No. 3-2005; 11-14-2007 by L.L. No. 12-2007; 11-25-2008 by L.L. No. 6-2008]

- (1) A noncommercial swimming pool, subject to the requirements of Chapter 207, Supplementary Regulations, § 207-11.
- (2) A screen, garden or tea house, gazebo, tool storage shed or a cabana for a swimming pool, none of which shall exceed 250 square feet in area.
- (3) In a rear yard or in a side yard, provided that it shall be no less than five feet from the lot line, one private garage building not exceeding 600 square feet in area and limited to use of persons resident on the premises.
- (4) One building for private horticultural purposes not exceeding 336 square feet in area.
- (5) In a rear yard, but not within 10 feet of a lot line, the open storage of camping trailers, boats, boat trailers and utility trailers which do not exceed 24 feet in length and/or six feet in height, provided that the trailer or boat shall be screened from view with a fence or other suitable material to reduce the visual impact of this open storage on adjacent residences. Storage of camping trailers, recreational vehicles, self-contained motorized homes or boats longer than 24 feet and/or higher than six feet shall be within enclosed buildings or off the site. For purposes of this requirement, open storage shall begin 72 hours within any four-day period after the vehicle, boat or trailer is on site. Vehicles, boats or trailers in the driveway less than 72 hours are not considered to be in open storage.

- (6) In a rear yard only, a stand-by electrical power generator, provided that the following conditions are met: the generator shall be located behind the house, shall not extend past the side of the house, and shall not be closer than 10 feet to any lot line; the generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes; maintenance operation of the generator shall take place only during daylight hours; the generator shall only operate on LP or natural gas; documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.
 - (7) In a rear or a side yard, an air-conditioning unit, provided that the following conditions are met: the noise level of the unit shall not exceed 78 decibels per the manufacturer's specifications; it shall be screened with fencing or other suitable materials so as to reduce the visible impact from adjacent property owners and from the road; and the unit shall be no closer than five feet to any lot line. If these conditions are met, the Building Inspector shall issue a building permit for the air-conditioning unit.
 - (8) In the rear yard, a compost pile, provided that the owner of the property has taken reasonable precautions to reduce offensive odors, the compost pile is in compliance with the property maintenance regulations of the Town Code and is suitably located and/or screened so as not to detract from the appearance of the neighborhood.
- C. Conditional uses shall be permitted as follows, subject to approval by the Planning Board in accordance with Chapter 217, Article II, of these regulations, and subject to the requirements specified below and elsewhere in these regulations, including site plan approval in accordance with Chapter 217, Article III, of these regulations:
- (1) Places of worship, including parish houses, convents, rectories or parsonages, subject to the following special requirements in addition to all other applicable regulations set forth in these regulations:
 - (a) No building or part thereof shall be located nearer than 100 feet to any street line or lot line. A parish house, convent, rectory or parsonage shall conform to the requirements for a one-family dwelling.
 - (b) The sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot. Minimum lot area shall be two acres.
 - (c) The entire lot, except for areas covered by buildings and parking or loading areas, shall be suitably landscaped and properly maintained.
 - (d) Places of worship shall be held liable for any conditional use, including day-care centers, and related operations and activities which take place within their facilities.
 - (2) Private, nonprofit, prekindergarten, kindergarten, elementary or secondary schools or colleges accredited by the New York State Department of Education, subject to the following special requirements in addition to all other applicable regulations set forth in these regulations:
 - (a) No building or part thereof shall be located within 100 feet of any street line or lot line.
 - (b) The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot. The minimum lot area shall be five acres, plus one acre for each 100 pupils for which the building is designed.
 - (c) The maximum height of any structure shall be 40 feet above finished grade at the front building wall or the front setback line.
 - (d) The entire lot, except for areas covered by buildings, parking or loading areas, shall be suitably landscaped and properly maintained.
 - (e) All institutions mentioned in this section shall be held liable for any conditional use, including day-care centers and related operations or activities which are held within their facilities.
 - (3) Private golf courses operated by a nonprofit, membership corporations exclusively for members and guests, subject to the following special requirements in addition to all other applicable regulations set forth in these regulations:
 - (a) No building or part thereof shall be located within 150 feet from any street line or lot line.
 - (b) Any such use shall occupy a lot with an area of not less than five acres.

- (c) The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (d) The maximum height of any structure shall be 40 feet above finished grade at the front building wall or front setback line.
 - (e) The entire lot, except for areas covered by buildings and parking and loading areas, shall be suitably landscaped and properly maintained.
- (4) Fire stations and ambulance services and public utility rights-of-way, as well as structures and other installations necessary to serve areas within the Town, subject to such conditions as the Planning Board may impose in order to promote the health, safety, appearance and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
- (5) Day-care centers.
- (6) Comfort care homes, subject to the following special requirements in addition to all other applicable requirements set forth in these regulations:
[Added 4-9-2014 by L.L. No. 1-2014]
- (a) Minimum lot area shall be 1 1/2 acres.
 - (b) Minimum lot width shall be 200 feet.
 - (c) Pavement shall be set back a minimum of 30 feet from any lot line.
 - (d) Parking shall not be permitted in a front yard. Parking areas shall be screened as required by the Planning Board.
 - (e) A minimum of 12 parking spaces shall be provided. Additional parking may be required at the discretion of the Planning Board.
 - (f) All proposed exterior lighting shall require approval by the Planning Board.
- D. Home occupations are permitted within this district, provided that there shall be no substantial increase in noise, traffic generation or electrical interference with television, radio or telephones of adjacent residences, and other than signs as permitted in these regulations, no external changes to the principal building which would indicate a change from the residential character of this district. Any substantial change listed above shall result in termination by order of the Building Inspector.

§ 203-3. Off-street parking and loading.

All uses shall be subject to all applicable off-street parking and loading requirements set forth in Chapter 205, Articles I and II, of these regulations. In addition, the following off-street parking standards shall apply:

- A. No overnight parking of commercial vehicles, except within an enclosed garage, shall be permitted within a residential district.
- B. For private golf courses, no parking or loading area shall be located within 150 feet of any street or lot line.

§ 203-4. Signs.

See the sign regulations in Chapter 207, Article VI, of these regulations.

§ 203-4.1. Communication facilities.

[Added 7-23-1997 by L.L. No. 5-1997]

See the communication facilities regulations in Chapter 207, Articles VIII and I, § 207-3D, of these regulations.

§ 203-5. Access control.

See the access control regulations in Chapter 207, Article IV, of these regulations.

§ 203-6. Landscaping.

See the landscaping regulations in Chapter 207, Article V, of these regulations.

§ 203-7. Fences.

See the supplementary regulations in Chapter 207, Article I, § 207-3, of these regulations.

EXHIBIT B

Subscribe

NEWS

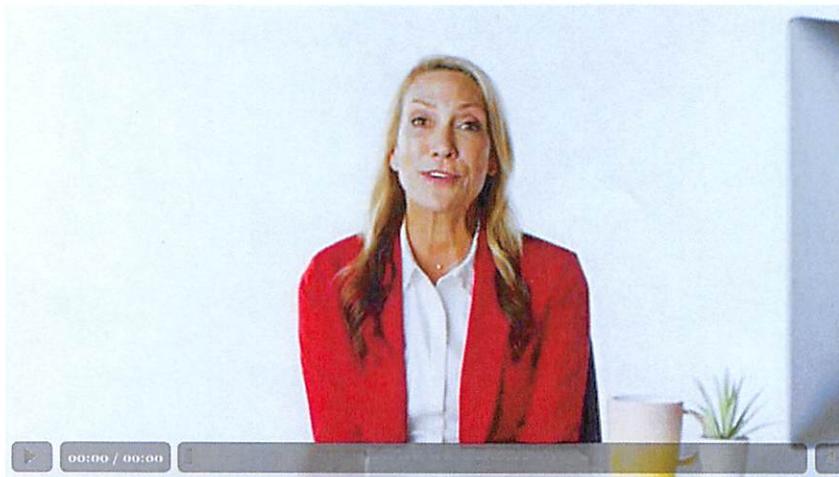
Looking to buy a home? What you should know about Monroe County's 'crazy' housing market

Julie Sherwood

Messenger Post Media USA Today Network

Published 4:55 a.m. ET Apr. 21, 2021 | Updated 11:26 a.m. ET Apr. 22, 2021

[View Comments](#)



Getting ready to buy your first home? Check out these tips first

Make sure you're aware of these expert-approved tips before buying your first home. *By GET Creative, for Rocket Mortgage*

Brian Redmond and his wife, Shelby Mancuso, began house hunting last year, with the lease on their Rochester apartment about to expire.

“We didn’t know how crazy the market was until we started looking,” said Redmond.

They wanted to put down roots in Rochester, where Redmond is a teacher and Mancuso, a nurse. They weren’t looking for anything extraordinary – though, of course, they had a wish list: a three-bedroom, two-bath with a spacious first-floor

layout in a walkable community.

Redmond said their real estate agent warned them right away they would have to be super competitive to land the house they wanted.

For starters, an offer would need to be at least \$10,000 over the asking price. They could do that. But they soon discovered that wasn't nearly enough for a hot seller's market fueled by a pandemic, low interest rates and other factors beyond their control.

For subscribers: [Search Monroe County and New York real estate transaction since 2004](#)

They shopped for houses in and around the city of Rochester, including the suburbs of Irondequoit, Webster and Penfield to name a few. Many fit what they were looking for, and so the roller coaster ride began.

They made what they believed were competitive offers, only to be outbid by other potential buyers offering a lot more money and willing to waive home inspection and other contingencies.

Six or seven offers went south for Redmond and Mancuso before a three-bedroom house in a Highland Park neighborhood caught their eye. Not willing to lose this one, they decided to change their approach and take the risk of waiving

contingencies.

“It was a gamble,” said Redmond. “Nerve-racking.”

In the end, they offered close to \$30,000 above asking price, waived the inspection and got the house.

“You hope you haven’t made a very expensive mistake,” said Redmond.

So far so good. Since closing on the purchase April 2, Redmond and Mancuso are relieved to be out of the market and in their new house. An inspection done after the purchase didn’t turn up any surprises. Other than some minor repairs, Redmond said they don’t foresee having to do much.

'The pandemic threw the market for a loop'

Based on what’s going on, Redmond said he sees what he and Mancuso experienced as “pretty standard to what is happening.”

Joshua Wolpe, a licensed realtor with HUNT Real Estate, said “COVID supercharged the market.”

Wolpe, who lives in Brighton, has been in real estate for 15 years, in Colorado and California as well as New York state. What’s happening is nationwide, said Wolpe, who is also a real estate investor remodeling and reselling homes in California.

“The pandemic threw the market for a loop,” he said. For one thing, it kept people from making moves they would have otherwise made, which reduced inventory. Still, there is buyer demand fueled in part by low interest rates. “With less homes on the market and a ton of buyers, it created the perfect storm,” Wolpe said.

Joshua Wolpe [PHOTO PROVIDED]

In this market, “sellers have all the advantages,” he said.

What Redmond and Mancuso experienced was typical. You could even say they lucked out.

Two businessmen in suits shaking hands, with one holding a miniature house in his left hand. *Getty Images*

If you want to hear horror stories, you can find them all over social media and on platforms like [Reddit](#), which is based on communities.

One example from Rochester. "My parents are in a money pit situation because they waived the inspection. A few months after moving in my dad went right through the kitchen floor due to rot. Owners had put down new laminate over the rotted floor to hide it. They got lucky no one fell through during the viewing. That was just the beginning. Porch is falling apart, HVAC is ancient, roof is leaky. It's their own fault, but I would never waive an inspection."

Someone kicking off the discussion posted: "My wife and I just lost our 6th bid on a house. Offered \$65k over list on a 289,900 list and got crushed. Realtor thinks it went for \$400k, all cash, no contingencies. 40 offers."

And this: "An agent (not ours) recommended that we empty out our 401k's and wave (sic) all contingencies in order to make a cash offer on a house.

"We refuse to over-leverage ourselves, get deep under an overpriced home and risk our retirement for a pile of wood. We will not yield on inspection requirement no matter what, and you shouldn't either if that's important to you!"

Wolpe said with houses selling for well over asking price and prospective buyers waiving contingencies, "It's pretty wild." He has never seen anything like it.

For buyers, there are still many success stories. Connections help, and so does going into the process armed with the latest information and a critical eye.

'You have to fight to get the house you want'

Will Soffel and Shannon Braeger along with their dog, Harvey, bought their first house in Irondequoit. The seller's housing market has put most buyers at a disadvantage, requiring they offer \$10,000 or more above list price, waive home inspections and take other risks to be competitive. *Jamie Germano/Rochester Democrat And Chronicle*

Will Soffel and Shannon Braeger got engaged in January. Ready to move on from being apartment dwellers to owning a home, they started looking in February. Soffel is in IT sales and Braeger is a social worker.

“It was a pretty quick process,” said Soffel, whose father is a real estate broker who provided referrals. They were also fortunate to have other family members as well with home-buying experience to weigh in.

Their search for a three-bedroom house with yard took them around Brighton, Webster and Penfield — areas they were familiar with, where they thought they wanted to live. They looked at four or five houses and then discovered a house in East Irondequoit they liked so much that they put down an offer.

“It was really competitive,” said Braeger. She wasn’t surprised. “You have to fight to get the house you want,” she said.

They agreed to a limited inspection and offered \$170,000. The house was listed at \$145,000. There were 20 other offers. The house went to another buyer for well above their offer of \$170,000.

Then they found the house in Irondequoit listed for \$145,000.

They offered \$164,000, waived the inspection and got the house. The three-bedroom colonial with sun porch, backyard and spacious basement for storage or eventually, an additional family area, was just what they wanted.

“We love it,” said Braeger.

There were just four other offers on the house. “That is obviously out of the ordinary. Our realtor thought maybe because it was listed on the same day as a few other houses in the same price range,” said Braeger.

For subscribers: [New York Real estate transaction since 2004](#)

“We kind of had unique experiences, given how the market is right now,” she said. “We feel really lucky.”

According to [Clever Real Estate](#), an online platform that connects home buyers and sellers with agents at a discount rate, the market remains solid for sellers. But there are signs that may change.

Of the homeowners who planned to sell in 2020 or 2021, 65% delayed selling their home or decided not to sell altogether, and only 10% of homeowners sold their home as planned.

A new survey report of 1,000 Americans, however, found that with the end of the pandemic in sight, 77% of these homeowners said they plan to list their home sometime in 2021, suggesting a rise in inventory and a potential shift from a seller's market.

Wolpe foresees the reopening of foreclosures and auctions also playing a role in that eventual shift in the market.

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5 Housing Markets Where Sellers Are Asking a Lot More in 2021

By Brandon Cornett | April 6, 2021 | © HBI, [all rights reserved](#)

What do the housing markets in Austin, Buffalo, Los Angeles, Rochester and Oklahoma City have in common? Okay, so the headline gives it away.

In these real estate markets, sellers are asking a lot more for their homes in spring 2021, compared to a year ago. This is based on a recent housing market update provided by the research team at Realtor.com. Their report offered real estate insights for the nation as a whole, as well as the 50 largest U.S. metropolitan areas.

According to the report:

“Listing prices in the 50 largest metros grew by an average of 12.1% year-over-year with some markets seeing listing prices grow by nearly triple that amount. Topping the list was Austin where listing prices were up 39.8%, followed by Buffalo, N.Y. (+28.3%) and Los Angeles (+24.8%).”

In most cases, the increase in seller asking prices is fueled by a decline in available inventory. Many real estate markets across the U.S. currently favor sellers over buyers, due to tight supply conditions and steady demand.

[Related: U.S. housing supply down by half](#)

Housing Markets Where List Prices Have Risen the Most

We sorted their data to find out where real estate listing prices have increased the *most*, over the past year or so. In this context, the "listing price" refers to what the seller is asking for, when posting the property on Realtor.com. A significant year-over-year increase indicates a hot housing market with strong competition among buyers.

As mentioned in the above quote, the real estate markets in Austin, Buffalo and Los Angeles topped the list of metro areas where property listing prices have increased the most. Rochester, N.Y. and Oklahoma City housing markets rounded out the top five. Honorable mentions go to Atlanta, Charlotte and Detroit, which also posted big gains.

Here's a closer look at the five real estate markets with the biggest increase in listing / asking prices.

Note: The percentages shown beside each metro area indicate how much the median list price increased from March 2020 to March 2021.

1. Austin-Round Rock, Texas (+39.8%)

If you follow real estate market trends, the inclusion of Austin, Texas on this list should come as no surprise. The Austin housing market has been red-hot during the past few years, and things [have only heated up in 2021](#) .

According to the Realtor.com report, the median listing price for homes within the Austin-Round Rock metro area housing market climbed by nearly **40%** over the past year or so. That was the biggest year-over-year increase of all 50 metro areas included in this particular report.

The home-price gains within the Austin real estate market are the result of two major influencers. The population is growing by leaps and bounds, while housing inventory has fallen sharply. In other words, the demand for homes far exceeds the available supply.

The Austin-Round Rock-Georgetown metro area population grew by nearly 30% from 2010 to 2019, and it continues to grow in 2021. That's a demand driver. On the supply side, the total number of active listings within the Austin area real

estate market dropped by -72.7% from March 2020 to March 2021 (according to Realtor.com). That's a major decline in inventory, and it makes things more challenging for buyers.

It's no wonder sellers in the area are feeling confident about their asking prices. I would feel the same way, if I were selling a home in the Austin area.

2. Buffalo-Cheektowaga-Niagara Falls, N.Y. (+28.3%)

The Buffalo area real estate market has also experienced a major decline in the number of homes listed for sale. Based on the report cited above, total active listings dropped by -46.6% over the past year or so. In other words, the Buffalo-area housing market shrank by nearly *half* in one year's time.

With all other things being equal, this kind of trend puts upward pressure on home prices. And that's exactly what we are seeing within the Buffalo-Cheektowaga-Niagara Falls metro area housing market. The median listing price in the area shot up by **28.3%** from March of last year to March 2021.

Interestingly, population change is less of a factor for this metro area. Unlike the Austin area mentioned above (which is growing rapidly), the population of Buffalo, New York has actually *dipped* slightly over the past decade. But the Buffalo area real estate market does have a very low level of housing supply right now. This, combined with increased buyer demand among the local populace, has led to higher and higher list prices.

3. Los Angeles-Long Beach-Anaheim, Calif. (+24.8%)

Los Angeles is another hot housing market in 2021, with buyers competing for limited inventory. Of course, it also happens to be a vast and sprawling market, with conditions varying from one city to the next. But overall, the Los Angeles-Long Beach-Anaheim metro area has a highly competitive real estate market in 2021.

The median list price for the L.A. area housing market rose by **24.8%** during the 12-month reporting period.

The Los Angeles metro area has also experienced a decline in property listings over the past year, though not as severe as real estate markets like Atlanta,

Austin and Detroit. Across the L.A. metropolitan area, total active listings declined by -19.7% during the March-to-March reporting period.

This reduction in inventory, along with a steadily growing population, has boosted home prices all across the Los Angeles housing market. According to Zillow, the median home value has increased by around 10% in cities like Anaheim, Long Beach and Los Angeles.

4. Rochester, N.Y. (+20.9%)

Another New York housing market makes an appearance on our list. Sellers within the Rochester real estate market are also asking more for their homes in 2021, compared to last year. About **21%** more, when measured by the median listing price.

Here again, inventory reduction has played an influencing role. Total active real estate listings in the Rochester area fell by -47.6% during the 12-month period ending in March 2021. That's a significant reduction, and it comes at a time when the *demand* for homes remains steady.

Despite the price growth of the past year, the Rochester housing market is still highly affordable relative to local incomes. Zillows reports a median home value of around \$175,000, as of April 2021. That's lower than the national median, and one of the lowest among the nation's major metro areas.

But home prices *are* still rising within the Rochester, New York real estate market, so buyers might want to have a sense of urgency.

5. Oklahoma City, Okla. (+20.7%)

Note the pattern here: The Oklahoma City real estate market has also experienced a sharp decline in active property listings, and sellers are now asking more for their homes. This is the story for many cities across the U.S. in 2021, to varying degrees.

According to the Realtor.com report, total active listings in Oklahoma City dropped by -61.9% from March 2020 to March 2021. Demand has remained steady, when measured by the number of home sales in the area. So within the Oklahoma City housing market, the ongoing rise of home prices is *mostly* driven

by inventory reduction.

The median list price for this market rose by **20.7%** over the past year or so.

In April of 2021, Zillow reported: "The typical home value of homes in Oklahoma City is \$156,689 ... values have gone up 10.0% over the past year."

Honorable Mentions: Atlanta, Detroit and Charlotte

If we had continued this list a few more places, the real estate markets of Atlanta, Detroit and Charlotte would have made the cut. All three of these metro areas have experienced a significant increase in real estate list prices over the past year or so.

Here's how the median listing price changed for these three housing markets, year over year:

- Atlanta-Sandy Springs-Roswell, Ga. (+19.7%)
- Detroit-Warren-Dearborn, Mich. (+19.2%)
- Charlotte-Concord-Gastonia, N.C.-S.C. (+18.3%)

These real estate markets have something else in common, as well. In Atlanta, Detroit and Charlotte, housing supply has dropped sharply over the past year. According to Realtor.com, all three of these metro areas have seen a drop in active listings that ranges from -55% to -65%. So buyers will have to work harder in 2021, to find a property that meets their needs.

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New York housing market continues to be busy in March

Albany, NY – April 22, 2021 – Closed and pending sales remained robust in March, marking the seventh straight month of gains in year-over-year comparisons, according to the housing report released today by the New York State Association of REALTORS®.

Closed sales climbed 36.7 percent in March – from 8,051 homes at the beginning of the pandemic last March to 11,008 this year. Pending sales jumped from 9,276 homes in March 2020 to 14,757 units this year – a 59.1 percent increase.

Inventory levels continue to struggle as the number of homes for sale across New York fell 30.1 percent – from 52,536 homes in March 2020 to just 36,739 units available last month.

Median sales prices once again were on the rise, escalating to \$365,000 in March 2021.

This represents a 30.4 percent increase from the \$280,000 median price in March 2020.

Mortgage interest rates however, rose for the third consecutive month. According to Freddie Mac, the monthly average on a 30-year fixed rate mortgage in March jumped to 3.08 percent. Yet, this is still lower than the 2020 average rate of 3.11 percent.

Data and analysis compiled for the New York State Association of REALTORS® by Showing Time Inc.

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New York State Association of REALTORS®, Inc.

130 Washington Avenue

Albany, NY 12210

Phone: 518.463.0300

Fax: 518.462.5474



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REAL ESTATE

Record shortage in Rochester housing market leads wars, cash purchases

by: [Atyia Collins](#)

Posted: Apr 6, 2021 / 05:41 PM EDT / Updated: Apr 7, 2021 / 03:59 PM EDT

ROCHESTER, N.Y. (WROC) — There is a record shortage of houses for sale in the Rochester area, and homes that do make it on the market are not staying there very long, leaving

potential buyers in competitive bidding wars.

This year, COVID-19 has made things even more challenging, as more owners decided to keep their home and renovate rather than selling.

"If you don't have the deposit to put down or you are not really a qualified buyer, it will definitely be a challenge to get a house right now," said Jim Barbato, president of Pride Mark Homes.

I Housing boom: Why people are paying thousands more than the asking

According to the February housing report from the New York state association of realtors, sales are up, but inventory is near record lows.

Closed sales in February climbed 24% compared to 2020. Inventory however continues to fall, 31.5% less homes are available now than February of last year. Median sales prices were \$360,000, a 22% increase from February 2020.

"This is unusual. It's really ramped up. We're also seeing a shift from covid for the demand for more space," said Barbato.

COVID-19 could be causing more current homeowners are keeping their current home and renovate rather than move due to the uncertainty of COVID-19.

For houses that do make it on the market-potential buyers will find themselves in competitive bidding wars-with bids coming in thousands over asking price, buyers paying cash up front, or even forgoing inspections all to win the home.

"People are not getting inspections and they're going in without contingencies and just buying houses just in order to win the bid, going over asking price with no contingencies," said Barbato.

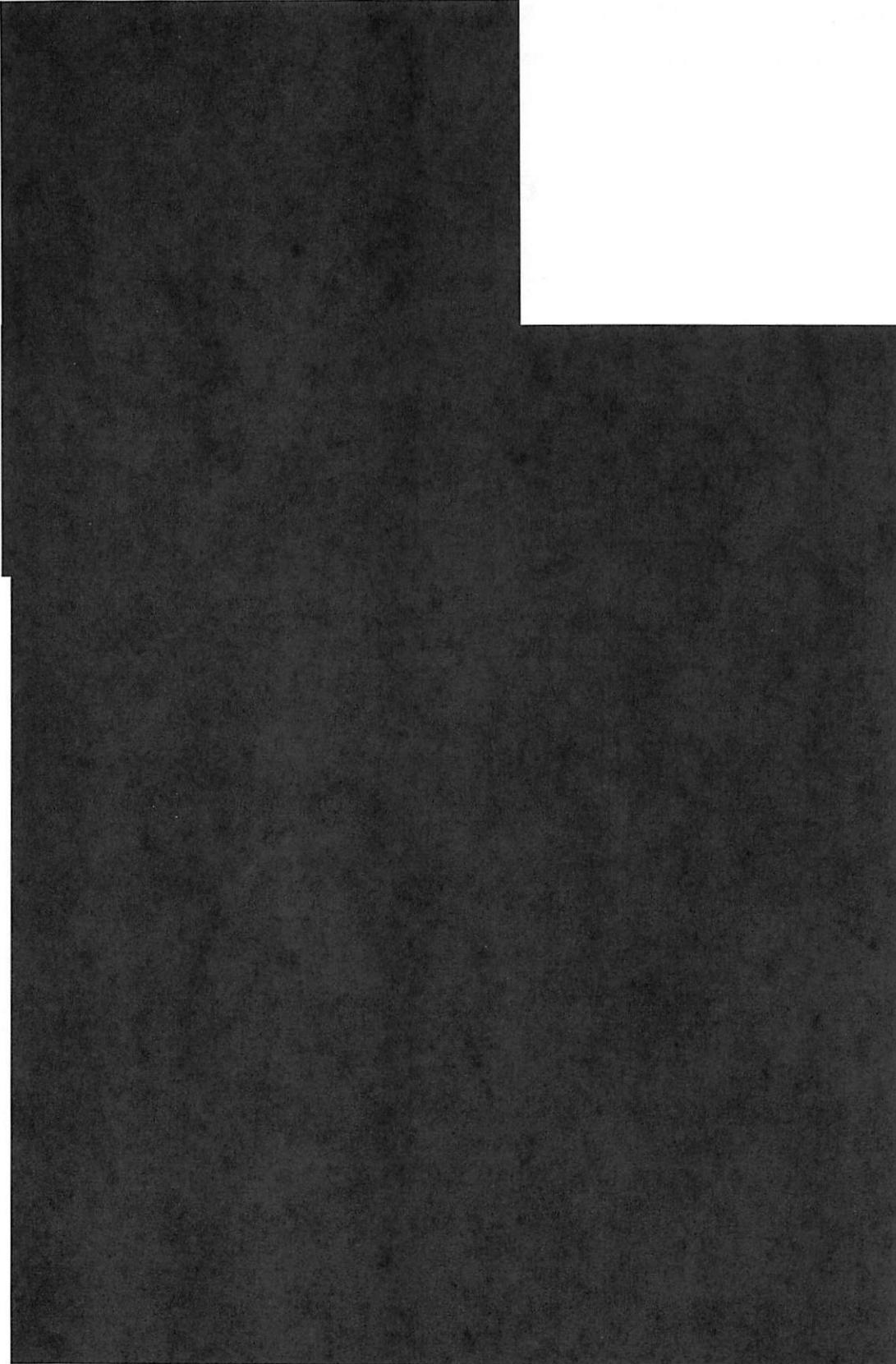
This leaves first time potential homeowners and those who need a mortgage at a disadvantage-but doing research and being first to the market might just help.

"You have to go in as a ready able buyer and go in over asking price for the appropriate properties," said Barbato.

The rental market is also seeing a similar boom.

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EXHIBIT C

MARQUES & ASSOCIATES, P.C.

LAND SURVEYING and ENGINEERING

930 East Avenue, Suite 1000

Rochester, NY 14607

(585)723-1820 Tel. (585)723-1821 Fax

Est. 1988

Israel L. Marques, PLS

Laurence E. Heining, PE, PMP

April 21, 2021

Ramsey Boehner
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Baptist Temple- 1075 Clover Street
Review of Application No. 9P-NB1-20
PN M20211.1-1

Ramsey:

As requested by the Country Club Condominium Board of Managers and Mick Woods at Boylan Code LLP we have reviewed the plans dated 4/7/2021 and response letter dated 4/7/2021. In general, there are many review comments from November 2020 that have not been addressed and the applicant is asking for Preliminary Approval.

Granting Preliminary Approval before the technical information has been generated is highly unusual. Preliminary Approval is usually granted to plans that are "shovel ready" and just need agency signatures. All technical reports and data should have been completed. They are saying, "Give us the approval and then we'll do the work to show this project is buildable"

There are also several disconnects in the plans and SEQR Short Form. Examples include:

The SEAF from October 2020 had several errors. The disturbance was noted as 0.80 acre+/- . When measured the area of disturbance was 2.1 acres. The most recent SEAF indicates the disturbance will be 0.4+/- acres. Measuring the area of disturbance on Sheet V 1.0 the actual area is 1.2 acre.

The "Action is consistent with the predominant character of the existing built or natural landscape". We disagree, the area is solidly high end residential and there are no other commercial uses in the region

Is the project "substantially contiguous to, a building which is listed on the National or state Register of Historic Places?" The Stone-Tolan House was listed on the National Register in 1983. It is located 290 yards from the site. That's less than one lap around a high school track. Or a good golf drive.

Given the controversy of this project and experience with other projects we question why a SEQR Long Form was not required.

