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MARCH 1st, 2023
at approximately 7:00 p.m.
2300 Elmwood Avenue
Rochester, New York 14618

10 PRESENT:

11 DENNIS MIETZ, Chairperson

12 MATTHEW D'AUGUSTINE)
13 HEATHER MCKAY-DRURY)
14 KATHLEEN SCHMITT) BOARD MEMBERS
15 JUDY SCHWARTZ)

16 KEN GORDON, ESQ.
17 Town Attorney

18 RICK DiSTEFANO
19 Senior Planner

20 NOT PRESENT:
21 EDWARD F. PREMO, II
22 ANDREA TOMPKINS WRIGHT

23 REPORTED BY: Rhoda Collins, Court Reporter
24 FORBES COURT REPORTING SERVICES, LLC
25 21 Woodcrest Drive
Batavia, New York 14020

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 CHAIRPERSON MIETZ: Good evening. I'd like to
4 call to order the March session of the Zoning Board of
5 Appeals.

6 Rick, was the meeting properly advertised?

7 MR. DiSTEFANO: Yes, Mr. Chairman, it was
8 advertised in the Daily Record of February 23, 2023.

9 CHAIRPERSON MIETZ: Will you please call the
10 roll?

11 MR. DiSTEFANO: Please let the record show
12 Mr. Premo and Ms. Tomkins Wright are not present.

13 CHAIRPERSON MIETZ: Okay. You are about ready
14 to roll?

15 MS. SCHWARTZ: I am.

16 CHAIRPERSON MIETZ: Okay. We are doing the
17 December minutes. On Page 22, Line 7, the second word is
18 W-R-I-G-H-T.

19 On Page 62, Line 22, in the middle, it should
20 be garage.

21 On Page 64, the last word in Line 22 is avid.

22 On Page 87, Line 16, after the word from, put
23 in 20 feet.

24 And on Page 99, Line 23, delete the word know.

25 I think that's all I have.

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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CHAIRPERSON MIETZ: Does anyone have anything
else? How about a motion?

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MR. D'AUGUSTINE: Motion to approve the
December minutes.

7

(Second by Ms. Schwartz.)

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9

(Ms. Schwartz, yes; Mr. D'Augustine, yes;
Mr. Mietz, yes; Ms. McKay-Drury, yes; Ms. Schmitt, yes.)

10

11

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

12

CHAIRPERSON MIETZ: Whenever you are ready.

13

14

MS. SCHWARTZ: Page 7, Line 24, the second
worded is rear, on January minutes.

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On Page 21, Line 19, the last word should be
lawn, and Line 21, the word guard should be guarded.

17

18

On Page 27, Line 1, after the word variances
it should be than.

19

That's all I have.

20

21

CHAIRPERSON MIETZ: Motion to approve January
minutes?

22

(Second by Ms. Schwartz.)

23

24

(Ms. Schmitt, yes; Mr. D'Augustine, yes;
Ms. McKay-Drury, yes; Ms. Schwartz, yes; Mr. Mietz, yes.)

25

(Upon roll call, motion to approve with

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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corrections carries.)

4

CHAIRPERSON MIETZ: Okay.

5

APPLICATION 3A-01-23

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3A-01-23 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/club special events for the year 2023. All as described on application and plans on file.

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This is a standard practice of ours as well and we will, of course, go through all of the necessary permit processes for each of them, submit renderings as needed, and continue to work with the fire marshal and Chris Roth on all safety inspections, fire inspections for each of them.

25

We also work with, really, one company in the

3 tent set up. We have standard locations for them in our lawn
4 outside for these events. So we are requesting this approval
5 as we have done in the past and this is for the year 2023.

7 CHAIRPERSON MIETZ: Would you say then,
8 generally, nothing is any different, nothing is planning to
9 be changed, no hours, no nothing?

10 TYLER PICKENS: Nothing. Yeah, standard

10 practices, yes.

11 CHAIRPERSON MIETZ: Other questions?

12 MR. D'AUGUSTINE: Last year the fire marshal
13 expressed some concerns and we attached a discussion with the
14 fire marshal before the first tent went up. You were good
15 with that condition? That worked out?

16 TYLER PICKENS: Yes. We actually worked

17 through that with Chris Roth as well.

18 MR. D'AUGUSTINE: When is your first event
19 scheduled for?

20 TYLER PICKENS: Actually, I am not positive on
21 that, but I know a couple of them are similar to last year.
22 We don't have dates for some of them, and similarly we
23 applied for up to an amount and that's what we are asking for
24 this year as well.

25 MR. D'AUGUSTINE: Okay.

CHAIRPERSON MIETZ: Rick?

MR. DiSTEFANO: Tyler, you realize this approval does not include fireworks displays, correct?

TYLER PICKENS: That is correct. That's a separate one that we have to come forward with.

MR. DiSTEFANO: From the PGA coming to town, are you expecting anything in regards to that? That's going to be different than what their normal type of event would be?

TYLER PICKENS: No, not really different. I mean, we're certainly going to use CCR for our members, but we do on a day to day basis, certainly, have events starting around that but given the time frame we have to be prepared to also be inside for some of that too.

