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BRIGHTON
ZONING BOARD OF APPEALS
MEETING

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

PRESENT:

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

- JEFF FRISCH

- KEN GORDON, ESQ.
Town Attorney

- RICK DiSTEFANO
Secretary

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

1 CHAIRPERSON MIETZ: All set. Okay. Well,
2 good evening everyone. Welcome to the April 2021
3 meeting of the Zoning Board of Appeals. So, we are
4 obviously in the Zoom format. So, if anybody has any
5 questions as we go through of how to handle, that
6 please let us know.

7 Generally if you're someone who's going to
8 be presenting one of the applications, as we're ready
9 for you we'll call you and our technical wizards will
10 get you up to the front of the screen and you will go
11 ahead and make your presentation. If you want to stay
12 on the call, you can do so when you're finished with
13 your presentation and listen to the deliberations. We
14 have seven applications tonight and when we finish
15 those we'll go into the deliberations. So, you're
16 welcome to stay on the call and listen or whatever you
17 wish. If not, then you can call Rick DiStefano in the
18 building tomorrow and he can let you know the results
19 of your application.

20 Okay. So, Rick, we'll call this meeting to
21 order. Can you call the roll, please?

22 MR. DiSTEFANO: Just before we do that,
23 Mr. Chairman, let me just tell the audience that if
24 anybody is out there looking for 4A-07-21 or 4A-08-21,
25 those are for the Country Club of Rochester tennis

1 courts. Both those applications have been withdrawn.
2 So, you do not need to stick around.

3 (Roll was called.)

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

6 CHAIRPERSON MIETZ: Okie-doke. So, we do
7 have some minutes, yes?

8 MR. DiSTEFANO: Dennis, just before we get
9 into that --

10 CHAIRPERSON MIETZ: Yeah.

11 MR. DiSTEFANO: -- for the record -- just
12 for the record the meeting was advertised in the
13 Brighton-Pittsford Post.

14 CHAIRPERSON MIETZ: Oh, yeah. Sorry, Rick.
15 Go ahead.

16 MR. DiSTEFANO: It was advertised in the
17 Brighton-Pittsford Post of April 1st, 2021.

18 CHAIRPERSON MIETZ: Okay. Perfect. Thank
19 you very much. Okay.

20 So, there are minutes from the February
21 meeting --

22 MS. SCHWARTZ: And January.

23 MR. DiSTEFANO: And January. January and
24 February.

25 MS. SCHWARTZ: And January.

1 CHAIRPERSON MIETZ: January and February.
2 Okay. I guess we'll do January first. Okay. So is
3 there any comments on the January minutes? Go ahead,
4 Judy.

5 MS. SCHWARTZ: Okay. On page 7, line 11 the
6 word should be "pages" or "paragraphs." I'm not quite
7 sure. It says "one or two more" pages or paragraphs.
8 There's a floor plan. Probably pages. Anybody else
9 see that? Well, nobody? It's not passengers I know
10 that.

11 MR. DiSTEFANO: Probably pages.

12 MS. SCHWARTZ: Pages. Okay. Thank you.
13 All right. On page 11, line 17 the word in the middle
14 should be "range," R-A-N-G-E. And in line 19 it
15 should be "AC." On page 14, line 18, in the middle it
16 should be "he." On page 30, line 9, delete "no into
17 there" and replace it with "go in there too." Page
18 54, line 1, the first word should be "that." Page 56,
19 line 12 it should be "two stories," S-T-O-R-I-E-S.
20 Page 65, line 1 the second to last word is "put."
21 Page -- a few more -- 82 line 2, sort of towards the
22 end it should be "you" instead of "any." On page 94,
23 line 1, sort of in the middle it should be "won't"
24 instead of didn't. And I think this is the last one
25 that I have, page 121, line 2, the first word is

1 "spaces." And that's all I have.

2 CHAIRPERSON MIETZ: Okay. Does anyone else
3 have any other additions or corrections to the January
4 minutes? Okay. Then I could entertain a motion for
5 those minutes.

6 MR. PREMO: Move for the approval of the
7 minutes amended by Judy.

8 CHAIRPERSON MIETZ: Okay. Second?

9 MS. TOMPKINS WRIGHT: Second.

10 CHAIRPERSON MIETZ: Second, Andrea. Okay.

11 MR. DiSTEFANO: Motion to approve with
12 corrections?

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

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

17 MS. SCHWARTZ: There's some kind of echo or
18 feedback.

19 MR. DiSTEFANO: Yeah. I'm not sure where
20 it's coming from.

21 MS. SCHWARTZ: Okay.

22 CHAIRPERSON MIETZ: Yeah. It seems to be on
23 your end, Rick. When you were speaking it's kind of
24 doubling it.

25 MR. DiSTEFANO: It was just doing Judy too.

1 CHAIRPERSON MIETZ: Okay. Now -- now, it
2 sounds all right.

3 MS. SCHWARTZ: Yeah.

4 MR. DiSTEFANO: All right. The motion to
5 approve with corrections carries.

6 CHAIRPERSON MIETZ: Okay. So, now we have
7 the February ones. February minutes, Judy?

8 MS. SCHWARTZ: Yeah. There was just two.
9 On page 28, the first word that was in inaudible
10 should be "banking," B-A-N-K-I-N-G. And then on page
11 31, middle of sentence the word is "relates,"
12 R-E-L-A-T-E-S. And that's all I have.

13 CHAIRPERSON MIETZ: Okay. Very good. Does
14 anyone else have any other things for the minutes?
15 Okay. How about a motion for the February minutes?

16 MS. WATSON: I'll move to approve.

17 CHAIRPERSON MIETZ: All right. Do we have a
18 second?

19 MS. TOMPKINS WRIGHT: I'll second.

20 CHAIRPERSON MIETZ: Andrea. Okay.

21 MR. DiSTEFANO: Motion to approve with
22 conditions?

23 (Mr. Premo, yes; Ms. Schwartz, yes;
24 Ms. Tompkins Wright, yes; Ms. Dale, yes; Mr. Mietz,
25 yes; Ms. Watson, yes; Ms. Schmitt, yes.)

1 (Upon roll call, motion to approve carries.

2 CHAIRPERSON MIETZ: Okay. Thank you. Okay.

3 Rick, whenever you're ready you can read the first

4 application, the holdover from March.

5 **Application 3A-03-21**

6 Application of Kenneth Bracker, architect,
7 and Kevin and Rachel Glazer, owners of the property
8 located at 129 Ambassador Drive, for 1) an Area
9 Variance from Section 205-2 to allow a building
10 addition to extend 4.5 feet into the 30 feet side
11 setback required by code; and 2) an Area Variance from
12 Section 209-10 to allow livable floor area, after
13 construction of said addition, to increase from 7,280
14 square feet to 7,552 square feet where a maximum 5,566
15 is allowed by code. All as described on application
16 and plans on file.

17 CHAIRPERSON MIETZ: Okay. Who do we have
18 speaking for 129 Ambassador? Ken, are you there?

19 MS. SCHWARTZ: He was there. I saw him.

20 CHAIRPERSON MIETZ: He was there, yeah.

21 MR. DiSTEFANO: Ken, you're muted.

22 MR. BRACKER: Can you hear me now?

23 CHAIRPERSON MIETZ: Yes.

24 MR. BRACKER: Okay. Great. Thank you very
25 much.

1 CHAIRPERSON MIETZ: Okay. Ken, whenever
2 you're ready, you can proceed. Okay.

3 MR. BRACKER: I'm sorry. I'm ready. Okay.

4 CHAIRPERSON MIETZ: Okay.

5 MR. BRACKER: I am looking for one little
6 piece of paper here. And give me one second. One
7 little thing here with my computer. I went through
8 and maybe Rick --

9 CHAIRPERSON MIETZ: Ken -- Ken, you're going
10 to have to get closer to the microphone.

11 MR. BRACKER: Okay. I haven't done a lot of
12 these and I'm going to be going a little bit here from
13 memory because I can't find -- oh, yes. I found it.
14 Can you hear me okay now?

15 CHAIRPERSON MIETZ: Yes. The sound is
16 better, yes. Thank you.

17 MR. BRACKER: Okay. I went through and I
18 did a little bit of an analysis of this property in
19 reference to the size of the living area as compared
20 to the Town of Brighton Zoning Code. I don't know if
21 Rick was able to give to you today the property
22 analysis that I did. Rick, were they able to get it?

23 MR. DiSTEFANO: I didn't receive anything,
24 Ken.

25 MR. BRACKER: Okay. Then I'll just read it

1 off then. I went back through and I went to the real
2 property portal of Monroe County. I looked at 129
3 Ambassador Drive, the property that's in question
4 right now. That property is listed 1.17 acres, lot
5 size of 50,965.2 square feet with a living area of
6 7,101 square feet. If you do the mathematics, that
7 works out to be 7,100 -- 7.177 square feet of site per
8 living space.

9 I looked at other parcels like 245
10 Ambassador Drive. That house is bigger than this
11 house. That house is 7,938 square feet. If you then
12 do the ratio of site to living area, it's got 6.53
13 square feet of living area -- of site area per living
14 area. And that also -- again, I looked at 292. 292
15 is 7,615 square feet. 80 Ambassador is 8,942 square
16 feet. 140 Sandringham is 8,537 square feet. 250
17 Esplanade is 8,182 square feet.

