

**BRIGHTON  
ZONING BOARD OF APPEALS  
MEETING**

June 7, 2023  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

## 10 | PRESENT:

DENNIS MIETZ  
Chairperson

EDWARD PREMO ) Board Members  
13 KATHLEEN SCHMITT )  
14 ANDREA TOMPKINS-WRIGHT )  
JUDY SCHWARTZ )  
MATTHEW D'AUGUSTINE )

15 KEN GORDON, ESQ.  
16 Town Attorney

17 RICK DiSTEFANO  
Secretary

ABSENT: HEATHER McKAY-DRURY

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

1                   CHAIRPERSON MIETZ: Welcome to the June  
2 meeting of the Brighton Zoning Board of Appeals. Let  
3 me tell you how we run this meeting if you're not  
4 familiar with it so that you'll do your thing and  
5 we'll get you on the road.

6                   So number one is that we will go through the  
7 applications one by one on the agenda. And when your  
8 application is called and you're the person that's  
9 going to speak, you come up to the podium, please give  
10 us your name and address. And then you would proceed  
11 and let us know why you feel that we should approve  
12 your application.

13                  We all have all of the materials. Most of  
14 the Board members have visited each location. So  
15 we're pretty familiar with what you're requesting.  
16 And then if there's any questions, then the Board  
17 members will ask them.

18                  When we finish that, we'll ask if there's  
19 anyone in the audience that would like to speak  
20 regarding your application. Once we finish that,  
21 we'll close the public hearing and move to the next  
22 application.

23                  Once we finish all the applications, we may  
24 take a quick break. And then we will start the  
25 deliberations. You're welcome to stay and listen to

1 that if you wish, but we don't have any more  
2 interjection, back and forth. Okay?

3           If you decide not to stay, then you can call  
4 Mr. DiStefano in the Building Office tomorrow and he  
5 will let you know what the result of your application  
6 was. Okay? So that's the drill.

7           Okay. Sir, you can call the roll.

8           (Whereupon the roll was called.)

9           MR. DiSTEFANO: Please let the record show  
10 that Ms. McKay-Drury is not present.

11           CHAIRPERSON MIETZ: Rick, was the meeting  
12 properly advertised?

13           MR. DiSTEFANO: Yes, Mr. Chairman. It was  
14 advertised in the Daily Record of June 1st, 2023.

15           CHAIRPERSON MIETZ: Okay. Thank you very  
16 much. Do you have anything to interject?

17           MR. DiSTEFANO: Just as the agenda shows  
18 that application 5P-01 and 5P-02-23 have been  
19 postponed to the -- hopefully the July meeting as the  
20 people involved work out the easement situation.

21           CHAIRPERSON MIETZ: Okay. All right. Very  
22 good.

23           MR. DiSTEFANO: Do any of the members have  
24 any questions regarding any of the applications? Just  
25 make sure everybody has their mics up close.

1                   CHAIRPERSON MIETZ: Very good. We have some  
2 minutes.

3                   MS. SCHWARTZ: There's only one. Only one.  
4 All the way on page --

5                   MR. DiSTEFANO: Before you go on, it should  
6 be the May minutes. April minutes we just received on  
7 Monday. So these are May minutes.

8                   MS. SCHWARTZ: Okay. So page 64, line 1, I  
9 believe the next to last word should be "board,"  
10 B-O-A-R-D.

11                  CHAIRPERSON MIETZ: Very good. Do we have a  
12 motion for the minutes?

13                  MR. D'AUGUSTINE: Motion.

14                  CHAIRPERSON MIETZ: Second?

15                  MS. TOMPKINS-WRIGHT: Second.

16                  CHAIRPERSON MIETZ: Second over here.

17                  MR. DiSTEFANO: The motion is to approve  
18 with corrections.

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

22                  (AUpon roll motion to approve with  
23                  corrections carries.)

24                  CHAIRPERSON MIETZ: Okay. Very good. Okay.  
25 So if there are no other questions, when you're ready,

1 read the first application.

2 **Application 4A-01-23**

3 Application of Robert Piazza Palotto, owner  
4 of property located at 2500 Elmwood Avenue, for  
5 modification of an approved variance (9A-06-22) to  
6 allow construction of a second story above an attached  
7 garage addition which was granted a side setback  
8 variance of 8.2 feet in lieu of the minimum 10.8 feet  
9 required by code. All as described on application and  
10 plans on file. **TABLED AT THE APRIL 10, 2023 MEETING -**  
11 **PUBLIC HEARING REMAINS OPEN.**

12 MR. PALOTTO: Hi. Robert Piazza Palotto.

13 Address is 2500 Elmwood Avenue.

14 CHAIRPERSON MIETZ: Just pull that mic over.

15 MR. PALOTTO: Sure. Much better.

16 So I'm here today to obviously thank you for  
17 all showing up and being here and secondly, to ask for  
18 a additional variance for a second story addition.  
19 You know since then, since the approval, I have -- my  
20 girlfriend and her two kids moved in. So we're  
21 looking for additional space. And additional space  
22 above the garage seemed the most feasible and  
23 applicable as far as placement.

24 I looked for other areas to put the addition  
25 but because of the layout and situation, it only made

1 sense to be above the garage.

2                   Initially, it was approved for the garage  
3 initially. And through several attempts with the  
4 Architectural Review Board, with finally got an  
5 approval as of yesterday. So we're excited about  
6 that.

7                   The next step would be getting the variance  
8 approved for the second-story addition above the new  
9 built construction, garage.

10                  MS. TOMPKINS-WRIGHT: Were there any changes  
11 to the plans based on the Architectural Review Board?

12                  MR. PALOTTO: Yes. Tremendous amount of  
13 plan differences. A lot of it was the roof lines and  
14 how it would appear from the side and the windows.  
15 And we did make it a little bit smaller so that it  
16 wasn't so obtrusive.

17                  I do have new footprints of the plans and  
18 blueprints. I'm happy to share those with you.

19                  MR. DiSTEFANO: Just the elevations.

20                  CHAIRPERSON MIETZ: Yeah. That's what's  
21 important. You can pass it around and we'll get it  
22 back to you.

23                  MR. PALOTTO: Actually, I have a smaller  
24 version.

25                  MR. DiSTEFANO: Yeah. Why don't you do

1 that? You can just put that one up and just kind of  
2 point out what was changed. Tack that up to the  
3 board. I think both elevations are important too that  
4 it really takes some of that massing away.

5 MR. PALOTTO: So the front elevation is --  
6 basically we have stone in the front, vinyl siding, a  
7 cedar shake vinyl siding on the front too as well.

8 We setback the front about four feet from  
9 the front of the garage.

10 The side elevation, this is kind of the big  
11 thing. The garage is actually four feet from the  
12 front of the corner. So it sets back from the corner  
13 of the house and it goes up and then it goes back.  
14 Then you have your roof lines and the reverse gable  
15 coming off the back right there.

16 And then the windows are actually in  
17 alignment for the master bedroom right here. And then  
18 we made them symmetrical for the garage as well.  
19 Garage door here on the side.

20 And as you can see, even on the reverse of  
21 the back of the house has a reversed gable coming in  
22 so it's not as obtrusive.

23 MR. DiSTEFANO: And you lowered the height  
24 of the peak of that addition since the last time this  
25 Board has seen it.

1                   MR. PALOTTO: Correct. 100 percent. It's  
2 actually below the rest of the house.

3                   MR. DiSTEFANO: Can you just point it out,  
4 how you dropped it on the front elevation?

5                   MR. PALOTTO: Yes. Right here.

6                   MR. DiSTEFANO: It used to be equal with the  
7 existing roof line; correct? And you dropped it down  
8 to have some definition in there.

9                   MR. PALOTTO: Correct. So as you can see,  
10 right up here, it's actually lower, even on the side  
11 in conjunction with the back of the roof line. And  
12 then the reverse gable, the ridge vent is below the  
13 actual house itself.

14                  MR. DiSTEFANO: Just one more question. So  
15 in your opinion, do you feel that this design actually  
16 decreases some of that massing along the side in which  
17 you would be -- where the variance is necessary?

18                  MR. PALOTTO: Correct. Even -- as you can  
19 see, it wouldn't be as tall or as obtrusive,  
20 especially on the peak lines. Even on the lower end  
21 side right there and even with the back. We actually  
22 came in two feet off the back right there to give it  
23 some character but at the same time get a smaller  
24 side.