So nothing out of the ordinary, but certainly as we do with anything, we plan certain things accordingly and appropriately for our members.

MS. McKAY-DRURY: Did you have any complaints or issues in 2022 with the events that you had?

TYLER PICKENS: We did not. I am not aware of any.

CHAIRPERSON MIETZ: Are you aware of any?

MR. DiSTEFANO: I am not aware of any.

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

CHAIRPERSON MIETZ: You have a question?

4 MR. GORDON: I do. Last year one of the
5 findings that I see was contained in the resolution states
6 the special events will last no more than a day and conclude
7 by 11:00 p.m.

14 Can you explain that to me? What does that
15 mean?

23 MR. GORDON: So the event itself will not last
24 more than a day and conclude at 11:00 p.m.?

25 TYLER PICKENS: That is the same. That is the

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3 condition that we definitely dictate to any of our events,
4 yes.

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6 before the event you may set up, then there's the event, then
7 the tear down on the third day?

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1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023
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3 Rochester, 14618.

4 We have, my husband John and I, have submitted
5 this application to construct an extension on the rear of an
6 existing garage. The purposed addition is 20.32 feet by
7 15 feet and this is actually more of a request for a renewal.

8 You granted us a variance previously on
9 December 7, 2016, which has expired and so before today we
10 are asking for an extension of that.

11 I do apologize to the Board that it didn't get
12 constructed within the time frame that we had hoped to, and
13 we are seeking the same extension.

14 I have communicated with our neighbors on
15 either side of the property at 102 Southern Parkway and
16 108 Southern Parkway. And 108 Southern Parkway is the lot
17 line that involves the side setback and he has indicated he
18 has no objections to our request for the variance. I did not
19 hear back from the neighbor at 102 Southern Parkway.

20 I also reached out to the neighbors that sit
21 behind me, the one directly behind the garage is the Mertha
22 family at 115, reached out to them and they have no objection
23 to the proposed expansion.

24 I reached out to Miss Wolfe who I understand
25 is here this evening, and she resides at 109 Eastland and

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023
2

3 she -- I don't want to put words in your mouth, but basically
4 what we have agreed to is, she, not without objection, but
5 she has concerns on an unrelated matter involving noise that
6 is emitted from our pool filter and has agreed that she would
7 be willing to put those concerns she has with respect to our
8 garage expansion aside, with our understanding that we work
9 with her to, in good faith, to come to a solution on the pool
10 filter matter, which we've agreed to work with her and
11 resolve that.

12 And the other neighbors behind us at
13 130 Eastland, that's the Mezner family. They also do not
14 have an objection.

15 And our application A through F goes through
16 all of the factors that need to be approved so I will defer
17 to that and what I submitted in writing. Thank you.

18 CHAIRPERSON MIETZ: So would you summarize at
19 least by saying that the design, and all of that, nothing has
20 changed since 2016?

21 MONIQUE MARCHIONI: Correct.

22 CHAIRPERSON MIETZ: Meets your requirements at
23 a minimum?

24 MONIQUE MARCHIONI: Yeah.

25 CHAIRPERSON MIETZ: Questions from the Board.

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 MS. MCKAY-DRURY: Just a rough time to be
4 doing construction. Was it pandemic related?

5 MONIQUE MARCHIONI: Yes. Many things, but
6 yeah, pandemic related and just didn't get to the top of the
7 priority list in that time frame and when we realized we
8 wanted to build it, we're like, oh, we're beyond the
9 expiration period.

10 CHAIRPERSON MIETZ: And you are aware of what
11 the new expiration period would be?

12 MONIQUE MARCHIONI: An additional year,
13 correct?

14 CHAIRPERSON MIETZ: Yes, okay.

15 No other questions?

16 Thank you very much.

17 MONIQUE MARCHIONI: Thank you.

18 CHAIRPERSON MIETZ: Is there anyone in the
19 audience that would like to speak regarding this application
20 There being none, then the Public Hearing is closed.

21 APPLICATION 3A-03-23

22 3A-03-23 Application of Paul Morabito,
23 architect, and Peter and Kim Eichenlaub, owners of property
24 located at 337 Avalon Drive, for an Area Variance from
25 Section 205-2 to allow a building addition to extend 3.2 ft.

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023
2

3 into the 18.47 ft. side setback required by code. All as
4 described on application and plans on file.

5 PAUL MORABITO: This is Paul Morabito. This
6 project is at 337 Avalon Drive. We initially went for our
7 design approval from the Architectural Review Board and we
8 had a two-story solution to minimize the footprint, which was
9 not liked.

10 So we reworked it, got it on one floor and
11 because of that, we just kept creeping over to try to get
12 spaces to work, and creeping into the side setback.

13 So as stated, we are looking for a setback
14 variance for just over three feet in order to make the layout
15 work properly. Pete, the owner, he was talking to the
16 neighbors and they're completely fine with this. There's no
17 push back from any sides regarding the setback.

18 CHAIRPERSON MIETZ: Did you look at any
19 alternatives of how to do this? Whether they made
20 concessions or just look into it?