Plans and Reports

There is no hydrant flow data shown on the plans. This information is readily available from MCWA.

Parking provided is 155 spaces. That seems light. If 65 are required for office space and 54 are required for medical office space that leaves 36 for day care and other uses. The traffic report indicates 90 students. At one space for every 5 students, 18 spaces are required. Assuming 9 staff members only 9 spaces remain. The traffic report indicates other daytime uses as;

ABCGR	2 people
Prayer Group's	5-10 people <u>afternoons</u> and evenings
Concerts	30-100 people, times not specified
Arts & Crafts	Tuesdays 10:00-3:00, attendance not noted

Engineers Report

The response letter indicates that the sanitary flow will be less than existing. This does not seem correct. NYS Plumbing Code under A-3 Assembly, Places of Worship lists 1 water closet for every 150 men and 1 per 75 women. Lavatories are 1/200 for both. Under Business use/professional services the requirement is one water closet for the first 25 men and 1/50 thereafter. For Women it is the same requirement. Lavatories are 1/50 for both men and women.

This means the anticipated usage is 3 to 4 times greater for Business/Office use than a church, not "significantly less"

Further more NYSDEC Hydraulic Loading Rates for a church are 3 gpd/seat. Day Care is 20 gpd/child. Doctor's office and dentist are 250 gpd. An office building is 15 gpd/employee. Again, the wastewater volume is significantly more for the proposed use than the existing religious use.

The response notes 26,000 SF of disturbance. The plans show an area of 54,800 SF, which is double. Disturbance should include utility trenches to light poles, light pole excavation and tree removal.

The existing west and south parking area are proposed to be milled and overlaid. Inspection of this pavement indicates that it is dried out, there is significant alligator cracking and we question whether milling will "blow up" the pavement and expose the subbase. We note in the south parking lot there are significant areas where there is no asphalt and the gravel/dirt subbase is exposed.

The Executive Summary indicates traffic loading of:

AM Peak	42 entering/27 exiting
PM Peak	21 entering/46 exiting

For comparison a 6-lot single family residential use developed under RLA zoning would generate:

AM Peak	1.1 entering/3.4 exiting
PM Peak	3.9 entering/2.2 exiting

The proposed use generates 38 x more traffic for the AM Peak Entering and 21 x more traffic for the PM Peak Exiting.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

Very truly yours,
Marques and Associates, P.C.

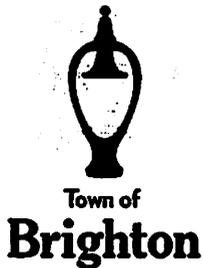
A handwritten signature in cursive script, appearing to read "Larry Heining".

Larry Heining, P.E., PMP
VP Engineering

xc: Israel Marques, PLS

D:\User\Documents\Marques\2020\Hanna-Clover Highland\Phase\M20211.1-1 Review of Marathon Re-submittal 042121.doc

EXHIBIT D



Public Works Department
Commissioner of Public Works – Michael Guyon, P.E.

Evert Garcia, P.E.
Town Engineer

Date: April 19, 2021

From: Evert Garcia

To: Ramsey Boehner

Copy: File

Re: *Application No. 9P-NB1-20*

*Application of Baptist Temple, Owner, and Clover Park Properties, LLC, Contract Vendee, for Preliminary Site Plan Approval to convert an existing church building into high end office space and construct a two-story 10,000 sf building addition.
1075 Clover Street*

We have completed our review of the above referenced project and offer the following comments for the Planning Board's consideration. Some of the comments included below were developed as part of our previous review of Planning Board Application 9P-NB1-20. Our understanding is that the applicant's engineer will address all of the comments outlined below subsequent to the project's use variance determination.

General:

1. A letter of credit shall be provided to cover certain aspects of the project, including, but not limited to: demolition, restoration, sanitary sewer, water service, stormwater water management improvements, and sediment and erosion control. The letter of credit should be submitted to the Town for review and approval. An original Letter of Credit must be received by the Town prior to the start of construction.
2. The project will require multiple jurisdictional approvals. All approvals must be obtained prior to the Town endorsing the final plans.
3. The proposed building and site plan must comply with the New York State Fire Code. The Town of Brighton Fire Marshal must review the fire apparatus access and fire hydrant locations. The Fire Apparatus Access and Fire Hydrant Worksheet must be completed and submitted to the Town of Brighton for review. The worksheet can be found at: <http://www.townofbrighton.org/DocumentCenter/View/4557>

Roadway and Traffic:

1. We have received and reviewed the final draft of the Traffic Impact Study (TIS) for this development. We concur with the conclusions from authority having jurisdictions, including the Monroe County Department of Transportation and the New York State DOT, that this development should have minimal impact to traffic operations at off-site intersections and adjacent roadways. We have no further comments in this regard.

Engineer's Report:

1. A final draft of the Engineer's Report which considers the current proposal must be provided. The report must provide technical information regarding sanitary demand, change in runoff, and need for stormwater quality/quantity mitigation.
2. The capacity of the sanitary sewer lateral being used to serve this development should be evaluated in the engineer's report.
3. The proposed project is located within the Irondequoit Creek Watershed (IWC) and appears to exceed the thresholds for requiring a stormwater management report as identified in the Irondequoit Creek Watershed Stormwater

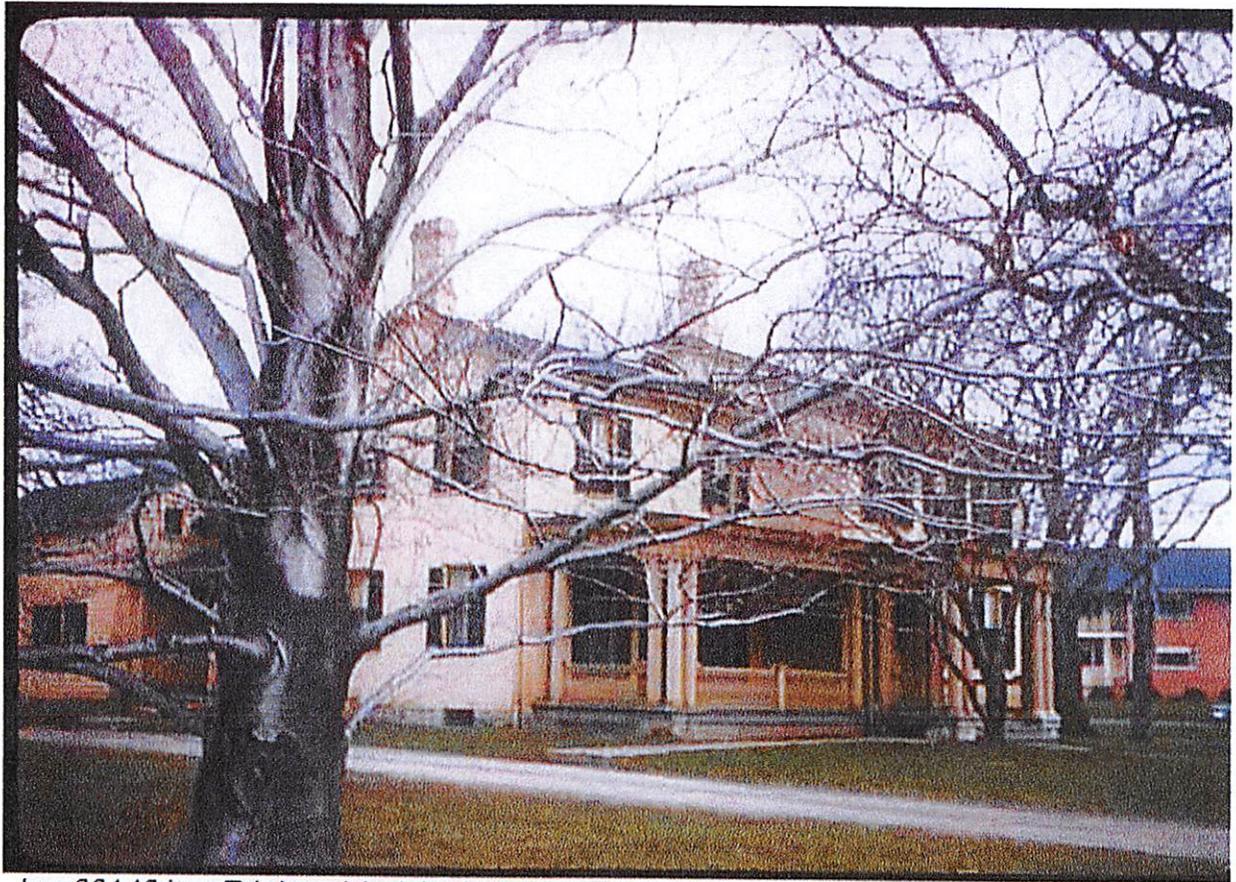
Management Report Requirements Packet for Developers. Please develop and submit a SWPPP which addresses the IWC requirements.

4. Chapter 215 of the Brighton Town Code states that modification of any area greater than 20,000 square feet requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by the applicant in accordance with the specifications outlined by the Town, reviewed by the appropriate board and approved by the Town Engineer. What is the area of disturbance for this development?
5. The previously provided drainage area maps indicated that stormwater runoff from drainage area 4S would be re-directed towards a Town of Brighton storm sewer system located north of the site. Is this new point of connection still being considered as part of the revised proposal? If so, the Town storm sewer system which is being connected to should be evaluated for adequacy of existing conditions and hydraulic capacity.
6. Updated stormwater modeling and delineation of drainage areas consistent with the revised proposal should be developed and submitted for review.
7. The designer is proposing to re-direct stormwater from the southwest corner of the property towards the Clover Street right of way via a drainage swale. There are no storm sewers currently available on Clover Street to collect the concentrated discharge from the proposed swale and underdrain systems. Concentrated discharge from the development should not be directed towards Clover Street and this situation must be mitigated on-site.
8. Hydraulic calculations demonstrating that the proposed water distribution network has sufficient pressure and flow to accommodate the demands associated with this project must be provided.

Plans

1. *Existing Conditions and Demolition Plan, Sheet 1 of 7*
 - a. The plans indicate that the boundary information provided are referenced from plans by others and shown for graphical representation only. The Brighton Town Code states that as part of the final site plan approval: *In whatever manner is practical, the site boundary shall be referenced from two directions to establish United States Coast and Geodetic Survey monuments or New York State Plan Coordinate monuments. In the event that such monuments have been obliterated, the site boundary shall be referenced to the nearest highway intersections or previously established monuments. Any combination of types of reference points may be accepted which would fulfill the requirement of exact measurements from the boundary to reference points previously established for or by a public agency.* Please provide sufficient survey information to meet the required site boundary criteria prior to final site plan approval.
2. *Layout Plan, Sheet 2 of 7*
 - a. A surface treatment legend should be provided on this sheet. It is difficult to discern the surface treatment/improvements being proposed throughout the parking lot on this sheet.
3. *Grading and E.C. Plan, Sheet 4 of 7*
 - a. Orange construction fencing for all trees which are to remain should be depicted on this sheet.
 - b. The location of soil stockpiles should be depicted on this sheet.
 - c. The location of material storage and staging areas should be depicted on this sheet.
 - d. The limits of disturbance calculations should include areas which are to be disturbed for proposed utility work and proposed site grading.
4. *Landscape and Lighting Plan, Sheet 5 of 7*
 - a. The cut sheets for the proposed light fixtures should highlight the model to be used on site. The proposed fixtures should be fully shielded with a correlated color temperature (CCT) of no more than 3000 kelvins.
 - b. The provided lighting plan indicates that light spill across the Clover Street and Highland Avenue right of way of up to 2 footcandles will be emitted as part of the proposed development. The illuminating engineering society (IES) suggests that light spill from commercial properties should not exceed 0.1 footcandles. Can this situation be mitigated? How do the proposed photometrics compare to existing conditions?

EXHIBIT E



brm00140.jpg Brighton Municipal Historian Collection

May 4, 2021

VIA EMAIL

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



Re: Application of Baptist Temple and Clover Park Properties, LLC for a use variance to allow church building to be converted into professional and medical office space in a residential RLA district on property located at 1075 Clover Street (12A-05-20)

Dear Zoning Board Members:

We are co-counsel, along with Nixon Peabody LLP, for the Country Club Condominium Board of Managers and submit this letter in opposition to the application by Clover Park Properties, LLC, as agent for The Baptist Temple, Inc. (collectively, the "Applicants"), for a use variance for property located at 1075 Clover Street, tax identification number 122.20-1-6.1 (the "Property").

BACKGROUND

The Property is located on the southwest corner of the intersection of Clover Street and Highland Avenue, and Country Club Condominium is located directly across Highland Avenue from the Property. The Baptist Temple, Inc. ("Baptist Temple") purchased the Property in late 1963 and, in 1964, constructed the church building that exists today. It is our understanding that prior to Baptist Temple's construction of the church, the Property had been the site of a large residential structure. See Photo attached as **Exhibit A**.

The Project is to convert the existing church building on the Property from a church to a commercial office building, including medical offices (the "Project"). The Property is located in a zoning district designated as Residential Low Density "A". Permitted uses in the Residential Low Density "A" district are limited to single family detached dwellings, Town of Brighton municipal buildings, family child-care homes (meaning child-care provided in a home), and, subject to certain conditions, home occupations. Brighton Town Code § 203-2.1(A). Conditional uses in the district include uses that are typically found in a residential district and are limited to places of worship, schools, private golf courses, fire and ambulance facilities, day care centers and comfort care homes. Brighton Town Code § 203-2.1(C).

As commercial office buildings are neither a permitted use nor a conditional use in the district, the Project necessarily requires a use variance from the Zoning Board of Appeals. Notably, the applicant's Project seeks to establish commercial offices in an area zoned for residential use, and that could economically be developed for single family residences, at a time when residential inventory is severely limited. As set forth below, the applicant has failed to demonstrate that it is entitled to a use variance, and its application must be denied.

REQUIREMENTS FOR A USE VARIANCE

In order for a use variance to be granted, an applicant must show that the applicable zoning restrictions have caused unnecessary hardship. In particular, the applicant must demonstrate that (1) under the applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, (2) the alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood; (3) the use variance will not alter the essential character of the neighborhood and will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, including natural features such as trees; and (4) the alleged hardship has not been self-created. *See Brighton Town Code § 219-2(B).*

Brighton's Town Code is largely consistent with Section 267-b(2)(b) of New York State Town Law, which provides that "[n]o ... use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created." Additionally, a zoning board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. New York State Town Law § 267-b(2)(c).

Unlike an area variance, which requires a zoning board of appeals to simply consider a number of factors, an applicant for a use variance must satisfy each and every one of the requirements. A failure to satisfy any one of the requirements mandates a denial of the application. "Unjustified variances ... may destroy or diminish the value of nearby property and adversely affect those who obtained residences in reliance upon the design of the zoning ordinance." *Matter of Village Bd. of Vil. of Fayetteville v Jarrold*, 53 N.Y.2d 254 (1981) (quoting *Matter of Otto v Steinhilber*, 282 NY 71 (1939)).

In analyzing an application for a use variance, it must be remembered that while “a contract vendee may apply for a use variance, it is the vendor's rights that are being determined.” *Matter of Amco Development, Inc. v. Zoning Board of Appeals of the Town of Perinton*, 185 A.D.2d 637(4th Dep’t 1992). In other words, it is the current owner’s rights that are being determined, not the prospective purchaser.

THE APPLICANT HAS NOT SATISFIED THE REQUIREMENTS FOR A USE VARIANCE

The Applicants have failed to satisfy all of the requirements for a use variance. In fact, as discussed more fully below, the Applicants have not satisfied any of the requirements.

Requirement No. 1: For each and every permitted use, the applicant cannot realize a reasonable return.

The Applicants must show that under the applicable zoning regulations Baptist Temple cannot realize a reasonable return from the Property, and that the lack of return is substantial as demonstrated by competent financial evidence. The Applicants are required to submit “dollars and cents” proof regarding the lack of return. The fact that that the property may yield a higher return for a use not permitted within the zone is immaterial. *Matter of Amco Development, Inc.*, 85 A.D.2d at 638.

Applicants’ Development Costs

In attempting to demonstrate that a reasonable return cannot be realized from residential single family home development, the Applicants submit a spreadsheet with the claimed costs of such redevelopment. The claimed redevelopment costs, however, contain a number of errors, which are as follows:

1. In calculating the costs of redevelopment, the Applicants include a contract purchase price of \$940,000 as part of the development costs. However, as noted above, it is the current owner, Baptist Temple, whose rights are being determined. *Matter of Amco Development, Inc.*, 85 A.D.2d at 638. The price for which a contract vendee, in this case Clover Park Properties, has contracted to purchase the Property (even if based on an appraisal) is irrelevant and is not part of the return analysis. See *Matter of Amco Development, Inc.*, 185 A.D.2d at 638. Indeed, the Court in *Matter of Amco Development, Inc.* specifically held that an applicant’s submissions on a lack of reasonable return were not proper when “it attempted to show that the property could not yield a reasonable return by submitting evidence of the price it had agreed to pay for the purchase of only the subject parcel. Although a contract vendee may apply for a use variance, it is the vendor's rights that are being determined.” *Id.* (internal quotes omitted). That is exactly what the Applicants have done here, they have submitted the price the developer has agreed to pay for the Property, and then based on that price claim it would not be able to develop the Property for residential uses. Under the law, the focus must instead be on whether the owner can sell or otherwise use the Property in a way that will allow it to avoid being deprived of a reasonable return for the Property. The financial information the Applicants

has submitted to establish that the property cannot realize a reasonable return therefore does not comply with the law.

Indeed, it defies not only the law, but logic, to use a price that a developer has agreed to pay, and then use that price as a basis for calculations to purportedly demonstrate that the owner cannot realize a reasonable return from the permitted uses. For that reason alone, the Applicants have failed to show that a reasonable return cannot be realized, and the application must be denied.

2. The Applicants' cost of residential development is also flawed because the \$235 per square foot amount that it uses as a construction cost for a 4,000 square foot home is demonstrably incorrect or inapplicable. In particular, in addition to the total land purchase and demolition amount of \$1,937,000, the Applicants add a custom home building amount of \$235 per square foot for construction of a 4,000 square foot custom built home to arrive at a cost per home of \$1,262,833 based on six homes. The Applicants then adds to that amount a sales commission of 6% for a final cost per home of \$1,348,813, or \$337 per square foot.

The reality, however, is that Woodstone's cost of \$235 per square foot for construction of a 4,000 square foot home is the price per square foot at which Woodstone is *selling* new homes. That amount therefore necessarily includes all site acquisition and development costs as well as sales commission and profit. This is known because attached hereto as **Exhibit B** is a chart showing all homes over 2,700 square feet listed on Woodstone's own website on April 26, 2021 for which both square footage and list prices were provided on the website. The first two were listed as being for sale. The third was listed as recently sold. The chart shows that the average price per square foot for which Woodstone is *selling* these homes is \$233 per square foot.¹ Based on Woodstone's own publicly available information, it appears clear that the Applicants are erroneously adding site acquisition, development, and sales commission costs totaling \$322,833 *per house* to a \$235 per square foot cost amount that publicly available information would indicate already includes not only those items but profit as well.

Additionally, accompanying this letter as **Exhibit C** is a letter from North Coast Development, LLC that further demonstrates that the letter from Woodstone Custom Homes purportedly substantiating a \$235 per square foot construction cost estimate does not provide nearly enough information to actually substantiate the \$235 amount as an accurate construction cost and showing that it is not consistent with prices at which Woodstone is actually selling new houses. It should also be note that construction cost of a truly "custom" home could almost be made as high as one wants based on the extravagant materials and features of the home.

¹ Only homes over 2,700 square feet have been included because, as indicated in Exhibit C, the price per square foot of a home typically rises as the size of the home decreases and drops as the size of the home increases. Thus, the size of homes used for determining a price per square foot must be in the range of the houses being considered, whether it be the 4,000 square foot house used in the applicant's analysis or the 3,226 to 3,885 square foot homes presented in the Marques and Associates drawing.

The financial information the Applicants has submitted to establish that the Property cannot realize a reasonable return as a residential development is therefore demonstrably inaccurate. This is a second, completely separate reason, that the Applicants have failed to show that reasonable return cannot be realized.

3. Even a \$235 per square price for a newly constructed home, *including* site acquisition and development costs, construction costs, sales commissions, and profit appears high. Attached to the North Coast Development letter is a non-exhaustive list of examples of newly constructed homes sold or for sale by Woodstone Custom Homes, Inc., Ketmar Custom Homes, and Spall Homes in Brighton, Pittsford, and Victor between April 20, 2018 and January 14, 2021. The chart clearly shows that the price per square foot typically decreases as the house gets larger. *See Exhibit C.*

The inescapable conclusion from the foregoing is that the broker opinion submitted by the Applicants to the effect that houses cannot be sold at the Property for \$1,358,813 is irrelevant because that is not the price at which they would need to be sold for a builder to make a profit, not only because the approximately \$337 per square foot cost information submitted by the Applicants is inaccurate for numerous reasons, but because the houses would not need to be 4,000 square feet (thereby decreasing the overall construction cost).

Applicants' Marketing Efforts

The Applicants have also failed to show that Baptist Temple adequately marketed the Property. The Applicants state in the application that the Property has been listed for sale for 2 years. *See Application, Question 9.* A review of the application package, however, shows that the Property was actually listed for only two months.

In particular, Applicants' Amended Letter of Intent states that Baptist Temple has sought to sell the Property since 2018. However, that letter makes clear that at first Baptist Temple was solely engaged in private conversation with another church. It was not until the spring of 2019 that the Property was actually listed, at which point it was listed by Tod Myers of KW Commercial Brokerage. Amended Letter of Intent, page 4. Tod Myers' letter specifically states that the "marketing time was from May 12, 2019 to July 12, 2019. Closed bids were then reviewed by the congregation as to their viability while meeting the congregation desire to close quickly to help eliminate the financial hardship the decline in membership had caused over the last few years." It is thus clear that the actual listing time was for only two months.

Following the bid process, Baptist Temple entered into a contract with the same church with which it had previously been in discussions that failed to result in an agreement. This time the church entered into a purchase contract with Baptist Temple, but then cancelled the contract in November 2019. *See Myers Letter, page 1.* Thus, from whenever Baptist Temple decided to sell the Property in 2018 through the end of 2019, except for the two-month period from May 12, 2019 to July 12, 2019, Baptist Temple was essentially engaged in discussions with, or under contract with, a single party. When that party cancelled the contract in November 2019, instead of re-marketing the Property, Baptist Temple simply "revisited all previous offers" and approached John August, who resubmitted his offer which "was approved by the congregation

without issue.” Myers Letter, page 2. The application thus demonstrates that the property was only actively marketed for a two-month period in 2019.

Not only was the two-month marketing period wholly inadequate to establish diligent and bona fide efforts to sell the Property, but even the efforts during that 60 day period were inadequate. First, the listing was by a commercial broker, admittedly not focused to residential buyers, using a sealed bit process. The listing site, LoopNet is a commercial listing site, not a residential multiple listing site. While the broker indicates he engaged in “local call out efforts to other commercial brokerages” no detail is provided about the nature, scope or intensity of those “call-out efforts.” There also is no suggestion of any effort with the local residential brokerage community. To our knowledge, a “for sale” sign was never even placed on the Property. Attached as **Exhibit D** is a letter from a local real estate broker who states that even though she lives in the area immediately surrounding the Property, she was not aware the Property was for sale.

Lastly, Applicants’ Amended Letter of Intent states that “[s]ince the start of the approval process, Mr. August allowed the property to continue to be marketed for single family development.” Presumably, this would mean since November 2020. However, no details are provided as to the nature of such marketing, and Mr. Myers letter does not describe any marketing following the two-month period ending in July 2019. The Property did not appear in a search of the LoopNet site conducted on April 28, 2021. The Applicants’ recently submitted appraisal by Bruckner, Tillett, Rossi, Cahill & Associates (the “Bruckner, Tillett Appraisal”) indicates that there are no “listings current as of the effective date of the appraisal” See Bruckner, Tillett Appraisal, page 1. The effective date of the appraisal is February 3, 2021.

The Bruckner, Tillett Appraisal refers to a marketing time of one year. See Bruckner Appraisal, page 3. A marketing time of only two months, as engaged in by the Baptist Temple, is not sufficient. The Applicants therefore did not engage the type of diligent efforts to sell the property to a buyer for a conforming use that are necessary to establish the lack of a reasonable return.

Applicants’ Appraisal

The Bruckner, Tillett Appraisal appraises the Property, as of February 3, 2021, at a market value “as is” of \$940,000 for use as a church. The Bruckner, Tillett Appraisal states that the definition of “market value” is the “most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale” Bruckner, Tillett Appraisal, page 2. The Bruckner, Tillett Appraisal is dated March 11, 2021, after the attempt to sell the Property, and thus presumably taking into account the attempt to sell the Property in determining the appraised market value.

The Applicants’ own appraisal therefore establishes that the Property should be able to be sold for \$940,000, or at least something in that range, for its current permitted use, provided, among other things, a “reasonable time is allowed for exposure in the open market.” Bruckner, Tillett Appraisal, page 2, No. 3. If Baptist Temple could sell the Property for even a quarter of

“the most probable price” the Property should bring, it will undoubtedly have received a reasonable return.

The Building’s Current Use

The Applicants has submitted income and expense statements for the last three years purporting to show that the operation of the building results in a loss. While the statements purport to show a loss, they do not take into account the fact that the owner is, and importantly, has for almost sixty years, enjoyed the use of the Property. Simply put, the owner of an owner-occupied building cannot claim the building operates at a loss when it enjoys, or at least for many, many years, has enjoyed the use of the building. In fact, based on the rent being paid by the Kids First Childcare in the amount of approximately \$12 per square foot, the value of the owner’s use of the building is quite substantial.

Despite the current partial use of the building as a child care facility, the Applicants have not submitted any analysis of the Property’s use for such a child care facility. Attached hereto as a **Exhibit E** is a simple analysis demonstrating the potential for return the Property may have from an expansion of the child care facility use.

It is the Applicants’ burden to show that Baptist Temple cannot realize a reasonable return under the applicable zoning regulations, and they have failed to do so. The Applicants’ own appraisal conclusively demonstrates just the opposite, that it can receive a reasonable return. The Board therefore must deny its application for a use variance.

Return from Sale of Property for Use as a Six Lot Single Family Development

Despite having no obligation to do so, particularly because the Applicants have failed to show that Baptist Temple cannot realize a reasonable return from uses permitted under the zoning ordinance, we are submitting with this letter an appraisal by Rynne Murphy & Associates, Inc. (the “Rynne Murphy Appraisal”) that demonstrates the owner of the Property can realize a reasonable return. The Rynne Murphy Appraisal shows that the Property has a value today of \$269,000, for sale of the Property to be developed as a six lot residential subdivision, as permitted by the Town’s zoning ordinance. The appraisal shows that a site developer should be willing to purchase the Property for at least \$269,000 “as is” because a developer could purchase the Property for that amount, develop the site into ready to build lots, and then sell those ready to build lots and, based on comparable sales, make a profit of \$99,613 on the site development. A local builder, real estate agents, contractors and suppliers would then profit from the construction and sale of homes on the site. It should be noted that the appraisal accepts and uses the Applicants’ cost estimate for the asbestos removal, demolition, and regrading of \$477,000 (\$240,000 for environmental and \$237,000 for demolition and regrading). As set forth in the letter from Marques & Associates, P.C. included in the appraisal, a number of the other site development costs are significantly less than estimated by the Applicants.² The

² Attached as Exhibit F is an additional letter from Marques & Associates, P.C., subsequent to completion of the appraisal, in which Larry Heininger, P.E., confirms a tree removal cost of less than \$2,000 and also explains that the cost of private drive can actually be reduced by approximately \$6,000 from the estimate in his letter of April 30,

price at which Clover Park Properties has agreed to purchase the Property is irrelevant as it is not part of the development cost. Likewise, Applicants' estimated amount to construct homes is also irrelevant because the appraisal is based on comparable sales of vacant lots.

This development would leave vacant a seventh lot at the corner, thereby preserving open space in that area. The development has significantly more open space than Applicants' Project, and saves all trees but one for the residential community. See Exhibit G.

For purposes of calculating Baptist Temple's return, it does not have any costs that it needs to recover, which gives it a straight return of \$269,000. Indeed, the Applicants have not submitted the price Baptist Temple paid to purchase the Property or details on any other costs it may claim it needs to recover. Even if it had, those costs would be irrelevant to the analysis in this particular situation. The reason is that the owner purchased the Property in 1963, and constructed a building for its own specific use, then benefitted from the use of the Property for over 50 years allowing it to fully recover, through the benefit of that use, any amounts that it initially invested in the building. Certainly any such building costs would be more than fully depreciated at this point. Not only has the owner received the benefit of the use of the building for over 50 years, but as a religious organization, it has enjoyed the use of the Property without paying real property taxes for over 50 years, other than certain special district charges, saving in recent years approximately \$80,000 annually in property taxes, to the benefit of Baptist Temple.

It is noted that Applicants have indicated in the application that Baptist Temple has a total investment in the property of approximately \$224,965 based on capital improvements. See Baptist Temple's Income and Expense Statement for 2017 indicating capital improvements of \$216,560 and Income and Expense Statement for 2018 indicating capital improvements of \$8,405. The Applicants, however, have failed to provide any information as to the basis for those amounts, even though the application form directs the applicant to attach a list of any capital improvements, and thus those amounts should not be part of any rate of return analysis. For the sake of argument, however, if the \$224,965 amount is accepted as Baptist Temple's investment as Applicants apparently claim, the Rynne Murphy Appraisal demonstrates that Baptist Temple would still realize a return of approximately \$44,000 on a \$224,965 investment, or a return of almost 20%.