25                  CHAIRPERSON MIETZ: Okay. Other questions

1 by the Board? Clarifications? No? Okay.

2 So as far as the floor plan and the interior  
3 and everything, that work okay for you with these  
4 modifications?

5 MR. PALOTTO: Yes. It still gives me an  
6 opportunity to put a master bedroom right there and a  
7 bathroom right there too.

8 CHAIRPERSON MIETZ: Okay. Very good.

9 There's no other questions? Thank you very much.

10 MR. PALOTTO: Thank you.

11 CHAIRPERSON MIETZ: Is there anyone in the  
12 audience that would like to speak regarding this  
13 application? Okay. There being none, then the public  
14 hearing is closed.

15 MR. DiSTEFANO: Again, if there's anybody in  
16 the audience, 5A-01-23 and 5A-02-23 have postponed to  
17 the July meeting. So we'll go onto 6A-01-23.

18 **Application 6A-01-23**

19 Application of Margaret Heminway, owner of  
20 property located at 25 Meadow Lane, for 1) an Area  
21 Variance from Section 205-2 to allow a rear  
22 building/garage addition to extend 20.7 feet into the  
23 60 foot rear setback required by code, and 2) allow a  
24 driveway expansion to be 0.9 feet from a side lot line  
25 in lieu of the minimum 4 feet required by code. All

1 as described on application and plans on file.

2 MR. PEACOCK: Good evening. My name is  
3 Randall Peacock. My address is 545 Spring Meadow  
4 Lane. With me tonight is my client, Margaret  
5 Hemingway, from 25 Meadow Lane.

6 We're here tonight seeking two variances.  
7 Ms. Heminway would like to build an addition on her  
8 house, a first-floor bedroom, bathroom, so that she  
9 can age in place in the house.

10 The addition is designed to be a universally  
11 accessible space. It adds a little bit more area to  
12 it in terms of having turning spaces in bathrooms and  
13 little bit wider corridors within the building.

14 So what we've done is designed this addition  
15 on the rear of the house. And I'll explain that in a  
16 minute.

17 First of all, I'd like to discuss the law in  
18 terms of the unique circumstances. This lot is in an  
19 RLA district, but it's actually much smaller than an  
20 RLA lot. The RLA district requires a 23,125 square  
21 foot minimum lot size. This lot size is 11,200 feet,  
22 approximately 48.4 percent of the required amount.

23 RLA minimum lot width of 125. This lot  
24 width is 70 feet, about 56 percent of the required.

25 The RLB minimum lot size is 13,500 square

1       feet. So we're about 83 percent of that. It's still  
2       undersized for an RLB lot.

3           And the RLB width's minimum is 90 feet. And  
4       we are 77.8 percent of that.

5           I believe there are -- if you look at this  
6       neighborhood, most of the lots in the immediate area  
7       are these smaller size lots. And they're a small  
8       neighborhood within the larger RLA district, which has  
9       many larger lots in that surrounding area. So this  
10      particular area is a little bit in tune with smaller  
11      sized lots.

12           The RLA lot requires a 60 foot front  
13       setback. This house is 49.8 feet from the front  
14       property, the existing house. We're not changing  
15       that. That's 83 percent of the required.

16           And then RLA -- this is where we get into  
17       the uniqueness of this. The RLA lot requires a 60  
18       foot rear setback. We're proposing 39.3. So we're --  
19       that's actually a variance of 65. We're asking for  
20       65.5 of the overall 60 foot. But it's 98.25 percent  
21       of the RLB district requirement.

22           And my contention is that this lot was  
23       really more typical of the RLB district than the RLA  
24       district as well as the adjacent neighborhood.

25           The house fingerprint will go from 2,116 to

1 2,692 square feet. We're adding about 576 square feet  
2 to the house.

3 We're going to tear down the existing  
4 garage. The roof structural system on the garage is  
5 failing. It got a big sagging ridge on it. And we're  
6 going to replace that with a new garage, moved back  
7 further towards the rear of the lot. It goes from 402  
8 square foot to 485 feet, with an increase of about 82  
9 square feet total.

10 We are replicating an existing porch on the  
11 southwest corner of the house and then adding a little  
12 small covered area. So the porch areas on the house  
13 go from 90 to 131. We're adding about 41 square feet.  
14 And overall the fingerprint is 2,519 and we're going  
15 up to about 3,789 square foot for the bedroom.

16 You can see the floor plan. I'll talk loud.

17 So the existing garage is in this block  
18 right here behind the house. And there's a small den,  
19 which was once a porch, slab on grade, that's been  
20 enclosed. And built the porch off the back of that.

21 The den is going to remain. The garage will  
22 come down. We in-fill between the house and the new  
23 garage with a bathroom, closet and first-floor  
24 laundry.

25 The house has no first-floor bathroom right

1 now. The only bathroom is upstairs. So everybody has  
2 to go up the stairs to the bathroom on the upper  
3 floor.

4 The laundry's in the basement currently. So  
5 this will remove a lot of the up and down travel  
6 necessary to continue to live in the house. Creates a  
7 looping circulation inside to the new master bedroom  
8 on the first floor.

9 The scale of the addition was kept low so  
10 that I don't interfere with any windows on the  
11 existing house. We did present this to the ARB. I  
12 neglected to call today, but I'm pretty sure they  
13 approved it. They had no comments or issues with it.

14 We did -- I did do the single-family zoning  
15 information form. We're well within the parameters of  
16 what's allowed for square footage on the property.

17 I want to mention the driveway as well. The  
18 driveway right now -- we're not really changing it  
19 significantly from the existing condition. That's --  
20 the driveway is that tight. We're extending it back a  
21 little bit, but we're maintaining that same setback as  
22 we run back.

23 I'll leave it to you if you have questions.  
24 I've said enough.

25 CHAIRPERSON MIETZ: Sure about that?

1                   MR. PEACOCK: What else would you like to  
2 hear about?

3                   MS. TOMPKINS-WRIGHT: Do you mind speaking a  
4 little bit to the orientation of the home right behind  
5 it? It's not sort of a traditional back-to-back home.  
6 So with the expansion that's going on with this home,  
7 what does it face essentially? Like if you're -- I  
8 think it's 150 Brookside is the one right behind it.

9                   MS. HEMINWAY: Margaret Heminway, 25 Meadow  
10 Lane.

11                  CHAIRPERSON MIETZ: Thank you.

12                  MS. HEMINWAY: My neighbors are quite aware  
13 of the project and have no problem with it. I have  
14 the fence between our yard and their yard. It's -- I  
15 sent the plans to everybody in the entire  
16 neighborhood.

17                  MS. TOMPKINS-WRIGHT: Okay. Great. And  
18 then I'm assuming that this is the size. I think you  
19 said you were trying to keep the size and scale  
20 because this is the size that's the minimum necessary  
21 to age in place.

22                  MR. PEACOCK: Yup.

23                  MS. TOMPKINS-WRIGHT: That's all I have.

24                  CHAIRPERSON MIETZ: Okay. Questions? Ed,  
25 anything?

1                   MR. PREMO: No.

2                   CHAIRPERSON MIETZ: Okay. Thank you very  
3 much.

4                   Is there anyone in the audience that would  
5 like to speak regarding this application? Okay.

6                   There being none then the public hearing is closed.

7                   Application 6A-02-23

8                   Application of Advantage Federal Credit  
9 Union, owner of property located at 70 Metro Park, for  
10 a Temporary and Revocable Use Permit pursuant to  
11 Section 219-4 to allow for a one day car sales event  
12 with a tent and food truck (June 24, 2023) where  
13 not allowed by code. All as described in application  
14 and plans on file.

15                  MR. SAMUELSON: Good evening. David  
16 Samuelson representing Advantage Federal Credit Union  
17 at 70 Metro Park in Brighton. I've got Mike with me  
18 here.

19                  MR. SACCO: Mike Sacco. I live on Stock  
20 Road in Mason.

21                  CHAIRPERSON MIETZ: Thank you. Go ahead.

22                  MR. SAMUELSON: Advantage is a  
23 community-chartered Credit Union. We like to do  
24 things for our community. We've done things like --  
25 if you've ever been on Flint Water Drive, there's

1       stuff like that in front of our locations. It's just  
2       something else we like to bring to our community.

3                   Advantage has been a leader in auto sale  
4        rates for a few decades. And we'd like to bring that  
5        to Brighton. I think that we have a very nice offer  
6        for the Brighton residents and anybody else that comes  
7        into our property.