21 PAUL MORABITO: We probably did nine versions
22 of this and it was kind of endless to get this as compact,
23 but functional, and roof lines, and try to make it look good
24 in the end. And this is the best we have thus far.

25 We do have ARB approval for this design at

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 this point we're looking for the various for the setback.

4

5 didn't see anything to explain the second kitchen and that's
6 not to rent out as a private airbnb?

7

8 CHAIRPERSON MIETZ: Sir, can you just do name
9 and address?

10

11 Eichenlaub, 337 Avalon here in Brighton. The reason for the
12 kitchen and the living facility for our daughter, is she is
13 disabled. She has a severe leg issue and she is loosing her
14 eye sight, okay? So she needs -- one of the reasons we
15 wanted to keep this relatively tight as far as the living
16 area goes, is because she can't be far away from walls or
17 something to hang on to. If she has dizziness and is
18 falling. Does that answer your question?

19

20

21 that a little bit. Unfortunately, we are in a situation that
22 as currently drawn interior wise it does meet the definition
23 of a two-family home. So those are things that still have to
24 be worked out by the design standpoint, the architect, or
25 possibly a variance, an additional use variance from the

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023
2

3 owners which I think might be a difficult variance to obtain.

4 So hopefully through the design process we can
5 make sure this does not become a second dwelling unit, and it
6 meets code requirements of a single-family home.

7 CHAIRPERSON MIETZ: Okay. So is that on going
8 then?

9 MR. DiSTEFANO: It is on going, correct?

10 PETER EICHENLAUB: Yes.

11 MR. DiSTEFANO: Right now, if the variance is
12 granted and they walk in tomorrow for the building permit,
13 this design will not be approved for a building permit. If
14 they are able to meet our requirements as a single-family
15 dwelling, even though it has a second kitchen, even though it
16 is a separated living area, we would certainly move forward
17 with the building code.

18 CHAIRPERSON MIETZ: This is another chicken
19 and egg thing?

20 MR. DiSTEFANO: Yeah. I think right now they
21 want to make sure they have their approvals to get the
22 building as is, in the envelope and then we have to work
23 backwards and say, okay, how can make the use work.

24 PAUL MORABITO: Yeah. We are completely
25 aware. We're working with Rick and Jason in how to check all

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023
2

3 the boxes. But certainty we do need that, which does spill
4 us over into the site setback. So if we can get, like he
5 said, the envelope, that approval, then we will move on and
6 work with you guys and try to get this, everybody happy.

7 CHAIRPERSON MIETZ: We won't get into the
8 details of that. That's really not this Board's issue, but
9 you feel confident that you can meet the requirements?

10 PAUL MORABITO: For sure. We are working with
11 Rick and he's easy to work with.

12 CHAIRPERSON MIETZ: All right. Did you have
13 something, sir?

14 PETER EICHENLAUB: It's probably, it may be
15 more of a Rick than your purview, but my daughter has chemo
16 treatments twice a year and afterwards for about six weeks
17 she is basically in isolation and has to take care of herself
18 during this time.

19 My wife and I wear masks all the time around
20 her, so this is really the reason for the separate kitchen,
21 so she can take care of herself.

22 CHAIRPERSON MIETZ: Okay, appreciate it.

23 Did you have anything else you wanted to add
24 today?

25 PAUL MORABITO: No.

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023
2

3 addition has two feet by three feet, we are able to have some
4 extra floor space on the inside entry there that will be used
5 for boots and shoes, coats, that stuff.

6 MR. DiSTEFANO: For the record, that little
7 addition does not need any variances. That little addition
8 is well within the footprint of the house and doesn't
9 increase the nonconformity.

10 CHRISTOPHER COSTANZA: So the variance portion
11 is where we wanted, right now there is a paper stone entry
12 stoop right outside of the doors. We want to put a roof
13 covering over that and two columns that will be going down to
14 the ground. So the footprint of the variance with the two
15 columns, no walls or anything, or rails, just two columns and
16 the roof overhang above it.

17 CHAIRPERSON MIETZ: Okay.

18 Questions?

19 MR. DiSTEFANO: Just ask a question, have you
20 gone to Architectural Review Board yet?

21 CHRISTOPHER COSTANZA: Yes.

22 MR. DiSTEFANO: And they approved it?

23 CHRISTOPHER COSTANZA: I didn't check today,
24 but they seemed --

25 MR. DiSTEFANO: Seemed receptive yesterday?

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

CHRISTOPHER COSTANZA: Yes.

4 CHAIRPERSON MIETZ: Okay, very good. Thank
5 you very much.

6 Is there anyone in the audience that would
7 like to speak regarding this application? There being none,
8 then the Public Hearing is closed.

9 APPLICATION 3A-05-23

19 ALAN RYON: Good evening. Alan Ryon,
20 111 Bastian Road, Rochester, New York.

21 So we are going to put on one additional bay
22 onto our existing garage. As it currently stands that would
23 go right up to the boundary line of our lot, but we own the
24 side lot next to us. So as part of this we would merge that
25 side lot into our main lot.

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 So after it's built we would still have a side
4 setback of 41 feet. We have a sizeable lot. It is about
5 1.15 acres total and is about the wood, and all sorts of
6 stuff, so we have plenty of room to do it.