18 When you look at those homes, some of these
19 have -- well, I then went through and I -- let me jump
20 here for a second. I then looked at the Town of
21 Brighton Code as if this was a new house. Well, first
22 let me state here that certainly this house is a large
23 house, but it's in keeping with many of the homes
24 within the neighborhood. That area's blessed with
25 nice big, beautiful homes. If you happen to ever take

1 a look at the Town of Brighton codes for a new house,
2 if you run the math on the Town of Brighton where they
3 do the 1,200 square foot lot size and living area of
4 2,502 square feet, it works out to be that you get 4.6
5 or so square feet of site for every square foot of
6 living space. And then if you do it for an addition,
7 again, using the mathematics of the Town Code, you get
8 3,800 -- 3.89 square feet of site for every square
9 foot of living space.

10 You can -- from the property -- from the
11 real property portal for Monroe County, it's easy to
12 see that 129 Ambassador has oh, I would say maybe
13 almost twice as much site per square foot of living
14 space as if you were going to put an addition on -- if
15 you would be allowed -- if you put an addition onto
16 the house per the traditional -- per the way the Town
17 Brighton Code is written. And when I spoke about the
18 Ambassador, the size of the Ambassador house as listed
19 in the real property portal of Monroe County, the
20 actual house is slightly bigger, I believe, based
21 around field measurements. And the actual property is
22 slightly smaller.

23 And why the difference is probably a percent
24 or two on both of them. But either way if you -- the
25 green -- the square foot of site to live in the 129

1 Ambassador is substantially higher than what would be
2 allowed by the code if you just did the straight
3 mathematics of the -- of your code -- of your
4 single-family zoning for code compliance analysis.

5 MR. DiSTEFANO: Ken, I have to kind of
6 interrupt you here. If that were the case, then you
7 wouldn't be in here for a zoning variance.

8 MR. BRACKER: No, no, no. I'm not saying we
9 are not in -- I am not saying that we are -- that we
10 don't need a variance based around the code. What I
11 am saying is that when the code was -- and this is my
12 interpretation of it, the code didn't want to have too
13 much house on a lot. And there must have been a
14 rational when the Town of Brighton wrote the code and
15 they said that, guess what? If you build a new house
16 and you got a 1,200 square foot lot, you can only
17 have -- you know, it works out to be that you end up
18 with 4.62 square feet.

19 MR. DiSTEFANO: Ken -- Ken, we have no lots
20 that are 1,200 square feet.

21 MR. BRACKER: 12,000 square feet. I
22 misspoke. That was me. I'm sorry. I misspoke.
23 12,000 square feet. So, that's what -- it's not --
24 based around the code, based on the zoning code we
25 were -- the amount of square footage of this house is

1 not excessive for the size of the lot. It's also
2 not -- and it's also not out of keeping with other
3 homes within the neighborhood. So I think that we are
4 not doing anything to be detrimental to the
5 neighborhood at all by having this addition. It's in
6 keeping with others. And I fully believe its intent
7 is within the intent of the single-family zoning code
8 for compliance.

9 And when we come to the side setback issue,
10 we're asking for 25 feet which is a very large buffer
11 compared to many of the homes in Brighton. So, I
12 don't think anything that we're proposing is
13 excessive. I think everything we're doing is within
14 compliance with the neighborhood and hopefully I've
15 explained this well enough that you don't have any
16 questions, but if they're any questions I'm more than
17 happy to answer them.

18 MS. WATSON: Thank you. I do actually have
19 a number of questions. I'm wondering if you could
20 just start with the reason for the addition? Can you
21 explain what the need is? What -- whether other
22 alternatives were considered that didn't require a
23 variance? And if a smaller addition would achieve the
24 project or why not?

25 MR. BRACKER: I should have stated that

1 before and I'm sorry I did not. Ultimately, I always
2 describe that when homes are built, they are built at
3 a particular period of time. Lifestyles change. Even
4 though -- and what they want in this house which is to
5 have a large enough kitchen such to serve as a point
6 of entertainment when they have guests over.

7 So, even -- so the purpose of this is to
8 allow that simply to be achieved, that they want a
9 large kitchen and that's what we're shooting for here.

10 MR. GLAZER: Let me explain it a bit better.

11 CHAIRPERSON MIETZ: Hold on, sir. Can you
12 just please give us your name and address just for the
13 record?

14 MR. GLAZER: My name is Kevin Glazer and I'm
15 the owner of the home 129 Ambassador Drive.

16 CHAIRPERSON MIETZ: Okay. Please, go ahead.

17 MR. GLAZER: The house was built in 1928 and
18 this is the original kitchen. And it was originally
19 designed as -- for staff, the staff quarters. It's a
20 narrow galley kitchen and while the home is beautiful,
21 the kitchen is -- is not designed to go with the rest
22 of the house in a modern way. And we were hoping to
23 widen the kitchen to make it appropriate for today's
24 living standards.

25 Unfortunately we've looked at other ways to

1 modify the kitchen so we wouldn't have to get a
2 variance. But if we push into the house it affects
3 the original dining room. It affects the original
4 flow of the house. And I don't know if anyone's had a
5 chance to drive by the house, but I've spent past
6 decades restoring this house to its original beauty.
7 And I've been very sensitive to its original design.

8 MS. WATSON: Thank you. Can I ask two more
9 questions?

10 CHAIRPERSON MIETZ: Sure. Go ahead, Jen.

11 MS. WATSON: I was wondering if there was an
12 impact or change on the landscape or the driveway with
13 this project?

14 MR. BRACKER: The driveway won't change at
15 all. The landscaping we're obviously -- some -- there
16 have to be -- there will be some changes.

17 MS. WATSON: Okay. And the second question
18 then is whether or not you had spoken with any
19 neighbors and if you received any feedback?

20 MR. GLAZER: So, I've talken [sic] to all my
21 neighbors, especially the ones who are right next to
22 me, people who this addition would affect. And they
23 have no problem with it.

24 CHAIRPERSON MIETZ: Okay. Anything else,
25 Jen?

1 MS. WATSON: No. Thank you.

2 CHAIRPERSON MIETZ: Okay. Does anyone else
3 on the Board have any questions for either of these
4 gentlemen? Okay.

5 At this point then we will ask if there is
6 anyone in the audience that would like to speak on
7 the -- audience. I'll be okay -- on the call related
8 to this application?

9 MR. GLAZER: I just want to make one
10 comment. You mentioned about the landscaping. It
11 really doesn't affect the landscaping. It's an area
12 of the house where we have our air conditioning unit
13 and there is very little landscaping there. The
14 majority of the landscaping is to the south of the
15 house which you can see I have extensive gardens.

16 CHAIRPERSON MIETZ: Okay. Thank you. Okay.
17 Then there being no one else who would like to speak
18 regarding this application, the public hearing is
19 closed. Thank you.

20 **Application 4A-01-21**

21 Application of the Country Club of
22 Rochester, owner of property located at 2935 East
23 Avenue, for extension of an approved variance allowing
24 for a reduced building setback. All as described on
25 application and plans on file.

1 CHAIRPERSON MIETZ: All right. And who do
2 we have speaking for CCR?

3 MR. SPENCER: Hi. This is Andrew Spencer
4 with the BME Associates. Can you hear me?

5 CHAIRPERSON MIETZ: Yes, Mr. Spencer. We
6 can hear you.

7 MR. SPENCER: Excellent. Excellent. Thank
8 you very much. Yes. We are looking for an extension
9 of the variance that was granted last year in March
10 for a building setback from 150 feet to 42 feet as the
11 plan that has been shown on the screen depicts. There
12 has been no changes to the plan.

13 The reason for the request of the extension
14 is primarily due to the COVID pandemic. When we
15 received this variance in March of last year, it was
16 right at the onset of shutting down and shutting down
17 construction. And the Country Club of Rochester had
18 decided to hold off on doing any construction on the
19 site until such time as number one, construction was
20 allowed to begin again as well as making sure that
21 this COVID-19 pandemic did not alter other elements
22 within their site.

23 It really is a very, very short, sweet
24 explanation. Again, we are not looking for any
25 deviation from the variance that was obtained last

1 year in March of 2020.

2 CHAIRPERSON MIETZ: Okay. Very good. Is
3 there any other questions for Mr. Spencer? Okay.
4 Thank you very much. Is there anyone on the Zoom
5 conference that would like to speak regarding the
6 extension of this variance? Okay. There being none
7 then the public hearing is closed.

8 MR. SPENCER: Thank you very much.

9 CHAIRPERSON MIETZ: Thanks, Andy.

10 **Application 4A-02-21**

11 Application James and Karen Coffey, owners
12 of property located at 36 Midland Avenue, for an Area
13 Variance of Section 205-2 to allow a side setback to
14 be 4.5 feet in lieu of the minimum 30 feet required by
15 code, all for the purpose of resubdivision approval.
16 All as described on application and plans on file.