Requirement No. 2: The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

Proof of uniqueness must be peculiar to the applicant's property. *Vomero v. City of New York*, 13 N.Y.3d 840 (2009). Uniqueness for purposes of analyzing entitlement to a use variance focuses on the property and not the owner. A use variance cannot be granted to ease the personal difficulties of the landowner. See *Belgarde v. Kocher*, 215 A.D.2d 1002 (3d Dep't 1995). For example, a use variance was properly denied to an applicant who sought to rent out a second

2021 by a reconfiguration of the driveways as set forth in the drawing also attached as part of Exhibit F, all of which underscores how easy this site is to develop once the existing building is removed.

floor apartment as a bed and breakfast in order to offset increased energy costs, renovations, exterior improvements (new deck and lawn), and maintenance expenses associated with the property and to compensate for the fact that their monthly living expenses exceeded their monthly income. The Court noted that “a [use] variance runs with the land and ... may not be granted merely to ease the personal difficulties of the current landowner.” *Matter of Eck v. City of Kingston Zoning Board of Appeals*, 302 A.D.2d 831, 832 (3d Dep’t 2003) (internal quotations omitted).

Baptist Temple’s declining congregation therefore is not grounds for granting a use variance as the decline in the congregation, albeit unfortunate, is a personal difficulty for the Baptist Temple, and is not related to the Property.

The Applicants states in conclusory fashion that its hardship is unique to the Property because it arises from the physical conditions and constraints of the property and building, including the unique building floor plan and the configuration, size and parking of the site, and the associated operating costs. However, it fails to provide any supporting materials as to how the property or building is unique. Moreover, while the Applicants complain about the building, there are numerous properties in the area where existing buildings have been demolished for construction of residences. The following is a list of properties in the surrounding area on which existing buildings have been demolished in order to construct new residences.

- 250 Esplanade, with lot frontage on Clover, only 3/10th mile away
- 2700 East Avenue, recently completed, busy street, less than half mile away
- 220 Sandringham, less than half mile away
- 140 Sandringham, less than half mile away
- 3505 Elmwood, busy street
- 3570 Elmwood, busy street
- 6 Elmwood Hill Lane
- 5 Miller Court

An existing building was demolished on the west side of Winton Road, directly across from Monteroy Road, in just the last few weeks, in order to allow for the construction of a new single-family residence.

The Property’s location at the corner of Clover Street and Highland Avenue certainly is not a unique feature as there are numerous residential properties in the area on the corners of similar streets, including the nearby corner of Elmwood Avenue and Clover Street. New York State’s highest court held that a finding of uniqueness was not supported for a residentially zoned corner property situated on a major thoroughfare in a predominantly commercial area because other nearby residential parcels shared similar conditions. *Vomero v. City of New York*, 13 N.Y.3d 840 (2009). Here, not only is there nothing unique about the Property but it is not situated in a predominantly commercial area nor is it on a major thoroughfare.

Even if it is unique, the uniqueness cannot be the result of the owner’s actions. See *Matter of Amco Development, Inc. v. Zoning Board of Appeals of the Town of Perinton*, 185 A.D.2d 637. In the *Amco Development* matter, the applicant sought a use variance for a parcel,

roughly two-thirds of which consisted of wetlands or a wetlands buffer area. *Id.* at 638. The use variance was properly denied because, among other reasons, “[t]his unique circumstance exists, however, because the owner divided the property into four lots and sold three of the parcels for residential development, leaving the subject parcel as a vacant lot.” Since it was Baptist Temple that designed and built the building the Applicants now claim to be unique, any claimed uniqueness is self-created, and the Board must deny the variance.

Requirement No. 3: The requested use variance, if granted, will not alter the essential character of the neighborhood.

The requested use variance will bring a completely new commercial use, professional and medical offices, into a residential neighborhood and will alter the essential character of the neighborhood. The proposed use is a commercial use in a district that is not only zoned residential, but is zoned as *low density* residential. Indeed, the Property sits among low density neighborhoods to the immediate west, south, and southeast of the Property. Even the Applicants’ own appraisal describes the neighborhood as follows: “To the north of the subject there is residential development including Oak Hill Terrace Apartments and Country Club Condominiums. To the south, there is residential development. To the east, there is residential development and access to 1-490. To the west, there is residential development and access to 1-590.” *See* Bruckner, Tillett Appraisal. The fact that some of these properties may include condominiums or rentals certainly does not change their character from residential to commercial, and fully complies with current zoning restrictions.

The Property is surrounded on all sides by property zoned as residential, and which does not allow commercial office space as a permitted use or even a conditional use. Additionally, by all outward appearances, all immediately surrounding properties are in fact used for residential purposes and do not have any commercial uses in them. The project therefore will certainly alter the essential character of the neighborhood.

In a prior Planning Board meeting, a statement was made that there was a restaurant and medical offices in the surrounding area. While there was a restaurant in the Venue building (formerly the Renaissance), it is believed that restaurant has not operated since approximately 2017. Moreover, not only is the Venue building property not on an immediately surrounding property, but it is bordered by Route 490 on one side. Additionally, a restaurant use is neither a permitted use nor a conditionally permitted use in the zoning district in which the Venue building is located and so if the restaurant was in compliance with current zoning, it must have either had a use variance or been prior non-conforming use.

With respect to medical offices, there is no signage or other visibly recognizable indications of the presence of medical offices on any property immediately surrounding the Property. While there may have been one or two small mental health professional offices in the East Avenue Tower building in the past, it is believed those offices are no longer in operation. Again, there certainly are no outwardly visible indicators of their presence. As is the case for a restaurant, medical offices are neither a permitted use nor a conditionally permitted use in the

zoning district in which any adjacent properties are located so if such a use exists, it is not in compliance with current zoning unless it has a use variance or is a prior non-conforming use.

That the use variance will alter the essential character of the neighborhood is also demonstrated by the fact that it is inconsistent with the Town's Master Plan. The Brighton Comprehensive Plan Update identifies a number of areas within the Town for potential changes to the existing land use. See Envision Brighton 2028, Volume 2, page 25 et. al. None of the Land Use Recommendations in the Comprehensive Plan Update contemplate changing the land use or zoning of the Property or its surrounding area. See Envision Brighton 2028, Volume 2, page 25 et al. Additionally, the Brighton Comprehensive Plan Update specifically includes as one of its objectives "protect[ing] [the Town's] established residential neighborhoods." Envision Brighton 2028, Volume 2, page 12. Applicants' own Short Environmental Assessment Form acknowledges that the Project is not "[c]onsistent with the [Town's] adopted comprehensive plan[]" See EAF, page 2. Establishing an office park on the Property does not protect the established residential neighborhoods that surround the Property on all sides, and include low density neighborhoods to the immediate west, south, and southeast of the Property.

Use of the Property for professional office space will necessarily significantly increase traffic around the Property, particularly in the morning hours and early evening hours when office occupants are arriving at the Property and leaving the Property. Use of the Property for medical offices, which the Applicants have increased from 6,000 square feet in the original application to 8,000 square feet in this application, has the potential to drastically increase traffic around the Property at all times of day due to entering and exiting patients. The Town's own parking requirements reflect the fact that medical offices are a more intense use than even general professional offices. For general professional offices, Brighton Town Code § 205-12 requires 1 parking space for each 250 square feet of gross floor area or 1 per employee on largest shift, whichever is greater. For medical offices, however, the Town Code requires 1 parking space for each 150 square feet of gross floor area, or 66.5% more parking spaces per square foot. The Applicants' updated traffic study focuses only on "peak" morning and evening commute times. Use of the Property for commercial and medical offices, however, will substantially increase traffic around the Property at all times of day.

Moreover, regardless of the ability of the traffic services to handle the increased traffic, the increased traffic will undoubtedly subject the surrounding properties to increased traffic noise and headlight glare as the commercial office use will result in more weekday evening traffic.

Applicants therefore have not shown that the use variance will not alter the essential character of the neighborhood.

Requirement No. 4: The alleged hardship has not been self-created.

“Hardship is self-created, for zoning purposes, where the applicant for a variance acquired the property subject to the restrictions from which he or she seeks relief.” *Matter of Stamm v. Board of Zoning Appeals of Town of Greece*, 283 A.D.2d 995 (4th Dep’t 2001) (internal quotations removed); *Matter of Ferruggia v. Zoning Bd. of Appeals*, 233 A.D.2d 505, 507 (2d Dep’t 1996) (internal quotations removed); *see also Matter of Expressview Development, Inc. v. Town of Gates Zoning Board of Appeals*, 147 A.D.3d 1427 (2017) (noting owner purchased property after adoption of applicable zoning restrictions). In determining whether hardship is self-created, it is again from the perspective of the current owner.

A review of the Town’s zoning maps shows that the Property was residentially zoned when Baptist Temple acquired the Property and had been zoned residential well before Baptist Temple acquired the Property.. Since Baptist Temple acquired the Property subject to the restrictions from which it seeks relief, any hardship, and we contend there is not any, has been self-created.

In fact, there is no contention by the Applicants that the restrictions from which they seek relief were not in place when Baptist Temple acquired the Property. For that reason alone, the hardship is self-created and the application for a use variance must be denied regardless of any other reasons advanced by Applicants as to why the hardship is not self-created. Notably, the Applicants do not contend that the surrounding area has changed (for example, become more commercial) since Baptist Temple purchased the Property. Indeed, it appears the surrounding area is very much the same as in 1964.

The only reasons the Applicants provide on their application form for why the hardship is not self-created are that the hardship has resulted from “decreasing size of the congregation and the high cost of maintaining the existing building.” In its Amended Letter of Intent, the Applicants claim that the hardship arises from the “physical characteristics of the building, including unique floor plan and limited parking, and the location of the property on the corner of two County roads, and the decreasing amount of in-facility religious observance nationwide.” Amended Letter of Intent, page 6. Since the Applicants acquired the Property subject to the restrictions from which they seek relief, these reasons are irrelevant. However, for the sake of argument, each of these items will be addressed.

The physical characteristics of the building, including the unique floor plan, limited parking, and claimed high cost of maintaining the existing building³ are precisely the type of hardship that is self-created because it is the current owner, Baptist Temple, who constructed a building for its own specific needs and that it is now claiming is causing it hardship. It is hard to think of a claimed hardship that is more self-created than for an owner to construct a building suited to its own unique needs and then claim it is entitled to relief from zoning restrictions due to the “physical characteristics of the building.” The *Amco Development, Inc.* case discussed above illustrates this point.

³ While ultimately self-created anyway since Baptist Temple constructed the building, the applicant has not submitted any proof that the cost of maintaining the building is higher than any other similarly situated building.

Any hardship, and again we contend there is none, due to the location of the Property on the corner of two County roads (Highland Avenue is actually a Town road) is again self-created. The Property was on the corner of those two very same roads when Baptist Temple purchased the Property. The Applicants' contention in this regard is precisely the same as that of the applicant for a use variance in the Town of Gates, in which the Appellate Court held that "the Trust possesses the same unused, oddly-shaped, difficult-to-develop property that Farash purchased, and although the purchase may now be viewed as a poor investment, courts are not responsible for guarantee[ing] the investments of careless land buyers." *Matter of Expressview Development, Inc. v. Town of Gates Zoning Board of Appeals*, 147 A.D.3d at 1430 (internal quotations removed).

Baptist Temple's declining congregation, which it apparently blames on a claimed decreasing amount of in-facility religious observance nationwide does not negate self-created hardship. As previously noted, a use variance cannot be granted to ease the personal difficulties of the landowner. *Belgarde v. Kocher*, 215 A.D.2d 1002 (3d Dep't 1995). Any decline in Baptist Temple's congregation is simply a personal difficulty, albeit unfortunate, of the landowner.

Moreover, we dispute that there is a "decreasing amount of in-facility religious observance nationwide." The Applicants' own application shows that a main issue for the church that had contracted to buy the Property was the potential inability of the Property to support the size of its congregation. Additionally, the following are examples of churches in the Rochester area that have either recently opened or it is believed are growing:

- Blessed Hope Community Church (opened in 2007)
- Rochester Christian Reform Church
- Lakeshore Community Church
- Northridge Community Church
- The Father's House

Applicants would have us believe that all churches are declining or disappearing, yet Baptist Temple had a failed sale because the parking lot couldn't accommodate the buyer's growth, their own appraiser utilizes the recent sale of churches to suggest the value, and of the five illustrative churches referenced above, two have constructed new facilities within the last 20 years, one of which was a 40,000 square foot structure after the church outgrew its previous locations, and the Blessed Hope Community church that opened in 2007 utilizes a former movie theater.

Baptist Temple's personal difficulty in maintaining its membership and its lack of continuing interest in operating a church on the Property should not translate into a burden borne by the community through the granting of a use variance.

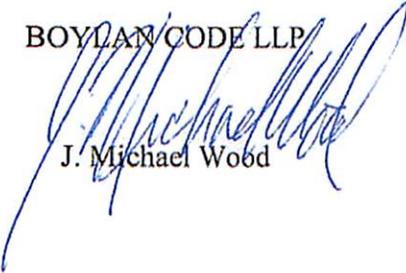
Since any hardship of the Applicants is self-created, they are not entitled to a use variance. See, e.g., *Matter of Carrier v. Town of Palmyra Zoning Board of Appeals*, 30 A.D.3d 1036 (2006).

CONCLUSION

The Applicants have failed to satisfy the high standard for obtaining a use variance. There is therefore no basis for deviating from the Town's zoning ordinance, thereby defeating the expectations of those who obtained residences in reliance on the zoning ordinance. We respectfully submit that the use variance application should be denied.

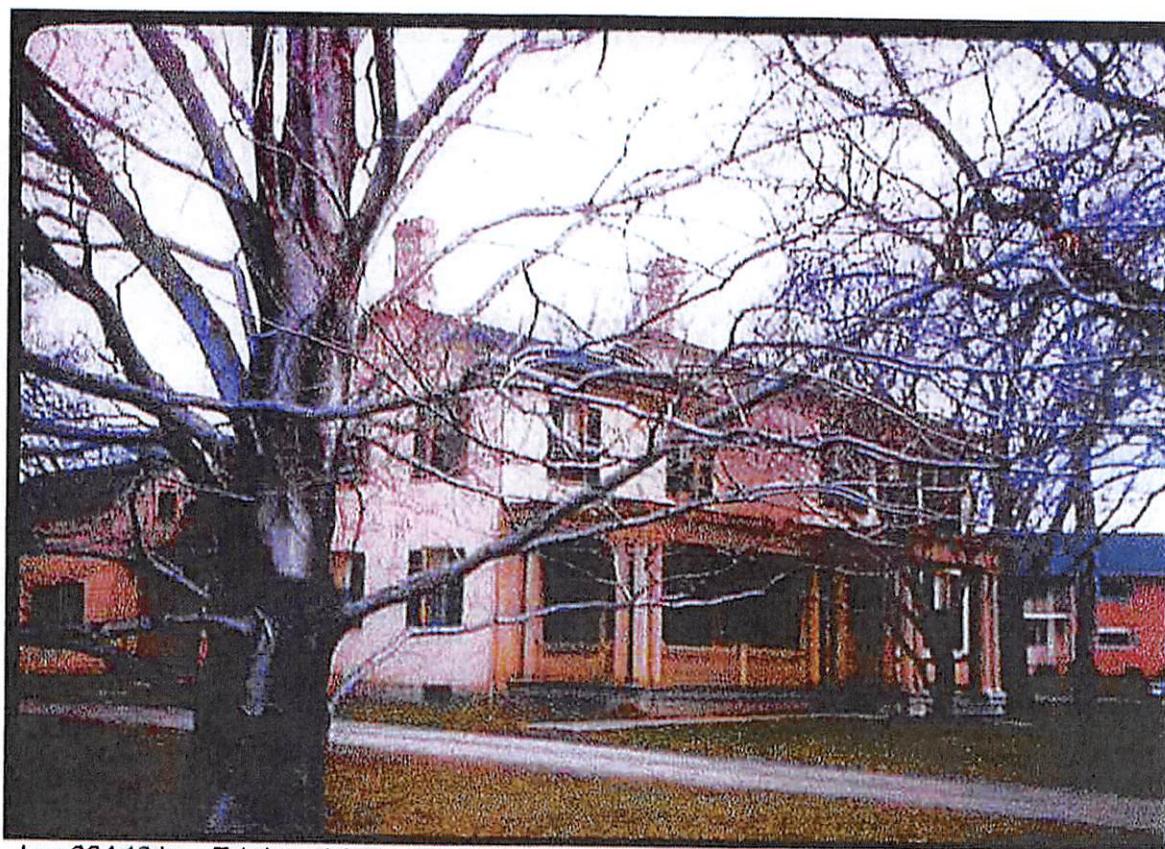
Sincerely,

BOYLAN CODE LLP


J. Michael Wood

JMW/glc

Exhibit A



brm00140.jpg Brighton Municipal Historian Collection

Exhibit B

Woodstone Homes (Homes over 2,700 square feet listed on website as for sale or recently sold)

Property Location	List Price	Square Feet	Price Per Square Foot
1294 Grayson Drive, Victor	\$671,980.00	2,746	\$244.71
1083 Carrington Way, Victor	\$614,900.00	2,746	\$223.93
7606 Arbor Glen Drive, Victor	\$748,725.00	3,224	\$232.23
		Average	\$233.62



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1294 Grayson Drive

Lot 41 Dorchester Park

[Privacy - Terms](#)

4/23/2021

1294 Grayson Drive - Homes By Woodstone

- **Schools: Victor**
- **Available: July 2020**
- Asphalt Driveway
- Professional Landscaping including Rear Patio
- New York State Energy Star Labeled Home

CONTACT INFO

Woodstone Custom Homes,
Inc.
15 Fishers Rd #202
Pittsford, NY 14534

Phone: (585) 586-0953
Fax: (585) 582-1682



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Woodstone

CUSTOM HOMES, INC.

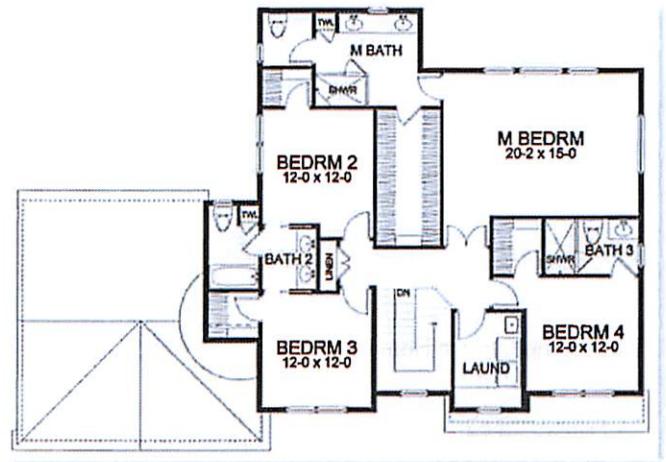
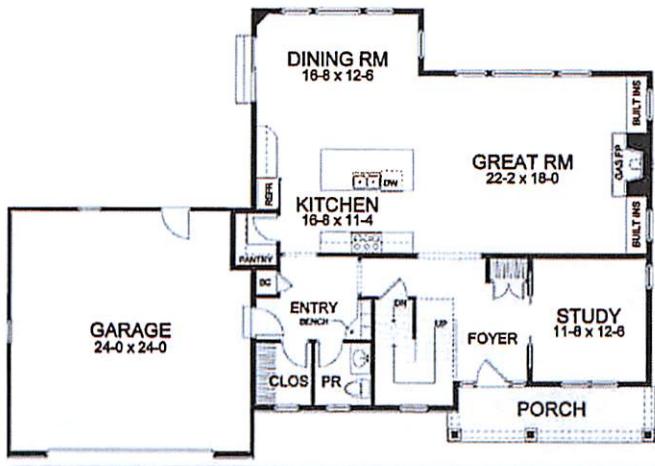
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1083 Carrington Way

Lot 59 Stonington Ridge



[DOWNLOAD BROCHURE](#)

List Price: \$614,900

Home Features

- New Victor, NY Two Story Home
- List Price: \$614,900
- **Total Square Feet: 2,746**
- 1st Floor Square Feet: 1,343
- 2nd Floor Square Feet: 1,403
- Daylight Lower Level
- Stone, Shake Siding and Shutters Accent Front
- Two Car Front Load Garage with Carriage Style Door
- Four Bedrooms; Three and a Half Bathrooms
- Optional Finished Daylight Lower Level
- Great Room with Gas Fireplace and Built-In Cabinets
- Kitchen Open to Dining Room and Great Room
- Garage Entry with Built-In Cubbies and Bench
- 1st Floor Study; 2nd Floor Laundry
- Huge Master Suite and Closet
- Wood-Mode Kitchen with Oversized Island and Walk-In Pantry

Terms

4/23/2021

1083 Carrington Way - Homes By Woodstone

- **Bedrooms: Four**
 - **Bathrooms: Three and a Half**
 - **Garage: Two Car**
 - **Schools: Victor**
 - **Available: February 2021**
- Granite Counter Tops in Kitchen and All Bathrooms
 - Ceramic Tile Floors in Baths, Garage Entry and Laundry
 - Wide Plank Hardwood Floors in Foyer, Great Room, Kitchen, Dining Room and Pantry
 - 96% Plus High Efficiency Variable Speed Furnace for Superior Comfort and Energy Efficiency
 - Asphalt Driveway
 - Professional Landscaping including Rear Patio
 - New York State Energy Star Labeled Home

CONTACT INFO

Woodstone Custom Homes,
Inc.
15 Fishers Rd #202
Pittsford, NY 14534

Phone: (585) 586-0953
Fax: (585) 582-1682



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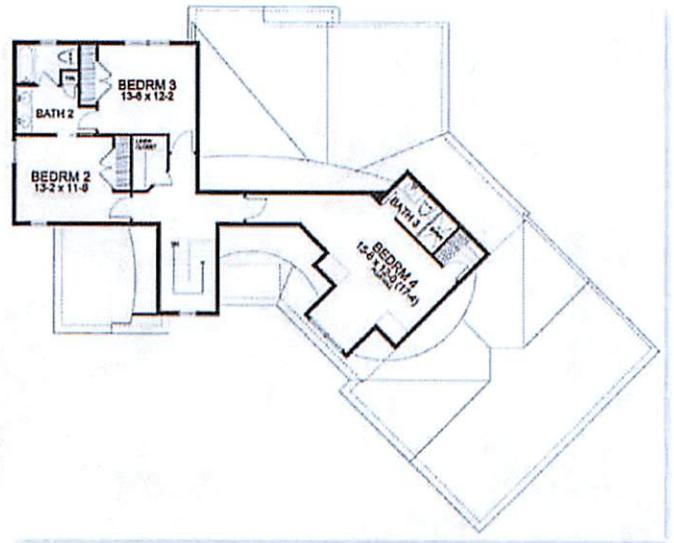
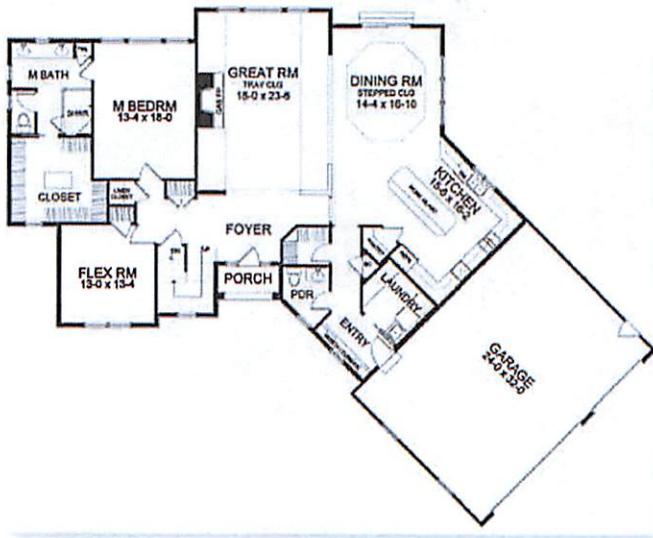
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7606 Arbor Glen Drive

Lot 16 Arbor Glen



[DOWNLOAD BROCHURE](#)

List Price: \$748,725

Home Features

- New First Floor Master Bedroom with Beautiful Private Estate Lot

- 2.9 Acre Private Wooded Cul-de-Sac Lot
- First Floor Master Suite with Oversized Closet

Terms

- **List Price: \$748,725**
- **Total Square Feet: 3,224**
- **1st Floor Square Feet: 2,187**
- **2nd Floor Square Feet: 1,037**
- **Walk-Out Lower Level for Future Finish**
- **Bedrooms: Four**
- **Bathrooms: 3-1/2**
- **Garage: Three Car**
- **Schools: Victor**
- **Occupancy: Immediate**
- Stone, Shake Siding, and Shutters Accent Front
- Three Car Angle-Load Garage
- Optional Finished Walk-Out Lower Level
- Great Room with Gas Fireplace and High Tray Ceiling
- Four Bedrooms; Three and a Half Bathrooms
- Dining Room with Stepped Ceiling Open to Kitchen and Great Room
- Open Floor Plan for Easy Entertaining
- First Floor Flex Room
- First Floor Laundry Room
- Garage Entry with Built-In Cubbies and Bench
- Wood-Mode Kitchen with Oversized Island and Pantry
- Granite Counter Tops in Kitchen and All Bathrooms
- Ceramic Tile Floors in Baths, Entry, and Laundry
- Wide Plank Hardwood Floors in Foyer, Great Room, Kitchen, Dining Room and Pantry
- 95% Plus High Efficiency Variable Speed Furnace for Superior Comfort and Energy Efficiency
- Rear Patio and Professional Landscaping
- Security System
- Asphalt Driveway
- New York State Energy Star Labeled Home

CONTACT INFO

Woodstone Custom Homes,
Inc.
15 Fishers Rd #202
Pittsford, NY 14534

Phone: (585) 586-0953
Fax: (585) 582-1682



Exhibit C

NORTH COAST DEVELOPMENT, LLC

2017 HUDSON AVENUE

ROCHESTER, NY 14617

585-509-7820

APRIL 29 , 2021

TOWN OF BRIGHTON ZONING BOARD OF APPEALS

2300 ELMWOOD AVENUE

BRIGHTON, NY 14618

DEAR BOARD MEMBERS,

I HAVE BEEN ASKED TO REVIEW, JEFF SMITH'S, CEO OF WOODSTONE CUSTOM HOME'S , OPINION THAT THE COST TO BUILD A 4,000 SQ FT HOME , ON A CODE COMPLIANT LOT , ON A SLAB (NO BASEMENT) AT 1075 CLOVER STREET , WOULD BE \$235/SQ FT (SEE ATTACHED) . MY PARTNER AND I HAVE OVER 25 YEARS OF DEVELOPING RESIDENTIAL SUB-DIVISIONS AND BUILDING HOMES . WE ARE CURRENTLY, FINISHING OUR LATEST SUB-DIVISION , THE RETREAT AT STONEFIELD MEWS, OFF STONE ROAD IN PITTSFORD .

MR. SMITH'S OPINION REFERS TO AN ATTACHED ESTIMATE TO VERIFY HIS \$235/SQ FT COST . IT IS MY UNDERSTANDING THIS COST DOES NOT INCLUDE LOT COST OR COMMISSIONS . THIS ESTIMATE WAS PROVIDED BY MR. AUGUST, WHO HAS ADMITTED PUBLICALLY , THAT HE HAS NO RESIDENTIAL BUILDING EXPERIENCE . THERE WAS NO DETAIL TO SUPPORT HOW MR AUGUST OR MR. SMITH ARRIVED AT \$235/SQ FT COST.

UNFORTUNATELY, THAT ESTIMATE WAS NOT PART OF THE EXHIBIT SUBMITTED TO THE ZBA .

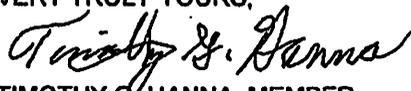
MY PARTNER AND I HAVE MANY QUESTIONS THAT THE DETAILED ESTIMATE MAY BE ABLE TO ANSWER . WE WOULD NEED TO SEE THE SPECIFICATIONS THAT WERE USED FOR HIS ESTIMATE .

THE ONLY INFORMATION WE HAVE ON WOODSTONE ARE RECENT HOMES BUILT BY WOODSTONE INCLUDING TEN CUSTOM HOMES IN BRIGHTON AND TWO HOMES IN VICTOR , NY (ATTACHED) . PAY PARTICULAR ATTENTION TO 97 WILLARD AVE. THIS IS A 3,722 SQ FT HOUSE ON A FULL BASEMENT, THAT SOLD FOR \$801,800 , THE SALES PRICE PER SQ FT WAS \$215.37 . OBVIOUSLY, THE COST/SQ FT WOULD BE LOWER .

TYPICALLY, THE SMALLER THE HOUSE SIZE THE HIGHER THE SALES PRICE PER SQ FT . CONVERSELY, THE LARGER THE HOUSE SIZE THE LOWER THE PRICE PER SQ FT . ATTACHED ARE SALES AND LISTINGS FOR KETMAR AND SPALL HOMES FROM 4/20/2018 - 1/14/2021.

WOODSTONE'S ESTIMATE WHICH IS FOR A COST/SQ FT OF \$235/SQ FT FOR A 4,000 SQ FT APPEARS TO BE OVERSTATED .

VERY TRULY YOURS,


TIMOTHY G. HANNA, MEMBER



Woodstone Custom Homes, Inc.
15 Fishers Road, Suite 202
Pittsford, NY 14534
585-586-0953
www.homesbywoodstone.com

November 3, 2020

John August
1151 Clover Street
Rochester, NY 14610

Dear John,

I have reviewed the attached estimate which you secured and provided regarding redevelopment of the property at 1075 Clover Street, known as the Baptist Temple, for the construction of six 4,000 square foot code compliant custom built single-family homes.

I am the principal owner of Woodstone Custom Homes and have over 40 years of experience as builder of custom homes in Monroe County, including the Town of Brighton. It is my professional opinion that the attached \$235 per square foot estimate for the construction of a 4000 SF custom built home is reasonable and consistent with the local residential market.

