

2

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

6

Rick, call the roll.

7

MR. DiSTEFANO: Mr. Premo?

8

MR. PREMO: Here.

9

MR. DiSTEFANO: Ms. Schwartz?

10

MS. SCHWARTZ: Here.

11

MR. DiSTEFANO: Ms. Tompkins Wright?

12

MS. TOMPKINS WRIGHT: Here.

13

MR. DiSTEFANO: Mr. D'Augustine?

14

MR. D'AUGUSTINE: Here.

15

MR. DiSTEFANO: Mr. Mietz?

16

CHAIRPERSON MIETZ: Here.

17

MR. DiSTEFANO: Ms. Schmitt?

18

MS. SCHMITT: Here.

19

MR. DiSTEFANO: Ms. McKay-Drury? Please let
20 the record show Ms. McKay-Drury is not present.

21

CHAIRPERSON MIETZ: Okay. Rick, was the

22 meeting properly advertised?

23

MR. DiSTEFANO: Yes, Mr. Chairman, it was
24 advertised in the Daily Record of March 30, 2023.

25

CHAIRPERSON MIETZ: Thank you.

2

(Upon roll call, motion to approve the February minutes carries.)

5

CHAIRPERSON MIETZ: All right. Rick, when you are ready.

7

APPLICATION 3A-06-23

8

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

15

LARRY TUROWSKI: I'm Larry Turowski.

16

STACY TUROWSKI: Stacy Turowski, 141 St. Regis Drive South. So we have stated --

18

CHAIRPERSON MIETZ: Could you go right to the microphone?

20

20 STACY TUROWSKI: Yes. So we are requesting
21 the setback to be reduced to the 2.7 as stated so that we can
22 extend our current garage from -- at the previous meeting I
23 stated 20 feet deep. It's actually 19 feet 7 inches deep,
24 and we're hoping to gain a little bit of depth because it's
25 very tight and we are hoping to expand that.

CHAIRPERSON MIETZ: Okay.

LARRY TUROWSKI: I'd like to add, that given the odd angles of our lot, the position of the house, the position of the driveway, the sidewalk cutout, the light post, a lot of things. We could not come up with a better solution that was worth building.

Our neighbor who is here, evidently -- I wasn't able to make the last time we came -- who was here at the last meeting, called us. I don't know if she communicated with the Board, but she is not opposed to our current design.

STACY TUROWSKI: She did say that she saw the new proposal and she said she's okay with it, for what that's worth. We don't have it in writing.

CHAIRPERSON MIETZ: For the record did you make other changes since the last version, to the plan?

LARRY TUROWSKI: Yes. So the last version had a taller -- we reduced the request for a taller roof height. So we are only requesting the setback between us and the neighbor that is behind us or besides us, depending on how you consider it, on Antlers.

STACY TUROWSKI: Yes, so the new proposal basically is the same in terms of the setback as the previous

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 proposal but we essentially are rescinding, I think the word
4 is, our request for the height variance that we received in
5 October as a way to sort of balance --

6

7 CHAIRPERSON MIETZ: So it's a single-story

garage?

8

9 STACY TUROWSKI: Correct.

10

11 MR. DiSTEFANO: So for clarification, the
12 maximum height to the peak of that garage will be no greater
13 than 16 feet?

14

15 STACY TUROWSKI: Yes.

16

17 MR. DiSTEFANO: Thank you.

18

19 CHAIRPERSON MIETZ: Okay. Board members,
20 questions?

21

22 MS. SCHWARTZ: Yes. I just want to ask a
23 question for clarification. In your March application in
24 fine writing it said that this may not be the final plan, or
25 is it now final because you are working with an architect,
you feel?

26

27 STACY TUROWSKI: Yes. The architectural
28 design drawings are not what -- we have to just have him
29 convert to construction drawings. That's why I think he said
30 that. That was my understanding.

31

32 CHAIRPERSON MIETZ: These are concept

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 drawings.

4

MS. SCHWARTZ: Okay.

5

6

CHAIRPERSON MIETZ: Any other questions for these folks?

7

Okay, great. Thank you very much.

8

9

10

11

APPLICATION 4A-01-23

4A-01-23 Application of Robert Piazza Palotto, owner of property located at 2500 Elmwood Avenue, for modification of an approved variance (9A-06-22) to allow construction of a second story above an attached garage addition which was granted a side setback variance of 8.2 ft in lieu of the minimum 10.8 ft required by code. All as described on application and plans on file.

19

20

21

33

23

24

1

Good evening Thank you for the approved

23

24

25

Forbes Court Reporting Services, LLC (585) 343-8612

3 we propose an option of what to do and gain more space out of
4 the house. And speaking with the architect, it only made
5 sense to consider utilizing the space above the garage just
6 because it is cheaper square footage to build, typically.

8 Initially I came to you with the garage and
9 the variance because the structure was compromised and it is
10 a complete walkout into the back and the foundation was
pulling in.

When I bought the home I wasn't aware of it.
12 However, it is something that has to be done either way. So
13 given the hardship and then given the situation with adding
14 more square footage, it only made sense to build above.

I did talk to my neighbor and, you know, one
16 of the things we talked about was initially in the garage
17 just making sure we had some landscaping on the side, she
18 felt comfortable with that. And then I also spoke with her
19 about the addition on the second floor and one of the things
20 I proposed is that, to set back the second story about four
21 feet, so it doesn't impose or infringe on her side of the
22 view where her porch is right there. So it's really not
23 much, I mean, other than the second story structure right
24 there, you know, I believe I have her blessing on that. And
25 because I definitely believe in the neighborhood, the

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 neighbors and having good neighbors, and making sure
4 everybody is happy too with that.

5 So with the second story right there I had the
6 architect draw up the plans and what that would look like
7 utilizing the first existing footprint that we talked about
8 by just adding a second story for that room.

9 One of the things -- and I didn't put it in
10 there -- but I noticed that is not uncommon especially in
11 Brighton to have space above a garage. As a matter of fact,
12 a house two doors from me, 2520 Elmwood Avenue, has a second
13 story above the garage too as well, along with 2891 Elmwood.
14 And then, there's one right around the corner on Greenwich,
15 which is literally within a half a mile to, like, less than
16 six houses from me. And there's one on the corner of
17 Hollywood and the corner of Elmwood Avenue at 140 where
18 there's space above the garage for living space.

19 So given the circumstances, it only made sense
20 to build up and utilize some square footage that way.

21 CHAIRPERSON MIETZ: Okay.

22 MS. TOMPKINS WRIGHT: I just had a couple
23 questions. So the footprint of the original garage is not
24 changing?

25 ROBERT PIAZZA PALOTTO: Correct. Well, let me

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 rephrase that: The footprint of the approved --

4

5 the garage. And when you say you're going to set back the
6 second floor four feet, what exactly do you mean? Do you
7 mean actually building it up? I think on the plans it's 15
8 and a half feet, so it would be 11 and a half feet wide?

9

10 the front elevation. So when you look at the drawing, the
11 proposed elevation, you will see there's a shed roof in front
12 of the garage right there. That's where it sets back so it
13 doesn't impose so much. So the second story is set back four
14 feet away from the front of the garage.

15

16

17

18

10

28

2 1

23

ROBERT PIAZZA PALOTTO: On the back of the
think there's any -- right now there's an
right there, and it is not conducive to the
it would be proposed that way. Just because
the back right now, there's an existing deck
second-story deck because the outside is a

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
2

3 You know, as far as putting another addition,
4 you're looking at a garage that needs to be rebuilt either
5 way, and when you look at the construction cost when you are
6 already building an existing garage, it is a lot easier to
7 put the second story on rather than doing another additional
8 addition off the back right there.

9 MS. TOMPKINS WRIGHT: And to your earlier
10 comments about having more people living at the home now than
11 previously when it was approved, so what you are really
12 trying to do is add sleeping spade essentially?

13 ROBERT PIAZZA PALOTTO: Yes. It's a proposed
14 bedroom and bath.

15 CHAIRPERSON MIETZ: Okay. Other questions by
16 the Board?

17 MR. DiSTEFANO: Let me just inform the Board.
18 I'm going to address this, he was in today for a little bit
19 of discussion. The Architectural Review Board denied these
20 plans from the elevation drawings. So, it doesn't prevent us
21 from approving it, but it's something you might want to think
22 about as part of the approval process here.

23 Do you want to address anything with regards
24 to the Architectural Review Board?

25 CHAIRPERSON MIETZ: What was the nature of the

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | objection?

4 ROBERT PIAZZA PALOTTO: Really, I think it was
5 just more for look and, you know, I wasn't sure. I was
6 trying to get some directions of what they didn't like and
7 what they did like. I can -- I thought the structure was
8 appealing. I mean, the house itself is plain right now and I
9 was adding vinyl cedar shakes, a front reverse porch, and
10 maybe they thought -- they weren't maybe so keen on a garden
11 window where they wanted more stone on the bottom, which I'm
12 happy to do.

