

A G E N D A  
BOARD OF APPEALS - TOWN OF BRIGHTON  
FEBRUARY 1, 2023

Written comments may be submitted to 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.

Applications subject to public hearings and the documents to be considered by the Board will be available for review on the town's website no later than twenty-four hours prior to the meeting to the extent practicable.

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members

CHAIRPERSON: Approve the minutes of the November 2, 2022 meeting.  
Approve the minutes of the December 7, 2022 meeting. **To be done at the March 1, 2023 meeting.**

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of January 26, 2023 will now be held.

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12A-03-22      Application of Chuck Smith, architect, and Stahl Property Associates LLC, owner of  
Resubmittal      property located at 12 Elmwood Hill Lane, for Area Variances from Section 205-2 to allow 1) a new home to be constructed with a 20.65 ft. side setback (east lot line) in lieu of the minimum 33.22 ft. required by code, and 2) allow liveable floor area to be 5,050 sf in lieu of the maximum 3,748 sf allowed by code. All as described on application and plans on file. **TABLED AT THE DECEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

12A-04-22      Application of Chuck Smith, architect, and Stahl Property Associates LLC, owner of  
Resubmittal      property located at 12 Elmwood Hill Lane, for an Area Variance from Section 207-11 to allow an inground swimming pool to be located partially in a side yard where only the rear yard is allowed by code. All as described on application and plans on file. **TABLED AT THE DECEMBER 7, 2022 MEETING - PUBLIC HEARING REMAINS OPEN**

2A-01-23      Application of Ryan and Jessica Kelly, owners of property located at 2824 Elmwood Avenue, for 1) an Area Variance from Section 207-10E(5) to allow front yard pavement up to a front lot line (Chelmsford Road) where a minimum 15 ft. setback is required by code; and 2) an Area Variance from Section 207-10E(3) to allow rear yard impervious lot coverage to be 41% in lieu of the maximum 35% allowed by code. All as described on application and plans on file.

2A-02-23      Application of Dirty Burd Detailing, lessee, and 1950 Monroe Avenue Holdings, owner of property located at 1821 Monroe Avenue, requesting a change from one

nonconforming use (automotive repair facility) to another nonconforming use (automotive detailing facility) pursuant to Section 225-13C. All as described on application and plans on file. **WITHDRAWN BY APPLICANT.**

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

NONE

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter, with attachments, from Karsten Solberg, AIA, IN/EX Architecture, PC, dated January 25, 2023, with comments regarding applications 12A-03-22 and 12A-04-22, 12 Elmwood Hill Lane.

Letter from James Noble, Esq., Nobles & DeCarolus, dated January 30, 2023, withdrawing application 2A-02-23, 1821 Monroe Avenue.

PETITIONS:

NONE

January 25, 2023

Town of Brighton  
2300 Elmwood Ave  
Rochester, NY 14610

**12A-03-22**  
**12 Elmwood Hills Lane**



To Whom It May Concern,

IN/EX Architecture, P.C. is submitting this letter of professional comment on behalf of Deborah Ronnen (resident 15 Elmwood Hills Lane) and Lisa and Kenper Miller (residents 11 Elmwood Hills Lane), neighbors to the west and east of 12 Elmwood Hills Lane, respectively.

To understand the proposed demolition and new construction as proposed at 12 Elmwood Hills Lane, IN/EX has reviewed the following: the Civil / Site Drawings by Marques & Associates, Architectural Drawings by Design Works Architecture, the Planning Board Application and supplemental materials, the Zoning Board of Appeals Application and minutes from November 2nd, and the September Planning Board Minutes. In addition, the site was walked to review existing conditions.

Our comments on the proposed new construction at 12 Elmwood Hills Lane are the following:

**1. Height of the proposed new construction.**

Per the Zoning Board Application, we understand that the allowed zoning height is 30-ft to ridge average. The schematic section indicates a ridge average to be within zoning limits, however, the dimension to the top of the roof ridge is not provided. In scaling the drawing, the roof height comes to a little over 32-ft. The top of roof ridge for the existing structure is approximately 24-ft.

After walking the site and reviewing the existing grade and character of the neighborhood, two things are apparent. First, 12 Elmwood Hills sits on a high knoll between its neighbors at 15 and 11 Elmwood Hills. The proposed design with its dramatic roofline and 30'-0" plus ridge height will shadow over the adjacent ranch-style properties to the east and west. (Please refer to Appendix A: Diagrammatic Section)

Second, the character of the Elmwood Hills Neighborhood appears to be conceived as a series of low-lying and low-slope roof residences that are sensitive to the rolling topography of the area, likely in submission to the historic 13 Elmwood Hill Lane Tudor. While the style and height of the properties vary, all properties newer and older at the end of the cul-de-sac are ranch-style. (Please refer to Appendix B: Neighborhood Character)

Given the siting of 12 Elmwood Hills, the overall height increase of approximately 8-ft and the established precedents of this neighborhood, our suggestion is to provide a design with a sensitivity to the actual and perceived height of this new residence. Ideally, the proposed structure would be in keeping with the existing property height and have a less extreme slope to the roof line.