Regards,

A handwritten signature in black ink that reads 'Jeff Smith'. The signature is written in a fluid, cursive style.

Jeffrey O. Smith, CEO and President

WOODSTONE CUSTOM HOMES, INC

NEW HOMES BUILT & SOLD IN BRIGHTON BETWEEN 4/20/18 - 1/14/21

ADDRESS	SQ FT	SALE PRICE	SALE PRICE/SQ FT
97 WILLARD AVE	3,722	\$ 801,600	\$ 215.37
80 WILLARD AVE	2,807	\$ 601,000	\$ 214.11
60 WILLARD AVE	2,800	\$ 542,320	\$ 208.58
90 WILLARD AVE	2,725	\$ 540,580	\$ 198.37
60 WILLARD AVE	2,304	\$ 534,510	\$ 231.99
40 WILLARD AVE	2,258	\$ 515,000	\$ 228.07
70 WILLARD AVE	2,687	\$ 504,800	\$ 187.80
BUILT AND SOLD IN VICTOR, NY			
7448 SUMMERHILL	1,832	\$ 433,500	\$ 238.63
1072 CARRINGTON	2,178	\$ 438,000	\$ 198.51
7806 ARBOR GLENN	3,224	\$ 748,725	\$ 232.23

KETMAR CUSTOM HOMES

BUILT AND SOLD IN PITTSFORD BETWEEN 4/20/18 – 1/14/21

5 TOR HILL	1,881	\$ 608,000	\$ 270.07
8 HAWKSTONE WAY	1,980	\$ 577,500	\$ 291.67

ACTIVE KETMAR LISTINGS AS OF 1/14/21

4 TOR HILL	1,980	\$ 699,900	\$ 302.98
3 HAWKSTONE WAY	2,142	\$ 699,900	\$ 280.06

SPALL HOMES

BUILT AND SOLD IN PITTSFORD BETWEEN 4/2018 – 1/14/21

24 GRAYTHORNE HILL	5,772	\$ 819,900	\$ 169.37
28 GRAYTHORNE HILL	5,485	\$ 899,900	\$ 164.06
2 RAVENNA CRESCENT	2,992	\$ 624,900	\$ 208.85
9 COVENTRY RIDGE	2,088	\$ 539,900	\$ 168.61

ACTIVE SPALL LISTINGS AS OF 1/14/21

34 GRAYTHORNE HILL	5,833	\$1,095,000	\$ 187.63
39 COVENTRY RIDGE	3,586	\$ 794,900	\$ 221.67
42 COVENTRY RIDGE	3,170	\$ 729,900	\$ 230.25

26-Oct

BAPTIST TEMPLE SINGLE FAMILY HOME REDEVELOPMENT

ASSUMPTIONS

6 SINGLE FAMILY HOMES BASED ON LOT COVERAGE
 BUILD AND SELL TWO HOMES PER YEAR
 INTEREST ONLY LOAN @ 5% FOR CONSTRUCTION PERIOD
 "0" PROFIT ON TOTAL INVESTMENT NOR PAYMENT FOR TIME AND EFFORT

EXPENSE	DESCRIPTION	SINGLE FAMILY COSTS	COMMENTS
EXISTING BLD PURCHASE AND DEMO COSTS			
PURCHASE PRICE	CONTRACT PRICE	\$ 1,000,000.00	Apraisal value - CONTRACT @1,135,000
CARRYING COSTS (3 YRS)	5% INTEREST TO BORROW MONEY	\$ 275,000.00	5% INTEREST ON INVESTMENT (5 YRS)
LEGAL/ARCH/ENGIN/TRAFFIC	ALL APPROVALS AND DESIGN	\$ 95,000.00	SUBDIVISION
ENVIRONMENTAL	ENVIRONMENTAL PRE DEMO	\$ 240,000.00	REMOVE ALL ASBESTOS (Labelle Budget)
DEMO	DEMO AND REGRADE	\$ 237,000.00	HAUL ALL OFF SITE (Pike Co./ Labelle Budget)
STORM WATER MANAGEMENT	STORMWATER TREATMENT	\$ 45,000.00	INSTALL DRAINAGE AND DETENSION SYSTEM
SEPARATE UTILITIES	INSTALL UTILITIES TO 6 LOTS	\$ 60,000.00	ENGINEER ESTIMATE
TREE REMOVAL	REMOVE SELECT TREES	\$ 45,000.00	REMOVE TREES TO ACCOMMODATE LOTS/DRIVEWAYS
TOTAL	TOTAL LAND PURCHASE AND DEMO	\$ 1,997,000.00	\$332,833 PER HOME
COST PER UNIT	TOTAL LAND PURCHASE AND DEMO	\$ 332,833.33	NO BUILDING
CUSTOM HOME BUILD	(6) 4000' CUSTOM HOME @ \$235 PSF	\$ 940,000.00	PER 4000' HOME- ASSUMES MINOR SUBSURFACE ROCK (NO BASEMENT)
EST TOTAL COST FOR 4000' HOME		\$ 1,272,833.33	COST / ASSUMES NO PROFIT or PAYMENT FOR TIME AND EFFORT
SALES COMMISSION @ 6%		\$ 85,980.00	THIRD PARTY
TOTAL COST PER HOME	(NO PROFIT)	\$ 1,358,813.33	COST / ASSUMES NO PROFIT or PAYMENT FOR TIME AND EFFORT

Exhibit D

RE/MAX Plus



MARY JANE MAHON
ASSOCIATE RE BROKER, REALTOR®
585.481.2626

April 26, 2021

To Whom it May Concern,

With regard to the marketing of the property known as The Baptist Temple located at 1128 Clover St Rochester N.Y.

To my knowledge this property was not marketed on traditional Real Estate websites (i.e. MLS, Realtor.com). I have touched base with developers and new build developers and until very recently they were unaware that this property had ever been available. As an Associate Broker whose office is on Monroe Ave. in Brighton, and a nearby homeowner, this property would have been of intense interest to me. The research shows that there is a market for single family homes on this site. I believe that if this property had been marketed correctly there would be no need for the proposed variance.

Mary Jane Mahon

Associate Broker

Exhibit E

Existing Use of Property as a Day Care Facility

The applicants' amended use variance application contains financial information that shows the Kids First Childcare daycare operating in the building occupies 7,000 square feet of the approximately 31,000 square foot building. The day care paid \$85,260 in annual rent in 2019, and approximately that amount in 2018 and 2017, an amount equal to approximately \$12 per square foot.

The financials submitted by the applicant show that it has annual expenses of approximately \$150,000, which includes approximately \$38,500 for a church sexton whose duties may in large part serve church needs, not building needs. Elimination of the church sexton charge would decrease the costs to \$110,000.

If day care use is increased to a mere 14,000 square feet, still less than 50% of the building's space, the rental income from daycare would increase to \$170,000, producing an annual profit of \$60,000. Based on appraisals that have been submitted in connection with the application, the property taxes on the parcel should be assessed at no more than \$940,000 (and likely significantly less), resulting in property taxes of, at most, approximately \$40,000 annually, and a net profit to the building owner of a minimum of \$20,000 per year.

If the daycare is expanded to 21,000 square feet of space at a rent of \$12 per square foot, the daycare rent increases to \$252,000 per year, drastically increasing the annual net profit to the building owner to approximately \$100,000 per year.

In fact, using a capitalization rate of 8.0% applied to a \$100,000 annual net profit from a daycare using only 2/3 of the building gives the property a value of \$1,250,000.

The foregoing is not meant to be a definitive analysis, but to simply illustrate the potential for the property to generate a profitable income stream as utilized for a current use on the property, an analysis that has not been provided by the applicants.

Exhibit F



MARQUES & ASSOCIATES, P.C.

LAND SURVEYING and ENGINEERING

930 East Avenue, Suite 1000

Rochester, NY 14607

(585)723-1820 Tel. (585)723-1821 Fax

Est. 1988

Israel L. Marques, PLS

Laurence E. Heininger, PE, PMP

May 3, 2021

J. Michael Wood, Partner
Boylan Code, Attorneys at Law
Culver Road Armory
145 Culver Road, Suite 100
Rochester, NY 14620

**RE: Clover-Highland 6 Lot Residential Subdivision
PN M20211.1-1**

Mick:

As discussed, the tree removal budget was originally for two Callery Pear and one Blue Spruce. That was estimated at \$5,500. Now only one 18" Callery Pear must be removed. That tree is in the basement area of the Lot 6 house footprint. It will most likely be trimmed, felled and the stump/roots pulled out by an excavator digging the basement.

Subsequent revisions to the layout have redesigned the driveways for Lot 2 and 3 saving the 24" Blue Spruce. Eliminating the common private drive for Lots 5 and 6 saves a 16" Callery Pear.

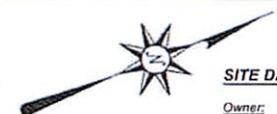
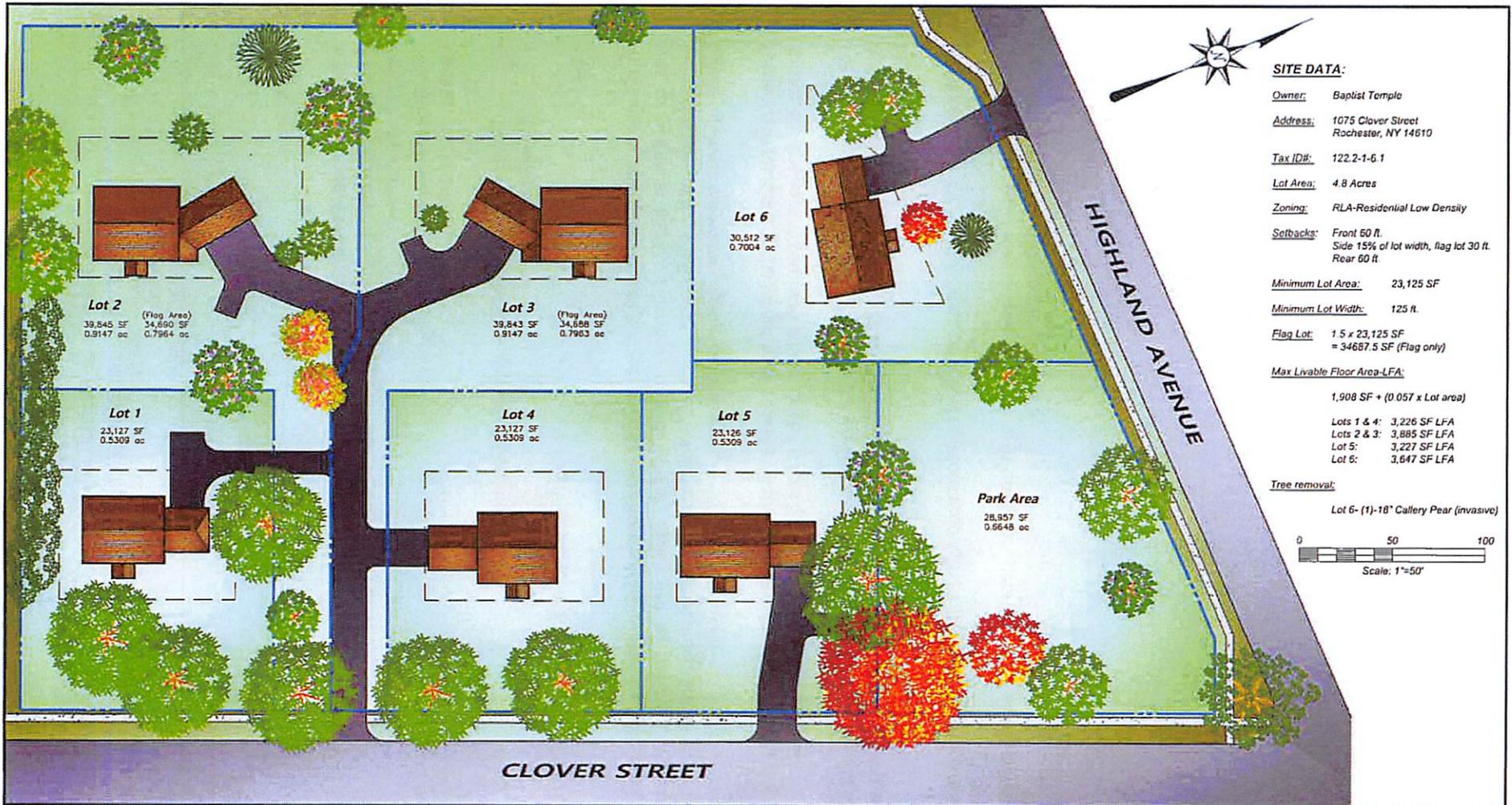
The driveways for Lots 5 and 6 will use the existing curb cuts/driveways on Clover and Highland. The result is a savings in driveway cost of \$5,985. The revised cost is \$13,338. The tree removal budget will reduce from \$5,500 to \$1,800.

We noted earlier today that these driveway revisions reduce the impervious area by 225 SF.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

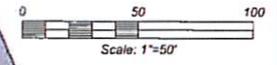
Very truly yours,
Marques and Associates, P.C.

Larry Heininger, P.E., PMP
VP Engineering



SITE DATA:

Owner: Baptist Temple
Address: 1075 Clover Street
 Rochester, NY 14610
Tax ID#: 122.2-1-6.1
Lot Area: 4.8 Acres
Zoning: RLA-Residential Low Density
Setbacks: Front 60 ft.
 Side 15% of lot width, flag lot 30 ft.
 Rear 60 ft.
Minimum Lot Area: 23,125 SF
Minimum Lot Width: 125 ft.
Flag Lot: 1.5 x 23,125 SF
 = 34687.5 SF (Flag only)
Max Livable Floor Area-LFA:
 1,908 SF + (0.057 x Lot area)
 Lots 1 & 4: 3,226 SF LFA
 Lots 2 & 3: 3,885 SF LFA
 Lot 5: 3,227 SF LFA
 Lot 6: 3,647 SF LFA
Tree removal:
 Lot 6- (1)-18" Callery Pear (invasive)



PREPARED BY:
 MARQUES & ASSOCIATES, P.C.
 LAND SURVEYING - ENGINEERING
 930 East Avenue Rochester, New York 14607
 585-723-1820 (Tel) 585-723-1821 (Fax)
 Date: May 1, 2021 Scale: 1" = 50'

SHOWING:
 Concept Residential Site Plan
 1075 Clover Street
 Town of Brighton, Monroe County, New York

PREPARED FOR:
 X
 X
 Rochester, New York 146xx

Exhibit G



MARQUES & ASSOCIATES, P.C.

LAND SURVEYING and ENGINEERING
930 East Avenue, Suite 1000
Rochester, NY 14607
(585)723-1820 Tel. (585)723-1821 Fax
Est. 1988

Israel L. Marques, PLS
Laurence E. Heininger, PE, PMP

May 3, 2021

Tim Hanna
Rochester, NY

**RE: Clover-Highland 6 Lot Residential Subdivision
PN M20211.1-1**

Tim:

We have completed the area measurements of the roof/building area and asphalt for the existing condition and 6 lots under RLA-Single Family Zoning. The results for the 4.8 acre site are below:

	Existing	6 Lot-RLA SF	% Change
Pavement	58,830 SF	14,410 SF	24.5% decrease
Building/Roofs	<u>17,313 SF</u>	<u>15,140 SF</u>	87.4% Decrease
Totals	76,143 SF 1.74 acre	29,550 SF 0.68 acre	38.8% Decrease
Impervious	36%	14%	38.8% Decrease
Green Space	64%	86%	134% Increase

The single-family use allowed under RLA Zoning will decrease the impervious area and increase the green space. Storm water runoff will be reduced and water quality will be improved.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

Very truly yours,
Marques and Associates, P.C.

Larry Heininger, P.E., PMP
VP Engineering

CONSULTING APPRAISAL REPORT OF

Proposed 6-lot subdivision to be situated
on the approximately 4.8 acre Baptist Temple site
Located at 1075 Clover Street
Town of Brighton
Monroe County, New York

PREPARED FOR

Mr. Timothy G. Hanna, President
Country Club Condominiums
Kenrick Corporation
3495 Winton Place, Suite D-4
Rochester, New York 14623

PREPARED BY

John P. Rynne, MAI, SRA
President
Rynne, Murphy & Associates, Inc.
The Chapin Building, Suite 305
205 St. Paul Street
Rochester, New York 14604

EFFECTIVE APPRAISAL DATE

April 29, 2021



April 30, 2021¹

Mr. Timothy G. Hanna, President
Country Club Condominiums
Kenrick Corporation
3495 Winton Place, Suite D-4
Rochester, New York 14623

Dear Mr. Hanna:

At your request, I have outlined the market opinion for the highest and best use analysis of a proposed 6-lot subdivision to be situated on the approximately 4.8 acre, Baptist Temple site located at 1075 Clover Street, Town of Brighton, New York, identified by Tax Map Number: 122.200-0001-006.1.

The “hypothetical” condition will assume that the current building improvements will be demolished and the subject will be developed as a 6 lot subdivision as outlined in the body of the report.

There are a number of extraordinary assumptions of this report whose use might have affected the assignment results:

- 1) It is assumed that the subject “proposed” single family lots are a legal use in regards to zoning and building codes.
- 2) The report will outline the availability of utilities to the subject site based upon some information we obtained from various sources including but not limited to public records. We warrant no complete accuracy of this information and suggest that a licensed engineer provide the information.
- 3) A formal engineering study was not provided. It is assumed that there are no unusual soil, legal, topographical, or other conditions. If there are, the property value may be diminished or increased.

¹Report Date

- 4) The global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO) and a state of emergency declared by national, state, and various local governments. There was an initial large negative effect on the local and national economy. However, single family housing was least affected of all of the real estate property types. Also, recently with the vaccines and lower infection rates, there has been a resurgence in economic activity. The conclusions presented in this appraisal report considers the ongoing resurgence of the economy. Sources: Appraisal Institute Region IV - LIA and Rynne, Murphy & Associates, Inc.
- 5) It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate after the environmental cleanup is completed during demolition. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.

This report's scope of work section is located on Page 6 of the body of this report.

Improvements on the site consist of a 29,304 SF (square foot), one and two-story, brick, concrete block, precast concrete and steel frame church and school, built in 1964. Assessor records indicate the building has no basement. The building improvements are above average quality construction, in average condition, with average modernization. Improvements are to be demolished for the proposed future residential development.

The subject site is slightly irregular in shape and contains approximately 4.8 acres of generally level land located at the southwest corner of Clover Street and Highland Avenue. The parcel has frontages of approximately 648.84' along the westerly side of Clover Street, corner frontage of 40.94', and 322.12', 36.13' and 9.88' along the south side of Highland Avenue. The site has ingress and egress from both roads. The property has mature trees, some of which will be preserved. There will be a small park located at the corner of Highland Avenue and Clover Street. The site is proposed for redevelopment into 6 residential building lots ranging in size from 0.5309 acre to 0.9147 acre. Utilities servicing the site include gas, electric, public water, sanitary sewers, telephone and cable.

Mr. Timothy G. Hanna, President
April 30, 2021
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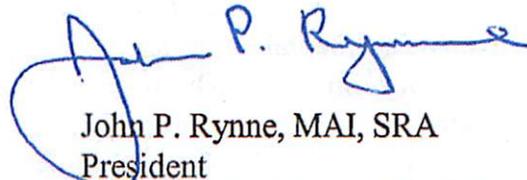
Based upon my personal inspection, data acquired, analysis, and conclusions set forth in this consulting appraisal report, it is my opinion that the subject property as a residential subdivision has a positive rate of return since the residual value is **\$269,000** as of April 29, 2021 based upon a subdivision analysis.

Estimated Exposure Time: 3-6 Months

Estimated Marketing Time: 3-6 Months

I appreciate the opportunity to serve your real estate appraisal and consultation request. If you should have any questions, please do not hesitate to contact me.

Sincerely,



John P. Rynne, MAI, SRA
President
NYS Certified General Real Estate
Appraiser #46000004052

JPR/jfl:amh

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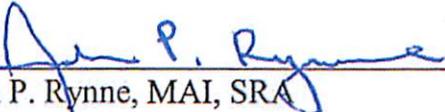
CERTIFICATION

I certify that, to the best of my knowledge and belief . . .

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics and Standards of Professional Appraisal Practice for the Appraisal Institute; the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA); and specifically is in compliance with the Competency Provision of the Uniform Standards.
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- the appraiser is state certified in accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and any state laws and regulations of the state in which the appraiser is certified.
- as of the date of this report, I, John P. Rynne, MAI, SRA have completed the requirements of the continuing education program for Designated members of the Appraisal Institute.

CERTIFICATION (CONT.)

- John F. Lum, a staff appraiser with Rynne, Murphy & Associates, Inc., provided real property appraisal assistance to the person signing this report.
- I have made an exterior inspection of the property that is the subject of this report.
- I have provided services regarding the subject property as an appraiser during the past three years immediately preceding the acceptance of this assignment.
- this appraisal consulting report was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



John P. Rynne, MAI, SRA
President
NYS Certified General Real Estate
Appraiser #46000004052

4/30/2021

Date

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal consulting report has been made with the following General Assumptions and Limiting Conditions:

- No responsibility is assumed for the legal description or legal matters, and title to the property is assumed to be good and marketable unless otherwise stated.
- The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
- Responsible ownership and competent property management are assumed.
- The information furnished by others is believed to be reliable; however, no warranty is given for accuracy.
- All engineering is assumed to be correct. The plot plans and exhibits in this report are included only to assist the reader in visualizing the property.
- It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which may be required to discover them.
- It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the report.
- It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report.
- The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS (CONT.)

- Possession of this report, or a copy thereof, does not carry with it the right of publication. Also, the report should be used only in its entirety.
- The appraiser herein, by reason of this report, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made thereof.
- Disclosure of the contents of this report is governed by the By-Laws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which he is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
- My investigation makes it reasonable to assume, for appraisal purposes, that no insulation or other product banned by the Consumer Product Safety Commission has been introduced into the appraised premises.
- It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.
- The Americans with Disabilities Act (ADA) became effective January 26, 1992. I (we) have not made a specific survey or analysis of this property to determine whether the physical aspects of the improvements meet the ADA accessibility guidelines. Since compliance matches each owner's financial ability with the cost to cure the property's potential physical characteristics, the real estate appraiser cannot comment on compliance to ADA. A brief summary of physical aspects is included in this report. It in no way suggests ADA compliance by the current owner. Given that compliance can change with each owner's financial ability to cure non-accessibility, the value of the subject does not consider possible non-compliance. Specific study of both the owner's financial ability and the cost to cure any deficiencies would be needed for the Department of Justice to determine compliance.

PURPOSE OF APPRAISAL

The purpose of this consulting appraisal report is to outline the "hypothetical" conditioned value opinion of the subject property.

INTENDED USE AND USERS

This consulting appraisal report is intended to be used by the client on whether there is an economic hardship which applies to the subject property. The intended users and clients are Timothy Hanna and the Town of Brighton.

MARKET VALUE DEFINED

Market value is defined as follows*:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- buyer and seller are typically motivated,
- both parties are well informed or well advised,
- both acting in what they consider their own best interest,
- a reasonable time is allowed for exposure in the open market,
- payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto, and the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

*(*12 C.F.R. Part 34.42 (g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994).*

PROPERTY RIGHTS APPRAISED

The fee simple interest of the land is being appraised subject to the use as a residential subdivision. This is the highest form of private ownership of real property. This includes all the rights that may be owned.

APPRAISAL CONSULTING PROCESS

The appraisal consulting problem is to estimate whether the residual value is positive when considering its development as a 6 lot subdivision.

A subdivision method is used to estimate the residual value. First, a Sales Comparison Approach is utilized to determine the value of individual lots in this subdivision. These lot values are utilized in a lot inventory which is used in the discounted cash flow analysis. An absorption analysis is then outlined for the lots based on market data of competing properties. Next, a discounted cash flow analysis, being a form of the Income Capitalization Approach, is used to determine the bulk residual value of the land. The discounted cash flow analysis is effectively the present worth of the net income stream generated by the sale of the lots over the estimated absorption period discounted at a market estimated discount rate after expenses are considered. The net income stream is effectively the gross sales revenue less holding costs, development costs, and sales expenses.

SCOPE OF APPRAISAL CONSULTING WORK

The scope of the appraisal consulting assignment is the extent of the process of collecting, confirming, and reporting data. The data used in this appraisal represent comparable and verifiable data known to be available within the market. The extent of the market is generally southeast Monroe County with a focus on the inner suburbs, the City of Rochester and the Town of Brighton. An exterior site inspection of the subject property was made. An exterior inspection of the comparable sales was made. This report will analyze comparable sales in sufficient detail for the readers understanding and correlate to the subject property.

This is an appraisal consulting report which presents summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The depth of discussions contained in this report is specific to the needs of the client and for the intended use stated. The Sales Comparison Approach utilized sales that were in the Rynne, Murphy & Associates, Inc. database, CoStar, LandMax Data, and NYS Alliance MLS (Realist). A lump sum unit of comparison was used in estimating lot values. A search was made of comparable sales from these sources of similar facilities as the subject which sold in 2017 and after.

The primary collection sources are the office files of Rynne, Murphy & Associates, Inc. and other independent sources. Data is confirmed by primary sources if possible and/or secondary sources including but not limited to the deed, municipality records, client, lenders, developers, brokers, and/or other sources. The client furnished some basic information including but not limited to a recent offer, demolition costs, preliminary subdivision costs, etc.

The pertinent data used in this report is detailed in the analyses. In addition, Rynne, Murphy & Associates, Inc. maintains an office file with other supplemental information which may have been considered in the analysis. This is consistent with the intended use, the perceptions of the intended users, and the client.

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

ADDRESS:

Proposed 6-Lot Single Family Subdivision
On 4.8 acre Baptist Temple site located at
1075 Clover Street
Town of Brighton
Monroe County, New York

HYPOTHETICAL CONDITION:

The "hypothetical" condition will assume that the current building improvements will be demolished and the subject will be developed as a 6 lot subdivision as outlined in the body of the report.

**EXTRAORDINARY
ASSUMPTION:**

There are a number of extraordinary assumptions of this report whose use might have affected the assignment results:

- 1) It is assumed that the subject "proposed" single family lots are a legal use in regards to zoning and building codes.
- 2) The report will outline the availability of utilities to the subject site based upon some information we obtained from various sources including but not limited to public records. We warrant no complete accuracy of this information and suggest that a licensed engineer provide the information.
- 3) A formal engineering study was not provided. It is assumed that there are no unusual soil, legal, topographical, or other conditions. If there are, the property value may be diminished or increased.
- 4) The global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO) and a state of emergency declared by national, state, and various local governments. There was an initial large negative effect on the local and national economy. However, single family housing was least affected of all of the

real estate property types. Also, recently with the vaccines and lower infection rates, there has been a resurgence in economic activity. The conclusions presented in this appraisal report considers the ongoing resurgence of the economy. Sources: Appraisal Institute Region IV - LIA and Rynne, Murphy & Associates, Inc.

5) It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate after the environmental cleanup is completed during demolition. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.

IMPROVEMENTS:

Improvements on the site consist of a 29,304 SF, one and two-story, brick, concrete block, precast concrete and steel frame church and school, built in 1964. Assessor records indicate the building has no basement. The building improvements are above average quality construction, in average condition, with average modernization. Improvements are to be demolished for the proposed future residential development.

SITE:

The subject site is slightly irregular in shape and contains approximately 4.8 acres of generally level land located at the southwest corner of Clover Street and Highland Avenue. The parcel has frontages of approximately 648.84' along the westerly side of Clover Street, corner frontage of 40.94', and 322.12', 36.13' and 9.88' along the south side of Highland Avenue. The site has ingress and egress from both roads. The property has mature trees, some of which will be preserved. There will be a small park located

at the corner of Highland Avenue and Clover Street. The site is proposed for redevelopment into 6 residential building lots ranging in size from 0.5309 acre to 0.9147 acre. Utilities servicing the site include gas, electric, public water, sanitary sewers, telephone and cable.

**HIGHEST AND BEST USE
OF THE SITE AS VACANT:**

Single-family residential. The market for this property will be local developers and/or potential individual homeowners.

DATES OF INSPECTION:

December 14, 2020, January 8 & January 18, 2021, and April 29, 2021

**EFFECTIVE DATE OF
APPRAISAL:**

April 29, 2021

REPORT CONCLUSION:

Since the residual value of \$269,000 is positive, there is no economic hardship by definition.

LEGAL DESCRIPTION

As described in the Monroe County Clerk's Office. The Tax Map Number is 122.200-0001-006.100. The record owner is The Baptist Temple.

TAXES AND ASSESSMENT DATA

The following information was provided by the municipality in which the subject property is located.

ASSESSMENT:

Land	\$ 628,200
Improvements	<u>\$1,363,800</u>
Total	\$1,992,000

TAXES AND ASSESSMENT DATA (CONT.):

The property has an NP, not for profit religious exemption and is fully (100%) exempt from town, county, and school taxes, except for special district charges of \$652.23. The tax rates are outlined below along with applicable taxes if the property was not exempt.

TAXES	Tax Rates/ \$1,000 of Assessment	Taxes W/O Exemption
2021 Town/County Tax	\$15.43685	\$31,402.43
2020-21 School Tax	<u>\$23.75239</u>	<u>\$51,776.72</u>
Total True Taxes	\$39.18924	\$83,179.15

The current equalization rate for the Town of Brighton is 100%.

The current assessed value for the land is \$628,200, the real estate taxes are \$24,619 (\$628,200 x \$39.19). If the finished lots are assessed for \$150,000 per lot, the lot taxes are \$150 x \$39.19 or \$5,879 per lot; rounded to \$6,000 per lot.

ZONING

RLA, Residential - Low Density "A"

Permitted uses include single family detached dwellings, not to exceed one dwelling on each lot; buildings, structures and uses owned or operated by the Town of Brighton for municipal use; and family child-care homes. A copy of the appropriate zoning ordinance pages is included in the Addendum section of this report.