13 So any of this stuff, as far as cosmetics, I
14 think it goes in line with -- and that's why I took these
15 pictures right here of these houses and I only did four of
16 them, but I'm happy to pass them around if you want to take a
17 look at them.

18 MR. GORDON: While those are being passed
19 around, I think I'll read into the record the ARB decision.
20 It's dated March 30, 2023. Your Application 2AR-04-23 to
21 construct a second-floor addition on a single-family dwelling
22 was presented for review before the Architectural Review
23 Board at the meeting held on March 28, 2023.

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
2

3 floor plans, and window placement was appreciated, the
4 applicant did not adequately mitigate the massing of the
5 addition and composition of the east elevation.

6 Two, due to the proximity to the property
7 line, the massing of the proposed second-floor addition needs
8 to be sensitive and appropriate to the neighboring dwelling.

9 Three, the unapproved greenhouse window can be
10 mitigated by facade treatments, including but not limited to
11 extending the stone water table to the same height as
12 presented on the proposed garage addition --

13 MR. DiSTEFANO: Let me just state that that
14 greenhouse window is actually not part of this project, but I
15 think it shows up. It wasn't a part of the originally
16 approached project that was granted approval.

17 So when it went back to the Architectural
18 Review Board in regards to the second story, they noticed
19 that this greenhouse window was in place, but wasn't part of
20 the original approval. So that's that third one that really
21 has nothing to do with what we're looking at tonight.

22 CHAIRPERSON MIETZ: Okay.

23 MS. TOMPKINS WRIGHT: So I don't know exactly
24 who this question should be directed to. I'm not sure if
25 it's the applicant or to Rick or Ken. But given the

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Architectural Review Board's focus on the mass of the second
4 floor, its height and its proximity to the property line, do
5 you anticipate there may be revisions to this plan that can
6 incorporate a smaller second floor?

7 ROBERT PIAZZA PALOTTO: I think by doing so,
8 making it smaller, I mean, I guess we have to look at the
9 nature of the variance initially as far as the garage. And
10 just adding a second story, I mean, should not really affect
11 the mass as far as --

12 MS. TOMPKINS WRIGHT: I think it's probably
13 the visual mass of one story versus a two story.

14 ROBERT PIAZZA PALOTTO: It is smaller,
15 especially in the front. It's not the same size of the
16 garage, it's actually set back for that reason. I took that
17 into account. And I shared this with my neighbor and, you
18 know, she had mentioned no oppositions whatsoever with
19 regards to the mass or anything like that.

20 You know, she has a very private backyard.
21 There's a fence already there, an existing fence. She just
22 initially asked for some bushes up towards the front, and
23 which I am happy to do and, you know, and appease her with
24 that. But I'm literally doing this by adding more square
25 footage onto this. And I did keep that already in mind as

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
23 far as setting it back a little bit, so it didn't seem so
4 massive up front.5 It's the same footprint as the back and there
6 is rear elevations of the back too, that's not changing that
7 much other than the second story right there. Already from
8 the rear of the house it is a walkout so you have two stories
9 to begin with. There's no one in the backyard, it's just the
10 neighbor to the right of me. And, you know, we are only
11 moving I want to say maybe two feet to the right, so. And
12 shes got big trees along the whole entire side there, so it
13 has no interference with her backyard or her side views
14 whatsoever.

15 CHAIRPERSON MIETZ: Okay.

16 MR. DiSTEFANO: I don't want to get too deep
17 into the design aspect of this --

18 CHAIRPERSON MIETZ: We can't.

19 MR. DiSTEFANO: -- because he has the right to
20 appeal that decision back to us. I just have a quick
21 question for you, and I don't know if you talked to your
22 architect or not. You do show us a picture of 11 Greenwich,
23 which does have a lower area from the main house, which might
24 bring down the actual massing of this addition.

25 I don't know if you investigated that or not.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

I don't know what your ceiling height might be in that addition, but I think one of the massing things, it's not just that it will push back a little bit, but if you could lower that portion of the roof and have a little bit different height variation in there, that might start getting into some of the Architectural Review Board's concerns.

9 ROBERT PIAZZA PALOTTO: Sure.

10 MR. DiSTEFANO: I don't know though, again, I
11 don't know how that's all laid out for you and what the
12 ceiling height would be and if it would be doable.

13 ROBERT PIAZZA PALOTTO: I'm not opposed to
14 that, I could evaluate that and look at that. I appreciate
15 the suggestion because I want it to look just as good out
16 there as anybody else and I am not opposed to that. And,
17 again, I want it to be nice too as well.

18 MR. PREMO: I think I had a question to make
19 sure I'm understanding what you're doing. So this has come
20 back to us because the original variance didn't include a
21 second story.

22 MR. DiSTEFANO: Correct.

23 MR. PREMO: So in essence, that variance is
24 the same variance, it's just for --

25 MR. DiSTEFANO: Yes. Because we may have

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
2

3 looked at this in a totally different light if it originally
4 came in as a two-story addition that's going to be pushing
5 close to that side lot line. So the one story, the impact is
6 far less than what a two story is. So, that's one of the
7 reasons we always approve it per the plans submitted to this
8 Board. Those aren't the plans, so that's why he's back to
9 see us.

10 MR. PREMO: So if we were to approve this
11 variance, the applicant would still have to go back to the
12 Architectural Review Board to get their approval?

13 CHAIRPERSON MIETZ: Yes.

14 MR. DiSTEFANO: Right. We would make that
15 conditional, as a standard condition.

16 MS. TOMPKINS WRIGHT: And importantly, if the
17 plan ended up changing, they may -- our approval may not
18 hold. We would have the potential --

19 MR. DiSTEFANO: That's something we need to
20 talk about during the discussion because that could change.

21 MS. TOMPKINS WRIGHT: One quick question,
22 hopefully a quick question. Do you know the height
23 differential between the -- I don't have the approval in
24 front of us, or I don't think I do -- on what approved for
25 the height of the one-story garage versus what's being

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 7, '22, packet in front of me and I'm trying to get to the
4 right page.

5

6 variance requested on the single story, then the max height
7 is code, correct?

8

9 CHAIRPERSON MIETZ: I said, if there was
0 nothing requested in there for a height variance?

11

12 for the existing house with this particular proposal?

13

14 MR. DiSTEFANO: No. It's not going to meet
15 our -- I'm not finding it spelled out in here.

16

understand how substantial it is.

18

19 going to say it's eight to ten feet higher than what was --
20 but again, it's further out too. That point of that garage
21 roof that was approved is much further back than, you know,
22 this additional height. It's going to be closer to the road,
23 not that much closer, but.

24

25 Mr. D'Augustine led with respect to this variance back in

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 September of '22, related to the close proximity to the
4 neighbor's porch, remember? And the impact of moving closer
5 to the property line on that porch. So now going on to the
6 second floor.

7

CHAIRPERSON MIETZ: Okay. I think we got it.

8

Thank you very much.

9

10 I could say one last thing, too in regards to the variance.

11 Between the porch and the property line there's an existing
12 12 feet from the neighbor right there, plus the five foot
13 side setback. That is requested, it was approved right
14 there.

15

16 the porch and then the actual lot line, and then also again,
17 there's a fence right there too as well. And there is
18 massive trees right along that side right there too. So I
19 think that's where she was more concerned, just making us put
20 a couple bushes right there to the side. That's from the
21 initial approval.

22

23

24

25

But I appreciate your time. Thank you guys so great evening.

CHAIRPERSON MIETZ: Is there anyone in the

25 audience that would like to speak regarding this application?

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 There being none, then the Public Hearing is closed.

4 APPLICATION 4A-02-23

5 4A-02-23 Application of Jagdish Kaur, owner of
6 property located at 30 Jefferson Road, requesting renewal of
7 a Use Variance (12A-03-22) and an Area Variance (12A-04-22),
8 pursuant to Section 219-5F, where approvals allow for a
9 liquor store in an IG-Light Industrial District and for front
10 yard parking where both are not allowed by code. All as
11 described on application and plans on file.

12 BETSY BRUGG: Good evening. My name is Betsy
13 Brugg, I'm an attorney with Woods Oviatt Gilman. With me I
14 have Makhan Singh and Aman Singh, his son; as well as Evan
15 DeGalfum, Kasta Dincherie.

16 As the Board will remember, we were here last
17 year and secured a use variance to allow a liquor store at
18 this property. We also secured an area variance for the
19 front yard parking. The project got site plan approval
20 during the summer, they've been delayed dealing with some
21 architecture issues. They are prepared to move forward,
22 however they require a renewal of the variances. None of the
23 facts of the application have changed. I'm happy to kind of
24 go through them.