**2. Square footage increase for the new construction.**

The zoning maximum livable floor area at this site is 3,748 SF livable area. The proposed is 5,050 livable SF. This is a 34.7% increase over zoning allowance.

Comparing the existing to the proposed building footprints, the footprint increases from 3,730 SF to 4,408 SF, approximately an 18.2% increase.

The Applicant refers to this lot as having an “odd shape” that necessitates side lot and square footage variances that do not conform to “the achievable layout” as proposed (Board of Appeals application, p.3 item D). We would strongly suggest that the design layout should be suited to the site rather than the inverse. This is a relatively smaller lot for the neighborhood and the proposed structure should fit its context. We request that the square-footage of the new structure remain within zoning allowances.

Again, we note that this is neighborhood of properties sensitive to their siting and built to suit their context.

### 3. Proposed pool.

The Board of Appeals application lists, “The pool is still behind the main body of the house.” We believe it is clearly not behind the main body of the house and find it hard to argue otherwise. In its proposed location, the pool, deck and retaining walls will sit approximately 13-ft above the rear yard of the adjacent Ronnen property. This location is an infringement on her visual and acoustical privacy.

The siting of the pool in the side yard works in opposition to the existing grade. Like the main body of the house, the ideal orientation of the pool would be to locate its length along the grade. In addition, we do not know what the implications of this site work and excavation may do to run off and erosion on the downhill site.

We question the need to include a pool in this proposed development. First, in a developer-driven property built to sell in this climate – does a pool need to part of the first phase project? The pool is noted as 18x36 ft. If the pool is to remain in the side lot, we suggest a decrease in size to 16x32 ft standard.

Finally, if privacy with a golf course is an issue (as described by the Applicant), this may not be the right property for a pool, despite its location.

### 4. Mechanical Units.

We ask that all HVAC units and other equipment (ie – behind the garage) be properly hidden with landscaping. Not currently shown as landscaped on plans.

In conclusion, IN/EX's review of the proposed application at 12 Elmwood Hills Lane is to suggest a development that is responsive to the scale and to the topography of the neighborhood. These are unique, beautiful lots with highly sought-after golf course views. Zoning decisions should be particularly sensitive to the demolition and re-building of any structure in this neighborhood to maintain existing properties' integrity.

Finally, we would like to put extra emphasis on the affect that new construction will have on 15 Elmwood Hills, as the topography makes this property particularly vulnerable to changes along the shared lot line. We would not support the installation of a pool parallel to this property line and would advise a shallower and lower roofline to limit the imposing nature of the proposed new build.

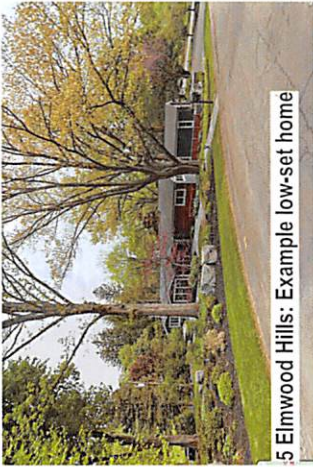
We appreciate the Board's time for reviewing our comments and continued commitment to serving the Town of Brighton.