8                   MR. SACCO: We just recently bought Vision  
9        nine months ago. I run the company. We run things a  
10       lot differently. We're very customer service oriented  
11       and we're trying to kind of bring our name out in the  
12       community and bring some very, very good deals down  
13       there.

14                   What we're doing is bringing cars that will  
15        have aggressive LTVs. And the cars will be in a  
16        really good position to get loans, help consumers out.  
17        And we'll do nothing but build our reputation in the  
18        community.

19                   MS. TOMPKINS-WRIGHT: Have you received a  
20        copy of the letter from the fire marshal with his  
21        recommendations? Or did that only go to the Board?

22                   MR. DiSTEFANO: It goes to us.

23                   MS. TOMPKINS-WRIGHT: Just goes to the  
24        Board.

25                   The two recommendations that they had, I

1 think there's only two, it mentions that you need a  
2 fire code operations permit for the designated tent  
3 and that one or more sides over 400 square feet or --  
4 tents open on all sides that are over 700 square feet.  
5 So is that -- are any of the tents that are  
6 proposed --

7 CHAIRPERSON MIETZ: That large?

8 MR. SAMUELSON: No. I believe it's a  
9 smaller tent. Probably nothing more than 15 by 15.

10 CHAIRPERSON MIETZ: Okay.

11 MR. SACCO: We don't meet the size for the  
12 tents.

13 CHAIRPERSON MIETZ: Okay.

14 MS. TOMPKINS-WRIGHT: And these tents will  
15 be at least 20 feet from the lot line and parked  
16 vehicles?

17 MR. SAMUELSON: We can accommodate that,  
18 yes. Our lawn is big enough.

19 CHAIRPERSON MIETZ: Then it talks about the  
20 food service. If you're having some vendors that are  
21 providing food that they're licensed in the City of  
22 Rochester.

23 MR. SAMUELSON: We'll use one. I don't know  
24 who we've picked out yet, but they'll --

25 CHAIRPERSON MIETZ: They have to have a

1       permit. I think most food trucks do. Those are the  
2       conditions that would be on it. Okay.

3                   How are you going to manage this event?  
4       Who's going to manage it? How are you going to  
5       control the people, the trash? You know, all that  
6       stuff.

7                   MR. SAMUELSON: That facility can handle  
8       trash. We have help onsite to clean up all that. I  
9       think that's going to fall on me.

10                  Managing the flow of the traffic will be  
11       pretty easy. We also have approached Faith Bible to  
12       use their lot if we need. So that's plenty of  
13       parking, over 270 spaces.

14                  Managing the flow of people, we have our  
15       break room, which can handle about 100 people. It's  
16       adjacent to the parking lot. That will be open for  
17       restroom use, consultation, loan applications, that  
18       sort of thing.

19                  MR. SACCO: For security, we have three  
20       Rochester police officers that are full-time staff  
21       with us. So they'll be present just to make sure it  
22       goes smoothly, there's no issues and making sure the  
23       community isn't having any issues either driving or  
24       parking.

25                  CHAIRPERSON MIETZ: And then when you're

1 finished, how're you going to unwind it?

2 MR. SAMUELSON: Vision will remove all the  
3 cars that evening. I have a cleaning service that  
4 comes in and cleans up.

5 CHAIRPERSON MIETZ: All the cars are --

6 MR. SAMUELSON: Oh, yes.

7 MR. SACCO: Yup.

8 CHAIRPERSON MIETZ: Okay. Good. Do you  
9 have a sense of what -- kind of what would be an  
10 expected volume of this during the day?

11 MR. SAMUELSON: This is a first-off for us.  
12 So we don't really have a good pulse on it. But with  
13 the rates that we're offering, we'll have some decent  
14 traffic flow. Right now dealerships are offering  
15 between 6 and 7 percent. And we're doing 4.9. So  
16 that might have some attractiveness.

17 CHAIRPERSON MIETZ: Good numbers.

18 MR. SACCO: We'll bring about a hundred cars  
19 total, which there's more than enough room there to  
20 have in and out lanes.

21 CHAIRPERSON MIETZ: Okay. Very good. Matt,  
22 do you have anything?

23 MR. D'AUGUSTINE: You on your application  
24 would have everything removed by Monday the 26th.

25 MR. SACCO: We'll be out of there Saturday

1 just so there's no issues or activity for police  
2 officers. We don't want to cause anybody any issues.

3 So we already have 20 drivers that remove  
4 the cars immediately. They will be out of there by 8  
5 o'clock.

6 MR. D'AUGUSTINE: So by Saturday night,  
7 they'll be down?

8 MR. SACCO: Yup.

9 CHAIRPERSON MIETZ: Any other questions?

10 MR. SAMUELSON: Before we wrap up, I did  
11 need to note that we did change the date on this.  
12 It's Saturday, July 15th.

13 MR. SACCO: There's a lot of graduations.  
14 So we decided it would be better to put our best foot  
15 forward and kind of wait for that to be over.

16 CHAIRPERSON MIETZ: Okay. Questions?  
17 Anything over here?

18 MR. GORDON: Hi. In your application you  
19 mentioned that if this event goes well, you'd like to  
20 do it another time this summer. This application  
21 though, for this particular tent, is for the one day,  
22 now July 15th, 2023. You understand that --

23 MR. SAMUELSON: We do recognize that. We'll  
24 re-approach if we decide to do this again.

25 MR. GORDON: If you decide to do it again,

1 you would need to make a new application.

2 MR. SAMUELSON: That's correct. Absolutely.

3 CHAIRPERSON MIETZ: Okay. You may make  
4 changes or alterations or whatever once you completed  
5 the event.

6 Okay. Anything else by the Board? Okay.

7 Great. Thank you, gentlemen.

8 Is there anyone in the audience who would  
9 like to speak regarding this application? Okay.  
10 There being none then the public hearing is closed.

11 **Application 6A-03-23**

12 Application of Sign and Lighting Services,  
13 agent, and Daniele SPC, LLC, owner of property located  
14 at 2760 Monroe Avenue, for a Sign Variance from  
15 Section 207-32B to allow for non-business  
16 identification signage (adding "Allergy" to the  
17 existing "WellNow Urgent Care" sign) where not allowed  
18 by code. All as described on application and plans on  
19 file.

20 MR. WRIGHT: Good evening. Kirk Wright,  
21 Sign and Lighting Services, 530 Route 104, Ontario,  
22 New York. I have with me Mark Pino from WellNow  
23 corporate.

24 We're looking to add the word allergy to the  
25 existing sign. It'd be the same type of letter, same

1 illumination. And it actually will not add square  
2 footage to the sign at all.

3 CHAIRPERSON MIETZ: Okay. So Mr. Pino, give  
4 us your name and address.

5 MR. PINO: I can give you my -- Mark Pino.  
6 I live in the Buffalo area. 109 Sandpiper Lane, Grand  
7 Island, New York 14072. And for this matter, 2760  
8 Monroe Avenue in Pittsford.

9 CHAIRPERSON MIETZ: Could you give us, you  
10 know, what's the background here or what's the need  
11 for this modification to the sign?

12 MR. PINO: So great question. At times like  
13 these, you have to have a point of differentiation.  
14 We have urgent care, a great urgent care company. We  
15 serve communities from Liverpool, Rochester, Buffalo,  
16 east into Cleveland, where I'll be tonight, and into  
17 Muncie, Indiana. So in health care these days, urgent  
18 cares are -- you know, have become a very important  
19 place.

20 During COVID, we've learned and studied --  
21 we looked at data. We looked at our business model.  
22 There are specialties like allergy and other sub --  
23 they're not acute, but they're very important.

24 So we added -- we have allergy that we've  
25 added to our product service line. We've done that in

1       all of our markets, in Pittsford, opening November  
2       22nd.

3                   So what we're doing is we want to get the  
4       point of differentiation between one -- one side of  
5       the house is urgent care, where people can come in,  
6       get their urgent care matter, whether it's, you know,  
7       a slip and fall or something, a soccer tournament.  
8       Injuries happen. And they're not acute.

9                   But then the other side of the business is  
10      allergy. And at times like these, there's such a  
11      demand. And at times like these, whether we're here  
12      or in other areas that we serve, sometimes the wait  
13      line can be really long for a family to get in and  
14      have their child or loved one seen by an allergist.