17 CHAIRPERSON MIETZ: Okay. And who do we
18 have speaking for this application?

19 MR. COFFEY: I'm Jim Coffey, James Coffey
20 and my wife Karen is downstairs if she needs to be
21 here.

22 CHAIRPERSON MIETZ: Okay. And just for the
23 record your address.

24 MR. COFFEY: 36 Midland Avenue --

25 CHAIRPERSON MIETZ: Okay.

1 MR. COFFEY: -- Brighton, New York 14620.

2 CHAIRPERSON MIETZ: Very good. When you're
3 ready, please proceed.

4 MR. COFFEY: Okay. My wife and I have been
5 in this house since 1984. We have both recently
6 resigned and have decided to stay in the house through
7 our days. And -- and that means we're going to have
8 to have a first-floor bedroom which means an addition.
9 My house was built in 1929 -- 1926. And the house is
10 tucked right into the corner, literally, maybe 4 feet
11 on the side and maybe 5 feet behind if that.

12 So, in order to put this addition on we have
13 to convert from sub -- anyways we need to -- on that
14 addition we need to combine the lots otherwise we'll
15 encroach. We own three lots adjacent to our home
16 there and we're trying to combine all of those lots
17 into one tax number.

18 Now, I did this with the Town for those two
19 lots that you see there where it says driveway.
20 Because on that one lot was my house and the next lot
21 was my septic system. This was, you know, back in
22 '84. And the Town asked me to combine them into one
23 tax number because I was building a deck which was
24 going to encroach on the lot that had my septic
25 system.

1 So, anyways. It's kind of the same idea
2 here where we're hoping to combine all the lots into
3 one tax number and that avoids any kind of conflict
4 with putting piping and putting the addition on the
5 house.

6 CHAIRPERSON MIETZ: Okay.

7 MR. COFFEY: I think I included a picture.
8 You can see how far back my house sits. Because
9 it's -- it's the law that you got to be what? What's
10 the percentage -- I forget -- for the width of your
11 property, can the house be away from the property
12 line? Anyways --

13 MR. DiSTEFANO: 15 -- 15 percent. So, just
14 a little help for the Board Members, when you have a
15 subdivision like this, we've seen it a few times
16 before in the past, we have to take lot width of the
17 new lot. So, the new lot width is going to be the 80
18 of the existing house lot and then the three 40-foot
19 lots all join together creating that 15 percent or 30
20 feet. Obviously the house is staying exactly where it
21 was, but because there is a required new greater
22 setback, that is why Mr. Coffey is in front of us
23 requesting the variance.

24 MR. COFFEY: Thank you, Rick. That's what I
25 meant.

1 MR. GORDON: Hey, Rick. This is Ken Gordon.
2 Just a question for you or perhaps Mr. Coffey. Has
3 the resub been done? Have those lots been combined
4 already?

5 MR. DiSTEFANO: No. They can't be combined
6 until we approve the variance and we can't
7 physically -- the Town can't sign the plan until it
8 complies with code or variances are granted.

9 MR. GORDON: So, that would be -- I mean,
10 the continuation of that application so that that
11 application would not be withdrawn as something that
12 we would be interested in seeing; right?

13 MR. DiSTEFANO: The actual subdivision
14 application?

15 MR. GORDON: Yes.

16 MR. DiSTEFANO: Yeah. That would be an
17 administrative review, Ken.

18 MR. GORDON: Okay. But we -- I guess my
19 point -- my point -- I didn't know whether this -- the
20 resub had been done or not. But my point is if the
21 Board were to grant this variance, I would think that
22 we would want that to be granted with the
23 understanding and condition that the resub is
24 continued, not withdrawn.

25 MR. DiSTEFANO: Yeah.

1 CHAIRPERSON MIETZ: Yeah. We would cover
2 that Ken in the conditions. You're absolutely right.
3 Okay.

4 Mr. Coffey, did you have more? Go ahead.
5 I'm sorry.

6 MR. COFFEY: No. That's pretty much it.

7 CHAIRPERSON MIETZ: Okay. All right. Do
8 any of the Board Members have any questions for
9 Mr. Coffey?

10 MR. PREMO: This is Ed Premo. Mr. Coffey,
11 thank you and your comments. You covered what would
12 have been most of my questions. I guess it's both a
13 question perhaps for Mr. Coffey and for Rick. When he
14 goes forward for the addition itself, they'd be
15 subject to other reviews by the Town Building
16 Department?

17 MR. DiSTEFANO: Correct.

18 MR. PREMO: Okay.

19 MR. DiSTEFANO: Architectural Review Board,
20 building permits, et cetera.

21 MR. PREMO: So, the actual addition is not
22 part of this application at this point?

23 MR. DiSTEFANO: Right. The addition is
24 going to come, you know, to the south. So, it
25 wouldn't impact any setbacks provided that it didn't

1 go closer to the rear on that lot.

2 MR. PREMO: And two, looking at this
3 situation, I guess this could be both to Mr. Coffey
4 and to Rick, I mean, it struck me the only thing you
5 could do is to create a side yard of 30 feet was to
6 actually tear down most the house which doesn't make
7 any sense.

8 MR. DiSTEFANO: Correct.

9 CHAIRPERSON MIETZ: All right.

10 MR. DiSTEFANO: It really is all for the
11 purpose of resubdivision approval.

12 CHAIRPERSON MIETZ: Right.

13 MR. COFFEY: Can I comment?

14 CHAIRPERSON MIETZ: Yeah. Sure, Mr. Coffey.

15 MR. COFFEY: I just wanted to say that these
16 lots have been here ever since we've been here. And
17 so, to do this doesn't change anything on my street or
18 in, you know, the neighborhood at all. It looks the
19 same and it will function the same as far as my
20 neighbors go.

21 MR. PREMO: Okay. Great. Thank you very
22 much.

23 MR. COFFEY: Sure.

24 CHAIRPERSON MIETZ: Okay. Anyone else
25 questions for Mr. Coffey? Okay. There being none, is

1 there anyone on the call that would like to speak
2 regarding this application? Okay. There being none,
3 then the public hearing is closed.

4 MR. COFFEY: Thank you.

5 CHAIRPERSON MIETZ: Thank you.

6 **Application 4A-03-21**

7 Application of John Geer, owner of property
8 located at 2171 West Henrietta Road, for modification
9 of the conditions of approval requesting a 62.8 square
10 foot building space sign in lieu of the maximum 12.5
11 square foot building face sign as conditioned. All as
12 described on application and plans on file.

13 CHAIRPERSON MIETZ: Okay. And who do we
14 have speaking for this application?

15 MR. GEER: Hi. This is John here.

16 CHAIRPERSON MIETZ: John, just give use your
17 address, please, for the record.

18 MR. GEER: 2171 West Henrietta Road.

19 CHAIRPERSON MIETZ: Okay. Very good. All
20 right. So, when you're ready, please proceed.

21 MR. GEER: All right. So, I'm looking to
22 put this sign up. It's a little bit larger than what
23 we're approved for. It makes it more scaled to the
24 building. It looks very presentable and people will
25 basically know who we are. Thank you.

1 CHAIRPERSON MIETZ: Okay. Is there
2 questions for Mr. Geer?

3 MS. SCHWARTZ: Yes, Judy. I noticed --

4 CHAIRPERSON MIETZ: Go ahead.

5 MS. SCHWARTZ: I noticed that you also have
6 the sign in the peak at the entryway. Are you going
7 to remove that or do you want that one as well?

8 MR. GEER: We'd like to put one in its
9 place, the same size, just a little cleaner and nicer
10 numbers for the address.

11 CHAIRPERSON MIETZ: Rick, that would be an
12 issue; yes?

13 MR. DiSTEFANO: Yeah. I think that's going
14 to be an issue in a number of ways. One is that the
15 original approval was for a building face sign, not
16 two building face signs. And also I think you're
17 getting really close -- although this is a -- it's
18 under a use variance, but if you go by our standard
19 sign size approvals, the total of both those signs
20 would be over what we would permit.

21 MR. GEER: Okay. That's fine. We'll get
22 rid of that one.

23 MR. DiSTEFANO: Yeah, I think -- John, I
24 think it'll be a lot cleaner if you get rid of the one
25 that's in the peak.

1 MR. GEER: Okay. Yeah. Not a problem. So,
2 we could put some house numbers there?

3 MR. DiSTEFANO: Yeah. You can put your
4 address number in there.

5 MR. GEER: Okay.

6 MS. TOMPKINS WRIGHT: Rick, what is the
7 maximum for square footage of a building sign that
8 would be permitted?

9 MR. DiSTEFANO: 82.5 square feet. That's
10 the little calculation I did up there. The building
11 width is --

12 CHAIRPERSON MIETZ: Oh, I see.

13 MR. DiSTEFANO: -- 55 feet. And you get
14 basically times 1.5 giving you 82.5 square feet of
15 allowable signage. Again, if this was in a commercial
16 district, that's what we would permit for signage.

17 CHAIRPERSON MIETZ: Right. Right.

18 MR. DiSTEFANO: And it's still smaller than
19 that --

20 CHAIRPERSON MIETZ: Right.

21 MR. DiSTEFANO: -- the actual size of the
22 sign.

23 CHAIRPERSON MIETZ: Okay. All right. Is
24 there any other Board Members that would like to
25 question Mr. Geer on his motivation here? That's it?