25 You might recall you actually cannot build

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

3 anything on this parcel at all, code compliant. It is less
4 -- excuse me, it is about half the size required by code in
5 terms of the lot size. It's non-conforming as to size, it's
6 non-conforming as to the depth. It is a very irregular
7 parcel.

15 I am aware and I believe you have two letters
16 from the Supervisor for the Town of Henrietta. I did speak
17 with him today, he -- did you get the second letter? He
18 called me after he took a closer look at the application. He
19 raised a question about whether Byrne Dairy had looked at the
20 site. They never contacted them because the site doesn't
21 meet their requirements.

22 In fact, I believe they have chosen another
23 site, but they did not look at this site, it did not meet any
24 of the requirements. The property on a septic that is too
25 small. There is a lot of issues with the property.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

3 are very aware. I will say, I know this Board is not
4 normally allowed response, but I did check with the folks in
5 the back row, there's some folks here from RIT who probably
6 are going to speak and express their concerns.

7 I will say, this is a family business. They
8 take the -- they've never had any problems with any of their
9 restaurants in terms of service of liquor. They take their
10 business very seriously. They can speak to that further if
11 you are interested, but they are very aware of the
12 neighborhood they are in and take this operation seriously.
13 They don't want to have any problems at all. They have not
14 had any with their restaurants.

15 And I think that's all that I can say as far
16 as their experience and their commitment to running a top
17 rate operation.

18 As far as the letter of support, I think it's
19 just a very positive letter. Again, it acknowledges the
20 neighborhood, but speaks about their experience with their
21 business operations in Henrietta, that they're a solid
22 business operator.

23 MR. DiSTEFANO: Thank you.

24 MS. TOMPKINS WRIGHT: What's the anticipated
25 time for construction and opening?

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 BETSY BRUGG: I believe the next few months.

4 CHAIRPERSON MIETZ: Betsy, what was the delay?
5 Could you give more specifics?

6 BETSY BRUGG: I think they had an issue with
7 the sprinklering. They were trying to work through that
8 issue. I think they're exploring whether they could get a
9 variance, they were not able to do that.

10 CHAIRPERSON MIETZ: So that's all settled, so
11 there would be nothing holding this up?

12 BETSY BRUGG: Right. They are prepared to
13 move forward.

14 MR. GORDON: Have you obtained your state
15 liquor authority license for operation?

16 AMAN SINGH: Aman Sing. We've applied for the
17 liquor license through our attorney, but we haven't received
18 it yet.

19 MR. GORDON: So to your point, the state
20 liquor authority, whoever made the point of nothing else
21 holding them up, the state liquor authority is running very,
22 very, very, very slow. And so we've seen applications take
23 the better part of a year or more to be granted. So I don't
24 know that's going to happen to you, but that is -- they can't
25 open until they get a state liquor license.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Now, they can start the construction for
4 purposes of the variance, but in terms of the operation end
5 of it, that might be held up -- they will be held up until
6 they get the license.

7

8 construction, get things ready.

9

10 sure, Betsy, if you made this clear or not. As you know, the
11 variance granted is good for a year. That year is not yet
12 up, but they expect that it's going to be up before they can
13 commence construction, so that's why they're here.

14

15 construction.

16

17 I didn't want the Board to have the impression that this was
18 after the fact everything's expired and now we're trying to
19 resurrect this use variance. That's not the case. This is
20 simple, we call it a renewal, but it's really sort of an
21 extension of it.

22

23 there been drawing, concept drawing discussion with the
24 building department?

25

MR. DiSTEFANO: Not that I'm aware of.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 CHAIRPERSON MIETZ: Okay. Go ahead. Anything
4 else you would like to add?

5 BETSY BRUGG: If the Board has any questions
6 or if there's any additional information you need, we are
7 happy to provide it.

8 CHAIRPERSON MIETZ: Any questions from the
9 Board members? It's pretty much the same application.

10 BETSY BRUGG: Yeah. I submitted most of the
11 materials to you. I didn't see this in the packet, but I
12 know it's in the original application. It literally shows
13 that you cannot build anything on this property at all. And
14 I would point out that even Byrne Dairy would have needed a
15 use variance.

16 MR. DiSTEFANO: Just to note, they did receive
17 site plan approval, which probably also is coming close to
18 running out of time on that. So they're going to need to get
19 moving or they'll be back in front of the Planning Board for
20 renewal of that site plan approval.

21 CHAIRPERSON MIETZ: Okay. Are you guys all
22 set or do you have more?

23 BETSY BRUGG: Well, Even's here. I think he's
24 here if there's questions about the parking. There is
25 existing --

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 CHAIRPERSON MIETZ: Great, all right.

4 Is there anyone else who would like to speak?

5 If not, the Public Hearing is closed. Thank you.

6 APPLICATION 4A-03-23

7 4A-03-23 Application of Colleen Cornel, agent,
8 and Ralph DiTucci, Castle Office Group LLC, owner, for a
9 Temporary and Revocable Use Permit pursuant to Section 219-4
10 to allow for a food truck on site once per week from May
11 through August 2023 where prohibited by code. All as
12 described on application and plans on file.

13 COLLEEN CORNEL: Hi. My name's Colleen Cornel
14 and I work at Sawgrass Recruit Center at 180 Sawgrass Drive
15 and I'm here to apply for a permit to have a food truck once
16 a week from May to August for the staff of the building.

17 CHAIRPERSON MIETZ: Okay.

18 MS. TOMPKINS WRIGHT: And same application as
19 was previously approved, no differences in timing or
20 frequency, trash collection, et cetera?

21 COLLEEN CORNEL: Everything is the same. This
22 will be our third year.

23 MS. TOMPKINS WRIGHT: And no complaints in the
24 past, Rick, were received by the town as to noncompliance and
25 conditions.

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Jesse Readlynn, 114 Sylvan Road. This is a reapplication for
4 a permit that was approved a couple years ago, it's expired.
5 Same plans, same everything, except to have a contractor
6 lined up to build it this time.

7 So we are looking to demo our existing front
8 porch which is quite small. You can't even open the storm
9 door with more than one person on the porch, to build it a
10 little deeper and across half the front of our house.
11 Covered, so it's a little bit more protection from the
12 elements. A nice place to sit and drink a cup of coffee in
13 the morning.

14 That's about it, so a lot of houses in the
15 neighborhood have front porches this size. We think it will
16 fit in nicely. Again, this was approved three years ago, two
17 years ago, I forget exactly, but for a variety of reasons we
18 were not able to complete the project, so here we are again.

19 CHAIRPERSON MIETZ: So it's full steam ahead?

20 JESSE READLYNN: Yes. The contractor is ready
21 to go, I have a building permit, dropped it off this morning.

22 MS. TOMPKINS WRIGHT: Dennis, do you have
23 previous conditions?

24 CHAIRPERSON MIETZ: Yes.

25 JESSE READLYNN: There were a few conditions,

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 not objectionable location. That meets the current Brighton
4 Zoning Code because of the high level of development and
5 finish of the rear yard directly behind the primary
6 structure.

7 We are seeking to be able to place the back-up
8 generator in the sort of large side yard to the north of the
9 primary structure where it will be heavily shielded by an
10 existing fence and mature arborvitae hedge, and be
11 significantly set back from the property line far in excess
12 of the requirements of the zoning code.

13 MS. TOMPKINS WRIGHT: In addition to that,
14 it's also at least 40 feet from the nearest neighbor, as
15 well; is that correct?

16 CHRISTOPHER BRANDT: Correct, right. It is
17 40 feet from the property line south, and then the adjacent
18 house is another ten to that.

19 MS. TOMPKINS WRIGHT: Thank you.

20 MR. PREMO: Was an area, when I looked up
21 there was an area where the arborvitae hedges are, looked
22 like there was wood piles about the area?

23 CHRISTOPHER BRANDT: Correct. That's
24 providing sort of even more additional almost totally opaque
25 shielding. So, yeah, there is an existing in the side yard

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 behind the fence, behind the hedge, that's running along the
4 same area. So that placement is sort of shielded by that so
5 it would not be visible through that.

6

7 from the road, so we're clear sort of south of that so you
8 wouldn't be able to see it through that gate. It's really
9 the only visual break there on the side yard.

10

11 the utilities coming into the house?

12

13 quick sort of run through. So two, that southern portion of
14 the house there's a full height basement that provides ease
15 of access for any underground utilities. To the interior
16 systems of the house whereas theoretically if we were to put
17 it to the west of the sort of northern rear wing of the
18 house, we don't have that capability because that is a garage
19 which is a slab on grade for at least 20 or 30 feet before we
20 actually get to the basement.