FLOOD HAZARD AREA

The subject property is not located in a flood hazard area according to Flood Zone Panel Number 360410-36055C0218G, effective August 28, 2008.

RECENT SALES HISTORY OF SUBJECT PROPERTY

Reportedly, there may be an offer on the existing improved property in the amount of \$1,000,000. This offer is based upon the improvements being rehabbed into an office complex.

Area and Neighborhood Analysis

The Town of Brighton is located in the central sector of Monroe County and borders the City of Rochester to the north and west. Almost the entire town is within 4 miles of the Central Business District of Rochester, New York. Brighton is further bordered to the east by the Towns of Pittsford and Penfield, to the south by the Town of Henrietta, and to the west by the Genesee River. Brighton is a well established, highly desirable residential suburb of the City of Rochester with most of the light industrial and commercial areas located along the primary roadways. Because of its proximity to the Central Business District and its centralized location, the town is within a short distance of many major employment centers.

The 2010 census population for the Town of Brighton is 36,609 which is an approximate 2.9% increase over the 2000 census population of 35,588. The 2000 census population represented an approximate 3.9% increase over the 1990 Census population of 34,229. The per capita income for the Town of Brighton as of 1999 was \$32,642 and \$40,500 for 2010. According to the 2018 American Community Survey 5-Year Estimates, the per capita income was \$42,921 and the median household income was \$75,812. According to the Greater Rochester Association of Realtors, the median value of an existing single family home in Brighton for 2020 was approximately \$195,000, with the median value as of January 22, 2021 being \$205,000.

Major transportation routes include Interstate Routes 490, 590, and 390 and State Highways 15, 15A, 31, 65, 96, and 286. There are also numerous primary highways such as Elmwood Avenue, Westfall Road, Winton Road, Clinton Avenue, and Crittenden Boulevard which provide additional access throughout the town. These thoroughfares provide good access to all support facilities in the general metropolitan area.

The recent COVID-19 pandemic had created a temporary decline in real estate activity fueled by the general economic recession caused by government actions in response to COVID-19. This had initially increased marketing time and a reduction in appreciation and some declines in values along with job decreases, COVID-19 spending bills, low interest rates, and the recent vaccines. Thus, the impact of the crisis has been decreased. The residential home market was least affected of all property types and is also back to normal.

The subject property is located in an upscale older neighborhood of single family homes, directly adjacent to higher density upscale apartment, condominium and townhouse development where East Avenue, Clover Street, Highland Avenue and Penfield Road meet. Users in the subject vicinity include East Avenue Tower residential high rise condominium, Country Club Apartments, Crossways Condominium, Stone Tolan House museum, Council Rock Greens professional offices, Allyn's Creek Garden Club, Grosvener East residential condominium, Oak Hill Terrace Apartments, and The Venue apartment high rise. The subject neighborhood has good shopping and services within 1 mile to the northwest at East Avenue and Winton Road, and within 2 miles to the southeast via Clover Street to Monroe Avenue. There are very satisfactory support services.

Site Analysis

The subject site is slightly irregular in shape and contains approximately 4.8 acres of generally level land located at the southwest corner of Clover Street and Highland Avenue. The parcel has frontages of approximately 648.84' along the westerly side of Clover Street, corner frontage of 40.94', and 322.02', 36.13' and 9.88' along the south side of Highland Avenue. The west line is approximately 489.89'. The south line is approximately 366.83'. The site has ingress and egress from both roads. The property has mature trees, some of which will be preserved. There will be a small park located at the corner of Highland Avenue and Clover Street. The site is proposed for redevelopment into 6 residential building lots ranging in size from 0.5309 acre to 0.9147 acre.

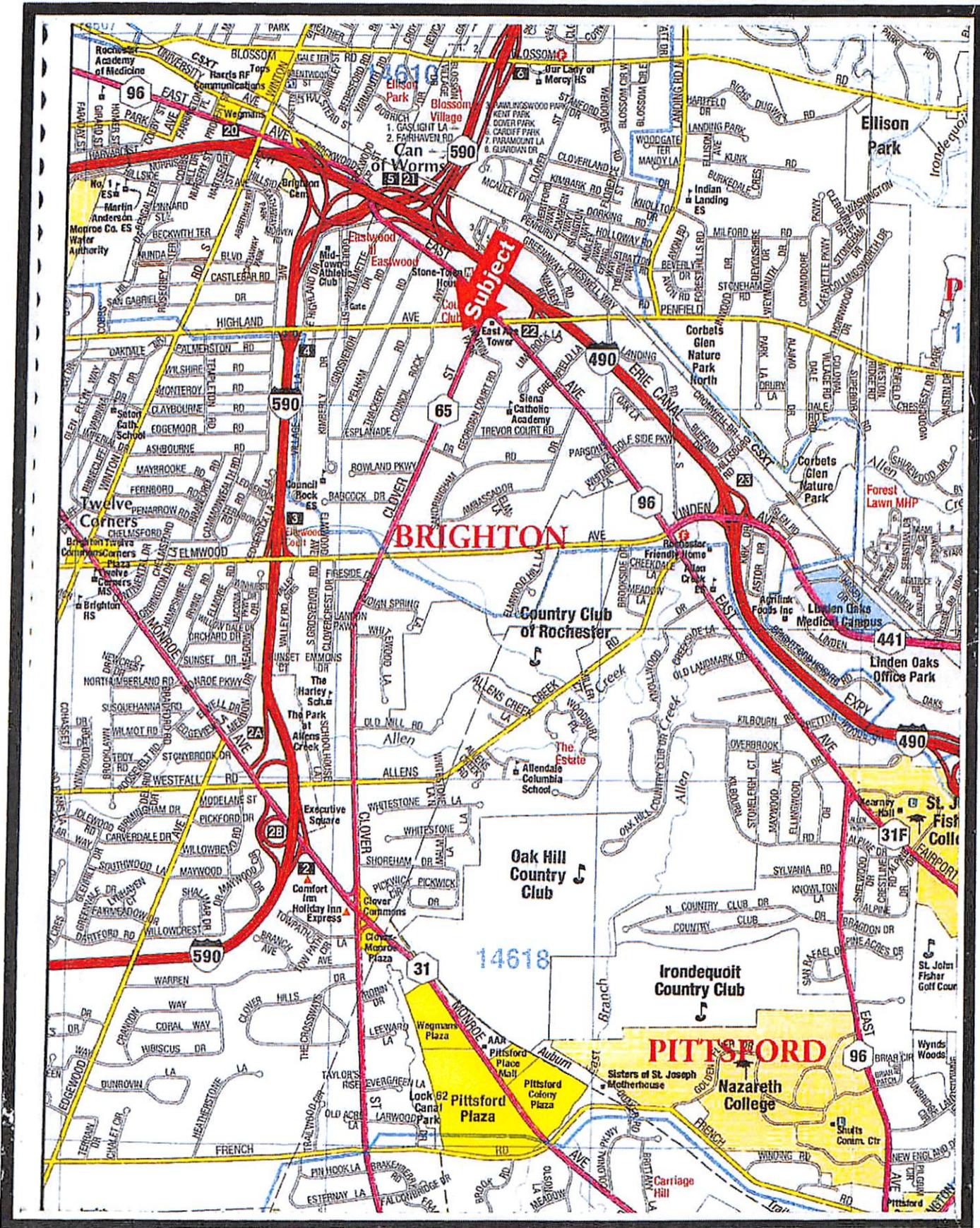
Various off-site utilities service the parcel. These include public water, sanitary sewers, electric, gas, cable and telephone. Off-site improvements include the 2-lane plus left turn lane public roadways known as Clover Street (Route 65) and Highland Avenue, which are surfaced with asphalt in average condition at the time of the inspection. Other off-site improvements include concrete sidewalks, granite curbs, streetlights and a traffic signal at the intersection.

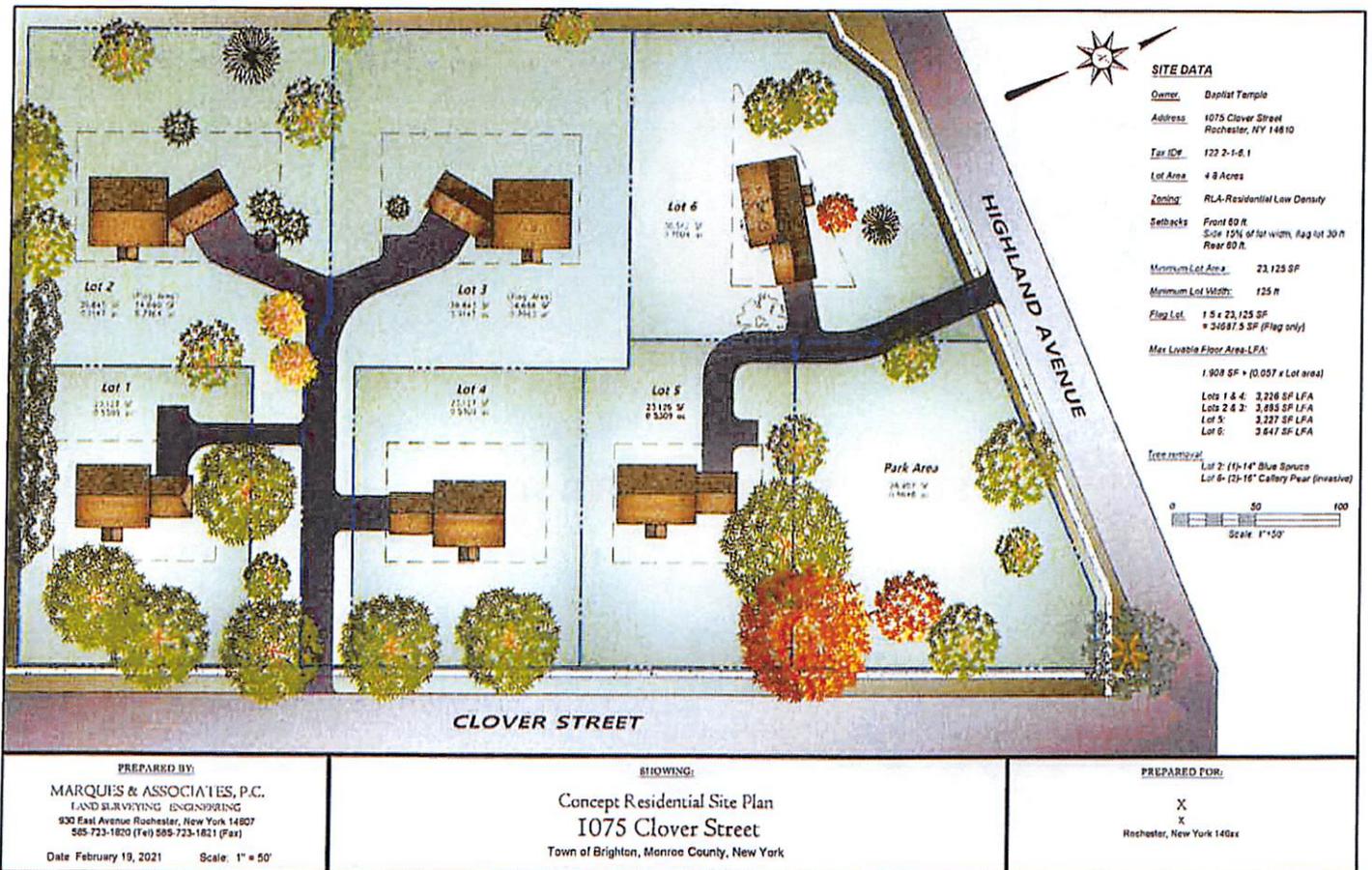
It is assumed that there are no environmental conditions on site or off site which have a diminishing effect on value other than what the market comparables indicate after the environmental cleanup is completed during demolition. Rynne, Murphy & Associates, Inc. and the individual appraiser are taking no responsibilities in regards to any detrimental environmental influences on the subject property. This includes but is not limited to asbestos, lead paint, mold, petroleum, urea formaldehyde, and radon gas. We do not have any knowledge of the existence of such materials on or in the property. The appraiser is not qualified to detect such substances. We recommend the client to retain an expert in the field.

Building Analysis

Improvements on the site consist of a 29,304 SF, one and two-story, brick, concrete block, precast concrete and steel frame church and school, built in 1964. Assessor records indicate the building has no basement. The building improvements are above average quality construction, in average condition, with average modernization. Improvements are to be demolished for the proposed future residential development.

Neighborhood Map





SITE DATA

Owner:	Daxiat Temple
Address:	1075 Clover Street Rochester, NY 14610
Tax ID#:	122 2-1-6.1
Lot Area:	4.8 Acres
Zoning:	RLA-Residential Low Density
Setbacks:	Front 60 ft. Side 15% of lot width, flag lot 30 ft. Rear 60 ft.
Minimum Lot Area:	23,125 SF
Minimum Lot Width:	125 ft
Flag Lot:	1.5 x 23,125 SF = 34687.5 SF (Flag only)
Max Livable Floor Area-LFA:	1,908 SF x (0.007 x Lot area)
	Lots 1 & 4: 2,326 SF LFA
	Lots 2 & 3: 3,495 SF LFA
	Lot 5: 3,227 SF LFA
	Lot 6: 3,647 SF LFA
Tree Removal:	Lot 2: (1)-14" Blue Spruce Lot 6: (2)-16" Callery Pear (Invasive)

PREPARED BY:
MARQUES & ASSOCIATES, P.C.
LAND SURVEYING ENGINEERING
930 East Avenue Rochester, New York 14607
585-723-1820 (Fax) 585-723-1821 (Fax)
Date February 19, 2021 Scale: 1" = 50'

SHOWING:
Concept Residential Site Plan
1075 Clover Street
Town of Brighton, Monroe County, New York

PREPARED FOR:
X
X
Rochester, New York 1460x

STREET SCENE - CLOVER STREET



STREET SCENE - CLOVER STREET



STREET SCENE - HIGHLAND AVENUE



STREET SCENE - HIGHLAND AVENUE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



VIEW OF SUBJECT SITE



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VIEW OF SUBJECT SITE



Highest and Best Use Analysis

The highest and best use of a vacant site or improved property is that reasonably probable and legal use which is physically possible, legally permissible, financially feasible, and maximally productive.

Physically possible uses are related to the physical characteristics of the vacant site or improved property. Given the subject site's characteristics with respect to size, shape, topography, subsoil condition, access, and utilities, the subject site would appear to be able to support a wide variety of structures within the four general improved property categories. These categories include residential, commercial, industrial, and special use type properties. The ability of the site to support various structures is further supported by the existence of the present improvements on the site.

Legally permissible uses are a very important criteria to be considered in the highest and best use of the vacant site or improved property because zoning, environmental conditions, master land use plans and other regulations can restrict development. Since the property is zoned RLA, Residential Low Density, the vacant site is suitable as a single family subdivision.

Financially feasible uses are those physically possible and legal uses which produce a positive rate of return. As outlined in Extraordinary Assumption #4, the global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO) and a state of emergency declared by national, state, and various local governments. There was an initial large negative effect on the local and national economy. However, single family housing was least affected of all of the real estate property types. Also, recently with the vaccines and lower infection rates, there has been a resurgence in economic activity. The conclusions presented in this appraisal report considers the ongoing resurgence of the economy. Sources: Appraisal Institute Region IV - LIA and Rynne, Murphy & Associates, Inc. Given the zoning restrictions for non residential uses and the conclusions of this report that the residual value of the land is positive and there is no economic hardship.

Given the physically possible, legally permissible, and financially feasible uses, the maximally productive use is under the hypothetical condition and extraordinary assumption of this report as a residential subdivision with a positive rate of return. Therefore, the highest and best use is the same.

...the ... of ...

...the ... of ...

Subdivision Method

...the ... of ...

SALES COMPARISON APPROACH OF VACANT LOTS

The Sales Comparison Approach is based upon the premise that an informed, prudent, and rational purchaser (investor) will pay no more for a property than the cost of acquiring a similar, comparable and competitive property with the same utility as of the valuation date.

This approach is based upon the assumption that there is, in fact, an active market for the type of property being appraised and that data on recent sales of similar, comparable and competitive properties in the market representing bona fide, arm's length transactions are an appropriate guide to the most probable sales price that the subject property should command as of the valuation date.

Comparable properties which have recently sold in the subject's market are used in this approach. Adjustments for major characteristic differences between the comparable sales and the subject are estimated through market analysis. Applying these various adjustments to the comparable sales, an adjusted range of sale prices results. Positive or inferior adjustments are denoted by a "+". Negative or superior adjustments are denoted by a "-".

Comparable Land Sales

Address	Year	Price	Area	Notes
123 Main St	2018	\$150,000	1,200 sq ft	Similar to subject property
456 Oak Ave	2017	\$140,000	1,100 sq ft	Comparable in location
789 Pine Rd	2019	\$160,000	1,300 sq ft	Higher price due to larger area
101 Elm St	2016	\$130,000	1,000 sq ft	Lower price due to older construction
202 Maple Dr	2020	\$170,000	1,400 sq ft	Most recent sale, similar features

COMPARABLE LAND SALE 1

Address: 150 Old Mill Road
 Municipality: Brighton
 County: Monroe State: NY
 Class Code: 311
 Approved Residential Site
 Deed Recorded: 3/16/2017
 Sale Price: \$360,000
 Liber/Page: 11832/ 237
 Sale Price/ Acre : \$225,000
 Financing: Conventional
 Grantor: Alan A. Cook
 Grantee: Susan A. Fournier
 Tax Map Number: 137.160-0001-011
 Zoning: R-1, Residential
 Assessment: \$360,000
 Frontage: 74.93'
 Utilities: Electric: Y Gas: Y Water: Y Sewers: Y Cable: Y
 Lot Size: 1.60 Acres
 Flood Area: No
 Topography: Level, Trees
 Corner:
 Verification: LandMax Data, Deed, Realist

Comments:

This is a 1.60 acre, level, partly wooded site off Clover Street, on a private drive overlooking and adjacent to the Country Club of Rochester Golf Course. All utilities are available to the site including gas, electric, public water, and sewer. The property was listed for \$369,900. DOM: 7.

The site once contained an older 1930 home which was demolished and a new house was built in 2017.

RYNNE, MURPHY & ASSOCIATES, INC.

Comparable File Number: 20108 MM 1/13/2021

Tax Map Location

REAL ESTATE GRAPHING, INC. © COPYRIGHT 1978



COMPARABLE LAND SALE 2

Address: 4 San Rafael Drive
 Municipality: Pittsford
 County: Monroe

State: NY

Class Code: 311
 Vacant Residential Site

Deed Recorded: 5/17/2019
 Sale Price: \$380,000

Liber/Page: 12184/ 675
 Sale Price/ Acre : \$345,455

Financing: Conventional

Grantor: Nunzio Salafia
 Grantee: Christian Krapf

Tax Map Number: 151.060-0001-017
 Zoning: RN, Residential Neighborhood

Assessment: \$150,000
 Frontage: 206.66'

Utilities: Electric: Y Gas: Y Water: Y

Sewers: Y Cable: Y

Lot Size: 1.10 Acres or 47,916 SF
 Flood Area: No

Topography: Sloped, Trees
 Corner: Y

Verification: SalesWeb, Realist, LandMax Data

Comments:

This is mainly a clear site with a few mature trees situated on an irregular shaped corner lot at the intersection of San Rafael Drive and East Avenue.

RYNNE, MURPHY & ASSOCIATES, INC.

Comparable File Number: 20109

MM 1/15/2021

COMPARABLE LAND SALE 3

Address: 11 Babcock Drive
 Municipality: Brighton
 County: Monroe State: NY
 Class Code: 311
 Approved Residential Building Lot
 Deed Recorded: 11/14/2019
 Sale Price: \$137,500
 Liber/Page: 12269/ 696
 Sale Price/ Acre : \$327,381

Financing: Cash

Grantor: Kenneth A. Marvald
 Grantee: Justin L. Hopkin and Courtney N. Hopkin

Tax Map Number: 137.110-0002-003.1
 Zoning: RLB, Residential Low Density "B"
 Assessment: \$110,400
 Frontage: 119.46'

Utilities: Electric: Y Gas: Y Water: Y Sewers: Y Cable: Y

Lot Size: 0.42 Acre
 Flood Area: No
 Topography: Level
 Corner: No

Verification: MLS# R1223952, Realist, LandMax Data, Deed

Comments:

This is an slightly irregular shaped, cleared approved building lot in the Cloverwood Subdivision. It is situated near the cul-de-sac of Babcock Drive which runs west off of Clover Street. This location is north of Elmwood Avenue.

Original List Price: \$150,000
 DOM: 59

RYNNE, MURPHY & ASSOCIATES, INC.

Comparable File Number:

19828

AMH 3/12/2020

COMPARABLE LAND SALE 4

Address: Grosvenor Road
 Municipality: Brighton
 County: Monroe State: NY
 Class Code: 312
 Residential Land w/Small Improvement
 Deed Recorded: 8/ 7/2020
 Sale Price: \$175,000
 Liber/Page: 12374/ 53
 Sale Price/ Acre : \$530,303
 Financing: Cash or Equivalent
 Grantor: David C. Vilas
 Grantee: Patrick S. Massie
 Tax Map Number: 122.190-0001-024
 Zoning: RLA, Residential Low Density "A"
 Assessment: \$69,100
 Frontage: 90'
 Utilities: Electric: Y Gas: Y Water: Y Sewers: Y Cable: Y
 Lot Size: 0.33 Acre
 Flood Area: No
 Topography: Level, trees
 Corner: No
 Verification: SalesWeb, Deed, Realist

Comments:

This is a rectangular shaped parcel with approximately 90' of lot frontage along Grosvenor Road with a small one story structure at the rear of the site. The site is mainly level with brush and mature trees. No other improvements on the site.

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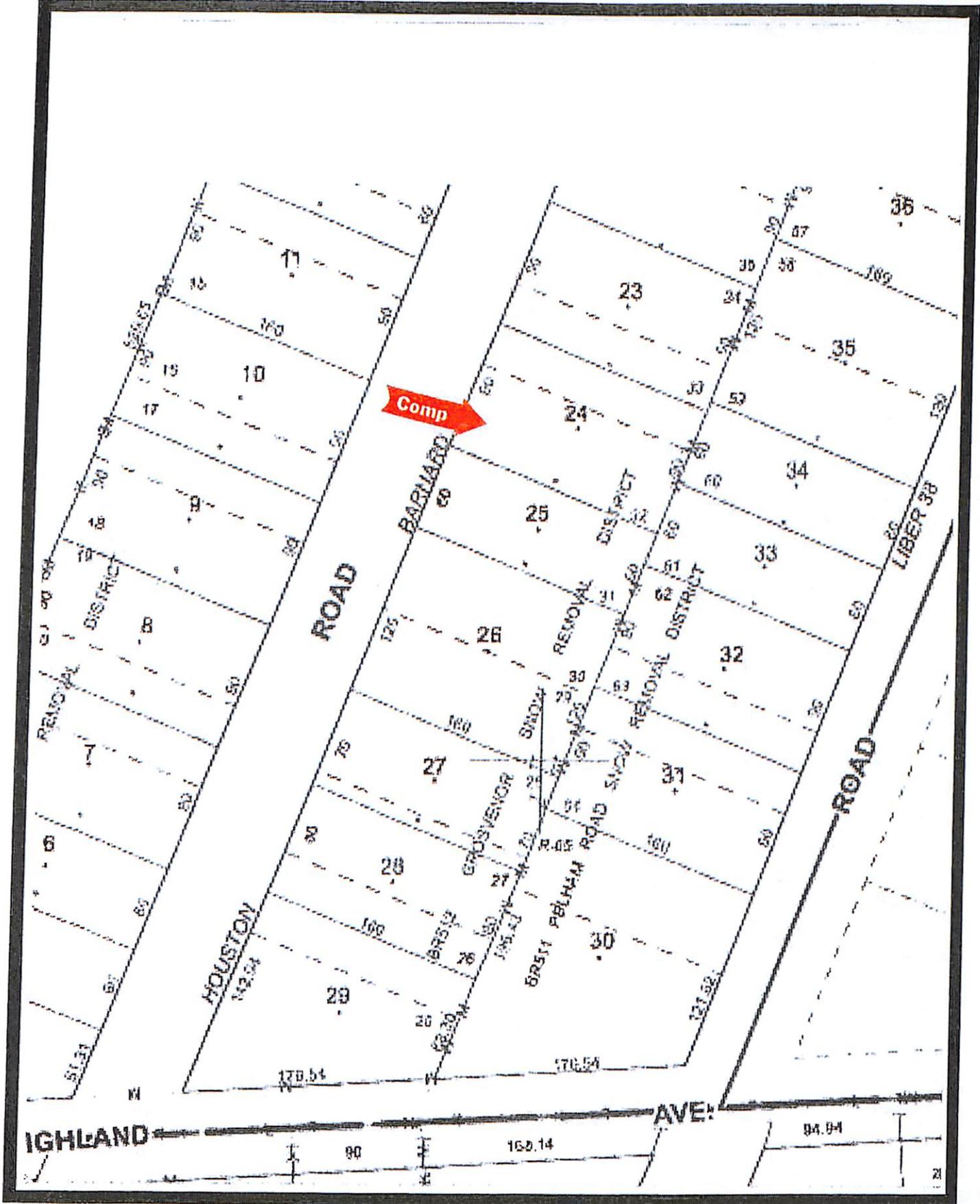
Comparable File Number:

20110

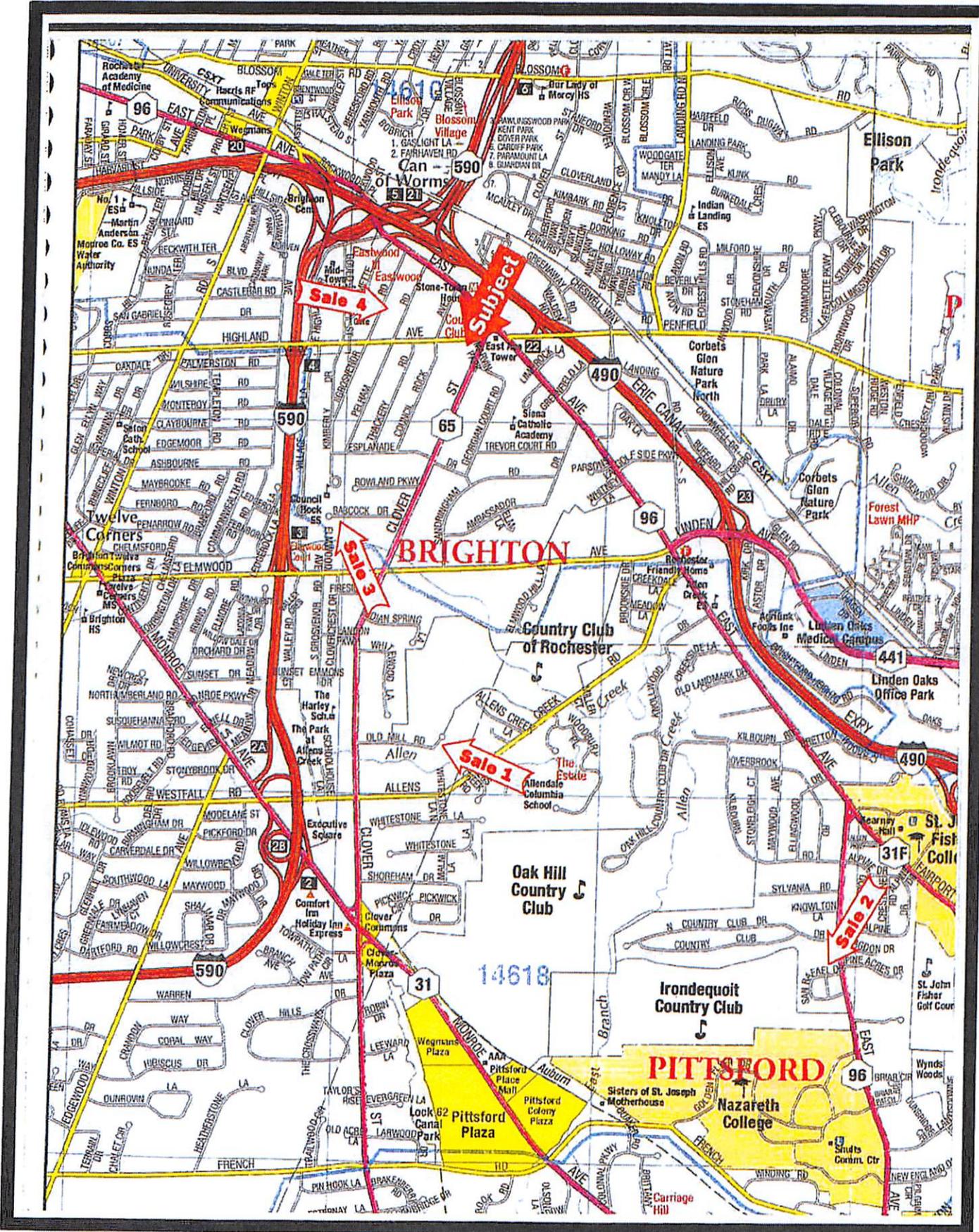
MM 1/15/2021

Tax Map Location

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Comparable Sales



COMPARABLE LAND SALES GRID

	SUBJECT	SALE #1 #20108 150 Old Mill Road \$360,000	SALE #2 #20109 4 San Rafael Dr. \$380,000	SALE #3 #19828 11 Babcock Dr \$137,500	SALE #4 #20110 Grosvenor Road \$175,000
SALE PRICE					
Adj. for Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
ADJUSTED PRICE(1)		0%	0%	0%	0%
Adjustment for Financing Terms	Conventional	Conventional	N/A	Cash	N/A
ADJUSTED PRICE(2)		0%	0%	3%	0%
Adjustment for Conditions of Sale	Typical	Typical-DOM 7	Typical	Typical-DOM 59	Typical
ADJUSTED PRICE(3)		3%	0%	0%	0%
Adjustment for Market Conditions	Hypothetical Value	March, 2017	May, 2019	November, 2019	August, 2020
ADJUSTED PRICE(4)	April, 2021	7%	4%	3%	2%
OTHER ADJUSTMENTS					
LOCATION	Town-Brighton Clover Street And Highland Avenue Some Traffic Influence	-15% Old Mill Road; Private Dr Town-Brighton; Adjacent CC of Rochester	-15% Town-Pittsford San Rafael Dr.	-2% Town-Brighton Babcock Drive	-5% Town-Brighton Grosvenor Road
SITE CONFIGURATION	Average Rectangular	0% Trapezoidal	0% Rectangular	0% Rectangular	0% Rectangular
TOPOGRAPHY	Level, Trees	0% Level, Trees	3% Sloped, Trees	0% Level	0% Level, Trees
UTILITIES	At Street	-5% Most At Lot	-5% Most At Lot	0% At Street	0% At Street
SITE SIZE	0.69 Acres-Average	-35% 1.60 Acre	-20% 1.10 Acres	5% 0.42 Acre	6% 0.33 Acre
OTHER AMENITIES	Average	0% Average	0% Average	0% Average	0% Average
FUNCTIONAL UTILITY	Average	0% Similar	0% Similar	0% Similar	0% Similar
OTHER(1)	Vacant Lot	5% Demolition	0% Similar	0% Similar	-1% Porch
OTHER(2)	N/A	0% Similar	0% Similar	0% Similar	0% Similar
TOTAL OTHER ADJ ADJUSTED PRICE(4)		-50% \$396,756	-37% \$395,200	3% \$145,874	-0% \$178,500
TOTAL \$ ADJUSTMENTS		(\$198,378)	(\$146,224)	\$4,376	(\$0)
FINAL ADJUSTED PRICE		\$198,378	\$248,976	\$150,250	\$178,500
NUMBER OF LOTS	1	1	1	1	1
ADJUSTED PRICE PER LOT		\$198,378	\$248,976	\$150,250	\$178,500
SUBJECT LOTS		1	1	1	1
FINAL ADJUSTED SALES PRICE		\$198,378	\$248,976	\$150,250	\$178,500

Analysis of Land Sales Data

Comparable Land Sale 1 is adjusted positively for conditions of sale to reflect short marketing time and for inferior market conditions. The market conditions adjustment was dampened by the COVID-19 virus. An additional positive adjustment is made under Other(1) to reflect the demolition associated with this sale. Negative adjustments are made for superior location and site size. An additional negative adjustment is made to reflect the superior status of most of the utilities being at the center of the site. The adjusted sales price is \$198,378 per lot.