15                  So we have board certified allergy care on  
16      one side of the business, urgent care on the other.  
17      And on Monroe Avenue where we're seated, what we'd  
18      like to do is just have a point of differentiation in  
19      that area where we are, and Whole Foods and Starbucks  
20      and all the different businesses that are there, just  
21      to let the public know that they can avail themselves  
22      of the care that they need immediately.

23                  And it's not going to be done by urgent care  
24      providers. It's done with, you know, allergy  
25      certified provider.

1                   So really it's just a matter of branding the  
2 brand to consumers and creating awareness by virtue of  
3 the point of differentiation from urgent care to  
4 allergy.

5                   MR. PREMO: With respect to allergy,  
6 services would be for things like someone having  
7 adverse reactions to the bee sting or breathing  
8 problems or --

9                   MR. WRIGHT: On days like today, we're very  
10 busy. Yes, sir. Great point. So we do testing and  
11 treatments for not only seasonal allergies, pollens,  
12 trees, right, even non-allergy sufferers are being  
13 affected, but food allergies, medication allergies.  
14 We have a lot of patients that come to us because  
15 they've been labeled as penicillin allergic; right?  
16 And then they want to go in and have a procedure done  
17 and their surgeon wants to provide with them the best  
18 most effective potent antibiotics for their aftercare  
19 so they can have a great healing outcome.

20                   So it's seasonal allergies, but it's also  
21 food allergies. And we treat pediatrics, adolescents,  
22 patients all the way up to the age of 100. So it's  
23 open for the public, for everybody in the household.

24                   We have some families that send us four  
25 generations of their family, great grandparents,

1 parents, you know, grandparents and on down the line.  
2 We just want to help improve the quality of life with  
3 our allergy service line, the same we have with our  
4 urgent care offerings.

5 MR. PREMO: The total amount of signage with  
6 the word allergy in it would still be within the  
7 overall signage allowed by code; correct?

8 MR. SACCO: Yes.

9 MS. SCHWARTZ: You mentioned that you had  
10 several other locations, but are they all half  
11 allergies and --

12 MR. Pino: We have seven such sites. That's  
13 a great question. Liverpool, we have allergy and  
14 urgent care, in the Syracuse area, in the Buffalo  
15 area. We have one in Clarence and one in Orchard  
16 Park. They share the duality, urgent care and  
17 allergy.

18 We also have two in northeast Ohio; one in  
19 Streetsboro, the other being in Mentor on the Lake.  
20 And then another in Muncie, Indiana.

21 MS. SCHWARTZ: But they're all allergy?

22 MR. PINO: Allergy and urgent care.

23 MS. SCHWARTZ: How do you find they're  
24 working out?

25 MR. PINO: They work wonderfully because

1 when a person presents in an urgent care, they can get  
2 a level of care, but they need specialized care. So  
3 we can really literally do a warm handoff in our own  
4 building from our urgent care staff to our allergy  
5 staff. We can get that patient treated in a day or  
6 less, if not in that moment, get them tested, get them  
7 stabilized and get them on their way to feeling  
8 better.

9 So the model, there's a proof of concept.  
10 Over the last couple of years we've learned that many  
11 times people like that ability to be seen sooner than  
12 later, especially when you're dealing with pediatrics  
13 and really vulnerable adults.

14 MS. SCHWARTZ: My other question is do you  
15 find though that there's an increase in the traffic  
16 and the amount of parking you need? Because you're  
17 handling two different offices in one building?

18 MR. PINO: We do it by appointment. So  
19 urgent care -- so we have a whole different model.  
20 For allergy urgent care models, we have exam rooms  
21 specifically for allergies, the staff for that. You  
22 know, so we've got enough parking. We're a really  
23 good location.

24 And urgent care people go to the left.  
25 Allergy people go to the right. I mean, there is

1 traffic. But it's managed because we can book -- our  
2 operations can book to stagger it so it's not -- our  
3 staff isn't inundated.

4 MS. SCHWARTZ: So both sides have a walk-in?

5 MR. PINO: Correct. Urgent care is walk-in;  
6 allergy is by appointment.

7 MS. SCHWARTZ: And you're still okay with  
8 your parking and traffic?

9 MR. PINO: Yes.

10 CHAIRPERSON MIETZ: I just want to make sure  
11 I was clear. You actually do the testing also?

12 MR. PINO: Correct.

13 CHAIRPERSON MIETZ: Okay.

14 MR. PINO: Yes.

15 MR. DiSTEFANO: You're not concerned at all  
16 that people might read that and think that's allergy  
17 urgent care only?

18 MS. SCHWARTZ: That's what I thought.

19 MR. DiSTEFANO: It's almost like, well, can  
20 I go there if I cut my hand? I don't have an allergy.

21 MR. PINO: You make a great point. But  
22 again, the point of differentiation -- we do a lot of  
23 external promotion, you know, radio, television,  
24 direct mail, internet.

25 So what we're creating in this space is a

1 new opportunity. In other words, it's an added  
2 service line to the urgent care offerings on one side  
3 of the building so that we can treat more people more  
4 effectively, get a great outcome.

5 So there could be some confusion. But in  
6 the communities that we serve, we're finding that it's  
7 a very simple concept for people to wrap their head  
8 around. You know, they want to come to us because  
9 they want their child or their loved one not to have  
10 symptoms from peanut allergies or cross-contamination  
11 with seafood at a Memorial Day party.

12 MR. DiSTEFANO: I would just be concerned if  
13 somebody that drives by you who's in desperate need of  
14 urgent care and they're driving by you because, well,  
15 it's an allergy urgent care. They're not going to see  
16 me. You know what I mean? When I first saw this, I  
17 was like, what does that really mean, allergy/urgent  
18 care?

19 MR. PINO: That's A great point. It could  
20 lend to confusion, but I think what we do, we do a lot  
21 of community outreach as well. A lot of education  
22 within the medical community as well as with senior  
23 groups, pediatric groups. So that allows them to draw  
24 their conclusion based on the care that they need;  
25 right?

1                   So urgent care people, they know naturally  
2 to go to that side of the building. And we have a  
3 great staff. And they kind of collaborate. So if  
4 someone were to come in and mistakenly go to the  
5 urgent care side, they'd easily be walked down the  
6 hall and introduced and that's where they'd get their  
7 care. And then they would leave and hopefully they  
8 got a great healing outcome and they'd go back to the  
9 office and they'd tell ten people that they feel  
10 better and they want to have their friends come in and  
11 get care as well.

12                   MR. D'AUGUSTINE: I assume there's similar  
13 signage in your other locations.

14                   MR. PINO: Correct.

15                   MR. D'AUGUSTINE: And have you found in  
16 those other locations that there exists confusion?

17                   MR. WRIGHT: No confusion really. In  
18 Buffalo, in Clearance, in Orchard Park, no. I don't  
19 think so at all. In Liverpool -- in Liverpool, we're  
20 on Oswego Road.

21                   So it's actually -- it actually adds value  
22 to what we do. And if there's -- the consumer, the  
23 idea -- the way people drive their routes, people live  
24 in Pittsford and Brighton, they go up and down Monroe  
25 20, 30 times a week it would seem. So we're branding

1       their brains to the point where a lot of times people  
2       will just stop in and say, I have an allergy issue.  
3       Can you help me today? Yes, we can.

4                    MR. DiSTEFANO: You might not even know if  
5       you're having people driving away because they think  
6       it's an allergy-only type of thing. So unfortunately,  
7       how do you know unless somebody will tell you?

8                    MR. PINO: Right. We do intakes when folks  
9       come in. Like, how did you hear about us? Well, my  
10      primary doctor, my pediatrician or I happened to be  
11      shopping across the corner of Whole Foods and I saw  
12      the sign. Can you help me today?

13                  So we start the conversation that day. But  
14      we do a lot of community outreach. And we'll continue  
15      those efforts. Obviously, when you have a new  
16      concept, you have to really spend the time and the  
17      effort in order to get the consumer buy-in and create  
18      awareness, which I hope I'm doing now at this meeting.

19                  CHAIRPERSON MIETZ: You have a question over  
20      here?

21                  MR. GORDON: I just wanted to drill down a  
22      little bit on Matt's question, he asked the same  
23      question that I was wondering. But he asked you if  
24      you have similar signage in Liverpool or Clarence and  
25      some of these other locations. I wanted to know if

1 you have identical signage. Is it just like this one  
2 where it says, WellNow Urgent Care, line in the  
3 middle, Allergy?

