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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.

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

5

6

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

7

(Second by Ms. Schwartz.)

8

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.

15

16

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

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3 corrections carries.)

4

CHAIRPERSON MIETZ: Okay.

5 | APPLICATION 3A-01-23

6 3A-01-23 Application of the Country Club of  
7 Rochester, owner of property located at 2935 East Avenue, for  
8 a Temporary and Revocable Use Permit pursuant to Section  
9 219-4 to erect a tent and hold up to six (6) outdoor  
10 weddings/club special events for the year 2023. All as  
11 described on application and plans on file.

TYLER PICKENS: Good evening. Tyler Pickens,  
general manager at the Country Club of Rochester, 2935 East  
Avenue, as we've done before when we've come before this  
Board, as a requirement for normal course of business in  
setting up tents. The summer of last year we were asking  
this Board, requesting your approval to set up the tent for  
up to six member weddings and club events.

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

practices, yes.

                  CHAIRPERSON MIETZ: Other questions?

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

17                  TYLER PICKENS: Yes. We actually worked

through that with Chris Roth as well.

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

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

                  MR. D'AUGUSTINE: Okay.

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3 CHAIRPERSON MIETZ: Rick?

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

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

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

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

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

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

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

24 CHAIRPERSON MIETZ: Are you aware of any?

25 MR. DiSTEFANO: I am not aware of any.

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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?

16                           TYLER PICKENS: Yes. So certainly there's  
17 quite a set up process. Some of them have to be prepared for  
18 and that means that we certainly, outside, we don't go  
19 outside that three-day window in setting up. We have that  
20 requirement. Most of them are set up more immediate towards  
21 the event, but we could have a rare occasion we have to set  
22 up three days prior.

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

2

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

5

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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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

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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.



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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

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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

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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

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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.

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CHAIRPERSON MIETZ: Questions?

4

thank you, gentlemen.

5

6 like to speak regarding this application? There being none,  
7 then the Public Hearing is closed.

8

9 3A-04-23 Application of Christopher Costanza,

10 architect, and Roberta and Steven Peterson, owners of

11 property located at 175 Glen Ellyn Way, for an Area Variance  
12 from Section 205-2 to allow a roofed over entry-way to extend

13 5.6 ft. into the 40 ft. front setback required by code. All  
14 as described on application and plans on file.

18 CHAIRPERSON MIETZ: An address for you?

21 MR. GORDON: Chris, if you need to go deal  
22 with your police issue at your office, we have two other  
23 matters we can --

24 CHRISTOPHER COSTANZA: I have someone taking  
25 some of it right now that's there.



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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?

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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.

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

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

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

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

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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

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3 grandpa built the house, so I'm forever going to be the  
4 guest.

5

CHAIRPERSON MIETZ: Okay.

6

7 did not think you were taking down any of the large trees?

8

ALAN RYON: Correct. No, we wouldn't.

9

10 and I'm going to try to move it instead. It's a lilac, which  
11 is nice.

12

CHAIRPERSON MIETZ: Questions?

13

14 other structures in the surrounding area that are that size  
15 or larger?

16

17 know. I haven't been too much to those neighboring streets.  
18 I know there's been at least one neighbor, two houses from  
19 me, built a second garage. Probably the total of their  
20 original attached garage and detached is this, but I don't  
21 know if they are all the same exact size.

22

23 one bay is kind of almost tucked back behind the house now.  
24 So visible, like standing in the driveway and looking at the  
25 house, you still only see two bays. Of course, you went do

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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

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

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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

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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?

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STACY TUROWSKI: Nope.

4

5 as what was approved?

6

7 approved, yeah.

8

9 that you were approved at?

10

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

way you are proposing, but you did not go back further into the, like, the back of that, if you didn't infringe on that back setback, would you be able to accomplish your purposes?

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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

CHAIRPERSON MIETZ: Okay. Other questions?

23

Okay, thank you.

24

Come right up.

25

LAURA MARES: Hello, everybody. My name is

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



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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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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?

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CHAIRPERSON MIETZ: That's fine.

STACY TUROWSKI: Sure.