21

CHAIRPERSON MIETZ: Okay.

22

23 be willing to agree that the arborvitae would be maintained
24 as it is.

25

CHRISTOPHER BRANDT: Yes, they would be.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 yard, there's a pedestrian gate there that's closer to the
4 house. So the main reason for setting that 16 feet off of
5 the house is to keep a visual clear and completely obscure
6 the street.

7 MR. DiSTEFANO: And the only reason I kind of
8 bring that up is because arborvitae certainly can die, and
9 then you might have a situation where you have this kind of
10 out in the middle, just kind of much more visible than if it
11 is tucked close to the house and turned. Just my
12 observations.

13 CHAIRPERSON MIETZ: Okay. We can talk about
14 conditions on that.

15 Okay. Any other questions for them?

16 Thank you.

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

20 APPLICATION 4A-06-23

21 4A-06-23 Application of Caroline and Daniel
22 Grabowski, owners of property located at 1301 Highland
23 Avenue, for an Area Variance from Section 207-2A to allow a
24 front yard fence to be 6.5 ft in height in lieu of the
25 maximum 3.5 ft allowed by code. All as described on

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 application and plans on file.

4

5 for having me, under these circumstances. I'm Caroline
6 Grabowski and I live at 1301 Highland Avenue.

7

8 on a corner lot, so our house is actually, like, located on
9 Edgemere. We would consider -- I know the town considers
10 Highland our front yard, our second front yard. We consider
11 it our side yard.

12

13 July. And, sorry, I'm extremely nervous. I hate talking in
14 public, but thank you.

15

16 friend.

17

18 accident, we did have our -- somebody drove into our fence.
19 So an existing fence when we bought our property. That was
20 along the side of Highland Avenue. We went along and we
21 replaced the fence with 6.5 foot dog ear fence. We replaced
22 the six foot stockade existing fence.

23

existing fence and so, we did not realize it wasn't originally permitted. And so, I guess we are in this

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

3 through insurance and we were replacing wood with wood. And
4 then on the side yard we did replace some wire fence with
5 wood. We thought we were upgrading that.

6 MS. TOMPKINS WRIGHT: And the maximum, Rick,
7 the maximum fence for a rear yard in Brighton is six feet,
8 not six and a half?

9 MR. DiSTEFANO: Six and a half.

10 MS. TOMPKINS WRIGHT: Okay.

11 MR. DiSTEFANO: For side and rear yard.

12 CAROLINE GRABOWSKI: So it's not anything
13 like, it's not a fancy fence. It's just standard.

14 CHAIRPERSON MIETZ: We get it.

15 MR. DiSTEFANO: Just to clarify that --

16 CAROLINE GRABOWSKI: Thank you.

17 MR. DiSTEFANO: I don't know if you're going
18 to like my clarification. You did replace fencing between
19 you and your neighborhood on Highland, correct?

20 CAROLINE GRABOWSKI: Yes.

21 MR. DiSTEFANO: Basically anything up to the
22 front edge of the house is all front yard too. So that
23 fencing we are talking about it's just not the part that's
24 across the sidewalk, but also probably -- what's that setback
25 from the house?

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

MS. TOMPKINS WRIGHT: 85 feet.

4

5 easterly property line.

6

7 only that piece of that portion of the fence.

8

9 don't think it was clear, what was new and what was existing.

10

11 looked at what was new, oh, it was all the way down that
12 property line and also.

13

14 fence, regardless if it's just this portion or the side
15 portion, but that's what we're looking at really here.

16

MR. PREMO: So it's that right angle.

17

18 edge of the house.

19

20 So along that, you may consider it your rear yard but it's
21 sort of that side yard that's perpendicular to Highland
22 Avenue. Was that replacing a six foot stockade fence or was
23 it no fence in that location?

24

faces my neighbor --

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 MS. TOMPKINS WRIGHT: Yes.

4

CAROLINE GRABOWSKI: So that was a wire fence.

5

MS. TOMPKINS WRIGHT: Okay.

6

7 MR. DiSTEFANO: If you look at the survey,
8 this survey was done prior to the work on their fence. So if
9 you look at the survey you see the little hatch marks, the
10 little Xs, then you see a square, so the Xs are basically
11 wire fence until you get to the square which is usually a
wood fence.

12

MS. TOMPKINS WRIGHT: Okay.

13

14 MR. DiSTEFANO: So you just matched wood fence
15 to the existing wood fence. So all that wire fence is gone,
16 then started wood fence to wood fence going back along that,
correct?

17

CAROLINE GRABOWSKI: Yes.

18

19 MS. SCHWARTZ: I drove by it, I couldn't
20 really tell, and I don't know if there is a regulation or
21 not, but is there any room between the fence and the sidewalk
22 for some vegetation to soften the fence and then the
23 town could, you are saying. And then is there a restriction
that you couldn't do it if there were?

24

25 MR. DiSTEFANO: I'm sorry, restriction for
what?

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 MS. SCHWARTZ: For planting because it would
4 be close to the sidewalk.

5

6 approval -- well, Highland, it's a town street there. You
7 would have to get approvals to do it in the right of way
8 there. But you got the sidewalk right there. It would be
9 very hard because of the sidewalk.

10

11 There's no grass growing between the fence and the sidewalk.
12 It looked like it was about two feet maybe.

13

14 Between the sidewalk and the fence, I don't think it's that
15 much.

16

17 guess that the fencing was replaced exactly where the survey
18 shows it. There is literally, I don't think a half a foot
19 between the sidewalk and the fence.

20

21 sum this up. So the point you just raised there, you are
22 suggesting then that what is being requested, the area is not
23 enough?

24

25 request, which was front yard fencing, what was highlighted

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 the entire board fence that is located in the front yard on
4 the Highland Avenue?

5

CAROLINE GRABOWSKI: Yes.

6

7 was some effort to see if there was ever permitting to the
8 old fence?

9

9 MR. DiSTEFANO: Yes, there was. It came under
10 a violation more or less. So we researched it and could not
11 find any permits issued for the fence. I mean, if there was
12 a permit issue, there would have been a variance for it also.

13

13 MS. TOMPKINS WRIGHT: Do we have any idea of
14 that original fence, both the chain link and the wood one was
15 installed? Like, prior to ten years ago?

16

16 CAROLINE GRABOWSKI: Yes -- well, I believe
17 so. I am in contact with -- I could get in contact with the
18 previous residents, but they did all the garden work and
19 everything in the 90s. I have the documents as well. They
20 were nice enough to share those.

21

CHAIRPERSON MIETZ: Other questions, Board?

22

Thank you very much.

23

23 Is there anyone in the audience that would
24 like to speak regarding this application?

25

HENK GOEMANS: Good evening. I'm Henk

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

3 Goemans, I live at One Edgemere Drive, that's right across,
4 the house of the Grabowski's. I have lived there since 2004.
5 I know the previous owner as well, they have an epic story to
6 say and you have missed about how they got this house in
7 Brighton so their kids could go there. But I won't bore you
8 with all the details.

9 I can tell you the fence has been there at
10 least 18 years, not much longer. I can tell you also that
11 there have been multiple cases of car crashes there. Not
12 just one, or two, or three, more. So the fence kind of makes
13 sense right at that spot. I have run out of the house a
14 couple times in the middle of the night to deal with car
15 crashes there and assist people if necessary.

16 One of the things of course, that strikes me
17 in this meeting is that over and over and over that part of
18 the house is referred to as the front yard. It may be
19 technically correct, but it isn't. Not for any stretch of
20 the imagination it has not been for at least 20 or 30 years.

21 So I also want to say, I think it makes a lot
22 of sense, but that's neither here nor there. That's you're
23 job to decided, I just wanted to give some of the facts.

24 CHAIRPERSON MIETZ: Thank you very much.

25 Is there anyone else in the audience that

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 would like to speak regarding this application? Okay, then
4 the Public Hearing is closed.

5 | APPLICATION 4A-07-24

16 DAVID THURNHERR: Good evening. My name is
17 Dave Thurnherr and this is my wife Betsy Thurnherr. We have
18 been residents for 35 years at 196 Bastian Road, Rochester,
19 14623.

20 We are looking at out existing
21 one-and-a-half-car detached garage is in very poor condition,
22 it needs a lot of work, it needs to be replaced. We'd like
23 to replace it with something a little bit bigger that can
24 handle both of our cars plus the storage we already have in
25 the existing garage.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

Also, the garage is set up -- the existing garage is set up close to the lot line and we can't shift the garage in more or else it would interfere with the back door of our house and the view out of the back of the house.

7

8 clearance to the lot line. We're also asking for 700 square
9 foot of the 600 square foot.

10

11 a cupola on top of the garage to match the existing garage,
12 the look of the existing garage. So that puts it somewhere
13 higher above the 16-foot height requirement.