1 All right. Then, thank you very much.

2 MR. GEER: Thank you.

3 CHAIRPERSON MIETZ: Is there anyone on the
4 call that would like to speak regarding this sign
5 application? Okay. Okay. There being none, then the
6 public hearing is closed.

7 **Application 4A-04-21**

8 Application of Christopher and Rebecca
9 Hayes, owners of the property located at 41 Midland
10 Avenue, for an Area Variance from Section 203-2.1B(7)
11 to allow an air conditioning unit to be located in a
12 front yard in lieu of a side or rear yard as required
13 by code. All as described on application and plans on
14 file.

15 CHAIRPERSON MIETZ: Okay. And who do we
16 have speaking for this application.

17 MS. HAYES: Hi. Rebecca Hayes, owner of the
18 property at 41 Midland Avenue.

19 CHAIRPERSON MIETZ: Okay. Great, Rebecca.
20 When you're ready, please proceed.

21 MS. HAYES: Okay. I think the summary
22 pretty much covered it, but first I'd like to -- we're
23 the neighbors of Jim Coffey and I tried to unmute
24 myself to say with his application we support whatever
25 they'd like to do. But I wasn't able to unmute myself

1 in time.

2 CHAIRPERSON MIETZ: Okay.

3 MS. HAYES: Moving on to ours, I think it's
4 pretty simple. Just where the house is located on the
5 lot, we don't have a rear yard and we only have the
6 side yard on one side. But there's a deck there
7 that's wide enough that we can't put an air
8 conditioner on the other side of it. That's too far
9 from the house to make the connection into the
10 basement.

11 So, really the only place that we have to
12 put it is the front corner in that sort of alcove
13 that's created where the front of the house sticks
14 out. That is also the same area that we keep our
15 trash and recycling bins. You know, it's not -- it's
16 not visible from the street really at all because the
17 house is set so far back. We've been assured by our
18 contractor that the unit doesn't go above the noise
19 limit and also that there is a bit of an overhang on
20 the front of the house there, but he says it's well
21 tall enough that we won't get any noise echoing or
22 bouncing around off there. So, I really don't think
23 it should affect anything about the neighborhood.

24 And there are only -- on this plan that you
25 can see on the screen, lot 69 is a forever wild area.

1 So there's nobody on that side. We've spoken to the
2 neighbors on lot 66, Michelle and Patrick Nicholson
3 and they have no problems and the only other neighbors
4 who'd be able to see it are Jim and Karen Coffey
5 across the street who also support our plan.

6 CHAIRPERSON MIETZ: Okay. Pretty good. All
7 right. Any questions for Rebecca? Pretty straight
8 forward.

9 MS. HAYES: We think so. Thanks.

10 CHAIRPERSON MIETZ: Okay. Thank you for
11 your presentation. Is there anyone on the call that
12 would like to speak regarding this application? There
13 being none, then the public hearing is closed.

14 **Application 4A-05-21**

15 Application of Jeffrey Gardiner, owner of 45
16 Knolltop Drive for an Area Variance from Section 205-2
17 to allow a two-story addition to extend 6 plus or
18 minus feet into the existing 39.8-foot front setback
19 where a 40-foot front setback is required by code.
20 All as described on application and plans on file.

21 MR. GARDINER: Good evening. My name is
22 Jeff Gardner. I'm the property owner at 45 Knolltop
23 Drive and also I'm the preparer of these documents.

24 CHAIRPERSON MIETZ: Go right ahead.

25 MR. GARDINER: Okay. So, just -- just a

1 little background. My wife and I we moved in and
2 purchased the house about four years ago now. And as
3 part of this all, we've been looking around at whether
4 or not to move, you know, with COVID or to expand our
5 house. We need a little bit more room. And we came
6 up with the idea of actually taking down the existing
7 garbage and family room and rebuilding it to a
8 two-story addition with a master suite upstairs.

9 As part of that layout, obviously the side
10 setback is something we needed to watch out for. So,
11 we've got that highlighted there. But the other
12 challenge we have in our current house is that the
13 doorway from our existing kitchen to the back family
14 room which is at the rear corner of that footprint
15 really constrains where the garage can be. And I
16 think on my other prints it shows it a little bit
17 better, the full-size plan. But basically what
18 happened when we ended up starting to lay this
19 footprint out, you can see on the left-hand picture
20 there towards the back corner -- yup. Right there.
21 I'm sorry. I'm not driving. The existing doorway
22 basically with the utilities is what's kind of
23 controlling how far we can get that 20-foot single-car
24 garage. And so, that really led us to have to bump
25 out towards the front -- imposing that front yard

1 setback of 40 feet.

2 So, I think -- I think I was able to limit
3 the design down to about 4 feet. We did -- we did put
4 for an awning on the front or some sort of an
5 architectural feature to break up the face of the
6 building. That's why it's 6. And that's basically
7 it.

8 I've -- think I submitted today a little
9 letter I took around to my neighbors. I got my
10 neighbor immediately adjoining me on the side of this
11 bump out to, you know, agree with no objections. He
12 reviewed the plans. And I also got a few other
13 neighbors around my property to review and accept it.
14 So, that's it.

15 CHAIRPERSON MIETZ: Okay. Go right ahead.

16 MS. TOMPKINS WRIGHT: This is Member Wright.
17 Just two quick questions. One, your application
18 mentioned -- is it a drainage swale that restricts how
19 far you can kind of go into the rear yard as well?

20 MR. GARDINER: Yeah. Yeah, that too. I
21 mean, Knolltop is named Knolltop because everybody's
22 backyard is basically a swale. It goes down. So, the
23 more -- the more we push out towards the back, the
24 more getting into drainage and grading issues there.
25 And then basically, you know, it's really kind of

1 confined looking at where that doorway is. I tried
2 playing around with some options trying to -- but
3 going out to the corner of a house, obviously there's
4 a lot, you know, in terms of load bearing and
5 everything like that. And utilities would be a lot of
6 rework in the kitchen to make that doorway happen some
7 other way.

8 MS. TOMPKINS WRIGHT: And then one other
9 question, just so that it's part of the record.
10 Knolltop Road doesn't seem to have very consistent
11 front yard setbacks on existing homes; is that
12 accurate? Meaning it's -- not every home is exactly
13 the full length of the setback required by code.

14 MR. GARDINER: I don't know if I can attest
15 to that. I know my neighbor across the street when
16 you look at his immediate one out the window right
17 here, the garage does come in front of his house, you
18 know, a few feet. So, I don't know if I can
19 consistently say that.

20 My -- part of my zoning assessment was that
21 the fact that this side of Knolltop drive is zone RLC
22 while the other side RLB. And when you go into the
23 rest of the neighborhood that's RLC, you know, you
24 start seeing a lot smaller lots. And that was kind
25 of, you know -- a single-car garage is a single-car

1 garage, right? I can't restructure the shape to make
2 it, you know -- the car's got to fit. It's a
3 rectangle.

4 CHAIRPERSON MIETZ: Okay. Very good. All
5 right. Is there any other questions by the Board
6 Members? Okay. There being none, is there anyone on
7 the Zoom call that would like to talk related to this
8 application? Okay. Then there being none, the public
9 hearing is closed.

10 **Application 4A-06-21**

11 Application of Jack Sigrist, architect, and
12 Jacob and Rachel Moalem, owners of property located at
13 22 Westland Avenue, for an Area Variance from Section
14 205-2 to allow a building addition to extend 2.4 feet
15 into the existing 30.4-foot rear setback where a
16 40-foot rear setback is required by code. All as
17 described on application and plans on file.

18 CHAIRPERSON MIETZ: Okay. Who do we have
19 speaking for 5 -- 4A-06?

20 MR. SIGRIST: Jack Sigrist. I'm the
21 architect for the project.

22 CHAIRPERSON MIETZ: Where you hiding, Jack?
23 Where are you?

24 MR. SIGRIST: Here we go. How's that?

25 CHAIRPERSON MIETZ: Perfect.

1 MR. SIGRIST: We are here looking for a rear
2 setback variance. We have an addition that we're
3 putting on the back of the house that has -- basically
4 it's a kitchen addition and it's a mudroom. This
5 house was built in the 30s and there is no mudroom
6 facilities at all. The only place we could really put
7 it was on the -- I'll call it east side of the house.
8 See that little cross-hatched area? We have a 40-foot
9 setback. I think the existing garage is at 30 feet
10 we're going to be looking at probably around that for
11 a setback as well. We're hoping to get the variance.

12 You can see -- you can't see the addition
13 from the -- from Edgemere because it's behind that
14 house at the -- at the pine and it's a pretty big
15 house. So, I want to say it's probably 30-35 feet
16 tall at the tallest. Our addition does not extend
17 beyond that. So, you also can't see it from Westland
18 because there's a big bunch of trees there as well.
19 And -- but we're not that concerned because we don't
20 need a setback variance.

21 It's a corner lot. As you can see it's a
22 60-foot setback and right now it's about a 35, 40-foot
23 setback on the west side of the property. So, when we
24 take that big corner lot out of there for the
25 setbacks, it doesn't leave us a lot of room to expand.