4 MR. PINO: Yes.

5 MR. GORDON: Is that how they all read?

6 MR. PINO: Yes, it does.

7 MS. SCHWARTZ: What happens when somebody  
8 walks into the allergy part and it's appointment-only  
9 and they walk in?

10 MR. PINO: We can help them make an  
11 appointment. They can go online literally and they  
12 can choose a time.

13 MS. SCHWARTZ: So they're turned away then?

14 MR. PINO: No. They wouldn't be turned  
15 away. So we'd help them, assist them. They'd go  
16 online and schedule their appointment, no referral  
17 necessary.

18 MS. SCHWARTZ: But you're saying they won't  
19 be able to get care that day.

20 MR. PINO: Well, with allergy, if somebody  
21 were present with antihistamines in their system, we  
22 couldn't do allergy testing that day. It's just part  
23 and parcel of the protocol and the best practices.  
24 You wouldn't be able to get a real reading. So we'd  
25 have to tell the patient, could you come back in 48

1       hours. We'll hold your place. We'll book your  
2       appointment. But you kind of educate them to let them  
3       know. Again, people have to take antihistamines at  
4       times like these.

5            MR. PREMO: I would suspect, for example, if  
6        someone had a bee sting, they're swelling up and they  
7        walk into the urgent care, you're going to take care  
8        of them.

9            MR. PINO: Correct. But that goes without  
10       saying. That's a wonderful point. Yes, they would  
11       not be denied care in that matter.

12            CHAIRPERSON MIETZ: Okay.

13            MR. GORDON: Couple of other questions. The  
14       entity that operates this facility is called what?  
15       What's the name of the entity?

16            MR. PINO: The entity is called the Aspen  
17       Group. And we're part of WellNow Urgent Care.

18            MR. GORDON: WellNow Urgent Care. Is there  
19       also anything called WellNow Allergy?

20            MR. PINO: There is indeed. Says so on my  
21       name badge.

22            MR. GORDON: Is there an entity called  
23       WellNow Urgent Care Allergy?

24            MR. PINO: No, sir.

25            MR. GORDON: Okay. And I'm asking that so

1 that we can have discussion later. If the entity had  
2 the name of WellNow Urgent Care Allergy, you wouldn't  
3 be here for this because you could use that signage.

4 Instead you're adding this word allergy to  
5 the signage and it's not the name of either entity  
6 that's operating there. That's why we have this  
7 application.

8 CHAIRPERSON MIETZ: For our code. Right.  
9 Okay. That's a good clarification.

10 Any other questions? Okay. Thank you very  
11 much. Okay. Is there anyone in the audience that  
12 would like to speak regarding this application? Okay.  
13 There being none, the public hearing is closed.

14 **Application 6A-04-23**

15 Application of Faith Bible Church, owner of  
16 property located at 1095 East Henrietta Road, for an  
17 Area Variance from Section 205-8 to allow a 1,200 +/-  
18 square foot outdoor pavilion to be located 16 feet  
19 from a side lot line in lieu of the minimum 50 feet  
20 required by code. All as described on application and  
21 plans on file.

22 MR. DYJAK: Hi. Bob Dyjak representing  
23 Faith Bible Church at 1095 East Henrietta Road. And  
24 we're here to ask for a variance for a 30 by 40 open  
25 pavilion that sits on our property on -- almost on the

1 far west side. It's about a thousand foot from the  
2 road.

3 And the reason we're asking for the variance  
4 from your standard of 50 feet is because we believe  
5 it's the ideal location for it for our ministries.  
6 And in the application I put a couple things.

7 We're here to talk about the fact that we do  
8 have a lot of children out there at times and we  
9 wanted to make sure there was a good visible line of  
10 sight for them. And so putting the pavilion to one  
11 side makes sense.

12 There's also trees that we didn't want to  
13 disturb, didn't want to knock those down to try to  
14 meet the 50 foot setback that's normally used.

15 And there is a detention pond beyond where  
16 we're putting the pavilion. And there's a green space  
17 beyond that that we want to leave open for kids to  
18 play and do those sorts of things.

19 So we believe this is the right place for  
20 this pavilion. And again, asking for a 16 foot  
21 variance.

22 And just as a point of reference, we did --  
23 we were here about five years ago for an addition that  
24 we built on our church, the 7500 square foot addition.  
25 And we did ask for a variance there of 17 and a half

1       feet from our north property line. This is 16 feet  
2       from our south property line.

3           And the other thing you might want to know  
4       is it is in an industrial commercial area. There are  
5       no residences located anywhere around our property.  
6       So it really is only being seen by ones who come to  
7       our facility.

8           CHAIRPERSON MIETZ: Okay. So sir, can you  
9       describe the pavilion, how it's going to be  
10       effectuated?

11           MR. DYJAK: Yes. It's going to have four  
12       columns on each side, open-ended pavilion. It will be  
13       on a concrete slab. It was designed by a professional  
14       structural engineer, stamped drawings. And a very  
15       simple design, not very fancy.

16           But it will match our existing color scheme.  
17       We have a brick red vinyl that will be put on either  
18       side of the pavilion. And the columns will be steel  
19       columns. And those will be painted the same color as  
20       the vinyl siding and it will have a seamless metal  
21       roof on top. So like I said, pretty simple design.

22           CHAIRPERSON MIETZ: So there's no thought of  
23       ever enclosing this thing?

24           MR. DYJAK: No.

25           CHAIRPERSON MIETZ: Okay.

1                   MR. DYJAK: And there is no power out there.  
2 If you're asking about lighting, we're not planning on  
3 putting any power out there.

4                   CHAIRPERSON MIETZ: More like a park  
5 pavilion.

6                   MR. DYJAK: Yes. In essence, that's what it  
7 is.

8                   CHAIRPERSON MIETZ: How about what time of  
9 year would it be used?

10                  MR. DYJAK: Probably just during the normal  
11 season here in Rochester, which is relatively short  
12 unfortunately.

13                  CHAIRPERSON MIETZ: So no winter use?

14                  MR. DYJAK: No.

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

17                  MR. TOMPKINS-WRIGHT: Rick, the 16 foot  
18 setback requirement here, is that because it's  
19 considered a primary structure?

20                  MR. DiSTEFANO: No. Basically anything  
21 non-commercial zoning district. Accessory structures  
22 greater than 500 square feet must meet all the  
23 underlying zoning requirements, which would be a 50  
24 foot setback, and does require Architectural Review  
25 Board approval and does require Planning Board

1 approval. So anything under 500 square foot, that's  
2 why they have to go to the Planning Board and that's  
3 why they also went to the Architectural Review Board.

4 MS. TOMPKINS-WRIGHT: This is essentially  
5 having to meet the zoning requirement of a primary  
6 structure building too.

7 MR. DiSTEFANO: More or less, yes.

8 MS. TOMPKINS-WRIGHT: Okay.

9 MR. DiSTEFANO: They don't have to meet --  
10 any parking regulations don't go along with that or  
11 anything like that.

12 MS. TOMPKINS-WRIGHT: And the property, can  
13 you describe what's to the south? What would be  
14 closest to the newly constructed pavilion? Neighbors?

15 MR. DYJAK: Oh, neighbor-wise? There's a  
16 teamsters union building almost due south of where the  
17 pavilion's going to be. And actually one of the  
18 people that was just here, the Advantage Federal  
19 Credit Union is our neighbor.

20 CHAIRPERSON MIETZ: Okay. Anything else?  
21 Okay. Great. Thank you.

22 Is there anyone in the audience who would  
23 like to speak regarding this application? There being  
24 none, the public hearing is closed.

25 Application 6A-05-23

1 Application of Jacquelyn Marchand, owner of  
2 property located at 2340 Elmwood Avenue, for Area  
3 Variances from Section 205-2 to allow 1) a front  
4 building addition to extend 5 feet into the existing  
5 38.9 foot front setback (Elmwood Avenue) where a 40  
6 foot front setback is required by code, and 2) allow a  
7 porch addition to extend 6.6 feet into the existing  
8 31.6 foot front setback (Seminole Way) where a 40 foot  
9 front setback is required by code. All as described  
10 on application and plans on file.

11 MS. MARCHAND: Thanks for having me come  
12 today. I'm Jackie Marchand, the homeowner at 2340  
13 Elmwood Avenue. And I went to high school at Brighton  
14 with Ken Gordon over there. And moved away a while.  
15 And spent most of my life here back in Brighton.

16 I've lived at the house right down the  
17 street from here, Roselawn for maybe 30 years. I've  
18 lost count. And I'd like to stay there for the rest  
19 of my life.