14

15 you mentioned about the back door. So, was there any other
16 options you looked at as far as where to place this garage on
17 the property?

18

19 the other side of the driveway, there's our whole septic
20 system. If we put it at the end of our driveway it would
21 change the whole character of our property. We're looking at
22 woods and a creek behind the house. So we set on the back
23 porch and look at a structure instead of looking at, you
24 know, the nature we have behind our house right now. So it's
25 kind of stuck where it is.

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 CHAIRPERSON MIETZ: Most of us have seen it.

4 MS. TOMPKINS WRIGHT: The 700 feet, is that
5 sized out exactly, that's with the minimum necessary to park
6 two cars and the existing storage you have in your garage?

7 DAVID THURNHERR: That's the way we looked at
8 it, yes. Right now we can't get a second car in the garage,
9 it's between the structure that's been added to keep it
10 standing up, and that. So I'd like to be able to get a
11 second car in the garage and still -- you know, I'd rather
12 have a little bigger garage than put another shed on the
13 property and have to look at something like that.

14 MS. SCHWARTZ: Will you have the same details
15 on the garage doors that you have now?

16 BETSY THURNHERR: Yes. Specifically to have
17 the barn-like look.

18 DAVID THURNHERR: Similar. I don't know if
19 I'd say exactly the same. But as much as you can do with
20 the -- my wife is more optimist. But we'd like a automatic
21 garage door instead of the very heavy duty sliding garage
22 doors that --

23 CHAIRPERSON MIETZ: Be made with the barn
24 style.

25 DAVID THURNHERR: Yeah.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 MS. TOMPKINS WRIGHT: Have you spoken to the
4 neighbors to the south of you, any concerns they have about
5 it?

6 DAVID THURNHERR: Yeah. Betty Roth is a
7 friend and a neighbor for 35 years. I don't want to speak
8 for her. She had some concerns and some I think we can
9 address in the details. Her main concern were the trees
10 along the lot line, not damaging the trees. I think if we go
11 to something like a pole construction that's not going to dig
12 a full trench along there. We can do that with minimized
13 impact to the trees. She was concerned about looking out at
14 the back of the garage, so we agreed we wouldn't put windows
15 on the back, maybe put them up higher so we're not looking
16 into a back deck from the garage.

17 I don't want to put words in her mouth, but
18 we've met with her three times on it. We wouldn't do
19 anything she didn't approve of.

20 CHAIRPERSON MIETZ: Okay.

21 Questions, Board?

22 MR. DiSTEFANO: Just for the record, so the
23 height is only necessary because of the cupola.

24 DAVID THURNHERR: Correct.

25 MR. DiSTEFANO: Are there any other structures

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 in the general area, in that neighborhood that kind of are
4 the size, or bigger?

5

several two-car garages as you go down the street.

7

8 but garages that are over 600 square feet. 600 feet is a big
9 two-car garage.

10

11 a three-car garage on the end at their house, but --

12

13 attached garage, if you can remember?

14

15 Helen is attached.

10

structures that are similar:

10

19 think about it. The good or the positive side of that is you
20 can't see the garage really from the road. As you know,
21 there's no houses behind. Actually, Betty, our neighbor,
22 owns the lots on the other side of the creek behind us. So,
23 there's no visibility there. If anything, it gives Betty a
24 little more privacy on that side too.

25

But I didn't want to building something

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 2740 Monroe Avenue, for a Temporary and Revocable Use Permit
4 pursuant to Section 219-4 to allow for a grand opening,
5 outdoor event on April 12, 2023 (and possibly through April
6 15, 2023) with off-site employee parking. All as described
7 on application and plans on file.

8 MANUEL MEDINA: Hello, everyone. My name is
9 Manuel Medina, I am principal project manager for Whole Foods
10 Market and with me I have Anthony Daniele the landlord and
11 Allan Culp, the regional vice president for the northeast
12 region.

13 Today we're going to be presenting our grand
14 opening event plan for traffic and you all have reviewed.
15 Our grand opening is on Wednesday, April 23rd, so coming up
16 soon. Hopefully we will see you all -- oh, April 12th, I'm
17 sorry.

18 MR. DiSTEFANO: Are you going to be there?

19 MANUEL MEDINA: I will be there, just making
20 sure you all read everything.

21 So if you see on the first page, we have our
22 opening day kind of snapshot. We expect the customers to
23 start lining up at 6:00 a.m. and our doors will open at
24 7:00 a.m. As part of the activities, we will have breakfast
25 treats that we will pass out to customers complimentary with

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

3 a cup of coffee and muffins. That location will be on the
4 sidewalk adjacent to the main entrance. We will have some
5 pop-up tents and a six-foot table there.

6 We expect customers to kind of line up on the
7 front of the store and the little sidewalk to the sides. At
8 7:00 a.m. the doors will open, around 11:00 a.m. to 2:00 p.m.
9 we expect to have some ambient music playing. We'll have a
10 host play some prerecorded music during the lunch rush, it
11 will be on the sidewalk as well. We will be using regular
12 audio equipment.

21 And then we have some special notes. We will
22 not be having the opening, we will be donating a food truck
23 to the Open Door Mission, but that will not happen during the
24 week of grand opening. We will do that at a later point to
25 try to keep the traffic congestion minimal.

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 And then the day of grand opening we have made
4 a concerted effort to not have deliveries happen after
5 7:00 a.m. So, in other words, we expect if any deliveries do
6 show up, we expect everything to be out and gone by 7:00 a.m.
7 Again, to try to minimize any traffic congestion on the day
8 of opening.

9 On the second page you will see the Daniele's
10 kind of planned for traffic. We shared that with you all.
11 You will also see a marked up blueprint, kind of highlighted
12 where we have both officers, Daniele representatives, lead
13 security officers, who Whole Foods has contracted.

14 And we directly coordinated with police
15 officials on traffic mitigation throughout the entire space.

16 I'll pause a moment to so if you have any
17 questions?

18 ANTHONY DANIELE: And just to be clear, what
19 we're asking for relief on is -- Anthony Daniele, owner of
20 Daniele SPC, which is the property which Whole Foods sits on,
21 I'm the landlord, AKA landlord.

22 So just to be clear, what we're asking relief
23 for is the fact that part of the grand opening event calls
24 for there to be tents out on the sidewalk, which technically
25 require special permission, as well as having music outside,

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 which originally was going to be live music. It's been kind
4 of toned down to be ambient piped in music and not a band.
5 So that won't be happening first thing in the morning.

6 From a traffic and mitigation standpoint, just
7 to be clear, we've done this in partnership, obviously the
8 landlord, the tenant, the town, not only the building and
9 Zoning department, but also the Brighton Police Department
10 has been involved which is why we've worked through this
11 entire plan. We worked with New York State Department of
12 Transportation. I was going to have an active role in the
13 first, we call it the opening period, which is the first week
14 of operation. Again, the variance we're looking for, for at
15 least the first application is just for opening day. But we
16 do understand that, everybody is aware of the fact that we
17 will have to do the best we can and do everything we can to
18 mitigate a negative effect on the road.

19

20 temporary revocable use permit, not a variance. I just want
21 to make sure the record shows that. And also, one other
22 aspect we talked about that I think the Board needs a little
23 clarification is the offsite parking, for employees, possibly
24 overflow shoppers, and it is in a residential district. So
25 could you touch on that?

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

ANTHONY DANIELE: Sure. In an abundance of
have over 450 parking spaces in the plaza
will be available to the customers and
mally. And we also have some areas of the
yet to be occupied by tenants, so there's
, unquote, extra parking. Because certain
ot moved in yet.

17 And the employees not only of Whole Foods, but
18 also we've asked the other tenants in the plaza to have their
19 employees park off site at the church so we have even more
20 spots and we don't have an issue with not having a place to
21 park. So at this point we feel there's more than enough
22 parking available for both employees and the customers.

23

24

25

ANTHONY DANIELE: About 100. I think 96 to be

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
2

3 exact, but about 100.

4 MR. GORDON: And is that lined?

5 ANTHONY DANIELE: It is striped, that is
6 correct.7 MR. DiSTEFANO: Do you expect Whole Foods
8 employees to be parking there throughout the grand opening
9 weekend?10 ANTHONY DANIELE: Yeah. During the opening
11 period, which I believe we defined up through the weekend,
12 yes.

13 MR. DiSTEFANO: Okay.

14 MS. TOMPKINS WRIGHT: Just, this is more of a
15 question for Ken and Rick. Is the fact that they have
16 offsite parking a part of this?17 MR. DiSTEFANO: Yes. That's why I wanted to
18 make clear of that. It is not super clear in the code. The
19 code does allow for some offsite parking in general for all
20 day parkers. It's not clear whether or not that includes
21 residential, going to a commercial use. It also does not --
22 and it is specific it's all day parking, so that would be
23 employees. But if there's any overflow of shoppers, that
24 would not be permitted.