7

8 I have asked the neighbors as well on all
9 sides of us, they have all given written approval, which I
10 attached to the application. Even went another kind of ring
outside of that and still had no issues.

11

12 Kind of the primary reason that we want to do
13 that is our current two bay garage, you can't park a vehicle
14 into one bay because the previous owners of our house they
15 did an addition onto our house that made it, kind of made the
16 house closer to the garage. And you can't even get a car
into the one bay.

17

18 So I guess kind of the end goal is to have a
19 usable two bay garage with a bay of storage, I guess, would
be kind of the way to explain that.

20

21 And so right now we park usually our vehicles
22 kind of in the driveway. We'd like to get them kind of
23 inside and covered. Also, a combination of my work, I travel
24 a lot and my wife does too. Often times we'd like to keep
25 our cars in a locked garage. We have had some issues in the
past with thefts and whatnot.

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

Yeah, I think that's most of it.

4 CHAIRPERSON MIETZ: Can you describe this lot
5 situation? Looking at the map here, this lot next to you.

10 So what we would do is, before we did any
11 build, we would combine the lots, so we would get surveyed
12 and just bring them together. Which would actually be quite
13 upsetting to the character of the neighbor because I don't
14 know if folks are familiar with Bastian Road, but it is kind
15 of all old growth trees, very, very wooded. And this lot is
16 real skinny, that side lot. I think if, and still build the
17 lot, so we would be kind of taking it off the map keep more
18 inmate neighborhood.

19 And we would also be built on the design of
20 the garage which mimic the existing structure, so they will
21 look fairly similar.

22 MS. SCHWARTZ: Just a question, how long have
23 you lived there?

24 ALAN RYON: I moved in at the end of 2015, my
25 wife grew up in the house, her dad grew up in the house. Her

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 the road, you'd still see three from an angle. So that might
4 address concerns. But that's a good question.

5 CHAIRPERSON MIETZ: Anything else, Board
6 members?

7 | Okay, thank you.

8 Is there anyone in the audience that would
9 like to speak regarding this application? There being none,
10 then the Public Hearing is closed.

11 APPLICATION 3A-06-23

12 3A-06-23 Application of Larry and Stacy
13 Turowski, owners of property located at 141 St. Regis
14 Drive South, requesting modification of an approved setback
15 variance for a detached garage (10A-08-22) to be reduced from
16 the approved 4.7 ft to 2.7 ft where a 5 ft minimum setback is
17 required by code. All as described on application and plans
18 on file.

19 STACY TUROWSKI: Stacy Turowski, 141 St. Regis
20 Drive South. The modification is requested because the
21 variance application submitted in October and approved, was
22 based on armature drawings. As soon as we had an approval,
23 we hired the architect who drew what we proposed, but found
24 based on his professional measurements that if we did the
25 enlargement that we area seeking, we would not be able to

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 stay within the three-foot setback on our front left corner
4 and it was going to one-foot, he found. Our property line is
5 sharply slanted and we were unaware of this until he did
6 those measures.

7

8 So we worked with him to come up with another
9 way to try to get the additional square footage or the
10 additional depth and proposed to put the additional two feet
11 in the back of our garage instead of in the front, which is
what we had on our original application in October.

12

13 And so, that would place us an additional two
14 feet closer to our back property line. So that's where in
15 the original setback was 4.7 feet, based on the existing
16 garage we were originally planning to keep the back wall the
17 same, and put the depth towards the front road. We thought
18 that wouldn't impact either of our neighbors, but because of
19 the slant to the property line we found out that wasn't true.
So we are requesting to gain that space in the back.

20

21 MS. MCKAY-DRURY: I just want to be clear.
The way you had gotten it approved previously, what was the
22 one foot issue that you mentioned?

23

24 STACY TUROWSKI: I found out after the we got
the approval that the proposal that we submitted to draw to
25 expand to the front towards St. Regis Drive South because the

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

3 property line is so sharply slanted that the front left
4 corner of the new garage would come within one foot of our
5 neighbors' property line. So that's why we had to scrap
6 that.

7 MS. MCKAY-DRURY: So instead you're pushing it
8 backwards so it's not so --

9 STACY TUROWSKI: So it's keeping the front
10 left corner about three foot 3.03 setback on that corner and
11 then the proposal is to reduce the back setback to 2.7.

12 MS. MCKAY-DRURY: Okay. Thank you.

13 MR. DiSTEFANO: So just to be clear, for the
14 Board the 3.03 which is staying the same as what we approved
15 in October is the lot line shared with 153 South Regis. And
16 then the 4.7 reduced to 2.7 is the lot line shared with the
17 95 Antlers, not labelled on the map. So it's not the back of
18 their house, that's the side because it's a corner lot.

19 MS. SCHWARTZ: And 95 is on what street again?

20 MR. DiSTEFANO: Antlers.

21 Did you talk to your neighbor at 95 Antlers?

22 STACY TUROWSKI: Yes. We spoke yesterday. I
23 think she wants to voice some reservations about that.

24 CHAIRPERSON MIETZ: Okay, that's fine.

25 Anything else you want to add?

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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STACY TUROWSKI: Nope.