1 CHAIRPERSON MIETZ: All right.

2 MS. WATSON: You said that the existing rear
3 setback of the garage is 30 feet? So, you're asking
4 for an additional 2-foot encroachment into the
5 existing setback?

6 MR. SIGRIST: Correct. We looked at the --
7 what the side setback would be there if it wasn't a
8 rear setback and it's supposed to be 27 feet. So
9 we're well within that criteria.

10 CHAIRPERSON MIETZ: All right.

11 MS. WATSON: Can you speak a little bit to
12 the size of the addition in relation to the goals and
13 the problem that it solves? So, for example, is this
14 the smallest possible addition? Could it have been a
15 smaller one that didn't require a setback that
16 achieves the goal of creating a mudroom?

17 MR. SIGRIST: Right now we have in that
18 mudroom addition, the part of violation, we have a
19 part of a staircase. We have a powder room which
20 presently resides in the kitchen right now. So we are
21 walking out of the powder room, you're right into the
22 kitchen. So, we're trying to solve that. There's no
23 laundry on the first floor. And the -- that's also
24 what we're trying to accommodate. As you can see down
25 in the lower right-hand corner, that's -- right now I

1 only have a small closet there. They'll probably need
2 more space. They have three children probably from
3 four to ten. So, they're going to be growing.
4 They're going to need room because all kinds of stuff
5 comes with younger children. And that's pretty much
6 the minimum we feel we can live with.

7 MS. WATSON: Thank you. And just one last
8 question. Have the homeowners spoken with neighbors
9 and received any feedback?

10 MR. SIGRIST: I believe they spoke to one
11 neighbor who was in favor of it. I don't know if
12 they've spoken to the immediate one to the -- what is
13 it -- to the south. But they are quite a bit of
14 way -- quite a bit, probably 50 or 60 feet off of the
15 rear property line for the south.

16 MS. WATSON: Thank you.

17 CHAIRPERSON MIETZ: Okay. Are there any
18 other Board Members questions for Jack?

19 MR. DiSTEFANO: Yeah. I just have a quick
20 question, Jack. Did you do a livable floor area
21 calculation for this?

22 MR. SIGRIST: Did I do a floor area
23 calculation? No.

24 MR. DiSTEFANO: Yeah. You did not. Okay.
25 Just check that because I think that it's going to be

1 getting pretty close.

2 MR. SIGRIST: I will do that. Will we take
3 care of that when we go in for a building permit?

4 MR. DiSTEFANO: Well, you'll need to fill
5 out the single-family zoning form which --

6 MR. SIGRIST: Yup.

7 MR. DiSTEFANO: -- will have that
8 calculation on it. I just hope you don't have to come
9 back and deal with us again.

10 CHAIRPERSON MIETZ: Yeah.

11 MR. SIGRIST: Me either.

12 CHAIRPERSON MIETZ: All right. Okay. Any
13 other questions for Jack? Okay. Thank you.

14 MR. SIGRIST: Thank you very much.

15 CHAIRPERSON MIETZ: All right. And then
16 if -- is there anyone on the Zoom call that would like
17 to speak regarding this application? Okay. There
18 being none, then this public hearing is closed.

19 All right. Do we need a couple minutes or
20 would you like to go forward? Everybody okay?

21 MR. PREMO: I'm good to keep going.

22 MS. WATSON: Yup.

23 CHAIRPERSON MIETZ: Okay. Great. Okay.

24 Rick.

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REPORTER CERTIFICATE

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

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

Dated this 4th day of May, 2021
at Rochester, New York.

Holly E. Castleman

Holly E. Castleman,
Notary Public.

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**BRIGHTON
ZONING BOARD OF APPEALS
MEETING**

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

PRESENT:

DENNIS MIETZ, CHAIRPERSON

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

Board Members

JEFF FRISCH

KEN GORDON, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

DETERMINATIONS

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

1 CHAIRMAN MIETZ: So, the first application
2 to look at is 129 Ambassador. And that's the side
3 setback and the increase in the level of the floor
4 areas. Let's go around and see. Mr. Premo, what do
5 you got to say?

6 MR. PREMO: Yeah. I don't have any problem
7 with it.

8 CHAIRPERSON MIETZ: Okay.

9 MR. PREMO: You know, the size of the lot
10 and everything else, I don't think it's a problem.

11 CHAIRPERSON MIETZ: Okay. How about you,
12 Jen?

13 MS. WATSON: Yeah. I agree that the size of
14 the lot can withstand this addition and it's already
15 fitting in the pocket created kind of like a loop of
16 that garage without really changing the property in a
17 major way. So, I'm in support.

18 CHAIRPERSON MIETZ: All right. Jeanne?

19 MS. DALE: I agree.

20 CHAIRPERSON MIETZ: Okay. Judy?

21 MS. SCHWARTZ: I'm okay.

22 CHAIRPERSON MIETZ: All right. Kathleen?

23 MS. SCHMITT: I'm okay as well.

24 CHAIRPERSON MIETZ: Andrea?

25 MS. TOMPKINS WRIGHT: Agreed. I'm good.

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CHAIRPERSON MIETZ: Yeah. I'm fine with it
also. Okay. Then go ahead then --

1 **Application 3A-03-21**

2 Application of Kenneth Bracker, architect,
3 and Kevin and Rachel Glazer, owners of the property
4 located at 129 Ambassador Drive, for 1) an Area
5 Variance from Section 205-2 to allow a building
6 addition to extend 4.5 feet into the 30 feet side
7 setback required by code; and 2) an Area Variance from
8 Section 209-10 to allow livable floor area, after
9 construction of said addition, to increase from 7,280
10 square feet to 7,552 square feet where a maximum 5,566
11 is allowed by code. All as described on application
12 and plans on file.

13 Motion made by Member Watson to approve
14 Application 3A-03-21, based on the following findings
15 of fact.

16 **FINDINGS OF FACTS:**

- 17 1. The requested Variance of a 25-foot side setback
18 is 5 feet short from the required 30 feet setback
19 which is not substantial on this 200-foot wide lot.
20 2. The requested Variance of 7,560 square feet of
21 livable floor area exceeds code by 1,994 square feet.
22 This addition is the minimum space necessary to
23 achieve the goals of expanding the kitchen. Though
24 the requested square footage is substantial, the
25 proposed addition has been carefully scaled in keeping

1 with the significant size of the existing home is
2 proportioned to fit comfortably on this large
3 property.

4 3. The addition will be a single story extending just
5 a few feet beyond the existing garage with no impact
6 to the existing driveway. It is designed with similar
7 style and architectural elements to the rest of the
8 house. Therefore, no unacceptable change in the
9 character of the neighborhood and no substantial
10 detriment to nearby properties is expected to result
11 in the approval of this variance.

12 4. The health, safety and welfare of the community
13 will not be adversely affected by the approval of the
14 variance request.

15 **CONDITIONS:**

16 1. This variance will apply only to the project
17 that's described in the application and testimony. In
18 particular it will not apply to projects considered in
19 the future that are not in the present application.

20 2. All necessary permits shall be obtained.

21

22 (Second by Ms. Dale.)

23 (Ms. Schmitt, yes; Mr. Mietz, yes; Ms. Dale,
24 yes; Ms. Schwartz, yes; Mr. Premo, yes; Ms. Tompkins
25 Wright, yes; Ms. Watson, yes.)

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

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CHAIRPERSON MIETZ: All right. Very good.
The next one is the CCR's extension of their variance
request for the maintenance building. Any issues with
that? No? All right. I've got it.

1 **Application 4A-01-21.**

2 Application James and Karen Coffey, owners
3 of property located at 36 Midland Avenue, for an Area
4 Variance of Section 205-2 to allow a side setback to
5 be 4.5 feet in lieu of the minimum 30 feet required by
6 code, all for the purpose of resubdivision approval.
7 All as described on application and plans on file.

8 Motion made by Chairman Mietz to approve
9 Application 4A-01-21, based on the following findings
10 of fact.

11 **FINDINGS OF FACT:**

12 1. The project was put on hold due to logistic issues
13 with the COVID situation.

14 2. No changes have been made to the project plans or
15 drawings.

16 **CONDITIONS:**

17 1. That the conditions made at the 3/4/20 approval
18 shall be maintained.

19 (Second by Ms. Tompkins Wright)

20 (Mr. Premo, yes; Ms. Watson, yes; Ms. Dale,
21 yes; Ms. Schwartz, yes; Ms. Schmitt, yes; Ms. Tompkins
22 Wright, yes; Mr. Mietz, yes.)

23 (Upon roll call, motion to approve with
24 conditions carries.)

25

1 CHAIRPERSON MIETZ: The next one is for the
2 West Henrietta Road for the sign change.

3 MR. DiSTEFANO: No. It's Midland, 36
4 Midland.

5 CHAIRPERSON MIETZ: Oh, I'm sorry. I went
6 past it. Sorry. I put an "X" next to there. Sorry.
7 So, we got 36 Midland. This is where we are going to
8 have the side setback and the combinations of the
9 lots. So let's see. Ed, what do you think?