25 So there's two kind of gray areas. The fact

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

3 they really do.

5 MS. SCHWARTZ: As far as the opening of other
stores, do they always go that many days for an opening?

7 ANTHONY DANIELE: The main event are going to
be on Wednesday the 12th, but we made preparations going into
8 the weekend anticipating that Wednesday would be our big day
9 and the weekend you get the traffic.

11 MR. GORDON: And to clarify, the application
12 before you for the temporary and revokable permit for the
tents and the music and the food service is only for
13 Wednesday, April 12th.

ANTHONY DANIELE: Correct.

16 MR. DiSTEFANO: But the offsite parking will
go through the weekend.

18 MS. SCHWARTZ: So that's all going through the
weekend?

20 MR. DiSTEFANO: That's all being requested at
this time.

MS. SCHWARTZ: All right.

23 MR. DiSTEFANO: It's not a permanent type of
situation, only during their grand opening weekend.

MS. SCHWARTZ: So that's about 3:15?

MR. DiSTEFANO: Yeah, that's Wednesday through

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
2

3 Sunday.

4 MS. SCHWARTZ: Okay.

5 MS. SCHMITT: Just to -- did you order the
6 great weather for the --7 ANTHONY DANIELE: That was part of the lease
8 deal we made nine years ago. We had to have good weather.

9 MS. SCHMITT: You need to open more then.

10 MS. TOMPKINS WRIGHT: Quick question, to
11 verify the amendments to the application, just to make sure
12 it's on the record. So the application has a three-piece
13 band, it's going to be piped in ambient music, correct?14 ANTHONY DANIELE: Just amplified music using a
15 speaker.16 MS. TOMPKINS WRIGHT: And then the application
17 states a two-hour window of 11:00 a.m. to 1:00 p.m., but in
18 your schedule it's 11:00 a.m. to 2:00 p.m.?19 ANTHONY DANIELE: Yeah, it's 11:00 a.m. to
20 2:00 p.m.21 MR. GORDON: Actually, if I could clarify
22 that, when you say 11:00 a.m. to 2:00 p.m., so there's
23 actually three food service periods throughout the day.
24 There's a morning period from 6:00 a.m. to 7:00 a.m. for
25 outdoor coffee. There is the lunchtime rush as defined as

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 11:00 a.m. to 2:00 p.m., and a dinnertime rush from 4:00 to
4 6:00 p.m.

5

ANTHONY DANIELE: Correct.

6

7 proposed during the lunchtime?

7 proposed during the lunchtime?

8

ANTHONY DANIELE: Correct.

9

10 just coming out of a speaker?

11

11 ANTHONY DANIELE: Right. It's amplified, but
12 just a small amplifier. So, yes, a speaker.

13

13 MS. SCHWARTZ: People who live behind aren't
14 going to hear it?

15

ANTHONY DANIELE: No they are not.

16

16 CHAIRPERSON MIETZ: How are you going to

17

17 manage the food service? Can you be more specific about it?
18 The trash, you know, who is responsible? How is it going to
19 be handled?

20

20 ANTHONY DANIELE: Yeah. We will have two
21 vendors with samples during that time. And going to have the
22 Whole Foods staff there and we'll have trash cans over there
23 so people can dispose of their litter. It's going to be
24 pretty straight forward, and then once you ran out of
25 samples, that's as far as we can get.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 portion to have staff.

4

5 Monroe. You will have problems within, but I am concerned
6 with Monroe.

7

12

CHAIRPERSON MIETZ: Okay.

13

13 MR. GORDON: Can you talk a little bit about
14 how the tents are going to be placed vis-a-vis, where the cue
15 to get into the store is going to be lined up, vis-a-vis
16 where the shopping carts are now staged directly outside and
17 along the front of the store, unless they have moved?

18

22

22 MR. GORDON: So it's not along the front of
23 the store?

24

24 ANTHONY DANIELE: Yeah, not along the front of
25 the store and side.

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 MR. GORDON: Is any of that cueing going to be
4 in the parking lot or on driving lanes?

5 ANTHONY DANIELE: It should not -- it will
6 not.

7 MR. GORDON: So tractor trailers, it's my
8 understanding that tractor trailers deliveries generally to
9 the site will be about two or three per day in the hours of
10 approximately 6:00 a.m. to 9:00 a.m. What's being planned
11 specifically for the morning of opening day?

12 ALLAN CULP: We have confirmation from our two
13 main delivery providers that we will have a delivery at
14 4:00 a.m. and exit before 5:00 a.m. and no deliveries after
15 5:00 and leave before 6:00 the day of opening.

16 MS. TOMPKINS WRIGHT: And any materials you
17 provided, it specifically says that only small box deliveries
18 like Fed Ex will occur after 7:00 a.m.?

19 ALLAN CULP: That's correct. We can't control
20 if a truck breaks down or something that's not a factor to
21 the delivery, prior to delivery, they have said they will be
22 there at the beginning of those windows.

23 CHAIRPERSON MIETZ: That will be just that
24 first day, the 12th? We're talking specifically to some
25 unknown mistake. All the deliveries are scheduled?

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

6 MR. GORDON: But if what I'm hearing Allan say
7 is correct, is that trucks that you're requesting permission
8 under this temporary and revokable permit to allow for that
9 one day, trucks to arrive at the property between 4:00 a.m.
10 and 6:00 a.m., which is different than what the code allows.
11 That could be part of your application, is that what you're
12 asking?

13 ALLAN CULP: Your answer, Mr. Gordon, is yes,
14 that's correct. We would like to amend that application.

15 CHAIRPERSON MIETZ: Just for the 12th?

16 ALLAN CULP: Just for the 12th.

17 ANTHONY DANIELE: And just to be clear, I
18 think the code prohibits deliveries before 6:00 a.m., so
19 that's why. That's the why.

20 MR. GORDON: But, I think -- and I can't speak
21 for the Board, but I can tell you, I can speak for the town
22 supervisor on this. The town supervisor would think it would
23 be a wise idea not to have deliveries during the grand opening
24 event. So if you can make those deliveries happen before,
25 that one day, great.

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

ALLAN CULP: That was our intended goal.

MS. TOMPKINS WRIGHT: One more comment to make sure this application is amended appropriately. The application states that the permit may go to April 15th, which is Saturday, for offsite parking? But what I'm hearing is that you may park offsite through Sunday, April 16th? Is that the last day for the potential offsite parking permit?

ANTHONY DANIELE: That is our request, yes.

CHAIRPERSON MIETZ: Anybody else?

Gentleman, thank you.

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

16 APPLICATION 4A-09-23

24 MANUEL MEDINA: So this application is pretty
25 straight forward. We would like to put a banner --

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 MR. DISTEFANO: Please reintroduce yourself.

4

5 project manager for Whole Foods Market. Today we are seeking
6 a variance to be able to put an exterior sign banner to
7 convey that we are coming soon and that we are now open.
8 Given that the opening is coming so soon, we will most likely
9 just put up the now open sign. It is 40 feet wide by eight
0 foot, so not too large. Ideally, we just want to convey the
1 message to the residents after nine long years, we are now
2 open.

13

CHAIRPERSON MIETZ: Okay.

14

15

MS. SCHWARTZ: Why do you require that length of time?

16

17

18

19

30

21

88

88

MS. SCHWARTZ: They're going to know. Simply having it a month, I would even go less than that. Truly, two months is just an awful lot to have something like that up. I would think a month and less.

24

25

MR. GORDON: Can you tell us, for when you

25

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Thank you, gentlemen.

4

5 Is there anyone in the audience that would
6 like to speak regarding this application? There being none,

7 then the Public Hearing is closed.

8 We will take a short break.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3

4

BRIGHTON

5

ZONING BOARD OF APPEALS MEETING

6

DELIBERATIONS

7

8

APRIL 10th, 2023
at approximately 8:40 **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)
EDWARD F. PREMO, II)
KATHLEEN SCHMITT) BOARD MEMBERS
JUDY SCHWARTZ)
ANDREA TOMPKINS WRIGHT)

15

16

KEN GORDON, ESQ.
Town Attorney

RICK DiSTEFANO
Senior Planner

17

18

NOT PRESENT
HEATHER MCKAY-DRURY

19

20

21

(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:)

22

23

24

25

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

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

Batavia, New York 14020

4

APPLICATION 4A-02-23

5 4A-02-23 Application of Jagdish Kaur, owner of
6 property located at 30 Jefferson Road, requesting renewal of
7 a Use Variance (12A-03-22) and an Area Variance (12A-04-22),
8 pursuant to Section 219-5F, where approvals allow for a
9 liquor store in an I guess-Light Industrial District and for
10 front yard parking where both are not allowed by code. All
11 as described on application and plans on file.