5 MR. GORDON: This is only because I think I  
6 have bad eyesight. I am having trouble seeing the dimensions  
7 of the new garage. Can you help me understand what the  
8 dimensions of the new garage ought to be?

9 STACY TUROWSKI: So, well, this includes a jut  
10 out here, that's not going to be part of the final design  
11 because that doesn't leave us a full space over here, so this  
12 is presumably going straight across. The width is 25 and  
13 then and the new depth is 24 -- I'm sorry, 22.

14 MR. DiSTEFANO: With that bump out, works out  
15 to be about 582 square feet. Without the bump out it would  
16 probably reduce it by about 40 square feet.

17 CHAIRPERSON MIETZ: Still under the 600 square  
18 foot.

19 STACY TUROWSKI: I think the bump out is four  
20 by eight. We didn't have time for another round of drawings  
21 from the architect, but we learned by just going out there  
22 ourselves that that bump out won't work because of our --  
23 that sharp property line.

24 Does that answer your question?

25 MR. GORDON: Part of it does. So the interior

BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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3 dimensions of the new garage will be how deep? That is, how  
4 far from where you enter the garage to the back wall?

5

6 20, proposing to do 22.

7 MR. GORDON: Okay.

8 STACY TUROWSKI: So this front left is staying  
9 where the current one is, and then going back 22 instead of  
10 20.

11 MR. GORDON: Did I understand you to say the  
12 reason you need this 22 feet instead of your existing 20 feet  
13 is because of the vehicle that you own and drive?

14 STACY TUROWSKI: Yeah. Just that it's our  
15 minivan is long.

16 MR. GORDON: What minivan is that?

17 STACY TUROWSKI: Honda Odyssey.

18 MR. GORDON: So a Honda Odyssey is  
19 approximately 17 to 18 feet long?

20 MR. DiSTEFANO: 20 foot is probably --

21 MR. GORDON: So you need -- right.

22 So if your Honda Odyssey, and I think  
23 Mr. DiStefano is correct, I did just look it up and I think  
24 the measurement of the length of a Honda Odyssey is about  
25 205 inches, if I did the full math on this.

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

18 CHAIRPERSON MIETZ: Are you talking about the  
19 hatch?

20

21 I will tell you, you have to -- and it's a very tight  
22 Brighton garage -- when you open it, when I open mine, I need  
23 to have extra feet in the back when I open the hatch because  
24 of the way that it comes out when you open it.

25

STACY TUROWSKI: Yeah. It opens into the



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REPORTER CERTIFICATE

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.

Dated this 26th day of April, 2023.

At Rochester, New York

*Rhoda Collins*  
Rhoda Collins.

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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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

RICK DiSTEFANO  
Senior Planner

17

18

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

19

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

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:**

7       1. The temporary revokable use permit is granted per the  
8 application submitted and testimony given for the remainder  
9 of 2023 for up to six events for the year.

10      2. All necessary permits shall be obtained from the fire  
11 marshal.

12      3. If temporary heating is requested, only approved portable  
13 forced air eating units shall be provided. Portable LP gas  
14 fire pedestal style heaters or propane appliances used under  
15 a temporary structure are strictly prohibited by the 2020  
16 fire code of New York State and the manufacturer product  
17 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

1 BRIGHTON ZONING BOARD OF APPEALS 03/01/2023

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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.

20 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.

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3 | APPLICATION 3A-03-23

4

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

10

11 Application 3A-03-23 based on the following findings and  
12 facts.

13

## FINDINGS AND FACTS:

14

15 the character of the neighborhood because most of the  
16 surrounding homes are the size that this house will be with  
17 the addition. And this variance is only for a 3.19-foot side  
18 setback encroachment along a diagonal property line.

19

solved in another manner because these are the necessary dimensions for the addition to suit the homeowner's need for providing a separate living space for their adult disabled daughter. If it is to be one story and the ARB has worked with the homeowner on altering what was originally a two-story addition.

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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.)

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3 | APPLICATION 3A-04-23

4

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.

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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

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  
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16                   *Rhoda Collins*  
17                   Rhoda Collins  
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