4

5 as what was approved?

6

7 approved, yeah.

8

9 that you were approved at?

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11 we are -- if we proceed with the whole project, we might not
12 end up being able to do the second floor. So we probably
13 would just do the standard 16 in that case.

14

15 because that was what we wanted to do, but our -- we did have
16 a conversation yesterday and that was one of the main
17 concerns of our neighbor at 95 Antlers expressed was, she
18 wasn't keen on the idea of having the second floor. That's
19 one thing that we were kind of on the fence about, the second
20 floor, to begin with. It does add significant cost and
21 it's -- so we might just go with the one story at this point.

22

23

24

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MS. MCKAY-DRURY: And if you push it back the posing, but you did not go back further into back of that, if you didn't infringe on that would you be able to accomplish your purposes?

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 Could you fit a car, for example, in there if you didn't push
4 it back all the way, the way you are proposing?

5

6 minivan in there, but it bumps up against every time. So
7 that's why we want to expand the depth is to, you know, be
8 able to go in without that.

9

9 Our other car fits, you know, so it is,
10 technically it's functional. It is 20 feet deep currently,
11 so it's 20 by 20 essentially.

12

than height?

14

15 make or break deal with us. We wanted the extra space, but
16 as we started investigating costs, we were thinking maybe
17 that upper floor space is something we could live without and
18 again, perhaps, you know.

19

20 our cars in and out more easily is what our main objective
21 is.

22

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CHAIRPERSON MIETZ: Okay. Other questions?

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1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 Laura Mares, I live at 95 Antlers Drive. We have been
4 adjacent neighbors with Stacy and Larry for 20 years.

5 I missed the variance hearing that was in
6 October because it didn't involve a setback to us. It
7 involved -- and I didn't realize it was a height variance and
8 I said, oh, I won't come to the hearing because it was Stacy
9 and Larry's plan A, which was to go forward, not to go back.

10 I was surprised to see Stacy's note on my
11 doorway on Thursday in the ice storm and the town notice on
12 Friday to come to this hearing shortly on Wednesday, which
13 seems like a quick turnaround.

14 I met with Stacy yesterday to see and kind of
15 visualize what she is talking about. And at first I thought,
16 hmm, just a look around. And I was wondering if I had
17 enough time for information to make a decision. And it's not
18 my decision unilaterally, my husband Felix, he has input.
19 And he had an input and had a chance to put input in today
20 right before this. But he said, you can do whatever you
21 want. I'm like, oh, okay.

22 But I have concerns about coming back. Going
23 from, its not even the full five feet, I guess it is 4.7, to
24 knocking two more feet off it. And especially with the
25 height of the garage, too. So it seems like it's not only

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 closer but higher. So to me, is just the perception doesn't
4 seem right.

5

6 me at this point. I didn't ask for a delay and I didn't know
7 if this happened. I sent an e-mail to Rick -- hello, Rick --
8 and he said just an e-mail alone would be enough that I
9 wouldn't need to come and try to explain.

10

11 again, I missed the variance hearing about the height, so I
12 have to deal with that because I didn't realize the height is
13 something that's controlled, which is coming back. Then I
14 guess I have to say, no, if it can't be delayed.

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closer but higher. So to me, is just the perception doesn't seem right.

So I just have -- I don't think it works for
nt. I didn't ask for a delay and I didn't know
ed. I sent an e-mail to Rick -- hello, Rick --
st an e-mail alone would be enough that I
to come and try to explain.

So I just -- I think it's too close. And

again, I missed the variance hearing about the height, so I have to deal with that because I didn't realize the height is something that's controlled, which is coming back. Then I guess I have to say, no, if it can't be delayed.

CHAIRPERSON MIETZ: Do you have concerns about

the height?

LAURA MARES: Yeah, I do. Especially when Stacy and Larry first said it was, I think, 17 feet? Or whatever the variance was. I totally missed that. I think that is really high, and a little bit out of line for the neighborhood. But I don't have time to walk around and go look and measure, but to me that height seems high. Especially if you have it in the height, I can't do anything about it now because it's already been passed.

But the height, plus coming forward, the

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 diagonal property line, it just makes it -- I was visualizing
4 it again today outside and it just seemed like it would be
5 more looming with the height coming closer in, so.

6

7 about the layout on your property? What is this next to?

8

LAURA MARES: My property?

9

MS. MCKAY-DRURY: Yeah.

10

11 Stacy and Larry's property. We have a long diagonal property
12 line that goes from Amherst Drive all the way to the back
13 corner of our lots. The neighbor at 153 are guests, what we
14 call backyard neighbors, and my next door neighbor is 85
15 Amherst Drive.

16

17 structures of your -- on your property, can you explain what
18 is near that shared lot line with 141?

19

20 is not, like, immediately close but it's enough that there's
21 stuff we do in the yard, you know. Just seems like it is
22 just jamming it a little close. I was surprised to find out
23 when Stacy said the measurement was 4.7 anyway. It wasn't
24 even the five feet required. So somewhere along the line
25 they lost the few inches.

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 But I just, it felt like going to 4.7, that
4 losing another two feet just seemed too much.