12 Motion made by Mr. D'Augustine to approve the
13 renewal, Application 4A-02-23 based on the prior findings and
14 facts and conditions set forth in Applications 12A-03-22 and
15 12A-04-22.

16 (Second by Ms. Tompkins Wright)

17 (Mr. Premo, yes; Ms. Schwartz, yes; Mr. Mietz,
18 yes; Ms. Schmitt, yes; Ms. Tompkins Wright, yes;
19 Mr. D'Augustine, yes.)

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

21

22

23

24

25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 4A-08-23

4 4A-08-23 Application of Whole Foods Market,
5 lessee, and Daniele SPC, LLC, owner of property located at
6 2740 Monroe Avenue, for a Temporary and Revocable Use Permit
7 pursuant to Section 219-4 to allow for a grand opening,
8 outdoor event on April 12, 2023 (and possibly through April
9 15, 2023) with off-site employee parking. All as described
10 on application and plans on file.

11 Motion made by Ms. Tompkins Wright to approve
12 Application 4A-08-23 as amended, based on the following
13 findings and facts.

14 FINDINGS AND FACTS:

15 1. The requested temporary revokable use permit is a type
16 two action pursuant to six MICRR Section 6717.521, and no
17 review is required pursuant to the State Environmental
18 Quality Review Act.

19 2. Applicant's request for a grant of a temporary revokable
20 use permit for an opening day and outdoor event with three
21 outdoor tenants, limited outdoor music, an outdoor food
22 distribution, and offsite parking is temporary in nature and
23 does not involve the erection or enlargement of any permanent
24 structure.

25 3. The proposed tents are small in size for commercial

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 purposes and proposed to be up for less than 24 hours. They
4 will not negatively affect the health, safety and welfare of
5 the community.

6

7 4. The prerecorded outdoor music is proposed for a very
8 limited time period from 11:00 a.m. to 2:00 p.m. And given
9 the heavily trafficked location at the property along Monroe
10 Avenue, it will not negatively affect the health, safety and
welfare of the community.

11

12

13

14

15

16

17

18

19

20 5. The offsite employee and overflow parking located at
First Baptist is proposed out of an abundance of caution and
will be limited to the grand opening event through the
weekend.

21

22

23

24

25

6. While semi-truck deliveries are typically made after
6:00 a.m., a one-day permit to accept deliveries as early as
4:00 a.m. is requested due to control of traffic for the
opening day event.

CONDITIONS:

20

21

22

23

24

25

1. A temporary revokable use permit applies only to the
activities described in the application as amended and in the
testimony given for the period of April 12, 2023, through
April 16, 2023, specifically outdoor food distributions,
tents, and outdoor music shall be limited to Wednesday,
April 12th. Offsite parking shall be limited to April 12th

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 through April 16th. The permit for truck deliveries made

4 prior to 6:00 a.m. shall be limited to Wednesday, April 12th.

5 2. All tents shall be placed under the canopy at the

6 property and shall not impede in any vehicular traffic

7 circulation or parking. Tents shall be erected no earlier

8 than 4:00 a.m. on Wednesday, April 12th, and shall be removed

9 no later than 11:59 p.m. on Wednesday, April 12th.

10 3. Throughout the event applicant shall ensure that all

11 pedestrian traffic and gathering is directed away from any

12 parking areas or drive aisles in the shopping center.

13 4. All large semi-truck deliveries shall be made to the

14 property between 4:00 a.m. and 6:00 a.m. on Wednesday,

15 April 12th.

16 5. Applicant shall police the area and shall ensure that all

17 refuse is removed from the property.

18 6. The temporary revokable use permit granted herein is

19 expressly conditioned on applicant complying with the grand

20 opening event and traffic plan submitted to this Board prior

21 to April 10th.

22 (Second by Mr. D'Augustine.)

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

24 Ms. Schwartz, yes; Mr. Premo, yes; Mr. D'Augustine, yes;

25 Ms. Tompkins Wright, yes.)

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 APPLICATION 4A-09-23

4 4A-09-23 Application of Whole Foods Market,
5 lessee, and Daniele SPC, LLC, owner of property located at
6 2740 Monroe Avenue, for a Temporary and Revocable Use Permit
7 pursuant to Section 219-4 to allow for the placement of
8 "Coming Soon" and "Now Open" banners on the building face for
9 up to 60 days where not allowed by code. All as described on
10 application and plans on file.

11 Motion made by Mr. D'Augustine to approve
12 Application 4A-09-23 based on the following findings and
13 facts.

14 **FINDINGS AND FACTS:**

15 1. Use will not produce a substantial change to the
16 character of the neighborhood.

17 2. The requested time duration is reasonable based on Whole
18 Foods standard operating procedure for store openings.

19 3. The requested use will not negatively affect the health,
20 safety, and general welfare of the community.

21 **CONDITIONS:**

22 1. The temporary signage will conform to the size, style and
23 placement as described in the application based on the
24 testimony given.

25 2. The granting of this use permit shall not be construed to

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 include any additional signage.

4 3. Signs shall be removed immediately upon the expiration of
5 the sixty-day time frame.

6 (Second by Ms. Tompkins Wright.)

7 (Mr. Mietz, yes; Ms. Schwartz, no; Mr. Premo,
8 yes; Ms. Schmitt, yes; Ms. Tompkins Wright, yes;
9 Mr. D'Augustine, yes.)

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

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 3A-06-23

4 3A-06-23 Application of Larry and Stacy
5 Turowski, owners of property located at 141 St. Regis Drive
6 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 approve
12 Application 3A-06-23 based on the following findings and
13 facts.

14 FINDINGS AND FACTS:

15 1. This application was approved on 10/08/22.

16 2. This is a new slight, modification to the original

17 application and approval requesting 2.7 foot rear setback in

18 place of the original 4.7 foot setback, where a five-foot

19 minimum setback is required by code, thus requiring

20 reapplying to this Board.

21 3. The reason for this request, it is because the applicant

22 now has architectural drawings and a calculation of the

23 proposed garage which indicate that the front left corner of

24 it would be 1.8 feet from the front property line if the

25 variance were not granted. Therefore 2.7 foot rear setback

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023
23 does not impact the character of the neighborhood and
4 achieves the desired result for the applicant.5 4. The garage will be in keeping with the garages in the
6 neighborhood in height and style.7 5. There is no alternative placement for the new garage to
8 fit the shape of the lot, nearby street, et cetera.9 **CONDITIONS:**10 1. This variance only applies to testimony presented and
11 additional written information to the application.12 2. The height of the structure shall be no greater than 16
13 feet.

14 3. All necessary building permits must be obtained.

15 (Second by Mr. D'Augustine.)

16 (Mr. Premo, yes; Ms. Tompkins Wright, yes;
17 Mr. Mietz, yes; Ms. Schmitt, yes; Mr. D'Augustine, yes;
18 Ms. Schwartz, yes.)19 (Upon roll call, motion to approve with
20 conditions carries.)

21

22

23

24

25

1

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 APPLICATION 4A-01-23

4 4A-01-23 Application of Robert Piazza Palotto,
5 owner of property located at 2500 Elmwood Avenue, for
6 modification of an approved variance (9A-06-22) to allow
7 construction of a second story above an attached garage
8 addition which was granted a side setback variance of 8.2 ft
9 in lieu of the minimum 10.8 ft required by code. All as
10 described on application and plans on file.

11 Motion made by Ms. Tompkins Wright to table
12 Application 4A-01-23 and reopen the Public Hearing so that
13 the applicant may work with the Architectural Review Board
14 for an acceptable design.

15 (Second by Mr. D'Augustine.)

16 (Ms. Schwartz, yes; Mr. Premo, yes;

17 Ms. Schmitt, yes; Mr. Mietz, yes; Mr. D'Augustine, yes;

18 Ms. Tompkins Wright, yes.)

19 (Upon roll call, motion to table and keep the
20 Public Hearing open carries.)

21

22

23

24

25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 4A-03-23

4

5 and Ralph DiTucci, Castle Office Group LLC, owner, for a
6 Temporary and Revocable Use Permit pursuant to Section 219-4
7 to allow for a food truck on site once per week from May
8 through August 2023 where prohibited by code. All as
9 described on application and plans on file.

10

11 Application 4A-03-23 based on the following findings and
12 facts.

12 facts.

13 **FINDINGS AND FACTS:**

14 1. Applicant's request for a revokable use permit to permit
15 a food truck once per week for the summer months is temporary
16 in nature and does not involve the erection or enlargement of
17 any permanent structure.

18 2. The requested temporary use and time permitted for use is
19 consistent with the uses in the area to provide a temporary
20 amenity to the property staff.