10 MR. PREMO: Yup. I'm all for it. I went
11 out, took a look at the site. You can see kind of
12 these unique parcels out there the way they're kind of
13 in there. I think at one time the State Highway was
14 supposed to go through there, right, Rick?

15 CHAIRPERSON MIETZ: I think so.

16 MR. DiSTEFANO: The actual high --

17 CHAIRPERSON MIETZ: Yeah. The Northern
18 Expressway.

19 MR. PREMO: Yeah. And the -- it's --
20 actually the property's kind of surrounded, parts of
21 it on three sides by Persimmon Park. You know, the
22 house is where it is on the lot, we can't -- there's
23 no practical way to move it without destroying the
24 value. They -- they have a plan to stay there as they
25 get older and kind of age in place. I think it's a

1 reasonable thing to do. It also decreases the number
2 of buildable lots in the area which I think is a
3 beneficial thing.

4 CHAIRPERSON MIETZ: All right. Very good.
5 How about Kathleen, what do you think?

6 MS. SCHMITT: It made sense to me. So, I'm
7 okay with it.

8 CHAIRPERSON MIETZ: Okay. Judy?

9 MS. SCHWARTZ: I think it's fine. When I
10 went out, Mr. Coffey was there and he really gave me a
11 detailed, you know, explanation of it and I think
12 maintaining those lots the way it is, it's wonderful.
13 So -- and you're really not going to see it until you
14 almost walk beyond the house. So, I think it's great.

15 CHAIRPERSON MIETZ: All right. Very good.
16 How about Jeanne?

17 MS. DALE: Yeah. I think it's fine. Thank
18 you.

19 CHAIRPERSON MIETZ: You're welcome. How
20 about Ms. Tompkins Wright?

21 MS. TOMPKINS WRIGHT: No issues. Although I
22 did appreciate the explanation of why we need to issue
23 a variance because I was a little confused at first
24 when I was reading the application. So, yeah. No
25 issue here.

1 CHAIRPERSON MIETZ: Okay. And Jen?

2 MS. WATSON: Yeah. It makes sense to me.
3 No problems. My only concern at all with regards to
4 the application was the inability for the community
5 members to unmute themselves and speak when they want
6 to speak in a hearing. So, that might be something we
7 want to look at in the future and make sure people
8 aren't forced -- forcibly muted.

9 CHAIRPERSON MIETZ: Okay. We can talk to
10 our director.

11 MR. DiSTEFANO: Well, they have to be
12 forcibly muted. They have to use the "raise your
13 hand" aspect of -- so, we're looking for the "raise
14 your hand" --

15 MS. WATSON: That might not always be
16 obvious especially with the mobile devices.

17 MR. DiSTEFANO: Well, we should probably --
18 well, you're right --

19 MS. DALE: The chat?

20 MR. DiSTEFANO: -- we should probably make
21 sure that people understand the "use your hand." We
22 really don't want to have people able to unmute
23 themselves. That'd be like people shouting from the
24 audience which we don't want.

25 CHAIRPERSON MIETZ: Right.

1 MS. WATSON: We can always mute them though
2 if they are.

3 CHAIRPERSON MIETZ: Well, I think maybe we
4 can -- Rick, we can just announce something at the
5 beginning of the meeting of how they should wave that
6 red flag or whatever we would like them to do. Okay?

7 MR. DiSTEFANO: Yup.

8 CHAIRPERSON MIETZ: Okay. Do you have
9 something?

10 MR. DiSTEFANO: I just want to explain that
11 this application -- this type of application we see
12 often. And it really has to do with people are just
13 combining their lots. They're forced into the
14 variance. I really don't think we need any conditions
15 on this. I think it can just be a flat-out approval.
16 If they don't do the subdivision, nothing -- nothing
17 changes. So, that would be my suggestion. I don't
18 think there's any need for conditions on this
19 application.

20 CHAIRPERSON MIETZ: Okay.

21 MR. PREMO: So, the only condition I was
22 going to put, Rick, was that it's based upon what the
23 location of the home where it is what they submitted
24 to us and just say that they would have to come back
25 for any approvals with respect to the addition and

1 that we're not approving an addition because it's not
2 part of the application.

3 MR. DiSTEFANO: Well the addition -- you
4 couldn't put an addition -- the addition would not go
5 on that side of the house. I mean, if they were going
6 to put an addition on that side of the house, they'd
7 be coming back for a variance. The addition --

8 MR. PREMO: Right. No, no --

9 MR. DiSTEFANO: The south side of the house
10 where they can do that -- they can do that now if they
11 want without the subdivision. Because the lots as you
12 look at it right now, the 80-foot wide lot is what
13 they have. So, there is -- there's a whole half a lot
14 that's south of the house.

15 MR. PREMO: Right.

16 MR. DiSTEFANO: And then you have three
17 additional 40-foot lots. They just want to clean up
18 those 40-foot lots and they have to do some sewer work
19 and stuff when they put the addition on. Again,
20 nothing changes one way or another. So, I think in
21 these cases, applying conditions really is not needed.

22 MR. PREMO: Okay. Well, we'll give it a try
23 and see if --

24 CHAIRPERSON MIETZ: Go ahead, Ed.

25 MR. PREMO: -- there's anything else to

1 stick in.

2 CHAIRPERSON MIETZ: I'm good as well. Go
3 right ahead.

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1 **Application 4A-02-21**

2 Application James and Karen Coffey, owners
3 of property located at 36 Midland Avenue, for an Area
4 Variance of Section 205-2 to allow a side setback to
5 be 4.5 feet in lieu of the minimum 30 feet required by
6 code, all for the purpose of resubdivision approval.
7 All as described on application and plans on file.

8 Motion made by Member Premo to approve
9 Application 4A-02-21, based on the following findings
10 of fact.

11 **FINDINGS OF FACT:**

12 1. The requested variance is the minimum net variance
13 necessary to address the benefits sought by the
14 applicants. The variance from the requirements of a
15 30-foot setback to a 4.5-foot side yard is based on
16 the existing placement of the home on the parcel when
17 constructed in 1926. The need for the variance
18 results from the applicants wish to combine four
19 commonly owned lots into one single-family lot to
20 allow an addition which would allow the applicants to
21 remain in their home.

22 2. No other alternatives can alleviate the difficulty
23 and produce this desired result. The current house
24 placement is a pre-existing condition and the only
25 other option would be demolition of a substantial

1 portion of the house to create a 30-foot side yard
2 which is not a practical solution.

3 3. There will be no unacceptable changes in the
4 character of the neighborhood and no substantial
5 detriment to nearby properties is expected from an
6 approval of the variance. The variance merely allows
7 the existing home built in 1926 to remain in place and
8 the variance will benefit the area by allowing four
9 lots to be combined into one single-family lot thereby
10 reducing the number of buildable lots and preserving
11 the interface with Persimmon Park.

12 4. The hardship was not self-created by the
13 applicant.

14 5. The health, safety and welfare of the community
15 will not be adversely affected by the approval of the
16 variance.

17 (Second by Ms. Watson)

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

21 (Upon roll call, motion to approve with
22 conditions carries.)
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1 CHAIRMAN MIETZ: Okay. Our next one is West
2 Henrietta Road for the sign change. Let's see here.
3 Ed, what do you think about this one?

4 MR. PREMO: Yeah. I mean, with -- with the
5 in fact you take -- take off that other signage and
6 just have a designation number. I -- I really don't
7 have any problem. Once again, it's, you know, a busy
8 commercial street and making it easy for people
9 driving on the street to find the place seems to make
10 sense to me.

11 CHAIRPERSON MIETZ: Okay. Kathleen?

12 MS. SCHMITT: I don't have a problem with
13 it.

14 CHAIRPERSON MIETZ: Okay. Judy?

15 MS. SCHWARTZ: I just want to double check.
16 There is a max for the number of colors in the sign;
17 right? Aren't you allowed up to three or does that
18 not apply anymore?

19 MR. DiSTEFANO: That doesn't apply anymore.

20 MS. SCHWARTZ: Okay. And if we can say in
21 the conditions, I think that if I can say the numbers
22 should be black just underneath in the gable there or
23 consider that as one.

24 MS. TOMPKINS WRIGHT: Can we -- can we
25 control that if they're only before us for a building

1 face sign?

2 MS. SCHWARTZ: Well, they said they were
3 going to take the one out, the second part out and was
4 willing to put a number in.

5 MR. DiSTEFANO: I would just say I wouldn't
6 want to control that.

7 MS. SCHWARTZ: Okay.

8 MR. DiSTEFANO: You know, if they wanted to
9 put yellow or orange numbers up there --

10 MS SCHWARTZ: All right.

11 MS. TOMPKINS WRIGHT: Does this go before
12 any other Board?

13 MR. DiSTEFANO: Review Board and Planning
14 Board. And they have both seen it and approved it.

15 CHAIRMAN MIETZ: Okay.

16 MS. WATSON: I recall -- I recall when we
17 first approved the sign we were almost all saying this
18 is going to need to be bigger. Yeah. So, as long as
19 they remove the small one I think the scale is perfect
20 on the busy road and I don't have a problem with it.