Comparable Land Sale 2 is adjusted positively for inferior market conditions, topography, and utilities. The market conditions adjustment was dampened by the COVID-19 virus. Negative adjustments are made for superior location and site size. An additional negative adjustment is made to reflect the superior status of most of the utilities being at the center of the site. The adjusted sales price is \$248,976 per lot.

Comparable Land Sale 3 is adjusted positively for financing to reflect a cash transaction and for inferior market conditions, and site size. The market conditions adjustment was dampened by the COVID-19 virus. A negative adjustment is made for superior location. The adjusted sales price is \$150,250 per lot.

Comparable Land Sale 4 is adjusted positively for inferior market conditions, and site size. The market conditions adjustment was dampened by the COVID-19 virus. Negative adjustments are made for superior location and under Other(1) to reflect the improvements associated with this property. The adjusted sales price is \$178,500 per lot.

Sales Comparison Approach Summary

From the analysis of the comparable land sales, an adjusted sales price range of \$150,250-\$248,976 per lot results. Comparable Land Sales 3 and 4 are weighted, since they have sold most recently. Comparable Land Sales 1, 3, and 4 are weighted, since they are nearest to the subject. Comparable Land Sales 3 and 4 are weighted, since they have similar site size. Comparable Land Sales 2 and 3 are weighted, since they did not have any building improvements on site at the time of sale. Comparable Land Sales 3 and 4 are weighted to reflect most utilities are at the street. If the low and high are eliminated, the range is \$178,500-\$198,378. Some of the final values are below or above the range because they are below or above the average size.

Lot Inventory

Traffic Influence	Lot	Lot Size Acres	Lot Size SF	Lot Size Acres	Value	Value Per SF
Yes	Lot 1	0.5309	23,127	0.5309	\$165,000	\$7.13
No	Lot 2	0.9147	39,845	0.9147	\$195,000	\$4.89
No	Lot 3	0.9147	39,843	0.9147	\$195,000	\$4.89
Yes	Lot 4	0.5309	23,127	0.5309	\$169,000	\$7.31
Yes	Lot 5	0.5309	23,126	0.5309	\$170,000	\$7.35
Yes	Lot 6	0.7005	30,512	0.7005	\$185,000	\$6.06
		4.1226	179,580	4.1226	\$1,079,000	\$6.01

Total Lots= 6

Total Acres 4.123
Average Lot 0.69 Acres
Average Lot 29,930 SF
Gross Acres 4.7874 Acres
Parcels 6.00
Average SP \$179,833

Market Yield Rates

The discount rate used to calculate the present value factors is estimated from the analysis of market yield rates. It is based upon various investor's annual yield requirements for similar investment type properties and the yield rates from alternate investments which are adjusted for liquidity, risk, and length of terms. Outlined below is a sample of data on market yield rates researched and reported by various national publications. This data is used to estimate a discount and equity yield rate in this analysis.

CORPORATE BORROWING RATES AND YIELDS

Based on J.P. Morgan, Bloomberg Barclays, and ICE Data Services, the corporate borrowing rates and yields are as follows:

Bond Total Return Index	Close	YIELD (%)		52-WEEK		TOTAL RETURN (%)		
		Last	Week ago	High	Low	YTD	52-wk	5-yr
10+-yr Maturities, ICE Data Services	3547.78	3.561	n.a.	4.127	2.800	-9.33	9.02	n.a.
10-20 years, Bloomberg Barclays	1611.28	0.640	n.a.	0.830	0.340	-0.95	0.47	n.a.
Aggregate, Bloomberg Barclays	2209.91	1.600	n.a.	1.620	1.020	-3.43	1.12	n.a.
High Yield, ICE Data Services	2151.23	4.219	n.a.	9.836	3.877	0.60	23.68	n.a.
High Yield 100, ICE Data Services	3332.52	3.776	n.a.	9.059	3.261	0.08	20.56	n.a.
Muni Master, ICE Data Services	592.99	0.962	n.a.	2.197	0.725	-0.45	4.44	n.a.
EMBI Global, J.P. Morgan	890.87	4.992	n.a.	6.711	4.295	-4.58	15.53	n.a.

Source: <http://online.wjs.com>

(Market Data Center; March 29, 2021 - Tracking Bond Benchmarks)

PwC Real Estate Investor Survey*
Third Quarter 2020

	REGIONAL MALL		CBD OFFICE		WAREHOUSE		APARTMENT	
	3rd Qtr. 2020	2nd Qtr. 2020						
Discount Rate (IRR) *								
Range	5.75%-15.00%	5.75%-15.00%	5.50%-12.00%	5.50%-12.00%	5.25%-7.50%	5.25%-7.50%	5.00%-10.00%	5.00%-10.50%
Average	7.75%	7.75%	7.38%	7.16%	6.13%	6.14%	6.83%	6.89%
Change (bps)		0		+22		-1		-6
Overall Cap Rate (OAR) *								
Range	4.50%-15.00%	4.50%-15.00%	3.75%-7.50%	3.75%-7.50%	3.40%-7.00%	3.40%-7.00%	3.50%-8.00%	3.50%-8.00%
Average	6.93%	6.95%	5.59%	5.55%	4.84%	4.84%	5.22%	5.19%
Change (bps)		-2		+4		0		+3
Residual Cap Rate								
Range	4.20%-15.00%	4.50%-15.00%	5.00%-7.50%	5.00%-7.50%	4.50%-7.00%	4.50%-7.00%	4.00%-8.00%	4.00%-8.50%
Average	7.25%	7.68%	5.88%	5.91%	5.48%	5.49%	5.61%	5.64%
Change (bps)		-43		-3		-1		-3

Definitions:

a. Rate on unleveraged, all-cash transactions.

bps. Basis points

Discount Rate (IRR). Internal rate of return in all-cash transaction, based on annual year-end compounding.

Overall Capitalization Rate (OAR). Initial rate of return in an all-cash transaction.

Residual Cap Rate. Overall capitalization rate used in calculation of residual price; typically applied to the NOI in the year following the forecast.

Source: Valuation Insights and Perspectives for Real Estate Appraisers, Q3/Q4 2020, Page 39, Economic Indicators

*Source: PwC Real Estate Investor Survey; Personal Survey conducted by PwC during July, 2020

RYNNE, MURPHY & ASSOCIATES, INC.
REAL ESTATE MARKET INVESTMENT RATE SURVEY (4th Quarter 2019)

	EQUITY DIVIDEND RATES			EQUITY YIELD RATES			OVERALL DISCOUNT			OVERALL CAPITALIZATION*		
	Low	High	Average	Low	High	Average	Low	High	Average	Low	High	Average
OFFICE:												
Small	4.25%	13.75%	9.00%	11.25%	16.75%	14.00%	7.25%	13.00%	9.50%	4.25%	12.75%	8.00%
Class A	4.75%	11.75%	8.25%	11.00%	14.75%	13.25%	7.00%	11.50%	9.00%	4.75%	9.25%	7.50%
Class A/R	5.75%	13.25%	9.50%	12.25%	16.25%	14.25%	7.50%	13.25%	9.50%	6.25%	12.25%	8.25%
Class B	7.25%	15.75%	10.75%	11.50%	16.75%	15.00%	8.25%	13.75%	9.25%	7.50%	13.50%	9.50%
Class C	9.25%	19.00%	14.50%	13.75%	20.75%	16.75%	9.50%	17.00%	11.75%	9.25%	17.00%	11.75%
RETAIL:												
Regional	5.25%	14.25%	9.75%	11.25%	16.50%	14.50%	7.25%	14.00%	9.50%	5.75%	14.75%	8.50%
Community	5.25%	14.75%	9.50%	11.75%	17.00%	14.50%	7.50%	13.50%	9.25%	5.50%	13.75%	8.50%
Neighborhood	5.00%	15.00%	9.50%	11.75%	17.50%	14.75%	7.25%	13.75%	8.75%	5.50%	13.50%	8.00%
INDUSTRIAL:												
Heavy	7.25%	18.00%	12.50%	12.50%	20.00%	16.00%	8.25%	15.50%	11.50%	7.25%	16.75%	10.75%
Older	7.75%	20.00%	12.75%	12.50%	22.00%	16.25%	8.25%	16.50%	10.75%	8.00%	16.75%	11.25%
Light	5.50%	15.75%	9.50%	12.25%	18.00%	14.75%	7.75%	14.00%	9.75%	6.75%	14.25%	9.00%
R & D	5.50%	15.50%	9.25%	12.00%	17.00%	14.75%	7.50%	13.50%	9.75%	6.50%	13.75%	8.75%
APARTMENTS:												
Urban Small Multi-Family	4.00%	19.75%	8.75%	10.50%	21.50%	14.00%	7.25%	17.75%	8.75%	4.00%	18.75%	7.25%
Urban Apartment Project	5.25%	18.50%	9.25%	11.50%	20.50%	14.75%	7.75%	16.50%	9.50%	5.25%	18.50%	7.75%
Suburban Multi-Family	4.75%	14.75%	8.25%	11.50%	16.50%	13.75%	7.25%	13.25%	8.25%	4.00%	13.25%	6.75%
Suburban Apt Project	4.75%	15.00%	8.75%	11.75%	16.75%	13.75%	7.50%	13.50%	8.50%	5.25%	13.75%	7.25%
New Apartment Project	4.50%	11.50%	8.00%	11.00%	14.25%	13.25%	7.50%	10.75%	8.25%	4.50%	9.50%	6.50%
SPECIAL USE:												
Mobile Home Parks	6.00%	16.75%	10.00%	11.50%	18.00%	14.50%	7.75%	14.50%	9.50%	5.75%	14.75%	8.50%
Restaurants	5.50%	17.00%	11.25%	11.50%	19.50%	15.00%	7.50%	14.75%	10.25%	5.50%	15.75%	9.50%
Automotive Dealers	5.75%	15.25%	10.50%	12.00%	17.25%	15.00%	7.75%	14.00%	9.75%	6.50%	14.50%	9.25%
Subdivisions	12.75%	26.50%	16.50%	12.75%	29.00%	17.00%	10.25%	28.50%	16.00%	N/A	N/A	N/A
Nursing Homes	8.25%	24.25%	14.50%	13.25%	21.00%	17.00%	8.25%	19.50%	13.00%	8.00%	21.00%	12.00%
Hotel/Motel	8.00%	18.75%	12.25%	12.50%	21.00%	15.50%	8.25%	15.50%	10.50%	7.50%	16.75%	10.75%
City Commer/Indust Property	5.00%	19.25%	9.75%	11.50%	22.00%	14.50%	7.25%	17.00%	9.75%	5.00%	17.25%	9.50%
General Market Range Excluding Extremes	6.25%	14.50%	9.75%	12.00%	17.00%	14.25%	7.25%	13.00%	9.75%	6.50%	12.75%	9.25%

This is based primarily upon properties in Upstate New York and most of the western/central New England region. Lower end rates generally represent newer/modernized, higher quality suburban properties. Upper end rates generally represent older urban, lower quality properties. The above rates generally do not represent highly distressed properties. These rates assume that adequate management and reserve expenses are considered.

* Terminal capitalization rates generally 0.50% above going-in capitalization rates.
 ** Includes profit and overhead.

Holding and Sales Expenses

Holding and sales expenses are those expenses which may be considered in the discounted cash flow analysis, which is a method used to value the improved building lots.

These expenses include:

Marketing/Commissions: This expense is based upon a total estimate of 7% of gross sales. This is broken down into 6% of gross sales for commissions and an additional 1% of gross sales for marketing. This is based upon market estimates supplied by brokers in the marketplace.

Real Estate Taxes: The real estate taxes were previously outlined in the Taxes and Assessment Data section of this report. Real estate taxes for the project will be reduced as the lots are sold off.

Insurance: This expense is based upon a market estimate of \$3,500 in the first year and \$2,500 in the second year. This includes some liability and property damage coverage. As the lots are sold off this expense will decrease.

Maintenance: The maintenance expense will include grounds upkeep and some maintenance. This expense is based upon a market estimate of \$200 per lot in the first year.

Land Development Costs: The land development costs are outlined on the following page.

Legal/Accounting: This expense is based upon an estimate of 1% of the sold units. This represents primarily closing costs. It is based upon market estimates.

Developer's Profit: The developer's profit is based upon 13% of the total expenses.

Miscellaneous: The miscellaneous expense is based upon a market estimate of less than 0.5% of the sold lots.

Land Development Costs

Subdivision Costs	
Legal/Architecture/Engineering	\$28,500
Environmental	\$240,000
Demolition & Regrade	\$237,000
Stormwater Management	\$3,125
Separate Water/Sanitary/Gas	See Below
Separate Electric	\$1,780
Tree Removal-Select	\$2,000
Private Drive-Partial	\$19,323
Total Lot Development Costs	\$531,728
	Lots 6
Cost Per Lot	\$88,621

The subdivision costs are based upon estimated by the site engineer, Larry Heininger; the applicant John August, and some market substantiations. The Legal/Architecture/Engineering cost is based upon the site engineer, Larry Heininger. The development costs are at the upper end of the market even without the environmental and demolition/re-grade. The J. August tree budget was at \$45,000. However, site engineer, Larry Heininger, concluded that only a few trees would have to be eliminated. A copy of the Heininger tree plan is on Page 17 of this report. The L. Heininger tree budget estimate is only \$2,000 and the private drive estimate is \$19,323. Because the roof and asphalt area of the subdivision is so much less than the existing building of 16,674 SF and the existing asphalt of 52,018 SF, the storm management estimate of John August in the amount of \$52,500 is not applicable. According to engineer Larry Heininger, the storm management will be \$3,125 and the water/sanitary sewer estimate is not applicable because the lot values are based upon the utilities which are located at the street. Thus, the house builder will be responsible for these costs. Engineer Heininger also confirmed that the cost to bring electric service would total \$1,780. Approximately 115' of primary service will be needed to come from Clover Street to a new transformer on the Clover Street private drive. Lots 1-4 will pull their secondary services from this transformer. The first 100' of secondary service is provided by RG&E at no charge. A copy of these estimates are in the addendum section of this report. Also, the Environmental, Demolition, and Re-grade estimate totals approximate \$16.28/SF of building area of the existing building. This falls within the market estimates in our files of other demolition projects. Finally, the development costs per lot are at the higher end of the subdivision costs which we have observed over many years.

Real Estate Taxes	1	2	3	4	5	6	7
Average Taxes Per Lot	\$6,000.00	\$6,100.00	\$6,222.00	\$6,346.44	\$6,473.37	\$6,602.84	\$6,734.89
Real Estate Taxes of Period	\$24,000	\$6,100	\$0				
Maintenance	1	2	3	4	5	6	7
Weighted Average Per Lot	\$200	\$204	\$208	\$212	216	\$221	\$225
Maintenance Per Period	\$800	\$204	\$0	\$0	0	\$0	\$0
Unit Sales Summary	1	2	3	4	5	6	7
Number of Lots (BOP)	6	2	0	0	0	0	0
Total Units Sold	4	2	0	0	0	0	0
Average Units During Period	4.00	1.00	0.00	0.00	0.00	0.00	0.00

Risk Rate

The risk or discount rate of 16% is based upon high corporate bond yields and other market factors.

The overall discount rate for the subject property is estimated in part from market sales data. A number of subdivisions or lots sold in bulk were analyzed for purposes of estimating a market overall discount rate for the subject property.

Generally, current market data indicates that the normal overall discount rate range for subdivisions in the Upstate area is between 10-25%. The more outlying and higher risk subdivisions are toward the upper end of this normal range.

Another source for discount rates is the high yield corporate bonds. This will set the lower limit for the subject discount rate. The high yield corporate bonds were 4.219%-9.836% for a past 52 week low and high respectively. An additional premium must be considered because of the risk of the real estate including but not limited to the demolition.

The indicated discount rate for the subject is 16%. This falls at the lower midpoint of the range because of the desirability of the location. Also, the developers many times will reduce their profit on the lots in order to gain more profit on the finished home construction.

Comparable Subdivision and Absorption Period Study - SE (January, 2021)

Pinnacle Hills Subdivision, located on Willard Avenue off Highland Avenue between Midland and Howland Avenues, in the Town of Brighton, is an 8-lot subdivision which is now finished. Seven lots are each 0.30 acre; one lot is 0.79 acre. Home prices range from \$429,000 to \$801,600. Developer is Woodstone Custom Homes. Sales are as follows: 3 in 2019; and 5 in 2020.

Whitney East Subdivision, located on the south side of Whitney Road East, between Breezewood Court and Country Claire in the Town of Perinton, is a 9-lot subdivision on a private drive. Lot sizes range from approximately 0.22 acre to 0.44 acre. Home prices start at \$349,900. Developer is Aristo Custom Home Builders. Four lots sold in 2020.

Abbingtion Place Subdivision, located on the west side of Route 250 south of Bainbridge Drive, in the Town of Penfield, is an 85-lot patio home subdivision. Lot sizes range from approximately 0.24 acre to 0.59 acre. Home prices range from \$250,000 to \$441,000. Developer is Crosstown Custom Homes. Sales are as follows: 7 in 2016; 9 in 2017; 8 in 2018; 8 in 2019; and 5 in 2020.

Barclay Park Condo/Townhouse Subdivision, located on the west side of Route 250 south of Bainbridge Drive, in the Town of Penfield, is a 24-lot duplex condo development on a private Drive named River Birch Lane. Lot sizes are fairly uniformly approximately 0.18 acre. Home prices range from \$319,000 to \$469,000. Developer is Crosstown Custom Homes. Sales are as follows: 3 in 2018; 3 in 2019; and 6 in 2020.

Capstone Subdivision, located on the east side of Creek Street north of Bunker Hill Drive, in the Town of Penfield, is a 16-lot subdivision on a private drive named Capstone Rise. Lot sizes range from 0.59 acre to 1.64 acres. Home prices range from \$439,000 to \$589,000. Developer is Mascot Inc. Seven lots sold in 2020.

Waybridge Court, located on the west side of Jackson Road, just south of Plank Road, in the Town of Penfield, is an 11-lot subdivision. The property is located next to a 500 acre nature preserve. Lot sizes range from 0.758 acre to 1.286 acres. Home prices start in the \$400 thousands. Developer is DBD Custom Homes. Marketing began in 2015. Sales are as follows: 5 in 2016; 4 in 2017; 1 in 2018; 1 lot remains.

Crowne Pointe Subdivision, located on the south side of Plank Road approximately opposite State Road, in the Town of Penfield, is a 79-lot subdivision. Lot sizes reange from 0.40 tp 0.59 acre. Home prices are in the \$260,000 to \$500,000 range. Developers include Plank Road Development, Brannon Homes and Redstone Builders. Sales in recent years are as follows: 5 in 2015; 2 in 2016; 4 in 2017; 3 in 2018; 2 in 2019; 4 lots remain available.

Comparable Subdivision and Absorption Period Study - SE (January, 2021) Cont.:

Dunbar Hill Subdivision, located on the south side of Lane Road, just east of High Street, in the Town of Victor, is a 4-lot subdivision. Lot sizes range from 0.62 acre to 2.015 acres. Asking prices are in the mid \$370's. Developer is Redstone Builders. One lot sold in 2020.

Crowne Pointe Subdivision, located on the east and west sides of West Bloomfield Road in Pittsford, just north of the NYS Thruway, is a 75-lot subdivision. Lot sizes range from approximately 0.31 acre to 1.16 acres. Prices start at \$350,000. Developer is Mascot Inc. Marketing began around 2004. Sections 1 and 2 are substantially developed. One lot has sold in 2020 in Sections 1 and 2. Section 3, 31 lots, has not yet opened.

Homestead On Kreag, located on the east side of Kreag Road just north of Bushnell's Basin, in the Town of Perinton, is a 6-lot subdivision. Marketing began in late 2019. Lot sizes range from 0.41 acre to 0.52 acre. Prices are in the mid to high \$400 thousands. Developer is Riedman Homes. Two lots have sold in 2020.

Southgate Hills Subdivision, located on the west side of East Victor Road along the Auburn Trail and north of Boughton Hill Road, in the Town of Victor, is a 28-lot subdivision. Lot sizes range from 0.31 acre to 0.46 acre. Marketing began around 2018. Prices start in the \$370's. Sales are as follows: 5 in 2018; 7 in 2019; and 4 in 2020.

The Preserve At Coventry Ridge, located on the east side of Clover Street opposite Woodgreen Drive, in the Town of Pittsford, is a 115 lot subdivision. Isaac Gordon Nature Preserve adjoins on the south. Lot sizes range from 0.34 acre to 0.88 acre. Prices range from \$455,000 to \$880,000. Sales are as follows: 2 in 2016; 4 in 2017; 4 in 2018; 8 in 2019; and 7 in 2020.

Full Discounted Cash Flow Analysis

The gross sellout of the units is based upon market absorption estimates. In this Discounted Cash Flow Analysis, for each period the net income stream is discounted to a present worth value. The total of the present worth value of income streams is the total present worth of the subject property. Adjustments were made to the comparable lot sales for time, topography, size, and miscellaneous.

Based upon the absorption analysis, it is anticipated that the individual units will be sold within two years, if they were marketed to the general market as building lots. The most recent years result in 4-7 lots per year. This results in an estimated absorption period for the subject at 3-4 lots annually.

Periodic Value Increase =	2.00%
Marketing/Commissions =	7.00%
Legal/Accounting =	1.00%
Miscellaneous =	1.00%
Developer's Profit=	13.00%

	0.50	1.50	2.50	3.50	4.50	5.50	6.50	
Period	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Total
	\$165,000							\$165,000
		\$198,900						\$198,900
	\$170,000							\$170,000
	\$185,000	\$198,900						\$383,900
								\$0
								\$0
	\$169,000							\$169,000
								\$0
								\$0
								\$0
Sales	4	2	0	0	0			
Total Sales Revenue	\$689,000	\$397,800	\$0	\$0	\$0	\$0	\$0	\$1,086,800
Total Sales Revenue	\$689,000	\$397,800	\$0	\$0	\$0	\$0	\$0	\$1,086,800
Marketing/Commissions	\$48,230	\$27,846	\$0	\$0	\$0	\$0	\$0	\$76,076
Real Estate Taxes	\$24,000	\$6,100	\$0	\$0	\$0	\$0	\$0	\$30,100
Insurance	\$3,500	\$2,500	\$0	\$0	\$0	\$0	\$0	\$6,000
Maintenance	\$800	\$204	\$0	\$0	\$0	\$0	\$0	\$1,004
Legal/Accounting	\$6,890	\$3,978	\$0	\$0	\$0	\$0	\$0	\$10,868
Land Development Costs	\$425,382	\$106,346	\$0	\$0	\$0	\$0	\$0	\$531,728
Development Profit	\$77,057	\$22,556	\$0	\$0	\$0	\$0	\$0	\$99,613
Miscellaneous	\$6,890	\$3,978	\$0	\$0	\$0	\$0	\$0	\$10,868
Total Final Expenses	\$592,750	\$173,508	\$0	\$0	\$0	\$0	\$0	\$766,257
Net Sales Operating Income	\$96,250	\$224,292	\$0	\$0	\$0	\$0	\$0	\$320,543
TOTAL SALES AND NET OPERATING INCOME								
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Net Sales Operating Income	\$96,250	\$224,292	\$0	\$0	\$0	\$0	\$0	
Net Sales Operating Income	\$96,250	\$224,292	\$0	\$0	\$0	\$0	\$0	\$320,543
Risk Rate =	16.00%							
PW Factor (NOI)	0.92848	0.80041	0.69001	0.59484	0.51279	0.44206	0.38109	
Present Worth (NOI)	\$89,366	\$179,526	\$0	\$0	\$0	\$0	\$0	
		Total Present Worth=			\$268,892			
		Round To	\$269,000					
		BULK VALUE						
		GROSS SELLOUT VALUE						
		\$1,087,000						

RECONCILIATION

After considering all data compiled and evaluated, the opinion of the property located at 1075 Clover Street, Town of Brighton, Monroe County, New York is that the subject property has a positive return as a single family residential subdivision which is consistent with the current zoning and other highest and best use considerations.

Based upon my personal inspection, data acquired, analysis, and conclusions set forth in this appraisal consulting report, it is my opinion that the subject property as a residential subdivision has a positive rate of return since the residual value is **\$269,000** as of April 29, 2021 based upon a subdivision analysis.

Professional Qualifications
John P. Rynne, MAI, SRA

Employment

President - Rynne, Murphy & Associates, Inc., a real estate consultation, appraisal, and business valuation firm located in Rochester, New York, 1984 - Present.

Owner - J.P. Rynne Associates, a real estate consultation, appraisal, and business valuation firm located in Rochester, New York, 1981 - 1984.

Appraisal Officer and Mortgage Loan Underwriter of Security Trust Company and Sibley Corporation, both part of Security New York State Corporation, Rochester, New York, August, 1978 - March, 1981.

Mortgage Officer and Staff Real Estate Appraiser for Lincoln First Bank of Rochester, Rochester, New York, August, 1975 - August, 1978.

Staff Appraiser at First Federal Savings and Loan Association of Rochester, Rochester, New York, June, 1973 - August, 1975.

Professional

New York State Certified General Real Estate Appraiser, Certification #46000004052. Expires October 7, 2021..

MAI and SRA member of the Appraisal Institute.

Awarded the MAI designation in 1980 by the American Institute of Real Estate Appraisers (Certificate #6112).

Awarded the SRPA (Senior Real Property Appraiser) designation in 1978 by the Society of Real Estate Appraisers.

Awarded the SRA (Senior Residential Appraiser) designation in 1977 by the Society of Real Estate Appraisers.

New York State Licensed Real Estate Broker.

Current Chairperson of Public Relations - Upstate New York Chapter of the Appraisal Institute.

Professional (Cont.)

Current Chairperson and Secretary for Governmental Affairs - New York State Commercial Association of Realtors (Rochester Chapter).

Current Chairperson for Governmental Affairs - Upstate New York Chapter of the Appraisal Institute.

Member and Treasurer of the Board of Directors - New York State Commercial Association of Realtors (Rochester Chapter).

Member of the Board of Directors - Upstate New York Chapter of Appraisal Institute.

Past President of the Upstate New York Chapter of the Appraisal Institute.

Past Co-Chairperson of the Membership Development and Retention Committee of the Upstate New York Chapter of the Appraisal Institute.

Past Vice President of the Upstate New York Chapter of the Appraisal Institute.

Past Chairman of the Admissions Committee for Chapter #30 of the American Institute of Real Estate Appraisers.

Past Chairman of the Candidate Guidance Committee for Chapter #30 of the American Institute of Real Estate Appraisers.

Realtor Member of the Greater Rochester Association of Realtors, Inc.

Past Vice Chair of the Greater Rochester Associations of Realtors, Inc.

Past President of Rochester Chapter #99 of the Society of Real Estate Appraisers (1982-1983).

Past Director of Rochester Chapter #99 of the Society of Real Estate Appraisers (1983-1984).

Education

Graduate of the State University of New York at Buffalo (University of Buffalo), Bachelor of Science, Business Administration, minor in Economics, 1973.

Completion of Instructor's Clinic for SREA Course 201 (Principles of Income Property Appraising) at Purdue University, West Lafayette, Indiana, March, 1979.

Education (Cont.):

Completion of Course VI (Investment Analysis) as sponsored by the American Institute of Real Estate Appraisers at Indiana University, Bloomington, Indiana, January - February, 1979.