21 3. Applicant has complied with all conditions previously
22 imposed upon the applicant prior years for the same or
23 similar revokable use permit.

24 4. There is no evidence that the granting of this permit
25 will negatively affect the health, safety or welfare of the

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 community.

4

CONDITIONS:

5

1 This temporary revokable permit is based on the document
6 submitted and testimony provided.

7

2 The applicant will provide adequate trash and recycling
8 containers for use by customers of the food truck and will be
9 responsible for trash removal.

10

3 The food truck will only operate one time per week for
11 three or four hours at a time.

12

4 The food truck on the site must be currently licensed and
13 successfully completed the most up to date fire safety
14 inspection by the City of Rochester fire department.

15

(Second by Mr. Premo.)

16

17 (Ms. Schwartz, yes; Mr. Mietz, yes;
18 Mr. D'Augustine, yes; Ms. Schmitt, yes; Mr. Premo, yes;
19 Ms. Tompkins Wright, yes.)

20

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

23

24

25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 4A-04-23

4

5 Readlynn, owners of property located at 114 Sylvan Road, to
6 allow for a covered porch to extend 5.5 ft into the 40 ft
7 front setback required by code. All as described on
8 application and plans on file.

9

10 Application 4A-04-23 based on the following findings and
11 facts.

12

FINDINGS AND FACTS:

13

14 into the 40 setback required by code.

15

16 adequate seating nor does it provide an adequate entranceway,
17 in that only no one person may be under it at a time.

18

19 variance will not produce an undesirable change in the
20 character of the neighborhood or be a detriment to nearby
21 properties as other properties in the neighborhood have front
22 porches that are within the setback. Moreover, there's no
23 evidence that there would be a negative effect on the health,
24 safety and welfare of the neighborhood.

25

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 1. The variance will apply only to that which is described

4 in the application and plan presented at the hearing and

5 testimony provided and will not apply to future projects.

6 2. The front porch must remain open.

7 3. The homeowner shall mitigate with landscaping.

8 4. All necessary building permits shall be obtained.

9 (Second by Ms. Tompkins Wright.)

10 (Mr. Premo, yes; Ms. Schwartz, yes;

11 Mr. D'Augustine, yes; Ms. Schmitt, yes; Ms. Tompkins Wright,

12 yes; Mr. Mietz, yes.)

13 (Upon roll call, motion to approve with

14 conditions carries.)

15

16

17

18

19

20

21

22

23

24

25

1

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 4A-05-23

4 4A-05-23 Application of Christopher Brandt,
5 agent, and Andre Langston and Wendy Boyde, owners of property
6 located at 1715 Clover Street, for an Area Variance from
7 Section 203-2.1B(6) to allow a stand-by emergency generator
8 to be located in a side yard in lieu of the rear yard behind
9 the house as required by code. All as described in
10 application and plans on file.

11 Motion made by Mr. Premo to approve
12 Application 4A-05-23 based on the following findings and
13 facts.

14 FINDINGS AND FACTS:

15 1. The requested area variance is for a single-family home
16 that is a type two action, pursuant to 6NYCRR 617.5 C17, a no
17 review is required pursuant to the State Environmental
18 Quality Review Act.

19 2. The requested variance is to allow the location of the
20 standby generator for power emergencies in the side yard
21 instead of the rear yard. The rear yard is previously
22 improved by an in ground swimming pool, timber frame
23 landscaping and deck. The proposed location is near utility
24 connections with the house and near an existing central air
25 conditioning unit. The proposed location is screened from

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Clover Street by an existing arborvitae hedge. Given the
4 large sizable lot, the location is approximately 40 feet from
5 the side property line.

6

3. In context, the requested area variance is not
substantial.

8

4. There are no other alternatives to produce the desired
result given the existing improvements in the rear yards and
10 the location of the utilities for the house.

11

5. There will be no unacceptable change in the character of
the neighborhood and no substantial detriment to the nearby
13 properties is expected.

14

6. The hardship is based on the existing condition of the
property.

16

7. The health, safety, and welfare of the community will not
17 be adversely affected by approval of the variance.

18

CONDITIONS:

19

1. The variance is based on the application submitted and
only authorizes the project described therein.

21

2. Shielding the generator from Clover Street will be
22 maintained.

23

3. Subject to obtaining necessary permits and inspections.

24

(Second by Mr. D'Augustine.)

25

(Ms. Schmitt, yes; Ms. Schwartz, yes;

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Ms. Tompkins Wright, yes; Mr. Mietz, yes; Mr. D'Augustine,
4 yes; Mr. Premo, yes.)

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 4A-06-23

4

5 Grabowski, owners of property located at 1301 Highland
6 Avenue, for an Area Variance from Section 207-2A to allow a
7 front yard fence to be 6.5 ft in height in lieu of the
8 maximum 3.5 ft allowed by code. All as described on
9 application and plans on file.

10

11 Application 4A-06-23 based on the following findings and
12 facts.

13

FINDINGS AND FACTS:

14

15 an existing nonconforming fence installed by the previous
16 owner that was damaged by a car with a similarly sized six
17 and a half foot dog eared fence.

18

19 facing Edgemere Drive. Because it is a corner lot which the
20 homeowners use as their side yard, is deemed to be a front
21 yard facing Highland Avenue, a heavily trafficked road, and
22 across the road is the Hillside Residential Treatment
23 Building.

24

25 deteriorating fence of similar height, the granting of the

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 variance would not appear to result in any substantial
4 detriment to nearby properties or otherwise adversely affect
5 the character of the neighborhood.

6 4. Moreover, there's no evidence that there would be a
7 negative impact on the health, safety and welfare of the
8 neighborhood.

9 5. The proposed replacement fence is the minimum necessary
10 to achieve the homeowner's desired goals of privacy and
11 safety for themselves and their children.

12 **CONDITIONS:**

13 1. The variance applies only to the fence as described in
14 the application and testimony provided and will not apply to
15 future projects.

16 2. All necessary building permits shall be obtained.

17 (Second by Mr. D'Augustine.)

18 (Mr. Premo, yes; Ms. Schwartz, yes; Ms.
19 Tompkins Wright, yes; Mr. Mietz, yes; Mr. D'Augustine, yes;
20 Ms. Schmitt, yes.)

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

23

24

25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 | APPLICATION 4A-07-23

4 4A-07-23 Application of David and Elizabeth
5 Thurnherr, owners of property located at 196 Bastian Road,
6 for Area Variances from Sections 203-2.1B(3), 203-9A(4) and
7 207-6A(1) or 1) allow for the construction of a detached
8 garage 3 ft from a side lot line in lieu of the minimum 5 ft
9 required by code, 2) allow the garage to be 704 sf in size in
10 lieu of the maximum 600 sf allowed by code, and 3) allow said
11 garage to be 20 ft in height (top of copula) in lieu of the
12 maximum 16 ft allowed by code. All as described on
13 application and plans on file.

14 Motion made by Ms. Schwartz to approve
15 Application 4A-07-23 based on the following findings and
16 facts.

17 FINDINGS AND FACTS:

18 1. The current garage is in poor condition and needs to be
19 replaced and offer the applicant the opportunity to construct
20 a larger 704 square foot garage to accommodate both cars and
21 provide needed storage space.

22 2. Many locations for the new garage were considered but
23 were not possible due to the septic system, a negative change
24 in the character of the property blocking the view from the
25 deck of the creek, the yard, and wooded property on the other

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 side of the creek, and interfering with the stairs at the
4 primary exit at the rear of the house.

5 3. The proposed garage will be partially visible only from
6 the south because there are trees and sheds along the
7 property line blocking the views of the garage.

8 4. The proposed garage will not change the character of the
9 area because this is a large lot which can accommodate the
10 new larger garage and side variances only two feet into the
11 setback.

12 5. The height variance for the garage is due to the
13 placement of a cupola which also on the current garage and is
14 slightly less in height. Therefore, this is a very minimal
15 variance and as it is only for a small decorative element and
16 not the entire garage, is in keeping with the character of
17 the property.

18 **CONDITIONS:**

19 1. The variances only apply to the testimony presented and
20 written application.

21 2. The only utility will be electricity, which is in there
22 now.

23 3. All necessary building permits must be obtained.

24 (Second by Mr. Premo.)

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

1 BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

2

3 Mr. D'Augustine, yes; Ms. Tompkins Wright, yes; Mr. Premo,
4 yes; Ms. Schwartz, yes.)

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

7 *

*

*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3 REPORTER CERTIFICATE
45 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.11
12 Dated this 4th day of June, 2023.13 At Rochester, New York
14
1516 *Rhoda Collins*
17 Rhoda Collins
18
19
20
21
22
23
24
25

BRIGHTON ZONING BOARD OF APPEALS 04/10/2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25