5 And at first, I was like, okay, maybe I can
6 delay it. That's what I said to Rick, maybe I can submit
7 this stuff and ask for a delay. Because I needed a chance to
8 get more information.

11 CHAIRPERSON MIETZ: So you don't think at this
12 point you'd be needing more information?

13 LAURA MARES: Well, I still would if, you
14 know -- I haven't looked at the plans or anything that has
15 been submitted. I haven't had a chance because of work and
16 illness. So I don't know if that would help me, it might.
17 I'm kind of an information person and I like to make
18 decisions based on the information I receive.

19 CHAIRPERSON MIETZ: Okay, thank you very much.

20 Is there anyone else that would like to speak
21 regarding this application?

22 MR. GORDON: I know this is a little out of
23 order, Mr. Mietz, but I was wondering if you can have,
24 Ms. Turowski come back up? I have a couple questions. Is
25 that okay?

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

Want to help me, Heather?

MS. MCKAY-DRURY: 17.1 feet.

5 MR. GORDON: So 17 feet. Can you explain to
6 the Board please, why you need a 22-foot interior of the
7 garage for a vehicle that is 17 feet long, particularly if
8 you are addressing the issue of why that is the minimum
9 necessary that you need?

10 STACY TUROWSKI: Well, that our existing space
11 we have stuff stored in the back. And so there's like a
12 shelf and some tools, and so getting in there -- because we
13 don't have any place for, you know, the tools. It's just a
14 small space, so.

15 MR. GORDON: Right. And you said your current
16 garage is approximately 20 by 20; is that correct?

17 STACY TUROWSKI: Yes.

18 MR. GORDON: So, even I can do that math, and
19 so the new garage at 22 by 25.

20 STACY TUROWSKI: Uh-uh.

21 MR. GORDON: Will be about just under
22 550-square feet?

23 CHAIRPERSON MIETZ: Yes, right.

24 MR. GORDON: So you gain 150-square feet. If
25 you reduced it to even 21 feet in depth, you cut another foot

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 off that property and you still have --

4

STACY TUROWSKI: Could move the tools from the back.

6

7 cannot take us both talking over each other, so if you can
8 let me finish and then you can answer.

9

10 would still have an extra 125 foot of storage space in the
11 garage. Why doesn't that do the trick for you?

12

13 MS. SCHMITT: Ms. Turowski, when you have your
14 minivan, the Honda Odyssey, and you have opened the back,
15 does it open -- how does it open? Do you need extra space
16 for that?

17

STACY TUROWSKI: What do you mean? Oh.

18

19 hatch?

30

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20

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STACY TUROWSKI: Yeah. It opens into the

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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REPORTER CERTIFICATE

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I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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.

12

13

Dated this 26th day of April, 2023.

14

At Rochester, New York

15

16

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Rhoda Collins
Rhoda Collins.

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1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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4 **BRIGHTON**

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ZONING BOARD OF APPEALS MEETING

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DELIBERATIONS

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8

MARCH 1st, 2023
at approximately 7:15 **p.m.**
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

9

10

PRESENT:

11

DENNIS MIETZ, Chairperson

12

13

14

MATTHEW D'AUGUSTINE.)

HEATHER MCKAY-DRURY)

KATHLEEN SCHMITT) BOARD MEMBERS

JUDY SCHWARTZ)

15

16

KEN GORDON, ESQ.

Town Attorney

17

RICK DiSTEFANO

Senior Planner

18

19

NOT PRESENT:

EDWARD F. PREMO, II

ANDREA TOMPKINS WRIGHT

20

21

22

23

24

25

(The Board having considered the information presented by the
Applicant in each of the following cases and having completed
the required review pursuant to SEQRA, the following
decisions were made:)

REPORTED BY: Rhoda Collins, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 | APPLICATION 3A-01-23

4

5 Rochester, owner of property located at 2935 East Avenue, for
6 a Temporary and Revocable Use Permit pursuant to Section
7 219-4 to erect a tent and hold up to six (6) outdoor
8 weddings/club special events for the year 2023. All as
9 described on application and plans on file.

10

11 Application 3A-01-23 based on the following findings and
12 facts.

13

FINDINGS AND FACTS:

14

15 erection of a tent and hold up to six outdoor wedding and
16 club special events for the remainder of the year, 2023.

17

18 health, safety, or general welfare of the community. The
19 tent will be installed by a professional tent company and
20 will only be for weddings and special events.

21

22 conclude by 11:00 p.m.

23

24 5. Granting of the request will not result in a change in

35

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

3 surrounding properties since the location of the proposed
4 tent is within the confines of the County Club grounds behind
5 the club are not clearly visible from the road.

CONDITIONS:

1. The temporary revokable use permit is granted per the
2 application submitted and testimony given for the remainder
3 of 2023 for up to six events for the year.
4. All necessary permits shall be obtained from the fire
5 marshal.
6. If temporary heating is requested, only approved portable
7 forced air eating units shall be provided. Portable LP gas
8 fire pedestal style heaters or propane appliances used under
9 a temporary structure are strictly prohibited by the 2020
10 fire code of New York State and the manufacturer product
11 listing.