20 So I would like to age in place, is the word  
21 these days. And I just need a little more space on  
22 the ground floor. And that's why we have wanted to do  
23 a small front porch, just big enough for two seats.  
24 But it does require a variance of around six feet, I  
25 think, to do that because it is a corner lot.

1                   And then we'd also like to do a small  
2 sunroom in the back of the house, which is -- because  
3 it's a corner lot, it's considered the front of the  
4 house. So that will also require a small variance of  
5 about five feet. It's because also the house was  
6 built on kind of an off-angle on Elmwood Avenue. So  
7 the edge of the corner will come out five feet, not  
8 the entire room.

9                   And right now, in that area is a fence that  
10 was there when I bought the house at least 30 years  
11 ago. And that fence will be gone. So it will  
12 actually look smaller because the room that we want to  
13 build is smaller than the area of the fence that's now  
14 taking it up. So it will actually look -- it will be  
15 less inside than what we have now.

16                   It has been proved by the ARB as of  
17 yesterday. It's going to be built so it looks like it  
18 was originally built as part of the house we think,  
19 with the same kind of windows, same siding, all the  
20 rest of it, the angles of the house.

21                   We have a full landscaping plan that's  
22 already in commission that they want to put together  
23 around the whole house actually, but including that  
24 sunroom as well.

25                   And I have spoken to the neighbors that it

1 will impact the most, which is the house behind mine  
2 on Elmwood Avenue or beside mine on Elmwood Avenue.  
3 And they have absolutely no problem with it. It's the  
4 owners of the house, their daughter actually lives in  
5 the house.

6 And they just wanted to make sure there was  
7 space for the snow that they could pile it off the  
8 driveway. And that was going to be no problem. In  
9 fact, it should be easier because the fence wouldn't  
10 be there anymore. So they had no problems with it at  
11 all.

12 That's the short recap. Do you have any  
13 questions?

14 And this is --

15 MR. KING: I'm the contractor.

16 MS. MARCHAND: John King.

17 MR. PREMO: The front porch, that will stay  
18 open?

19 MS. MARCHAND: Yes.

20 MR. PREMO: And it's kind of the size that's  
21 big enough?

22 MS. MARCHAND: Two chairs.

23 MR. PREMO: Two chairs and a nice entrance  
24 there.

25 MS. MARCHAND: Yeah. I think it's going

1 to -- I think add a lot of street appeal.

2 MR. KING: It's going to add aesthetic to  
3 the front of the house.

4 MR. PREMO: Right. And for the sunroom,  
5 tell me how you picked the size of that and what  
6 factors went into that.

7 MS. MARCHAND: Well, it's actually on the  
8 smaller side. It's only about 12 by 14 I believe.

9 It's coming off of a very small room. So I  
10 didn't want it to overwhelm the house. I didn't want  
11 to have -- it's a pretty small house. It's 1200, 1230  
12 square feet or something like that.

13 So I didn't -- I wanted it to look like it  
14 was really part of the house and that it wasn't an  
15 afterthought and it wasn't like we were going to live  
16 in this one room. It's very close to the bathroom,  
17 the downstairs bathroom. So it's really -- it'd be a  
18 good place to spend time if we can no longer use the  
19 stairs, up and down the stairs.

20 MR. PREMO: So is there going to be more  
21 kind of living space on that first floor --

22 MS. MARCHAND: Correct.

23 MR. PREMO: -- as you -- as you said to age  
24 in place.

25 MS. MARCHAND: Yeah. We've both had

1 surgeries where we couldn't walk up the stairs for a  
2 while. So I was like, gee, this became -- you know,  
3 so it was hard to live, you know, in one living room  
4 basically when one of us is a little disabled. So  
5 that's what our thinking is.

6 MR. PREMO: Thank you.

7 MS. SCHWARTZ: Is the bush back where the  
8 fence is going to remain? And also is the room going  
9 to go out as far as where the fence is?

10 MS. MARCHAND: No. The room is not going to  
11 go as far as the fence is. And that fence is going to  
12 disappear.

13 And we're just going to -- just having  
14 plantings beside the house because we're going to have  
15 windows alongside it.

16 And there's a lot -- there's a lot of street  
17 traffic on Elmwood Avenue. So we wanted some privacy  
18 and even let some light into the room. But I do want  
19 some privacy. So we will have some plantings outside,  
20 but no fence.

21 MR. DiSTEFANO: Just a quick question. So  
22 the sunroom will be heated. It will be a four-season  
23 room.

24 MR. KING: No, it will not be heated.

25 MR. DiSTEFANO: It will not be heated. So

1 it's going to be a three-season room.

2 MR. KING: It's going to be insulated --

3 CHAIRPERSON MIETZ: Can you just come up and  
4 give us your name and address.

5 MR. KING: Yeah. Sorry about that. John  
6 King, King Remodeling. I'm the contractor.

7 The room will not be heated, but it will be  
8 insulated. So if she wants to put a little space  
9 heater out there, she can.

10 MR. DiSTEFANO: Okay. So if you did need  
11 to, you'd have to supply secondary heat to it.

12 MR. KING: Absolutely.

13 CHAIRPERSON MIETZ: Okay. We all good?  
14 Thank you.

15 Is there anyone in the audience who would  
16 like to speak regarding this application? There being  
17 none then the public hearing is closed.

18 **Application 6A-06-23**

19 Application of Megan Betteley Wang and Yves  
20 Wang, owners of property located at 249 Penfield Road,  
21 for an Area Variance from Sections 203-2.1B(2) and  
22 203-9A(4) to allow a shed to be located in the front  
23 yard in lieu of the rear yard as required by code.  
24 All as described on application and plans on file.

25 MR. YANG: My name is Yves Wang, 249

1 Penfield Road. So we are asking to put our shed in  
2 what is technically the front yard.

3 The shed that we had planned is 12 foot by  
4 10 foot. So we thought it would be under the limits  
5 for allowing for a same-day application, but we found  
6 out that -- our location that we had chosen had three  
7 issues.

8 The first is that it is actually on a lot  
9 that does not have a primary structure.

10 The second is that the place we had proposed  
11 is directly on a lot line and not five foot away from  
12 the lot line that's required.

13 And the third is that it is in what the code  
14 considers to be our front yard rather than the back  
15 yard.

16 The first two issues we plan to address by  
17 re-subdividing our lot into a single lot and  
18 therefore, moving the lot line and therefore having it  
19 on the same lot at our primary structure of the house.

20 And I'm here to request the variance, area  
21 variance, allowing us to put the shed in the front  
22 yard, therefore, addressing the third issue.

23 So the main issue with our lot is that it is  
24 oddly shaped and the geography around us is very  
25 strange. So our primary -- our front yard -- the

1 front of the house faces Penfield Road and our address  
2 is on Penfield Road. However, several decades ago  
3 when Penfield Road was made to go below grade and  
4 cross underneath the railroad rather than be a level  
5 crossing, we no longer actually have a frontage that  
6 functionally is accessible from Penfield Road.  
7 Rather, the railroad is below grade in front of our  
8 lot. So the driveway of our property actually turns  
9 and exits on South Landing Road.

10 And so what we consider to be our front yard  
11 would be what code would consider to be our side yard  
12 facing Landing Road South. Landing Road South also  
13 wraps around our property and comes along one side.  
14 It comes along the side, but also along the back of  
15 our property.

16 So functionally -- technically three sides  
17 of our property or all surrounded by roads. And so  
18 putting our shed in the backyard is actually a very --  
19 it's very limited. The backyard of our house  
20 according to code is very, very small. And it's  
21 actually much more visible from our neighbors as well  
22 from the road because our neighbors face towards  
23 Landing Road South in the south facing direction,  
24 while our house faces Penfield Road in the north  
25 direction.

1                   As such, the location where we're proposing  
2 to put the shed, which is just north of the garden  
3 that is shown on the survey map, would actually be  
4 further away from our neighbors, less visible from the  
5 road and our neighbors, and it's going to more useful  
6 for us being that the majority of our property is  
7 heavily wooded. But the area that is not wooded and  
8 therefore useful for growing a vegetable garden is  
9 towards the north. That is our front yard.

10                  I would like to take any questions that you  
11 have. Yes.

12                  MS. SCHMITT: Thank you. How would you say  
13 that the shed is going to be placed from South Landing  
14 Road?