Sincerely,



Karsten Solberg, AIA, BD+C  
Senior Architect, IN/EX Architecture, PC





5 Elmwood Hills: Example low-set home



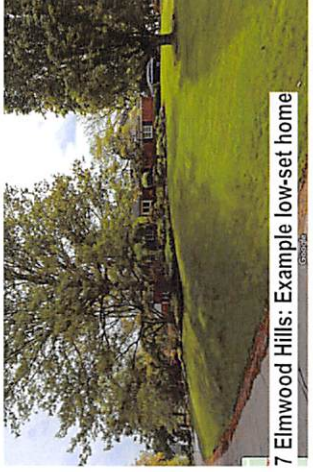
14 Elmwood Hills: Example low-set home



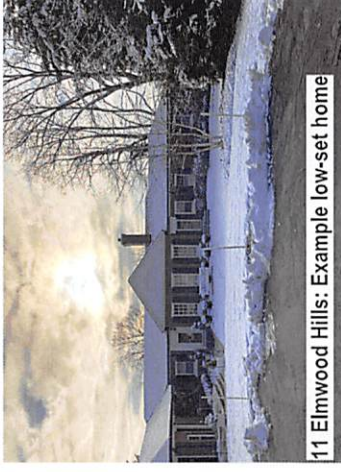
15 Elmwood Hills: Example low-set home



13 Elmwood Hills: Historic Tudor



7 Elmwood Hills: Example low-set home



11 Elmwood Hills: Example low-set home

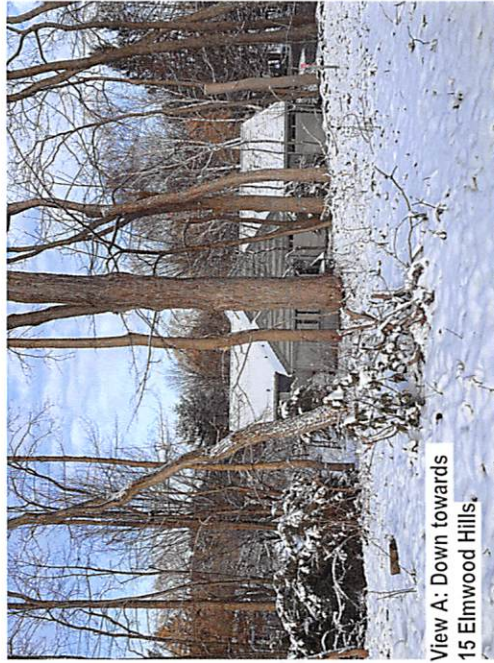


10 Elmwood Hills: Example low-set home

# APPENDIX B - NEIGHBORHOOD CHARACTER

TOWN OF BRIGHTON ZONING BOARD  
CASE #12A-02-  
22 12 ELMWOOD HILLS  
LANE  
01-25-2023

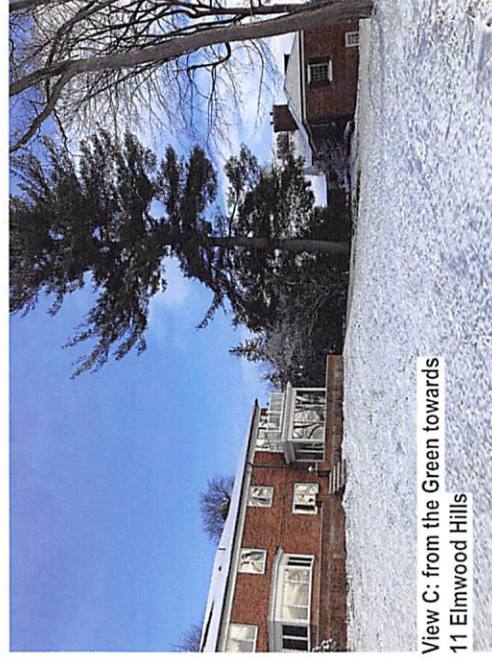
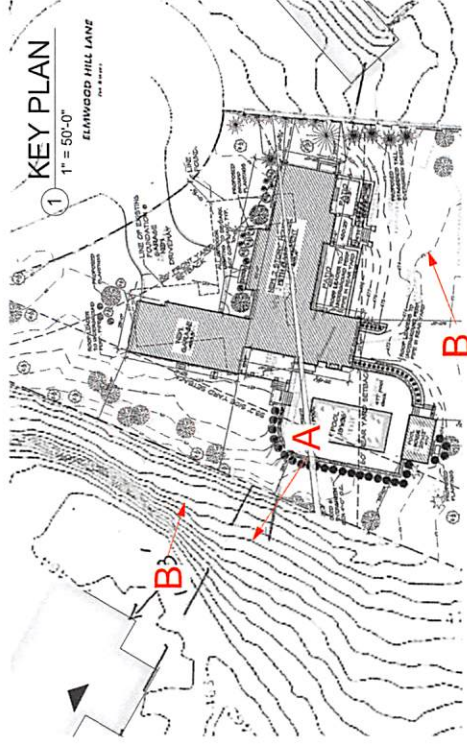
IN/EX  
ARCHITECTURE P.C.



View A: Down towards  
15 Elmwood Hills.



View B: Up towards  
12 Elmwood Hills



View C: from the Green towards  
11 Elmwood Hills

# APPENDIX C - KEY VIEWS

TOWN OF BRIGHTON ZONING BOARD  
CASE #12A-02-  
22 12 ELMWOOD HILLS  
LANE  
01-25-2023

**NOBLES & DECAROLIS**  
CRIMINAL DEFENSE & PERSONAL INJURY

James Nobles, Esq.

Brian DeCarolis, Esq.

January 30, 2023

Mr. Rick DiStefano  
Senior Planner  
Town of Brighton Building and Planning  
2300 Elmwood Avenue  
Rochester, NY 14618

Via Email

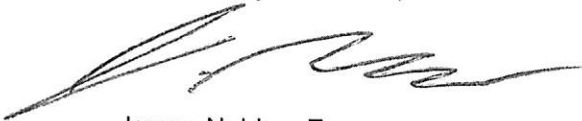
Re: ***Zoning Board of Appeals Application for 1821 Monroe Avenue***

Dear Mr. DiStefano,

As I mentioned in my email, we will be withdrawing our request for a change of use zoning variance as it relates to the property located at 1821 Monroe Avenue, Rochester, NY 14618.

We apologize for the late notice in the application that was scheduled to be heard this week on Wednesday, February 2, 2023. We appreciate all of your help and guidance in putting in our application and want to thank you for the same.

Respectfully submitted,



James Nobles, Esq.  
jn/hn