21 CHAIRPERSON MIETZ: All right. Very good.
22 Let's see, Jeanne?

23 MS. DALE: Yeah. I think it's definitely
24 better than before.

25 CHAIRPERSON MIETZ: Andrea?

1 MS. TOMPKINS WRIGHT: I would just -- I
2 think it is important to note that this is smaller
3 than what would be permitted under code if this
4 weren't a commercial zone too. I think that's
5 important to note --

6 CHAIRPERSON MIETZ: Okay.

7 MS. TOMPKINS WRIGHT: -- in the approval.

8 CHAIRPERSON MIETZ: All right. Okay. Yeah.
9 I don't really have any issue with it either. I think
10 we all kind of thought it was kind of inappropriate
11 where it was put in that gable before. So, I think it
12 will definitely give better identification from the
13 street. Okay. So, Ms. Schmitt.

14 MS. SCHMITT: All righty. I'm going to have
15 to wing part of it because I just put Andrea's
16 addition in.

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1 **Application 4A-03-21**

2 Application of John Geer, owner of property
3 located at 2171 West Henrietta Road, for modification
4 of the conditions of approval requesting a 62.8 square
5 foot building space sign in lieu of the maximum 12.5
6 square foot building face sign as conditioned. All as
7 described on application and plans on file.

8 Motion made by Member Watson to approve
9 Application 4A-02-21, based on the following findings
10 of fact.

11 **FINDINGS OF FACT:**

- 12 1. The request is to allow a 62.8 square foot
13 building sign in lieu of the maximum 12.5 square foot
14 signage as conditioned by this board.
- 15 2. While the size increase is substantial, from the
16 application and testimony provided the new sign which
17 is scaled to the size of the building will not create
18 a change in the character of the neighborhood or be a
19 detriment to nearby properties as the signage and
20 entrance is on the side of the building.
- 21 3. In addition, the square footage of 62.8 square
22 feet is smaller than what would be permitted if this
23 zoned commercial.
- 24 4. A larger sign also appears necessary as the
25 restaurant is on a high traffic commercial road where

1 cars generally travel at more than 40 miles per hour.
2 So that a smaller sign originally contemplated above
3 the door is not sufficient notice for users as to the
4 building's use and location.

5 **CONDITIONS**

6 1. The variance will apply only to that which is
7 described in the application and testimony provided.
8 It will not apply to future projects.

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MR. DiSTEFANO: Instead of projects can we say future signage?

MS. SCHMITT: Perfect. So not apply to future signage.

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CONDITIONS.

1. The variance will apply only to that which is described in the application and testimony provided. It will not apply to future signage.
2. The current sign located in the peak will be removed when the sign is put in place.

1 MS. SCHMITT: Did you say that they need to
2 have other board approvals?

3 MR. DiSTEFANO: They -- they do have it
4 already.

5 MS. SCHMITT: Okay. Then I only need two.

6 MR. DiSTEFANO: I would like to put the
7 condition in there that they do need a building permit
8 for it.

9 MS. SCHMITT: Okay.

10 MR. DiSTEFANO: So, all necessary building
11 permits shall be obtained.

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1 3. All necessary building permits shall be obtained.
2 (Second by Member Schwartz.)
3 (Mr. Premo, yes; Ms. Tompkins Wright, yes;
4 Ms. Dale, yes; Mr. Mietz, yes; Ms. Watson, yes;
5 Ms. Schwartz, yes; Mr. Schmitt, yes.)
6 (Upon roll call, motion to approve with
7 conditions carries.)
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CHAIRPERSON MIETZ: Okay. The next one is the air conditioning on the, whatever you'd like to pick it, the side or rear yard, whatever you'd like to call it. Any issues by anybody? Okay. Judy, go ahead.

1 **Application 4A-04-21**

2 Application of Christopher and Rebecca
3 Hayes, owners of the property located at 41 Midland
4 Avenue, for an Area Variance from Section 203-2.1B(7)
5 to allow an air conditioning unit to be located in a
6 front yard in lieu of a side or rear yard as required
7 by code. All as described on application and plans on
8 file.

9 Motion made by Member Schwartz to approve
10 Application 4A-04-21 based on the following findings
11 of fact.

12 **FINDINGS OF FACT:**

- 13 1. This property has no rear yard and, therefore, the
14 air conditioning cannot be placed according to code.
- 15 2. There is only one side yard with a pre-existing
16 wraparound deck that does not have a high enough
17 clearance for the air conditioner to be placed beneath
18 it.
- 19 3. If the unit were placed next to the deck it would
20 be more conspicuous to nearby houses on the next
21 street and too far from the house.
- 22 4. The house is setback quite a distance from the
23 road and is the last house on the cul-de-sac, thus,
24 the air conditioner will rarely be seen.
- 25 5. In addition there is no garage on the property.

1 So, a car will be parked in front of the house most of
2 the time blocking the air conditioner even more from
3 the street.

4 6. This proposed front yard location for the air
5 conditioning unit is the only place on the property
6 that is close enough to the house, provides enough
7 access from the inside and clearance for the proper
8 air flow to it.

9 **Conditions:**

10 1. This variance only applies to the front yard
11 placement of an air conditioning unit as presented in
12 testimony and written application.

13 2. All necessary planning board and building
14 approvals must be obtained.

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MR. DiSTEFANO: Can we just say all necessary building permits shall be obtained?

CHAIRPERSON MIETZ: Okay.

MS. SCHWARTZ: Yes. Didn't I say -- oh. You know -- yes. Permits. I'm sorry. I always say approvals. All right. Yes.

MR. DiSTEFANO: You said Planning Board, Judy.

MS. SCHWARTZ: Yes. And you want building; right?

MR. DiSTEFANO: Right.

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2. All necessary building permits shall be obtained.

(Second by Member Watson.)

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

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

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CHAIRPERSON MIETZ: All right. Moving right along. 45 Knolltop with the two-story addition. Any concerns about this?

MS. TOMPKINS WRIGHT: I'm good.

CHAIRPERSON MIETZ: Seems pretty straightforward. Yeah. Okay. Andrea.

1 **Application 4A-05-21**

2 Application of Jeffrey Gardiner, owner of 45
3 Knolltop Drive for an Area Variance from Section 205-2
4 to allow a two-story addition to extend 6 plus or
5 minus feet into the existing 39.8-foot front setback
6 where a 40-foot front setback is required by code.
7 All as described on application and plans on file.

8 Motion made by Member Tompkins Wright to
9 approve application 4A-05-21 based on the following
10 findings of fact.

11 **FINDINGS OF FACT:**

- 12 1. The granting of the requested front yard variance
13 will not produce an undesirable change in the
14 character of the neighborhood or be a detriment to
15 nearby properties. The extension into the front yard
16 setback is minor and will appear in line with several
17 other homes with garages connected that extend into
18 the front yard setback.
- 19 2. The requested variance is not substantial given
20 that the increase represents only 10 percent of the
21 code specified minimum and the front steps of the home
22 already extend the same distance into the front yard.
- 23 3. The benefits sought by the applicant cannot
24 reasonably be achieved by any other method or without
25 a variance. Given the current home layout and

1 location of entry ways as well as the drainage swales
2 in the rear yard, in order to satisfy the needs of the
3 applicant and permit construction of a garage
4 appropriately sized for modern vehicles, a variance is
5 required to extend the addition into the front yard.

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

10 **Conditions:**

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

14 2. All unnecessary permits and Architectural Review
15 Board approvals must be obtained.

16 (Seconded by Member Schwartz.)

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

20 (Upon roll call, motion to approve with
21 conditions carries.)
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1 CHAIRPERSON MIETZ: All right. And our
2 final one is Westland Avenue. Now, Rick, the issue
3 with the livable floor area, would be applicable to a
4 condition if we were to approve that it does not
5 exceed it? Or how would you want to handle that?

6 MR. DiSTEFANO: That's a good question. I
7 mean they'd have -- they'd have to prove that they're
8 not going to go above the livable floor area to meet
9 the building permit.

10 CHAIRPERSON MIETZ: Right.

11 MR. DiSTEFANO: I don't have --

12 MS. WATSON: It's not a condition of the
13 setback.

14 MR. DiSTEFANO: It's not.

15 MS. WATSON: They would just need to come
16 back to us.

17 MR. DiSTEFANO: Because if they build what
18 they want to build -- because if they had to cut back
19 to meet the livable floor area, they might not need
20 the setback variance.

21 CHAIRPERSON MIETZ: Right.

22 MR. DiSTEFANO: That's a good question. But
23 not knowing that they need a livable floor area
24 variance, I don't know if there's much we can really
25 do about it.

1 CHAIRPERSON MIETZ: That would really just
2 bomb the thing if he does the calculations on it.

3 MR. DiSTEFANO: Yeah.

4 CHAIRPERSON MIETZ: Yeah. The only -- the
5 only -- obviously the only other alternative is to
6 make him do it, but -- you can't say he needs to do it
7 for the setback variance.

8 MR. DiSTEFANO: Right. Exactly.

9 CHAIRPERSON MIETZ: Because we could table
10 it otherwise, but it might be helping him
11 logistically. But it really isn't a requirement.