15                  CHAIRPERSON MIETZ: In which direction?  
16 From the shed to this or the shed to this?

17                  MR. YANG: The shed will be something like  
18 200 feet back from Landing Road, which is directly  
19 north of it. Sorry. Not Landing Road. Penfield.  
20 It's going to be further from South Landing.

21                  MS. SCHMITT: And do you feel that you need  
22 any landscaping around the shed itself if it goes  
23 there? Or is it already shielded because of the  
24 mature trees?

25                  MR. YANG: So it is shielded. It's not

1 hidden, but it's obscured from the roads by the  
2 existing vegetation.

3 MS. SCHMITT: Thank you.

4 CHAIRPERSON MIETZ: What is the plan for the  
5 lot? What's your thought there? When you join these  
6 lots, are you going to be doing anything with the  
7 property that moves toward the road?

8 MR. YANG: No. We're going to leave it as  
9 is, but mostly this is -- the idea here is that one,  
10 we prefer the shed where we have it. Moving it a  
11 little bit to the west would run into putting it on  
12 top of our sewer. And then moving it further would  
13 put it sort of interfering with other trees and then  
14 the driveway. So we like the location. So we're  
15 willing to put in the effort and the money to  
16 re-subdivide our lot in one.

17 And so we had the thought that potentially  
18 in the future we would want to have a little waiting  
19 house for our young son, who will be going to school,  
20 for waiting for the bus because we are -- the house is  
21 very setback from the end of our driveway. So that's  
22 something that we're going to consider down the road,  
23 but not part of this.

24 CHAIRPERSON MIETZ: For now, the land  
25 appears as it does.

1                   MR. YANG: Yes. We don't intend to modify  
2 the property other than putting the shed on there.

3                   CHAIRPERSON MIETZ: Thank you. Okay.  
4 Questions?

5                   MS. TOMPKINS-WRIGHT: Really the only rear  
6 yard is that small space that's covered by the  
7 driveway; is that accurate?

8                   MR. YANG: No. The rear yard is this  
9 triangle that's like right here. So the rear yard is  
10 south of the house. So down.

11                  MS. TOMPKINS-WRIGHT: Okay.

12                  CHAIRPERSON MIETZ: Okay. Other questions?

13                  MR. GORDON: Have you made the resubdivision  
14 application yet?

15                  MR. YANG: No. We have gotten quotes from  
16 surveyors to do it, but we are doing that only if we  
17 get the variance from you guys. And our applicant did  
18 say that we would only proceed with the shed if we got  
19 approval.

20                  MR. GORDON: And are you -- you actually  
21 have three parcels here; right?

22                  MR. YANG: Yes. That's correct.

23                  MR. GORDON: Are you proposing to  
24 resubdivide all three into a single parcel?

25                  MR. YANG: Yes. We figured that this would

1 save us trouble down the road if we wanted to put  
2 something else at the end of the driveway, which would  
3 be -- require, you know, the fact that there's no  
4 primary structure on that lot.

5 CHAIRPERSON MIETZ: You'll have one tax bill  
6 too.

7 MR. GORDON: Good.

8 MR. YANG: Yes.

9 MR. GORDON: Nothing else.

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

14 **Application 6A-07-23**

15 Application of Golisano Institute For  
16 Business and Entrepreneurship, lessee, and Golisano  
17 Business COE, owner of property located at 150  
18 Sawgrass Drive, for 1) an Area Variance from Section  
19 207-2A to allow a front yard wall to be 6 feet in  
20 height in lieu of the maximum 3.5 feet allowed by code  
21 and allow for the display of a relocated freestanding  
22 sign on said wall; and 2) a Sign Variance from Section  
23 207-32B to allow a building face business  
24 identification sign to be 25 +/- feet above grade in  
25 lieu of the maximum 20 feet allowed by code. All as

1 described on application and plans on file.

2 MR. MURPHY: Good evening, Board. My name  
3 is Andy Murphy from RPK Landscape Architecture  
4 speaking on behalf of the project at 150 Sawgrass  
5 Drive.

6 MR. DiSTEFANO: I'm sorry. I didn't catch  
7 your name.

8 MR. MURPHY: Andrew Murphy.

9 MR. DiSTEFANO: Thank you.

10 CHAIRPERSON MIETZ: How about an address  
11 too.

12 MR. MURPHY: Business address is 50  
13 University Avenue.

14 CHAIRPERSON MIETZ: Very good. Thank you.

15 MR. MURPHY: I'll keep it -- try to keep it  
16 relatively short. A lot of details are in the plans  
17 and the application provided.

18 But obviously, we're seeking two different  
19 variances, both for signage. The full scope of the  
20 was project approved, or recommended I should say, by  
21 the Architectural Review Board.

22 So those are the two pieces. The first one  
23 is the freestanding sign closest to the road. As per  
24 design visually, it's very similar to an entrance  
25 feature or a sign that you would see at any local

1 campus, the University of Rochester, RIT or St. John  
2 Fisher because the client is going for more of a  
3 institutional and campus feel, even though we are in a  
4 business district. So visually it's very similar to  
5 something like that.

6 It's also similar in scale to the signs you  
7 see across the street or kitty-corner at Finger Lakes  
8 DDSO campus or the Empire State College. So just  
9 visually where it fits, both in the immediate context  
10 and kind of the greater context of the city, it's  
11 not -- it's not -- I would not say it's out of line  
12 with any of those things.

13 Furthermore, it's -- we are trying to soften  
14 the scale of the proposed masonry sign with all native  
15 landscaping to kind of, like I said, soften that and  
16 set it visually in place.

17 I should say that the size of the masonry is  
18 based on its functionality as a way-finding device.  
19 It's really coming down to legibility. The letters  
20 need to be a certain size for drivers driving down  
21 Westfall and that kind of dictates the rest of it, you  
22 know, the other dimensions of the masonry. So that is  
23 the thought behind the freestanding sign.

24 Second variance was in regards to the  
25 building-mounted sign. This one we're proposing

1 approximately three or four feet higher than the 20  
2 foot set by code. In this case, we're -- I should say  
3 we're fixed or limited just based on what is available  
4 on the face of the building. The second-story windows  
5 are where they are. There's also a line of ornamental  
6 trees, which we intend on keeping. And it leaves a  
7 certain amount of space at that top corner of the  
8 building for the lettering. So that kind of set  
9 itself.

10 I guess the one last thing, the building  
11 mounted sign, I would mention that including that  
12 along with the freestanding sign is something that we  
13 felt was necessary from kind of a visual cohesive  
14 standpoint. The building is -- the part of the  
15 building that has the mounted sign is approximately  
16 380 feet back from the road, which is a hundred or so  
17 more feet back than the adjacent properties.

18 So to bridge that gap across the parking lot  
19 and really tie the entrance sign together with the  
20 willing itself, we felt that two were necessary to  
21 work in concert, while at the same time associate the  
22 building with the entrance sign and not the rest of  
23 Sawgrass Drive and all the other uses along that.

24 We're trying to foster that campus feel, aid  
25 in navigation. And I guess, you know, with these two

1 variances from the master planning standpoint and in  
2 the spirit of cooperation with the Town, we're also  
3 working to clean up three previous variances that the  
4 Town had granted the previous owner I think involving  
5 some discreet traffic signage along the property.

6 So again, we're approaching from a master  
7 plan approach and trying to clean up those issues and  
8 with these two new requested variances. And happy to  
9 take any questions.

10 MS. SCHWARTZ: Yeah. I have a question. In  
11 your plan, I want to know is the six feet to the wall  
12 or to the cap?

13 MR. MURPHY: Yeah. Just to clarify that, so  
14 the six feet is the top of the single pillar. The  
15 wall itself is four and a half feet high.

16 MS. SCHWARTZ: Okay. And the tent sign when  
17 I go by, it seems like it's on a berm, it's raised.

18 MR. MURPHY: Yeah.

19 MS. SCHWARTZ: So is the placement of this  
20 wall going to be on that or more at grade?

21 MR. MURPHY: The placement of the wall and  
22 the pillar basically replaces that existing sign  
23 that's in the photograph.

24 MS. SCHWARTZ: So it's taller than six feet  
25 really because it's raised. It's not at grade. It

1 looks to me like it could be another two feet or so.