(Second by Ms. McKay-Drury.)

19 (Ms. Schwartz, yes; Mr. Mietz, yes;
20 Ms. Schmitt, yes; Ms. McKay-Drury, yes; Mr. D'Augustine,
21 yes.)

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

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 | APPLICATION 3A-02-23

4 Application of John and Monique Marchionni,
5 owners of property located at 102 Southern Parkway, for Area
6 Variances from Sections 207-6, 203-2.1B(2) and 203-9A(4) to
7 1) allow a detached garage to be 728 +/- sf in size after
8 construction of a 317+/- sf addition, in lieu of the maximum
9 600 sf allowed by code, and 2) allow said addition to be 4.7
10 ft. (3.7 ft from overhang) from a lot line where a minimum 5
11 ft. Setback is required by code. All as described on
12 application and plans on file.

13 Motion made by Mr. Mietz to approve
14 Application 3A-02-23 based on the following findings and
15 facts.

16 FINDINGS AND FACTS:

- 17 1. The requested variances are the minimum variances
- 18 possible to meet the applicant's desire.
- 19 2. No other alternative can alleviate the difficulty and
- 20 produce the desired result, and a structure large enough to
- 21 accommodate storage of the applicant's gardening equipment
- 22 and recreational vehicles.
- 23 3. No unacceptable change in the character of the
- 24 neighborhood nor substantial detriment to nearby properties
- 25 is expected to result from the approval of these variances as

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

3 the proposed garage addition will be in character with the
4 existing home and other homes in the neighborhood. In
5 particular, with the expansion of this garage the applicant
6 will have no need to build any separate outbuildings for
7 equipment storage.

8 4. The hardship is not self-created as the garage is
9 currently three feet from the side setback rather than the
10 minimum five feet required.

11 5. The health, safety, and welfare of the community will not
12 be adversely affected by the approval of these variances.

13 | CONDITIONS:

14 1. The variances will only apply to the particular structure
15 described in the application submitted and testimony given.

16 2. The garage addition shall be used for storage purposes as
17 described in the testimony given.

18 3. And the exterior of the addition shall be completed with
19 harmonious materials to the existing garage.

4. All necessary building permits shall be obtained.

21 (Second by Mr. D'Augustine.)
22 (Ms. Schmitt, yes; Ms. McKay-Drury, yes;
23 Ms. Schwartz, yes; Mr. D'Augustine, yes; Mr. Mietz, yes.)

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

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 APPLICATION 3A-03-23

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5 3A-03-23 Application of Paul Morabito,
6 architect, and Peter and Kim Eichenlaub, owners of property
7 located at 337 Avalon Drive, for an Area Variance from
8 Section 205-2 to allow a building addition to extend 3.2 ft.
9 into the 18.47 ft. side setback required by code. All as
described on application and plans on file.

10

11 Motion made by Ms. McKay-Drury to approve
12 Application 3A-03-23 based on the following findings and
facts.

13

FINDINGS AND FACTS:

14

15 1. The variance will not result in a substantial change in
the character of the neighborhood because most of the
16 surrounding homes are the size that this house will be with
the addition. And this variance is only for a 3.19-foot side
17 setback encroachment along a diagonal property line.

18

19 2. The difficulty in necessitating the variance cannot be
solved in another manner because these are the necessary
20 dimensions for the addition to suit the homeowner's need for
21 providing a separate living space for their adult disabled
22 daughter. If it is to be one story and the ARB has worked
23 with the homeowner on altering what was originally a
24 two-story addition.

25

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 3. The variance is the minimum necessary to grant the relief
4 from the difficulty because the daughter's modestly sized
5 bedroom and sitting room must be this size for adequate
6 traffic patterns and furniture. Meanwhile the bathroom and
7 kitchen are necessary so that the daughter can be isolated
8 following chemotherapy infusions.

9 4. The variance is consistent with surrounding properties so
10 as to not have an adverse effect or impact on the physical or
11 environmental conditions of the neighborhood because it fits
12 with the existing house.

13 5. The difficulty is not self-created because of the
14 original plan for a second story and the ARB rejecting that
15 design plan which would not have encroached on the setback.

16 **CONDITIONS:**

17 1. This variance is granted limited to the application filed
18 and testimony given.

19 2. All necessary ARB approvals and building permits will be
20 obtained.

21 (Second by Ms. Schwartz.)

22 (Mr. D'Augustine, yes; Mr. Mietz, yes;
23 Ms. Schmitt, yes; Ms. Schwartz, yes; Ms. McKay-Drury, yes.)

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

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 | APPLICATION 3A-04-23

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5 architect, and Roberta and Steven Pheterson, owners of
6 property located at 175 Glen Ellyn Way, for an Area Variance
7 from Section 205-2 to allow a roofed over entry-way to extend
8 5.6 ft. Into the 40 ft. Front setback required by code. All
9 as described on application and plans on file.

10

11 Application 3A-04-23 based on the following findings and
12 facts.

13

FINDINGS AND FACTS:

14

15 the character of the neighborhood or detrimentally effect
16 surrounding properties because the open unenclosed structure
17 will maintain horizontal views under the roof line for
18 neighboring homes and pedestrians and the structure is over
19 34 feet away from the sidewalk.