Completion of Course II (Urban Properties) as sponsored by the American Institute of Real Estate Appraisers at LeMoyne College, Syracuse, New York, June, 1978.

Completion of Course 201 (Principles of Income Property Appraising, 1974) as sponsored by the Society of Real Estate Appraisers at the University of Rochester.

Completion of Course 101 (Introduction to Appraising Real Estate, Fall, 1973);
Completion of R-2 Examination (Spring, 1975).

Professional Teaching Assignments

Participant/Presenter for Estate & Gift Tax Valuation: What You Need To Know & More, Monroe County Bar Association, Rochester, New York (May 13, 2009).

Participant/Presenter for "Case Studies in the Valuation of Upstate New York Real Estate", sponsored by the Upstate New York Appraisal Institute (June, 2001; June, 2003; June, 2004; June, 2005; June, 2006; June, 2007; June, 2008; June, 2009; June, 2010; June, 2011; June, 2012; June, 2013; June, 2014; June, 2015; June, 2016; and June, 2017).

Instructor for Basic Income Capitalization (Course 310) sponsored by the Appraisal Institute, Rochester Chapter, in Rochester, New York (Fall, 1993).

Instructor for Capitalization Theories and Techniques, Part A (Course IBA), sponsored by the Appraisal Institute, Rochester Chapter, in Rochester, New York (Fall, 1992).

Speaker At Distressed Real Estate Seminar For New York State Bar Association in Rochester, New York (March, 1991).

Speaker At Asbestos Management in Buildings Seminar for Utilcom in Rochester, New York (May, 1990).

Professional Teaching Assignments (Cont.):

Instructor for Principles of Income Property Appraising (Course 201) sponsored by the Society of Real Estate Appraisers:

<u>Date</u>	<u>Location</u>	<u>Local SREA Chapter Sponsor</u>
Winter, 1989	Rochester, N.Y.	#99
Spring, 1987	Rochester, N.Y.	#99
Winter, 1984	Rochester, N.Y.	#99
Winter, 1983	Buffalo, N.Y.	#88
Autumn, 1981	Buffalo, N.Y.	#88
Winter, 1980	Rochester, N.Y.	#99

Instructor for Applied Income Property (Course 202), sponsored by the Society of Real Estate Appraisers, Chapter 99, in Rochester, New York (Winter, 1986).

Guest Instructor for Introduction to Appraising Real Property (Course 101) sponsored by the Society of Real Estate Appraisers (Fall, 1979).

Guest Lecturer at numerous real estate programs, courses and seminars.

Other Related Courses and Seminars

19th Annual "Case Studies in the Valuation of Upstate NY Real Estate", sponsored by Upstate New York Chapter - Appraisal Institute, Waterloo, New York (June 7, 2019)

"Business Practices & Ethics" (online), sponsored by the Appraisal Institute (November, 2017)

"Introduction to Green Buildings, Principles & Concepts" (online), sponsored by the Appraisal Institute (August, 2017)

"International Trends, Standards & Methodology Affect Local Real Estate Valuation Practice", sponsored by the Western NY/Ontario Chapter, Niagara Falls, NY (August 14, 2017)

7-Hour National USPAP Update Course, sponsored by Upstate New York Chapter of the Appraisal Institute, Rochester, New York (April 15, 2016)

7-Hour National USPAP Update Course, sponsored by Upstate New York Chapter of the Appraisal Institute, Rochester, New York (April 17, 2015)

Other Related Courses and Seminars (Cont.)

Valuation of Cell Towers, sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (October 24, 2013)

“Mineral Rights Valuation - Part II,” sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (October 24, 2013)

Appraising the Appraisal Review- General, sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (October 10, 2013)

“National USPAP Update Course”, course #2404.07, sponsored by the Cusack Center, Buffalo, New York (August 20, 2013)

Fundamentals of Separating Real Property, Personal Property, and Intangible Business Assets, sponsored by Upstate New York Chapter of the Appraisal Institute, Columbus, Ohio (May 1-2, 2013)

Marketability Studies: Six-Step Process & Basic Applications, sponsored by Upstate New York Chapter of the Appraisal Institute, Utica, New York (March 28, 2013)

Valuation of Mineral Rights, sponsored by Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (November 7, 2012)

Business Practice and Ethics (GO TO CLASS), sponsored by Appraisal Institute-Online Education (October 1-31, 2012)

Problems in the Valuation of Partial Acquisitions, sponsored by Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (May 15, 2012)

Property Values as Affected by Property Taxes, sponsored by Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (October 26, 2011)

Uniform Standards of Professional Appraisal Practice (USPAP) Update Course, sponsored by the Upstate New York Chapter of the Appraisal Institute, Canandaigua, New York (April 21, 2011).

Course R45057 - Valuation and Market Perspectives 2011, sponsored by the Western New York-Ontario International Chapter of the Appraisal Institute, Ellicottville, New York (February 24, 2011).

Other Related Courses and Seminars (Cont.)

- Appraisal Curriculum Overview (Two Day General), presented by the Upstate New York Chapter of the Appraisal Institute, Utica, New York (April 8 & 9, 2010).
- Uniform Standards of Professional Appraisal Practice (USPAP) Update Course, sponsored by the Upstate New York Chapter of the Appraisal Institute, Canandaigua, New York (May 7, 2009).
- Case Studies in the Valuation of Upstate New York Real Estate, sponsored by the Upstate New York Chapter of the Appraisal Institute, Verona, New York (June 4, 2009).
- Distressed and Troubled Real Estate Markets, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 1, 2009).
- Business Practices and Ethics, sponsored by the Massachusetts Chapter of the Appraisal Institute, Needham, Massachusetts (May 10, 2007).
- Case Studies in the Valuation of Upstate New York Real Estate, sponsored by the Upstate New York Chapter of the Appraisal Institute, Lake Placid, New York (June 2, 2006).
- Market Analysis & The Site To Do Business, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 20, 2006).
- Invest In What You Know, REITS, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 12, 2006).
- Niagara Falls, A City In Transition, sponsored by the Upstate New York Chapter of the Appraisal Institute, Niagara Falls, New York (September 30, 2005).
- Case Studies in the Valuation of Upstate New York Real Estate, sponsored by the Upstate New York Chapter of the Appraisal Institute, Alexandria Bay, New York (June 10, 2005).
- 7 Hour National USPAP Update Course, sponsored by the Upstate New York Chapter of the Appraisal Institute (May 25, 2005).
- Appraisal Consulting: A Solutions Approach, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 13, 2005).

Other Related Courses and Seminars (Cont.)

Solving Appraisal Problems in Upstate New York-A Practical Approach, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 8, 2004).

USPAP Update-Changes to the 2003 Edition of the Uniform Standards of Professional Appraisal Practice (USPAP), sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 9, 2004).

Energy Efficiency And It's Effect On Property Value, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 1, 2004).

Demographic Data As A Client Service, sponsored by the New York State Commercial Association of Realtors, Turning Stone Casino Resort, New York (2003).

Scope of Work-Expanding Your Range Of Service, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 16, 2003).

Crossing The Line-Home Mortgage Fraud, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April, 2003).

Valuation For Financial Reporting Purposes, sponsored by the Upstate New York Chapter of the Appraisal Institute, (October 10, 2003).

USPAP Update-Changes to the 2001 Edition of the USPAP, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 11, 2002).

Standards of Professional Practice, Part C, sponsored by the Upstate New York Chapter of the Appraisal Institute, Rochester, New York (May 6 & 7, 2002).

Real Estate Disclosure, sponsored by the Upstate New York Chapter of the Appraisal Institute, Owego, New York (October 3, 2002).

Expert Witness, sponsored by the Upstate New York Chapter of the Appraisal Institute, Owego, New York (October 4, 2002).

Other Related Courses and Seminars (Cont.)

- 2001 USPAP Update, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 12, 2001).
- How Geographic Information Systems (GIS) Can Help Appraisers Keep Pace With Changes In The Real Estate Industry, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 6, 2001).
- Privacy Issues of the Gramm-Leach-Bliley Act Of 1999, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (October 12, 2001).
- Urban & Suburban Sprawl in the Greater Rochester Area-A Planner's Perspective, sponsored by the Upstate New York Chapter of the Appraisal Institute, Rochester, New York (October 13, 2000).
- HUD Multifamily Seminar, sponsored by the Western New York/Ontario Chapter of the Appraisal Institute, Buffalo, New York (September 27, 2000).
- Land Valuation, Turning Stone Casino Resort, sponsored by the Upstate New York Chapter of the Appraisal Institute, Verona, New York (April 7, 2000).
- Regression Analysis in Appraisal Practice: Concepts and Applications, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 13, 2000).
- NYS Department of State & The State Appraisal Board-Policies & Procedures, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 13, 2000).
- 1999 Changes to the Uniform Standards of Professional Appraisal Practice, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 9, 1999).
- New Industrial Valuation, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (April 8, 1999).
- New Web Applications From the NYS Office of Real Property Services, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 7, 1999).

Other Related Courses and Seminars (Cont.)

Update on the Uniform Standards of Professional Appraisal Practice, sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January 8, 1998).

Property Value Studies in Relation to Community Residences sponsored by the Appraisal Institute, Rochester, New York (October, 1997).

Standards of Professional Practice, Part C sponsored by the Appraisal Institute, Chicago, Illinois (August, 1997).

Regression Analysis sponsored by McKissock Data Systems, Pittsburgh, Pennsylvania (June, 1997).

Appraisal of Nursing Facilities sponsored by the Appraisal Institute, Syracuse, New York (April, 1997).

The Internet and Appraising sponsored by the Appraisal Institute, Kansas City, Missouri (June, 1996).

The High Tech Appraisal Office sponsored by the Appraisal Institute, Kansas City, Missouri (June, 1996).

Understanding Limited Appraisals and Reporting Options - General sponsored by the Upstate New York Chapter of the Appraisal Institute, Syracuse, New York (January, 1995).

Standards of Professional Practice, Part B (Course SPP) sponsored by the Appraisal Institute, Blasdell, New York (October, 1992).

Standards of Professional Practice, Part A (Course SPP) sponsored by the Appraisal Institute, Boston, Massachusetts (July, 1992).

Hotel-Motel Valuation Seminar sponsored by the Appraisal Institute, Columbia, South Carolina (July, 1992).

The Challenge of Measuring External Obsolescence Seminar sponsored by the Appraisal Institute, Houston, Texas (May, 1992).

Other Related Courses and Seminars (Cont.)

Real Estate Risk Analysis Seminar sponsored by the Appraisal Institute (March, 1992).

Standards of Professional Practice Course sponsored by the American Institute of Real Estate Appraisers (February, 1989).

Attended Mini-Clinic for Instructor's Course 201 sponsored by the Society of Real Estate Appraisers, Chicago, Illinois (October, 1988).

Professional Practice Seminar sponsored by the Society of Real Estate Appraisers (April, 1988).

R41b and the Appraiser Seminar sponsored by the Society of Real Estate Appraisers, Rochester, New York (May, 1986).

Attended the Mini-Clinic for Instructors of Course 202 (Applied Income Property Valuation) at Purdue University, West Lafayette, Indiana, sponsored by the Society of Real Estate Appraisers (March, 1985).

Federal Income Tax Real Estate Seminar sponsored by the American Institute of Real Estate Appraisers, Rochester, New York (Summer, 1984).

Hotel-Motel Valuation Seminar sponsored by the American Institute of Real Estate Appraisers, Nantucket, Massachusetts (May, 1983).

Update in Tax Assessment Litigation Practice sponsored by the Monroe County Bar Association, Rochester, New York (June, 1982).

Attended "A Comprehensive Review of Real Estate Tax Law and Procedures" in Rochester, New York, sponsored by the Monroe County Bar Association and others (November, 1981).

Attended the Mini Clinic for Instructors of Course 201 (Principles of Income Property Appraising) in New York, New York, sponsored by the Society of Real Estate Appraisers (May, 1981).

Attended Proposed Condominium and Conversion Seminar sponsored by the American Institute of Real Estate Appraisers, Chapter 30 (April, 1981).

Other Related Courses and Seminars (Cont.)

Attended Business Valuation Seminar sponsored by the American Institute of Real Estate Appraisers in Rochester, New York (February, 1981).

Attended Appraising Residential Condominiums Seminar sponsored by the Society of Real Estate Appraisers in Rochester, New York (February, 1981).

Attended Condominium Seminar sponsored by the Monroe County Bar Association (November, 1980).

Attended Tax Certiorari and Grievance Procedure Seminar as sponsored by the Monroe County Bar Association (November, 1979).

Completion of Comprehensive Examination sponsored by the American Institute of Real Estate Appraisers in Albany, New York (August, 1979).

Attended one day Commercial Cost Seminar sponsored by Marshall and Swift Publication Company in Buffalo, New York (Fall, 1977).

Completion of Analyzing Financial Statements Course, Fall, 1976, and Credit Administration Course, Spring, 1977, as sponsored by the American Institute of Banking.

Completion of Real Estate Law I and II, Home Construction I and II; sponsored by the United States Savings and Loans (1973-1974).

Scope of Assignments

Real estate consultation, investment analysis, feasibility, and appraisal reports for all types of commercial, industrial, and residential related properties. These include retail, office, industrial, apartments, special purpose, condominiums, planned unit developments, detached single family housing, subdivisions, and undeveloped land. Other assignments include various business valuation problems. Areas of concentration include a wide range of areas in the United States with a focus on Upstate New York.

The function of the assignments is generally to serve clients in mortgage financing, estate, buying/selling decisions, relocation, partnership buyouts, tax certiorari, zoning, market studies, and matrimonial matters.

Representative Clients

ARCS Commercial Mortgage Company
 AT&T Small Business Lending Corp
 Action For A Better Community, Inc.
 Advantage Federal Credit Union
 Agway AG Products
 Alliance Funding Corporation
 Allied Chemical Corporation
 American Appraisal Associates
 Amerada Hess Corp.
 American Financial Corporation
 American Realty Finance Corp.
 Anheuser-Busch Company
 Appraisal Management Company
 Appraisal & Title Management
 Corporation of America
 Arbor National Commercial Mortgage
 Avco Financial Services of N.Y., Inc.
 Bank One, N.A.
 BSB Bank & Trust
 Bank of America
 The Bank of Castile
 Bank One Mortgage Corporation
 Bansbach Zoglin PC
 Barney & Affronti LLP
 Bath National Bank
 Blitman & King
 Bierworth and Reidman Homes, Inc.
 BNY Mortgage Corporation
 Bear, Stearns Commercial Mortgage
 Bombardier Real Estate Ltd.
 Bond, Schoeneck & King, PLLC
 Boylan, Brown, Code, Vidgor & Wilson, LLP
 Branford Realty Corp.
 Breslin Realty Development Corp.
 The Cabot Group
 Canada Life Assurance Company
 The Canandaigua National Bank &
 Trust Company
 Cassara Development Corporation
 Chamberlain, D'Amada,
 Oppenheimer & Greenfield
 Champion Mortgage Company
 Chase Home Mortgage
 The Chase Manhattan Bank
 Chason Management
 Chrismar Associates
 Chrysler First Financial Services Corp.
 Chrysler Realty Corp.
 CIT Small Business
 Citibank (New York State), N.A.
 Citicorp Mortgage, Inc.
 Citicorp Real Estate, Inc.
 Citicorp Technical Services Group
 Citizens Bank of Massachusetts
 City of Buffalo
 City of Rochester
 Clark & Patterson
 Clarkson University
 Coldwell Banker Relocation
 Collier Capital Corporation
 Columbia Development Group
 Column Financial, Inc.
 Commonfund Mortgage Corp.
 Community Bank, N.A.
 Community Financial Services
 Community Preserves Corp.
 Conboy, McKay, Bachman, Kendall, LLP
 Conifer Realty Corporation
 Connecticut Mutual Life Insurance Co.
 Conti Mortgage Corporation
 Continental Realty Credit, Inc.
 Continental Securities
 County of Monroe
 CUC Mortgage
 Dai-Iachi Kangyo Bank
 Dale Mortgage Bankers
 Davidson, Fink, Cook, Kelly &
 Galbraith
 Dehond Law Office
 Delta Funding
 DePaul Community Facilities, Inc.
 Development Planning Services
 Doyle Chevrolet
 DuPont Company
 Durfee Chevrolet-Oldsmobile
 Dutcher, Hagelberg & Zatkowsky
 Eastman Kodak Company
 Eastman Savings & Loan Association
 Elliott, Stern & Calabrese, LLP
 Embser & Woltag

Representative Clients Cont.:

Emerson Enterprises
 Empire State Development
 ESL Federal Credit Union
 Exchange Mortgage Corporation
 Executive Relocation
 Exxon Corporation
 Faber Homes
 Facilities Development Corp.
 Fairport Savings & Loan Association
 Fallone Homes, Inc.
 Fannie Mae
 Farm Family Life Insurance Company
 Farm Service Agency
 Fast Lane Service, Inc.
 Federal Bureau of Investigation (FBI)
 Federal Deposit Insurance Corp.
 Federal National Mortgage Assoc.
 Feldman Esq., Robert
 First Heritage Financial Corp.
 First Maryland Mortgage Corporation
 First Monroe, Inc.
 First National Bank of Lisbon
 First Niagara Bank
 First Performance Mortgage Corp.
 First Residential Lending Corp.
 First Rochester Mortgage Corp.
 FJR Associates
 Flaum Development
 Flower City Credit Union
 Forsythe, Howe, O'Dwyer, Kalb
 & Murphy, P.C.
 Four Corners Financial Corporation
 Freddy Mac
 Gallo & Iacovangelo
 Gates & Adams
 Geiger & Rothenberg
 General Motors Acceptance Corporation
 Genesee Corporation
 Genesee Regional Bank
 Geneva Housing Authority
 Global Van and Storage, Inc.
 Goldberg Segalla LLP
 Gould Pumps, Inc.
 GMAC Mortgage Corp.
 Greystone Servicing Corporation
 Gullace & Weld
 Harris, Beach & Wilcox, LLP
 Harter, Secrest & Emery
 Heritage Financial Services
 Heritage Media
 Hodgson, Russ, Andrews,
 Woods & Goodyear
 Home Leasing Corporation
 Home Properties of New York
 Horizon Bank, N.A.
 HSBC Bank USA
 Hudson Equity Savings Institution
 Huntoon Hastings, Inc.
 Ibero American Action League
 ICE Communications, Inc.
 Irondequoit Dodge
 ITT Consumer Financial Corp.
 ITT Financial Services
 ITT Small Business Financial Corp.
 J.A. Gaudino Company
 The James Group
 Jasco Tools, Inc.
 Jay Builders Inc.
 Johnson, Mullan, Brundage, P.C.
 Kaman, Berlove, Marafioti,
 Jacobstein & Goldman
 Kend Enterprises
 Kenrick Corp.
 Key Bank Northeast Business
 Key Bank of New York
 Keycorp Mortgage, Inc.
 Kimco Realty Corporation
 Kleco Properties
 Kravetz Realty, Inc.
 LaSalle Bank National Association
 Lacy, Katzen, Ryen & Mittleman LLP
 Lane & Neild, P.C.
 Lender's Service, Inc.
 Levy & Licata, P.C.
 Liberty Bank
 Liberty Business Credit Corp.
 Lyons National Bank
 M & M Resources Unlimited, Inc.

Representative Clients Cont.:

M & T Bank
 Main Street Funding, Ltd.
 Mangione & Roisman
 Mark IV Construction Company Inc.
 Marketplace Chrysler Plymouth
 McConville, Considine, Cooman & Morin,
 P.C.
 McDonald's Family Restaurants
 Mellon Bank
 Mellon Financial Services
 Mercier Realty
 Merkel Donahue, Inc.
 MetLife Capital Corporation
 Metropolitan Mortgage
 Micro-Tech Machine, Inc.
 Midas Muffler
 Midcoast Mortgage Corporation
 Midland Asset Corporation
 Midland Loan Services, LP
 Minnesota Mutual Life
 Mitchell George Associates
 Mohawk Community Bank
 The Money Store
 Monro Muffler
 Monroe County
 Monroe County Water Authority
 Monroe Management
 Monroe Title Insurance Corporation
 Morgan Guaranty Investment
 Morgenstern DeVoesick PLLC
 MRA Architects
 Mossien Associates
 Mugnolo Corporation
 National Bank of Geneva
 National Real Estate Loan Services, Inc.
 New York State Office of Alcohol and
 Substance Abuse
 New York State Office of General Services
 New York State Office of Mental Health
 New York State Thruway Authority
 New York State Urban Development Corp.
 Newcourt Small Business
 Niagara Asset Corporation
 Niagara Portfolio Management Corp.
 Nixon, Peabody, LLP
 Norcross Construction
 Normandy Financial Corporation
 NorthMarq Capital, Inc.
 Northwest Savings Bank
 Norwest Financial
 Norwest Funding
 Nothnagle Realtors
 Nothnagle Home Securities Corp.
 NVR Mortgage L.P., Ltd.
 Oakwood Companies
 Ocwen Financial Corporation
 Olindo Food Service
 OnBank
 Ontario National Bank
 The Palmiere Law Firm
 The Pavilion State Bank
 Payment Plans, Inc.
 Penfield Federal Credit Union
 Perk Development Corporation
 Peters, Bruce P.C.
 PHH Homeequity
 Planned Parenthood-Genesee County
 Branch
 Planning Plus
 Postler & Jaeckle Corporation
 Poughkeepsie Savings Bank
 Progressive Credit Union
 Prudential Relocation
 R.C. Shaheen Paint Company
 Rainaldi Real Estate, Inc.
 Redmond & Parrinello
 Reiber Esq., George M.
 Reliance Mortgage Network
 Relin, Goldstein & Crane, LLP
 Relocation Resources
 Remanco, Inc.
 ReMax International Relocation
 RGP Funding, Inc.
 Richard Gollel & Company, Inc.
 Robert L. Jacobson, Attorney/CPA
 Roberts Wesleyan College
 Rochester Home Equity, Inc.
 RPC-Mitchell/Titus, Inc.
 Rural Opportunities
 S.B. Ashley & Associates

Representative Clients Cont.:

Salamanca Trust Company	Ulster Savings Bank
Salvation Army	Underberg & Kessler
Saphar & Associates, Inc.	Uniland Development Company
Savings Bank of the Finger Lakes	United Northern Federal Savings Bank
Savings Bank of Utica	Unity Bank
Scutti Enterprises, Inc.	University of Rochester
Sears Mortgage Corporation	The Upstate Bank
Security Mortgage Corporation	Upstate Federal Credit Union
Security Mutual Life Insurance Company of New York	U.S. Note & Mortgage Company, Inc.
Self Storage Group, Inc.	U.S. Department of Housing and Urban Dev.
Skaneateles Savings Bank	Valley National Bank
Source One Mortgage Corp.	Van Den Bergh Foods Corporation
State Farm Insurance Company	Vanderstynne Ford
SUNY College at Brockport	Viele Solimano, CPA PC
Sterling Drugs, Inc.	Village of Victor Urban Renewal Agency
Sterling Financial Group	Visiting Nurse Service
Steuben Trust Company	Warburg, Dillon & Read
The Stowe Law Firm, LLC	Ward Greenberg Heller & Reidy LLP
Sugar Creek Corporation	Ward's Natural Science Establishment, Inc.
Summit Federal Credit Union	Waste Management of New York
Taco Bell Corporation	Wegmans Enterprises, Inc.
Timothy Dodge, Inc.	Wegmans Food and Pharmacy
Tompkins County Trust Company	Welch & Zink
Town of Avon	Wendy's Restaurants
Town of Brighton	Western Regional Off Track Betting Corporation
Town of Gates	The Widewaters Group
Town of Pittsford	Wilmorite Corporation
Transamerica Financial Services	Wilson Enterprises
Travelers/Aetna Insurance	WMF Huntoon Paige
Travelers Property Casualty	WMF Washington Mortgage Company
Trevett Cristo Salzer & Andolina PC	Woods, Oviatt, Gilman, LLP
Ukrainian Federal Credit Union	Xerox Corporation
	XL Funding, Incorporated

Various attorneys, real estate appraisers, brokers, investors, municipalities, individuals, and small corporations.



MARQUES & ASSOCIATES, P.C.

LAND SURVEYING and ENGINEERING
930 East Avenue, Suite 1000
Rochester, NY 14607
(585)723-1820 Tel. (585)723-1821 Fax
Est. 1988

Israel L. Marques, PLS
Laurence E. Heininger, PE, PMP

April 30, 2021

John Rynne, MAI
Rynne, Murphy & Associates
The Chapin Building – Suite 305
305 St. Paul Street
Rochester, NY 14604

**RE: Clover-Highland 6 Lot Residential Subdivision
PN M20211.1-1**

Tim:

As a follow up to my e-mail last night this letter summarizes the cost estimating. There have been four iterations of the residential layout. Each layout has different components and associated costs. The current layout is 6 lots. Four have access to Clover Street (CR 271). Two have access to Highland Avenue, a Town street.

Public utilities are available on both streets. This includes sanitary sewer, MCWA water, storm sewers on Highland, gas, electric, telephone and cable.

Pricing for the cost of improvements was developed with input from TUG Excavating, Zoom Drain, Victor Excavating, Sickles Corporation, MCWA, Decca Paving, Villager Construction, Arbor Tree and Loyal 9 Development.

Based on the elimination of 430 LF of 8" cross lot sanitary sewer the developer costs are significantly reduced. The current cost estimate is:

Storm Water	\$3,125 (Connection at Highland, 180' of 10" pipe)
Private Drive (partial)	\$19,323 (155LF at Clover, 70LF at Highland; 18' wide)
Electric (Primary)	<u>\$1,780</u> (115 LF Primary & Transformer)
Total	\$24,228

The average developer utility cost/lot is $\$24,228/6 = \$4,038/\text{lot}$.

The 6 lot design is pretty well thought out. Final engineering plans would include:

Subdivision Plat
Utility, grading and erosion control (includes SWPPP)
Profiles and details

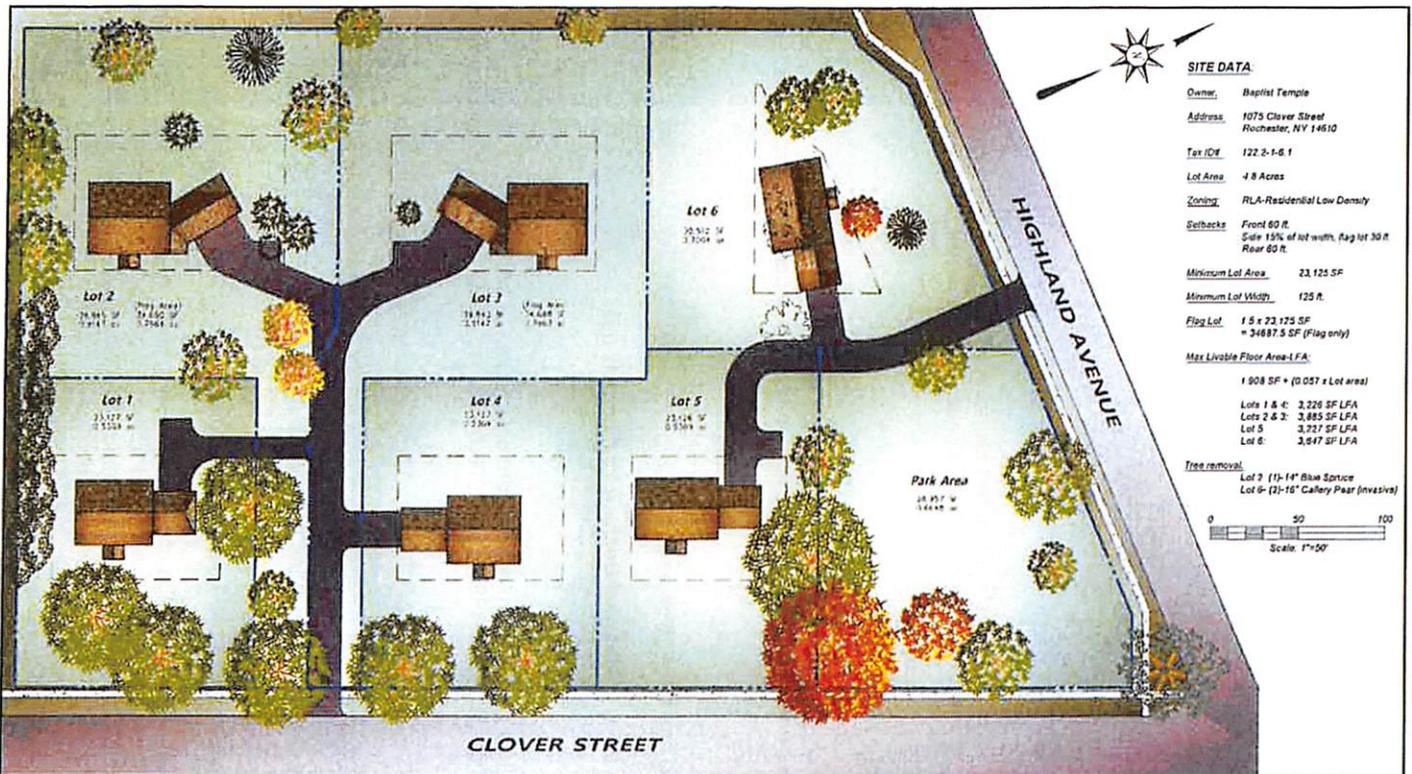
We estimate the cost to complete these drawings and a SWPPP would be \$16,500. We estimate the cost for legal services related to the completion of the subdivision would be \$12,000.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

Very truly yours,
Marques and Associates, P.C.

A handwritten signature in black ink, appearing to read "Larry Heining". The signature is written in a cursive style with a large, prominent "L" and "H".