12 MS. WATSON: He can't pull the permit if we
13 table it; right?

14 MR. DiSTEFANO: You can't pull a permit if
15 you table it.

16 MS. WATSON: And you can't get the permit if
17 he needs the --

18 MR. DiSTEFANO: And he can't get the
19 permit --

20 MS. WATSON: So, why doesn't he grant this
21 and he comes back a second time if needs to.

22 MR. DiSTEFANO: Yeah. I don't think -- it's
23 not a huge variance. So I, don't think granting this
24 one, you know, is going to, you know, kind of handcuff
25 us if he does need to move some floor area around.

1 CHAIRPERSON MIETZ: Yeah. Okay. As long as
2 logistically -- because, you know, I just -- I didn't
3 think we could really request him as additional
4 information to do it if it's a setback variance.

5 MR. DiSTEFANO: Right.

6 CHAIRPERSON MIETZ: Okay. All right. Very
7 good. Now, does anyone, other than this concern, have
8 any concerns about this.

9 MR. FRISCH: I have -- the homeowner sent me
10 a message on the chat. Is that something I can submit
11 still? He just had a comment that he wasn't able to
12 get in.

13 MR. DiSTEFANO: No. Public hearing is
14 closed.

15 CHAIRMAN MIETZ: Yeah.

16 MR. GORDON: No, the public hearing is
17 closed. I agree.

18 CHAIRMAN MIETZ: Yeah. Right. Okay.

19 MS. WATSON: I'm concerned -- I'm concerned
20 that he wasn't able to speak.

21 MR. FRISCH: Yeah. He tried the -- he tried
22 to, but he wasn't able to get in for the -- before it
23 was closed.

24 MR. PREMO: And this is a neighbor to the
25 applicant?

1 MR. FRISCH: No, the homeowner.

2 MR. GORDON: No, this is the homeowner. He
3 had his architect speaking.

4 CHAIRPERSON MIETZ: Right. Right.

5 MR. PREMO: Well, I don't think we need to
6 hear from the homeowner, probably. It sounds like
7 this is going to go for approval.

8 MR. GORDON: Well, we should -- I -- just to
9 pick up on Jen's point. We need to look into how --

10 CHAIRPERSON MIETZ: Yes. Agreed. Yeah.
11 We'll make sure that we announce how we want people to
12 announce themselves if they're trying to speak in the
13 public hearing portion of any one of the applications.

14 MS. WATSON: I just think it's more
15 appropriate for us administratively to mute people who
16 are problems rather than require people who are not
17 problems to jump through hoops. But that's a separate
18 business --

19 CHAIRPERSON MIETZ: Yeah. We'll take
20 that -- but that's -- that's one way of doing it.
21 Yes. Okay. All right. So, is there any other
22 concerns about the 22 Westland.

23 MS. TOMPKINS WRIGHT: Obviously the public
24 hearing is closed. So, I'm not asking to put into the
25 record what the homeowner would say or attempted to

1 say, but I -- if it affects what we approve or how we
2 approve it, I would consider that we should table it
3 and allow that homeowner to speak again. Even if
4 we're going to approve it today, it does seem really
5 odd to have a public -- an attempted public comment
6 that didn't get through.

7 MS. SCHWARTZ: Is the homeowner still on the
8 Zoom call? Because if they are, we can simply ask
9 them if they wanted to go forward if the comment was
10 important or not.

11 MR. GORDON: He is still on, yes.

12 MS. SCHWARTZ: Yes he is.

13 MR. GORDON: In order to facilitate that
14 comment, you would have to --

15 CHAIRPERSON MIETZ: Reopen the public
16 hearing.

17 MR. GORDON: Correct. Vote to reopen the
18 public hearing.

19 CHAIRPERSON MIETZ: Right.

20 MS. SCHMITT: I'm just wondering if the
21 person --

22 MR. GORDON: We can certainly do that. I
23 mean, that would be -- since he's still on this call.

24 CHAIRPERSON MIETZ: Yeah. That's really the
25 only way we could do it really is we would have to --

1 MR. DiSTEFANO: Right. Then why don't we do
2 it.

3 CHAIRPERSON MIETZ: I have no problem. Does
4 anyone have a problem with it?

5 MS. SCHWARTZ: No. I vote that reopen the
6 public hearing.

7 CHAIRPERSON MIETZ: Okay. For 4A-06-21.

8 MS. SCHWARTZ: Oh, sorry. Yeah.

9 MR. DiSTEFANO: Second?

10 MS. TOMPKINS WRIGHT: Second.

11 MR. DiSTEFANO: All those in favor say aye.

12 ALL BOARD MEMBERS: Aye.

13 MR. DiSTEFANO: Opposed?

14 CHAIRPERSON MIETZ: No opposed. Okay. So,
15 can you then, Jeff, get this gentleman on board here?

16 MR. FRISCH: Yup. Go ahead.

17 MR. MOALEM: Good evening everyone. This is
18 Jacob Moalem. I'm the owner of 22 Westland. I beg
19 all of your forgiveness. I merely wanted to express
20 my support for the idea of providing some instruction
21 because I did try to raise my hand and I just couldn't
22 get to that button in time on my computer.

23 But the idea that I spoke with the adjoining
24 neighbor is one that I just wanted to support because
25 my architect didn't have firsthand evidence. I did

1 speak with my only neighbor that would be impacted by
2 this project. He had absolutely no objection to it.
3 The other neighbor on the other side of the house I
4 have every day when I come home from work I tried to
5 flag him and just couldn't. But the notice is, you
6 know, actually facing his house practically and there
7 hasn't been any mention of any issues. I'm sorry for
8 the trouble this has all caused.

9 CHAIRPERSON MIETZ: No. That's all right.
10 No. You -- certainly do want to hear your comments
11 and you certainly have a right to speak. So, I
12 appreciate that you took the time to keep it going
13 here. So, thank you very much.

14 MR. MOALEM: I'm sorry.

15 CHAIRPERSON MIETZ: All right. No problem.
16 Okay. So, is there anyone else who would like to
17 speak regarding this application? And if there is not
18 and there is none then the public hearing is closed.
19 Okay. Thank you. All right.

20 So, let's go back to this. Is there any
21 open concerns about 22 Westland? All right.
22 Ms. Watson.

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1 **Application 4A-06-21**

2 Application of Jack Sigrist, architect, and
3 Jacob and Rachel Moalem, owners of property located at
4 22 Westland Avenue, for an Area Variance from Section
5 205-2 to allow a building addition to extend 2.4 feet
6 into the existing 30.4-foot rear setback where a
7 40-foot rear setback is required by code. All as
8 described on application and plans on file.

9 Motion made by Member Watson to approve
10 Application 4A-06-21 based on the following findings
11 of fact.

12 **FINDINGS OF FACT:**

13 1. The rear setback of the existing garage is 30
14 feet. The requested variance is not substantial as it
15 decreases that setback by just two more feet to 28
16 feet. The majority of the new addition meets code
17 with just a small corner of the proposed addition
18 encroaching on the required 40-foot setback.

19 2. The location of the proposed addition is dictated
20 by the existing location of the garage and kitchen.
21 No alternative location exists that would be both
22 practical and not require a variance.

23 3. This addition is the minimum space necessary to
24 achieve the goals of creating a mudroom, powder room
25 and laundry room.

1 4. No unacceptable change in the character of the
2 neighborhood and no substantial detriment to nearby
3 properties is expected to result in the approval of
4 this variance. The addition will extend just a few
5 feet beyond the existing garage with no impact to the
6 existing driveway, drainage patterns, or other
7 physical properties in the neighborhood. It is
8 designed with similar style and architectural elements
9 to the rest of the house and existing landscaping will
10 stream the addition from -- strike the last part.

11 It is designed with similar style and
12 architectural elements to the rest of the house and
13 will not be seen from the street.

14 5. The health, safety, and welfare of the community
15 will not be adversely affected by this variance
16 request.

17 **Conditions:**

18 1. This variance will apply only to the project as
19 described in the application and testimony. In
20 particular it will not apply to projects considered in
21 the future that are not in the present application.

22 2. All necessary permits shall be obtained.

23 (Seconded by Member Schwartz).

24 (Ms. Dale, yes; Ms. Tompkins Wright, yes;
25 Mr. Premo, yes; Ms. Schmitt, yes; Mr. Mietz, yes;

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Ms. Schwartz, yes; Ms. Watson, yes.)

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

1 CHAIRPERSON MIETZ: All right. Very good.
2 Thank you very much. Now, does anybody have any
3 issues for the May meeting as far as attendance?
4 Everybody good as far as they know? All right. Very
5 good. Well, thank you very much.

6 MR. DiSTEFANO: Thank you very much.

7 CHAIRPERSON MIETZ: Take care goodbye.

8 (Proceedings concluded.)

9 REPORTER CERTIFICATE.

10 I, Holly E. Castleman, do hereby certify
11 that I did report the foregoing proceeding, which was
12 taken down by me in a verbatim manner by means of
13 machine shorthand.

14 Further, that the foregoing transcript is a
15 true and accurate transcription of my said
16 stenographic notes taken at the time and place
17 hereinbefore set forth.

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19 Dated this 4th day of May, 2021
20 at Rochester, New York.

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Holly E. Castleman

Holly E. Castleman,
Notary Public.