20

21 be solved in another manner not requiring a variance because
22 there's currently no sheltered area at the main exterior
23 entry and this will provide a needed protection from rain for
24 guests and delivered packages, as well as assisting keeping
25 the landing safer in winter from snow and ice.

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 3. The variance requested is not substantial, in that there
4 will still be over 34 feet from the sidewalk to the open
5 unenclosed structure.

6 4. The variance is the minimum necessary to grant relief
7 from the difficulty because the exterior porch roof is only
8 five feet in depth which will serve as reasonable rain and
9 snow shelter. The depth of the porch is the minimum that the
10 homeowner felt was practical for protecting the entry landing
11 for the majority of inclement weather.

12 5. The proposed variance is consistent with surrounding
13 properties, so as not to have an adverse effect or impact on
14 the physical or environmental conditions of the neighborhood.
15 And the existing entry stoop already has a handrail with
16 vertical styles that extend further than the new proposed
17 railing.

18 **CONDITIONS:**

19 1. The variance is granted based on the application filed
20 and the testimony provided.

21 2. All necessary building permits and ARB approvals will be
22 obtained.

23 3. The structure will remain open and unenclosed.

24 (Second by Ms. Schwartz.)

25 (Mr. Mietz, yes; Ms. Schmitt, yes;

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 Mr. D'Augustine, yes; Ms. Schwartz, yes; Ms. McKay-Drury,
4 yes.)

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

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BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 | APPLICATION 3A-05-23

4 3A-05-23 Application of Alan Ryon, owner of
5 property located at 111 Bastian Road, for 1) an Area Variance
6 from Sections 203-2.1B(2) and 203-9A(4) to allow a detached
7 garage to be 985 sf in size, after construction of a 485 sf
8 addition, in lieu of the maximum 600 sf allowed by code; and
9 2) an Area Variance from Section 207-6A(1) to allow said
10 garage addition to be 16.5 ft in height in lieu of the
11 maximum 16 ft allowed by code. All as described in
12 application and plans on file.

13 Motion made by Ms. Schmitt to approve
14 Application 3A-05-23 based on the following findings and
15 facts.

16 FINDINGS AND FACTS:

17 1. The homeowners wish to build a new bay onto their garage
18 that will allow both their vehicles to be parked inside.
19 They also desire to have extensive storage to place the
20 family's outdoor equipment. To accomplish this, they are
21 seeking two variances. The first variance request is to
22 allow for a detached garage to be 985 square feet in size in
23 lieu of the maximum 600 square feet allowed by code. The
24 second variance request is to allow the new garage to be
25 16.5 feet in height in lieu of the maximum 16 feet allowed by

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 code.

4

5 3. If the variances are approved, the homeowners intend to
6 combine the side lot to the left of their home with their
7 existing lot, which will allow most of the space in the side
8 lot to remain as green space.

9

10 4. The granting of these variances will not produce an
11 undesirable change in the character of the neighborhood or be
12 a detriment to nearby properties. The property is on a large
13 lot and the expanded garage is set back from the road. The
14 homeowners stated that no large trees will be removed because
15 of the addition and garage expansion and multiple
16 neighborhoods have sent letters of support.

17

18 5. The requested variances are not substantial and are the
19 least required to fit the modern storage and automobile needs
20 of this family.

21

22 6. There's no evidence that there will be a negative impact
23 on the health, safety, and welfare of the neighborhood.

24

CONDITIONS:

25

1. The variances apply only to the garage addition as
2 described in the application and testimony provided and will
3 not apply to future projects.
2. All necessary building permits shall be obtained.
3. Prior to the issuance of a building permit, proof of a

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 subdivision plat shall be submitted to the Town of Brighton
4 building planning department for review and approval and
5 filed with Monroe County.

6

(Second by Ms. McKay-Drury.)

7

(Ms. Schwartz, yes; Mr. D'Augustine, yes;
8 Mr. Mietz, yes; Ms. McKay-Drury, yes; Ms. Schmitt, yes.)

9

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

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BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 APPLICATION 3A-06-23

4 3A-06-23 Application of Larry and Stacy
5 Turowski, owners of property located at 141 St. Regis
6 Drive South, requesting modification of an approved setback
7 variance for a detached garage (10A-08-22) to be reduced from
8 the approved 4.7 ft to 2.7 ft where a 5 ft minimum setback is
9 required by code. All as described on application and plans
10 on file.

11 Motion made by Ms. Schwartz to table
12 Application 3A-06-23 for more definite building architectural
13 plans and reopen the Public Hearing.

14 (Second by Ms. Schmitt.)

15 (Mr. Mietz, yes; Mr. D'Augustine, yes;
16 Ms. McKay-Drury, yes; Ms. Schmitt, yes; Ms. Schwartz, yes.)

17 (Upon roll call, motion to table and leave the
18 Public Hearing open carries.)

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3 REPORTER CERTIFICATE
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I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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.

11
12 Dated this 26th day of April, 2023.

13 At Rochester, New York
14
15

16 *Rhoda Collins*
17 Rhoda Collins
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