Larry Heining, P.E., PMP
VP Engineering



SITE DATA

Owner: Baptist Temple
 Address: 1075 Clover Street
 Rochester, NY 14610
 Tax ID# 122 2-1-6 1
 Lot Area 4.8 Acres
 Zoning: RLA-Residential Low Density
 Setbacks: Front 60 ft.
 Side 15% of lot width, flag lot 30 ft.
 Rear 60 ft.
 Minimum Lot Area 23,125 SF
 Minimum Lot Width 125 ft.
 Flag Lot 1.5 x 23,125 SF
 = 34687.5 SF (Flag only)
 Max Livable Floor Area-LFA:
 1,908 SF + (0.057 x Lot area)
 Lots 1 & 4: 3,226 SF LFA
 Lots 2 & 3: 3,885 SF LFA
 Lot 5: 3,227 SF LFA
 Lot 6: 3,647 SF LFA
 Tree removal:
 Lot 2 (11'-14" Blue Spruce)
 Lot 6 (21'-16" Gallery Pear (invasive))

0 50 100
 Scale: 1"=50'

PREPARED BY:
 MARQUES & ASSOCIATES, P.C.
 LAND SURVEYING ENGINEERING
 930 East Avenue Rochester, New York 14607
 585-723-1820 (Tel) 585-723-1821 (Fax)
 Date February 19, 2021 Scale: 1" = 50'

SHOWING:
 Concept Residential Site Plan
 1075 Clover Street
 Town of Brighton, Monroe County, New York

PREPARED FOR:
 X
 X
 Rochester, New York 146xx

Chapter 203. District Use Regulations

Article IA. Residential - Low Density District (RLA)

§ 203-2. Purpose and intent.

In accordance with the recommendations and policies of the Town Master Plan, this district is intended to promote and encourage a suitable environment for family living by protecting and stabilizing the residential character of the Town's established neighborhoods. The residential character of this district offers a variety of lot sizes consistent with suburban standards.

§ 203-2.1. Permitted and conditional uses.

In a Residential Low Density RLA District, no building or premises shall be used, and no building or part of a building shall be erected, in whole or in part, for any uses except the following:

A. Permitted uses shall be as follows:

- (1) Single-family detached dwellings, not to exceed one dwelling on each lot.
- (2) Buildings, structures and uses owned or operated by the Town of Brighton for municipal use.
- (3) Family child-care homes.

B. Accessory uses. The following accessory uses shall be permitted, in the rear yard only, limited to the following:

- [Amended 7-23-1997 by L.L. No. 5-1997; 9-9-1998 by L.L. No. 3-1998; 7-26-2000 by L.L. No. 6-2000; 3-9-2005 by L.L. No. 3-2005; 11-14-2007 by L.L. No. 12-2007; 11-25-2008 by L.L. No. 6-2008]
- (1) A noncommercial swimming pool, subject to the requirements of Chapter 207, Supplementary Regulations, § 207-11.
 - (2) A screen, garden or tea house, gazebo, tool storage shed or a cabana for a swimming pool, none of which shall exceed 250 square feet in area.
 - (3) In a rear yard or in a side yard, provided that it shall be no less than five feet from the lot line, one private garage building not exceeding 600 square feet in area and limited to use of persons resident on the premises.
 - (4) One building for private horticultural purposes not exceeding 336 square feet in area.
 - (5) In a rear yard, but not within 10 feet of a lot line, the open storage of camping trailers, boats, boat trailers and utility trailers which do not exceed 24 feet in length and/or six feet in height, provided that the trailer or boat shall be screened from view with a fence or other suitable material to reduce the visual impact of this open storage on adjacent residences. Storage of camping trailers, recreational vehicles, self-contained motorized homes or boats longer than 24 feet and/or higher than six feet shall be within enclosed buildings or off the site. For purposes of this requirement, open storage shall begin 72 hours within any four-day period after the vehicle, boat or trailer is on site. Vehicles, boats or trailers in the driveway less than 72 hours are not considered to be in open storage.

- (6) In a rear yard only, a stand-by electrical power generator, provided that the following conditions are met: the generator shall be located behind the house, shall not extend past the side of the house, and shall not be closer than 10 feet to any lot line; the generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes; maintenance operation of the generator shall take place only during daylight hours; the generator shall only operate on LP or natural gas; documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.
 - (7) In a rear or a side yard, an air-conditioning unit, provided that the following conditions are met: the noise level of the unit shall not exceed 78 decibels per the manufacturer's specifications; it shall be screened with fencing or other suitable materials so as to reduce the visible impact from adjacent property owners and from the road; and the unit shall be no closer than five feet to any lot line. If these conditions are met, the Building Inspector shall issue a building permit for the air-conditioning unit.
 - (8) In the rear yard, a compost pile, provided that the owner of the property has taken reasonable precautions to reduce offensive odors, the compost pile is in compliance with the property maintenance regulations of the Town Code and is suitably located and/or screened so as not to detract from the appearance of the neighborhood.
- C. Conditional uses shall be permitted as follows, subject to approval by the Planning Board in accordance with Chapter 217, Article II, of these regulations, and subject to the requirements specified below and elsewhere in these regulations, including site plan approval in accordance with Chapter 217, Article III, of these regulations:
- (1) Places of worship, including parish houses, convents, rectories or parsonages, subject to the following special requirements in addition to all other applicable regulations set forth in these regulations:
 - (a) No building or part thereof shall be located nearer than 100 feet to any street line or lot line. A parish house, convent, rectory or parsonage shall conform to the requirements for a one-family dwelling.
 - (b) The sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot. Minimum lot area shall be two acres.
 - (c) The entire lot, except for areas covered by buildings and parking or loading areas, shall be suitably landscaped and properly maintained.
 - (d) Places of worship shall be held liable for any conditional use, including day-care centers, and related operations and activities which take place within their facilities.
 - (2) Private, nonprofit, prekindergarten, kindergarten, elementary or secondary schools or colleges accredited by the New York State Department of Education, subject to the following special requirements in addition to all other applicable regulations set forth in these regulations:
 - (a) No building or part thereof shall be located within 100 feet of any street line or lot line.
 - (b) The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot. The minimum lot area shall be five acres, plus one acre for each 100 pupils for which the building is designed.
 - (c) The maximum height of any structure shall be 40 feet above finished grade at the front building wall or the front setback line.
 - (d) The entire lot, except for areas covered by buildings, parking or loading areas, shall be suitably landscaped and properly maintained.
 - (e) All institutions mentioned in this section shall be held liable for any conditional use, including day-care centers and related operations or activities which are held within their facilities.
 - (3) Private golf courses operated by a nonprofit, membership corporations exclusively for members and guests, subject to the following special requirements in addition to all other applicable regulations set forth in these regulations:
 - (a) No building or part thereof shall be located within 150 feet from any street line or lot line.
 - (b) Any such use shall occupy a lot with an area of not less than five acres.

- (c) The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (d) The maximum height of any structure shall be 40 feet above finished grade at the front building wall or front setback line.
 - (e) The entire lot, except for areas covered by buildings and parking and loading areas, shall be suitably landscaped and properly maintained.
- (4) Fire stations and ambulance services and public utility rights-of-way, as well as structures and other installations necessary to serve areas within the Town, subject to such conditions as the Planning Board may impose in order to promote the health, safety, appearance and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
- (5) Day-care centers.
- (6) Comfort care homes, subject to the following special requirements in addition to all other applicable requirements set forth in these regulations:
[Added 4-9-2014 by L.L. No. 1-2014]
- (a) Minimum lot area shall be 1 1/2 acres.
 - (b) Minimum lot width shall be 200 feet.
 - (c) Pavement shall be set back a minimum of 30 feet from any lot line.
 - (d) Parking shall not be permitted in a front yard. Parking areas shall be screened as required by the Planning Board.
 - (e) A minimum of 12 parking spaces shall be provided. Additional parking may be required at the discretion of the Planning Board.
 - (f) All proposed exterior lighting shall require approval by the Planning Board.
- D. Home occupations are permitted within this district, provided that there shall be no substantial increase in noise, traffic generation or electrical interference with television, radio or telephones of adjacent residences, and other than signs as permitted in these regulations, no external changes to the principal building which would indicate a change from the residential character of this district. Any substantial change listed above shall result in termination by order of the Building Inspector.

§ 203-3. Off-street parking and loading.

All uses shall be subject to all applicable off-street parking and loading requirements set forth in Chapter 205, Articles I and II, of these regulations. In addition, the following off-street parking standards shall apply:

- A. No overnight parking of commercial vehicles, except within an enclosed garage, shall be permitted within a residential district.
- B. For private golf courses, no parking or loading area shall be located within 150 feet of any street or lot line.

§ 203-4. Signs.

See the sign regulations in Chapter 207, Article VI, of these regulations.

§ 203-4.1. Communication facilities.

[Added 7-23-1997 by L.L. No. 5-1997]

See the communication facilities regulations in Chapter 207, Articles VIII and I, § 207-3D, of these regulations.

§ 203-5. Access control.

See the access control regulations in Chapter 207, Article IV, of these regulations.

§ 203-6. Landscaping.

See the landscaping regulations in Chapter 207, Article V, of these regulations.

§ 203-7. Fences.

See the supplementary regulations in Chapter 207, Article I, § 207-3, of these regulations.



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple project

1 message

Michael Gordon <magordon166@gmail.com>
To: rick.distefano@townofbrighton.org

Tue, May 4, 2021 at 11:13 AM

Dear Zoning Board of Appeals,

I have been a Brighton Resident for 40 years. I have reviewed the pending application of the Baptist Temple to convert the existing building to an office use. This will leave the beautiful grounds as they are, I am in favor of this application.

Thank you,

Michael A. Gordon

mmpholdings of roc.inc.

166 Thackery Road

Rochester, NY 14610

Magordon166@gmail.com

585-734-8494



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple building

1 message

Andrew Gordon <andrew.gordon1@gmail.com>
To: rick.distefano@townofbrighton.org

Tue, May 4, 2021 at 11:36 AM

Dear Zoning Board of Appeals,
I live on the corner of Pelham Rd. and Highland. I find the re-use of the existing Baptist Temple building to be a reasonable proposal and preferable to eliminating the park-like setting to tear the building down and build new homes. We enjoy this amenity for our neighborhood and support the application.

Please let me know if you have any questions.

Best regards,
Andrew Gordon

165 Pelham Rd, Rochester, NY 14610.

--

Andrew Gordon
585.330.2825



Rick DiStefano <rick.distefano@townofbrighton.org>

Comments about Baptist Church Zoning Application

1 message

mergold@aol.com <mergold@aol.com>

Tue, May 4, 2021 at 12:15 PM

Reply-To: mergold@aol.com

To: "Rick.distefano@townofbrighton.org" <Rick.distefano@townofbrighton.org>

Dear Mr. Distefano and Members of the Brighton Town Zoning Board,

We have resided in the Council Rock neighborhood since 2005. We support the application for the Baptist Church property to be converted into an office building, rather than having it developed into several single family homes.

We prefer to see the existing building repurposed rather than demolished. We hope you will agree that keeping the character of the building as it currently stands in our neighborhood, is in the best interest of our community, now and for the future.

Furthermore, we understand from the applicant that they will be planting additional trees, which we heartedly support. Please do not allow the current park-like setting we have come to enjoy disappear. We value all of the existing green spaces in Brighton, and hope to retain this one as well.

Thank you for your consideration.

Melinda Goldberg
Ronald Turk
167 Council Rock Ave

C: 585.746.5648

H: 585.442.6242

E: mergold@aol.com



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple project

1 message

Reuben Auspitz <rauspitz@ip.com>

Tue, May 4, 2021 at 12:05 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Cc: Reuben Auspitz <rauspitz@ip.com>

To the Brighton Zoning Board of Appeals:

I am Reuben Auspitz residing at 80 Ambassador Drive and want to express my support for the proposal that converts the existing building to office use and retains the beautiful grounds of the Baptist Temple as they are. The proposal that preserves the existing site is far preferable to the proposal that substantially alters the green space, tears down the church, and would build new homes.

Thank you for your consideration.

Reuben Auspitz.

Sent from my iPhone



Rick DiStefano <rick.distefano@townofbrighton.org>

Zoning Board of Appeals

1 message

Jason Pierce <jhpierce13@gmail.com>

Tue, May 4, 2021 at 12:38 PM

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Attention: Rick Distefano,

I am aware of the Zoning application before the Board of Appeals regarding the Baptiste Temple. I feel that the proposed use of the existing building and the retention of all the mature trees and open grass area is far preferable to the demolition of this building and building single family homes. Retaining this beautiful gateway into Brighton as it has existed for 50+ years should be a priority for the Town of Brighton. I support the application.

Sincerely,

Jason H. Pierce
932 South Grosvenor Road
Rochester NY 14618



Rick DiStefano <rick.distefano@townofbrighton.org>

Application of Clover Park Properties, LLC 12A-05-20

1 message

David G Ross <dross49089@aol.com>

Tue, May 4, 2021 at 5:17 PM

Reply-To: David G Ross <dross49089@aol.com>

To: "rick.distefano@townofbrighton.org" <rick.distefano@townofbrighton.org>

Mr. DiStefano;

We reside at 309 Grosvenor Road since 1983 and have reviewed the rendering filed in support of the application of Clover Park Properties, LLC to change the use of the property at 1075 Clover Street from the existing use as a church and Day Care Center, to professional and medical office use.

Since the applicant seeks only to change the use, not to expand the structure or the parking area, and has indicated that the open areas and existing landscaping, including established trees will remain, we support the Applicant's request. Traveling past this property on foot several times per week while getting exercise we appreciate both the current design of the structure and the open space the lot on the whole provides. Despite the change of use, as nearby residents and frequent passers by we enjoy the green setting the site presents and look forward to it's continued presence in our neighborhood.

David Ross and Bette Gould-Ross



Rick DiStefano <rick.distefano@townofbrighton.org>

Zoning Board of Appeals -- Baptist Temple Conversion

1 message

alexander.williams@ubs.com <alexander.williams@ubs.com>
To: rick.distefano@townofbrighton.org

Tue, May 4, 2021 at 5:30 PM

Dear Town of Brighton Zoning Board,

I live on 96 Grosvenor Road and am aware of the Zoning Application before the Board of Appeals regarding the Baptist Temple. Over the years, I have grown to really like the Baptist temple building having regularly walked my dog there and voted there.

I would very much like to see this building preserved. The beautiful lawn and tress frame the corner of Clover and Highland nicely and the building has character. I feel it would be a shame to tear it down only to build more single-family homes and live near a construction site for years to come. Retaining this beautiful greenery as it has existed over the years should be a priority.

I support the application.

Best,

Alexander D. Williams

1900 Bausch and Lomb Place
Rochester, New York 14604
P 585-987-2800 F 585.454.3968



1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716-854-5100

www.woodsoviatt.com

Writer's Direct Dial Number: 585.987.2901
Writer's Direct Fax Number: 585.362.4602
Email: jgoldman@woodsoviatt.com



May 4, 2021

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

**Re: Application of Clover Park Properties, LLC- 1075 Clover Street
Additional Information- Home Builder Rejection**

Dear Board Members:

The pending use variance application package includes an estimate of the costs that to redevelop the Baptist Temple property as single-family residential, consisting of six (6) 4,000 square foot homes (the number of Code compliant lots that could be created in the professional opinion of Marathon Engineers). The estimate provided demonstrates a cost of redevelopment per lot and home of \$1,348,813.33 million per home. Enclosed with this letter is a second estimate and letter from an independent third party home-builder affirming the conclusion that single family residential is not an economically feasible option.

The Applicant presented the opportunity for redevelopment of the property for a single-family residential project to experienced home-builder Arena Construction. Its principal, Charlie Arena, has lived in the neighborhood and considered the project. Enclosed is a letter from Arena Construction rejecting the project as not being economically viable, together with Arena's worksheet and cost estimates demonstrating that the cost of the project would exceed \$1.3 million per home before adding any profit. As indicated in the Arena letter, there is no market for the six houses at a cost of over \$1.3 million to build.

The application package includes a letter from Broker Jamie Columbus providing her professional opinion that the market does not support a sale price of \$1.3 million. The Arena estimate and opinion are consistent with the original estimate provided by the Applicant and supported by the Columbus letter.

Town of Brighton Zoning Board of Appeals
May 4, 2021
Page 2
Re: Home Builder Rejection

Should you have any questions about the additional information, please let me know. We look forward to presenting the application to you at your meeting this week.

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

Enclosures



April 27, 2021

To whom it may concern.

We were presented with an opportunity to assume a purchase contract for 1101 Clover St. Rochester, NY for the purpose of development of a residential subdivision. The property consists of 4.8 acres with an existing 30,000 Sf structure, associated parking, and accessory buildings. Our investigation resulted in the following assessment and subsequent rejection of the opportunity.

It was determined that the current town zoning requirements would most likely allow for a maximum of 6 individual residential lots ranging between $\frac{1}{2}$ and 1 acre in size. The cost of acquisition coupled with demo of the existing building and associated asbestos mitigation totals close to \$1,500,000 or roughly \$250,000 per lot for the raw ground. This alone was evidence enough to be skeptical that it could be a viable project.

Further review verified the initial findings. Once cost of approvals, site work, and carrying expenses are applied, the finished lot cost rises to nearly \$325,000 per lot. The cost to construct a 4,000 SF home with basic finishes is in the \$970,000 range. This would require a sale price of over \$1.3 million per house to cover our cost before adding in a profit.

Based on our experience and market research, we have determined that this product is outside of the current market and product demand in this area.

We very much appreciate being presented this opportunity for consideration.

Best regards,

Charlie Arena

Land Acquisition

ITEM	TOTAL
Purchase Price (adjusted to current appraisal)	\$940,000.00
Due Diligence	\$5,000.00
Preliminary Engineering Review	\$3,000.00
Market Research	\$1,500.00
Legal & Closing Costs	\$18,800.00
Environmental Study (Phase 1 Provided)	\$0.00
	\$968,300.00

Subdivision Approvals

Professional Services

	QTY	UNIT	UNIT PRICE	TOTAL
Engineering	6	Lot	\$5,000.00	\$30,000.00
Legal	6	Lot	\$300.00	\$1,800.00
Topo	4.8	acre	\$750.00	\$3,600.00
Boundary Survey	4.8	acre	\$500.00	\$2,400.00
Environmental	4.8	acre	\$500.00	\$2,400.00

Application Fees

Town Engineering Review	6	Lot	\$250.00	\$1,500.00
Town Application	6	Lot	\$250.00	\$1,500.00
Monroe county DPW	6	Lot	\$100.00	\$600.00
Monroe County Health Dept. Review	6	Lot	\$100.00	\$600.00
Monroe County Health Dept. Witness	0	Lot	\$250.00	\$0.00
Association docs	0	Ea.	\$0.00	\$0.00
Insurance	0	Ea.	\$0.00	\$0.00
			Total	\$44,400.00

Sitework

	QTY	UNIT	UNIT PRICE	TOTAL
Asbestos Mitigation	1	LS	\$225,000.00	\$225,000.00
Demolition and Restoration	1	LS	\$250,000.00	\$250,000.00
Earthwork & Utilities	1	LS	\$125,000.00	\$125,000.00
			Total	\$600,000.00

Carrying Costs

Debt Service

	QTY	UNIT	Balance (5%)	Interest
Year One	6	Lot	\$1,659,980.00	\$82,999.00
Year Two	4	Lot	\$1,106,653.33	\$55,332.67
Year Three	2	Lot	\$553,326.67	\$27,666.33
Year Four	1	Lot	\$276,663.33	\$13,833.17

Property Taxes

	QTY	UNIT	Tax per lot (150k @ 4.3%)	Total
Year One	6	Lot	\$6,500.00	\$39,000.00
Year Two	4	Lot	\$6,500.00	\$26,000.00
Year Three	2	Lot	\$6,500.00	\$13,000.00
Year Four	1	Lot	\$6,500.00	\$6,500.00

Site Maintenance & Insurance

	QTY	UNIT	UNIT PRICE	Total
Year One	6	Lot	\$500.00	\$3,000.00
Year Two	4	Lot	\$500.00	\$2,000.00
Year Three	2	Lot	\$500.00	\$1,000.00
Year Four	1	Lot	\$500.00	\$500.00
			Total	\$270,831.17

Lot Summary

Land Acquisition Cost (from page 1)	\$968,300.00
Subdivision Approvals (from page 1)	\$44,400.00
Cost of Improvement (from page 1)	\$600,000.00
10 % Contingency (of above 2 items)- industry standard	\$64,440.00
Carrying Cost (from page 1)	\$270,831.17
Total Site Costs	\$1,947,971.17

Number of Lots Generated 6

Total Lot Costs- Per Lot \$324,661.86

Project Summary- Costs Per Home

Cost of Vertical Construction (4,000 SF @ \$235/SF)	\$940,000.00
Lot Sitework Average (utilities,drive,lawn, landscape)	\$30,000.00
Lot Costs (see above)	\$324,661.86
General Conditions per Home	\$0
Commission (6%) (based on estimate \$1.3M price)	\$78,000.00
Total Costs	\$1,372,662



Rick DiStefano <rick.distefano@townofbrighton.org>

Baptist Temple project

1 message

Helena <dshrier@frontiernet.net>
To: rick.distefano@townofbrighton.org

Wed, May 5, 2021 at 9:44 AM

Dear Zoning Board of Appeals,

We are in favor of the pending application of the Baptist Temple to convert the existing building to office space because it will maintain or enhance the park like setting that currently exists. The attention to green space is valuable and beneficial to our Brighton community. Saving the beautiful trees that currently exist on the property is also important.

Thank you for your consideration.

Sincerely,

Helena and David Shrier
352 Antlers Drive
Rochester, NY 14618



Zoning Board of Appeals
Town of Brighton
May 4, 2021

To whom it may concern:

I have been a real estate broker in Monroe County since 1985. I have been living in Brighton at 4 Marvin Park for nearly 18 years. I am directly across from the Baptist Temple. I am extremely active in the real estate market and keep close watch on the Brighton market. I was not aware that the Baptist Temple was on the market. I was very surprised when I heard that there was a potential buyer for it and that there was an application in for a use variance. I highly disagree that it should be turned into a commercial use property for offices. I believe the highest and best use for the property is residential. There are buyers who are very interested in building new homes in Brighton at any price point.

There have been so few homes built in the last 30 years in Brighton. This is not as a result of lack of interest, it is because there have been so few options. We have many local and out of town buyers who are looking for homes in the Brighton or Pittsford school district. They want to be close to the airport, hospitals or downtown Rochester. The options are always very limited, as there is very low inventory. Typically, buyers are limited to homes that were built 50+ years ago, while many buyers would prefer a newer home. They are forced to move to another community where there are more options.

Please carefully consider these points when weighing the request to convert the Baptist Temple property into office use.

Sincerely,

Kristin Vanden Brul
Associate Broker
RE/MAX Plus



2171 Monroe Avenue, Rochester, New York 14618
Each office independently owned and operated. www.KristinVandenBrul.com

Kristin Vanden Brul

Associate Real Estate Broker, REALTOR®

Office: (585) 279-8222

Cell: (585) 727-3456

Fax: (585) 279-8224

kvbhomes@gmail.com



May 4, 2021

Town Board of Brighton, NY
Attn: Rick Distefano

Dear Sir:

We wish to express our thoughts on the sale of The Baptist Temple, located at 1101 Clover Street, Rochester NY 14607. We are in favor of the plans that the new owners are considering for the changes to the property and their cooperation with the neighbors. John August and his partner have been keeping us apprised of the concerns and the changes they have made to their original plan for the property.

There is the gift that John lives in the neighborhood and he wants to keep as much of the trees and park-like setting that the church has maintained for many years. By selling to John and his partner, the church will go on the tax role which would be a plus for the town and the neighbors. The building will retain the current footprint, it will be upgraded and better maintained than our small congregation can handle.

Another plus, is that there will not be all the noise and disruption to the neighbors that a major builder would incur.

We considered the neighbors, noise and the disruption when choosing this offer and feel that the new owners will take care of the extensive grounds and the facility and it will reflect their pride of ownership.

Sincerely,

Clare Schlegel and Rodger Schlegel

Clare and Rodger Schlegel
Active members of The Baptist Temple

MARQUES & ASSOCIATES, P.C.

LAND SURVEYING and ENGINEERING

930 East Avenue, Suite 1000

Rochester, NY 14607

(585)723-1820 Tel. (585)723-1821 Fax

Est. 1988

Israel L. Marques, PLS

Laurence E. Heininger, PE, PMP

April 21, 2021

Ramsey Boehner
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Baptist Temple- 1075 Clover Street
Review of Application No. 9P-NB1-20
PN M20211.1-1

Ramsey:

As requested by the Country Club Condominium Board of Managers and Mick Woods at Boylan Code LLP we have reviewed the plans dated 4/7/2021 and response letter dated 4/7/2021. In general, there are many review comments from November 2020 that have not been addressed and the applicant is asking for Preliminary Approval.

Granting Preliminary Approval before the technical information has been generated is highly unusual. Preliminary Approval is usually granted to plans that are "shovel ready" and just need agency signatures. All technical reports and data should have been completed. They are saying, "Give us the approval and then we'll do the work to show this project is buildable"

There are also several disconnects in the plans and SEQR Short Form. Examples include:

The SEAF from October 2020 had several errors. The disturbance was noted as 0.80 acre+/- . When measured the area of disturbance was 2.1 acres. The most recent SEAF indicates the disturbance will be 0.4+/- acres. Measuring the area of disturbance on Sheet V 1.0 the actual area is 1.2 acre.

The "Action is consistent with the predominant character of the existing built or natural landscape". We disagree, the area is solidly high end residential and there are no other commercial uses in the region

Is the project "substantially contiguous to, a building which is listed on the National or state Register of Historic Places?" The Stone-Tolan House was listed on the National Register in 1983. It is located 290 yards from the site. That's less than one lap around a high school track. Or a good golf drive.

Given the controversy of this project and experience with other projects we question why a SEQR Long Form was not required.

Plans and Reports

There is no hydrant flow data shown on the plans. This information is readily available from MCWA.

Parking provided is 155 spaces. That seems light. If 65 are required for office space and 54 are required for medical office space that leaves 36 for day care and other uses. The traffic report indicates 90 students. At one space for every 5 students, 18 spaces are required. Assuming 9 staff members only 9 spaces remain. The traffic report indicates other daytime uses as;

ABCRGR	2 people
Prayer Group's	5-10 people <u>afternoons</u> and evenings
Concerts	30-100 people, times not specified
Arts & Crafts	Tuesdays 10:00-3:00, attendance not noted

Engineers Report

The response letter indicates that the sanitary flow will be less than existing. This does not seem correct. NYS Plumbing Code under A-3 Assembly, Places of Worship lists 1 water closet for every 150 men and 1 per 75 women. Lavatories are 1/200 for both. Under Business use/professional services the requirement is one water closet for the first 25 men and 1/50 thereafter. For Women it is the same requirement. Lavatories are 1/50 for both men and women.

This means the anticipated usage is 3 to 4 times greater for Business/Office use than a church, not "significantly less"

Further more NYSDEC Hydraulic Loading Rates for a church are 3 gpd/seat. Day Care is 20 gpd/child. Doctor's office and dentist are 250 gpd. An office building is 15 gpd/employee. Again, the wastewater volume is significantly more for the proposed use than the existing religious use.

The response notes 26,000 SF of disturbance. The plans show an area of 54,800 SF, which is double. Disturbance should include utility trenches to light poles, light pole excavation and tree removal.

The existing west and south parking area are proposed to be milled and overlaid. Inspection of this pavement indicates that it is dried out, there is significant alligator cracking and we question whether milling will "blow up" the pavement and expose the subbase. We note in the south parking lot there are significant areas where there is no asphalt and the gravel/dirt subbase is exposed.

The Executive Summary indicates traffic loading of:

AM Peak	42 entering/27 exiting
PM Peak	21 entering/46 exiting

For comparison a 6-lot single family residential use developed under RLA zoning would generate:

AM Peak	1.1 entering/3.4 exiting
PM Peak	3.9 entering/2.2 exiting

The proposed use generates 38 x more traffic for the AM Peak Entering and 21 x more traffic for the PM Peak Exiting.

If you have any questions or need additional information, please call me at 455-8855 cell. My e-mail is "Larry.Marques@frontiernet.net".

Very truly yours,
Marques and Associates, P.C.

A handwritten signature in black ink, appearing to read "Larry Heining". The signature is written in a cursive style with a large, sweeping initial "L".

Larry Heining, P.E., PMP
VP Engineering

xc: Israel Marques, PLS

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May 5, 2021

Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: The Baptist Temple, 1101 Clover St.

I believe that the sale of the above property to JADD Development Group LLC is in the best interest of the Town and the neighborhood.

I support the sale for several reasons. This property serves as a buffer between the high density buildings at Clover and East and the residential homes in the area. The purchaser will be maintaining the atmosphere of this location as the Church and Kate Hooker have for decades. The large area of open space and magnificent trees will be maintained, without the years of construction that another use could bring.

Although I am not currently a resident of the Town, I have been active in the Church for over 50 years and worked about a mile from this location for over 50 years. I had lived in and have had 3 close family members also be residents in the Town. So, I do understand the dynamics of this location and have an affinity for the area.

By supporting JADD's development of this site, we would be supporting a property that is owned by a group that literally lives next door, so that appearance and maintenance will never be an issue, the beauty of the corner will be maintained and the new use will be an overall win for the community as a whole.

Sincerely,

Glenn Stahl
40 Jarley Road
Rochester, NY 14623



Rick DiStefano <rick.distefano@townofbrighton.org>

1075 Clover Street Office Conversion

1 message

Luke Dutton <luke@duttonproperties.com>

Wed, May 5, 2021 at 5:18 AM

To: rick.distefano@townofbrighton.org

ATTN ZBA:

M. DiStefano,

As an adjoining property owner located at 2619 Highland Ave. with a yard that directly abuts the property, my family and I would be most impacted by this proposal. I am writing in support of the proposed office conversion at 1075 Clover Street. The most recent proposed site plan increases green space and softens the impact of the parking lot. This plan and use will work well for the area.

Sincerely,

Luke Dutton