2 MR. MURPHY: No. It's four and a half to  
3 six feet above that placement of surrounding grade,  
4 the berm itself.

5 CHAIRPERSON MIETZ: I think what she's  
6 asking is, is it going sit on top of the berm or --

7 MS. SCHWARTZ: It makes it look taller.

8 CHAIRPERSON MIETZ: -- is the berm going  
9 away?

10 MR. MURPHY: No. We're trying to minimize  
11 earthwork.

12 MS. SCHWARTZ: So you're adding two feet to  
13 the height of it because it's not at grade. You're  
14 building already on something. If you look at the  
15 picture where it says number 2, existing freestanding  
16 sign, it's the photograph. The sign is raised. It's  
17 not at grade. But as you come into the lawn, you're  
18 going up. And so it will be taller. You see?

19 MR. MURPHY: Yeah. So --

20 CHAIRPERSON MIETZ: Well, let's make sure  
21 we're interpolating this correctly.

22 MR. MURPHY: I want to make sure I'm  
23 understanding the question correctly too. So --

24 MR. DiSTEFANO: I think the question is, so  
25 where you're placing the wall, there's already an

1 existing raised mound area. So you're placing this  
2 proposed wall on this raised mound area, which is  
3 higher than surrounding grade; correct?

4 MR. MURPHY: Yeah. And on the parking lot  
5 side and the sidewalk side. Yeah.

6 MR. DiSTEFANO: Right. So in essence that  
7 four foot, four and a half feet from top of wall, not  
8 top of pillar, is actually not four and a half. It's  
9 more six to six and a half because if you were to take  
10 it from non-mound grade, it'd be six foot in length;  
11 correct?

12 MR. MURPHY: Yeah. If we take it from  
13 grade.

14 MS. SCHWARTZ: So would you consider moving  
15 closer going in, which would put you more at grade.

16 MR. MURPHY: Well, I think -- I guess we  
17 would consider that. We were -- our concern was  
18 staying out of that setback as much as possible and  
19 leaving enough room for the landscape to soften, you  
20 know --

21 MS. SCHWARTZ: I understand. That's really  
22 high. You'll see it. There's no question.

23 MR. DiSTEFANO: I think one of the keys when  
24 we're trying to -- when they were working with staff  
25 is that we wanted to make sure that was backed off for

1 any site distance issue in any direction because --

2 MS. SCHWARTZ: I don't mean moving it out to  
3 Westfall. I mean to Sawgrass.

4 MR. DiSTEFANO: Yeah. But I think that kind  
5 of back of the corner, if you move it closer to  
6 Sawgrass or closer to Westfall, you're still going to  
7 have some sight issues, sight line issues.

8 MS. SCHWARTZ: So putting it on the mount is  
9 best, is that what you are saying?

10 MR. DiSTEFANO: I think putting it there --  
11 and I don't want to speak for the applicant. But I  
12 think putting it there, we kind of were in agreement  
13 that you are -- you know, we're trying to make it for  
14 clear vision zones. You're making sure you're out of  
15 that triangle and not causing any line-of-sight  
16 issues.

17 MS. SCHWARTZ: Okay. And you talk about the  
18 six feet and the four feet, but how long will it be?  
19 I thought I saw somewhere it --

20 CHAIRPERSON MIETZ: How long is it? It's  
21 ten plus two it looks like.

22 MR. MURPHY: Approximately 12.

23 MS. SCHWARTZ: Okay. Thank you.

24 MS. TOMPKINS-WRIGHT: Is there a variance  
25 for the current existing -- there's three variances?

1 MR. DiSTEFANO: Yeah. So in the past  
2 originally when the building was built as General  
3 Railway Signal and concept of the office park was of  
4 prairie type of concept where they're going to have  
5 wild grasses and everything -- obviously, wild grasses  
6 don't grow very well in Upstate New York -- but they  
7 had those, we call them kind of the whale signs, which  
8 Paychex used for quite a bit, General Railway, which  
9 is the concrete thing that you see kind of off to the  
10 Sawgrass side of the building. That's where everybody  
11 had their freestanding sign that was granted.

19 CHAIRPERSON MIETZ: All right. More  
20 questions? Anyone else questions?

21 MS. TOMPKINS-WRIGHT: What's the need for  
22 the building sign to be backlit? And how much --

1 signs up as much as possible just in, you know, style  
2 and visual, yeah. That was the idea behind  
3 backlighting both of the locations.

4 MS. SCHWARTZ: Will there be any  
5 illumination on the wall sign at night?

6 MR. MURPHY: Yeah. So the letters will be  
7 fully lit and there will also be some low voltage  
8 landscape lighting to highlight some of the plantings.

9 MS. SCHWARTZ: So coming up like that?

10 MR. MURPHY: Yeah. There are several  
11 uplights.

12 MS. SCHWARTZ: I have a problem with that  
13 because very often these lights are positioned in such  
14 a way that regardless of the direction you're coming  
15 or going, it just hits you in the face.

16 And so can they be turned in a way where it  
17 has a shield on them in some way so it keeps the glare  
18 out of drivers' eyes? It's very dangerous and there's  
19 a lot of parks that do it. It's very problematic.

20 MR. MURPHY: We can. We'll pull from the  
21 Dark-Sky compliance list anyway, but we can absolutely  
22 work on the orientation of the lights and the  
23 fixtures.

24 CHAIRPERSON MIETZ: Ken?

25 MR. GORDON: Thanks. I think what the

1 Board's going to struggle with here on this  
2 application is why you need a wall and sign at all at  
3 the street if you have this big building sign. So  
4 maybe you could speak to that a little bit.

5 I'd also like to hear what the other tenants  
6 on Sawgrass Drive think of Golisano having this big  
7 sign right at the entrance to Sawgrass Drive on  
8 Westfall so that everyone thinks that it's just the  
9 entrance to Golisano. And so the folks who occupy 465  
10 Westfall, which you get to off of Sawgrass and the  
11 Wende Breast Clinic and all those back there, I'm  
12 curious as to if there's been discussion with those  
13 tenants, and if so, what they have said about this  
14 project?

15 MR. MURPHY: Sure. I'll answer that  
16 question first, and that's just straight up I'm not  
17 sure at this point what discussions there have been or  
18 what came out of that. Kind of, you know, with that,  
19 the point of confusing the entirety of Sawgrass with  
20 just Golisano, that kind of goes into why we wanted  
21 both the entry monument sign and the building sign so  
22 that they call attention just to the building.

23 In terms of the entry monument sign by  
24 itself, again, that gets back to the client's desire  
25 for fostering a campus feel and highlighting that it

1 is an educational institution much like an area  
2 college campus has a monument sign right at the entry.

3 CHAIRPERSON MIETZ: You're talking about  
4 across the street.

5 MR. MURPHY: Across the street is an  
6 example, but I meant -- you know, I pass St. John  
7 Fisher every day, for example.

8 CHAIRPERSON MIETZ: I'm sorry. I didn't  
9 hear you.

10 MR. GORDON: So I guess the piece that I  
11 didn't hear is if you have this very large building  
12 sign on the building face itself that you can clearly  
13 see coming down Westfall from both directions, why is  
14 there the need for the wall and stage it right at the  
15 corner? I'm still missing it.

16 MR. MURPHY: I think it's a clarity thing.  
17 In looking at the neighbors on both sides of this  
18 property, those buildings are -- I think I marked them  
19 as 150 and 200 feet back from the road.

20 This building is 380 feet back from the  
21 road. We've got this huge parking lot and several  
22 lines of canopy trees in between all that. So I  
23 would -- I guess our thought was that actually the  
24 visibility of the mounted building mounted sign from  
25 the road wasn't enough and that the entry monument was

1         needed for drivers and people coming onto the site.  
2         And then once you're on the site, the building sign  
3         speaks for itself when you're there.

4                 MR. DiSTEFANO: Was any thought given to  
5         running a parallel wall sign more centered on the  
6         property? So it's in front of the building and not  
7         kind of addressing the street as Golisano Institute.

8                 MR. MURPHY: Parallel to --

9                 MR. DiSTEFANO: Parallel to Westfall.

10                 MR. MURPHY: To Westfall.

11                 MR. DiSTEFANO: So you wouldn't -- you know,  
12         that -- obviously, they're tougher to read from the  
13         road because -- until you're on top of them.

14                 MR. MURPHY: I think we -- early on that was  
15         considered, but we dropped that out of design  
16         iterations for that reason. It's harder to read and  
17         it doesn't -- yeah. You can't really do double-sided  
18         with the parallel.

19                 MR. DiSTEFANO: And with that being said,  
20         the wall sign would be double-sided; correct?

21                 MR. MURPHY: Correct.

22                 MS. TOMPKINS-WRIGHT: I think you mention  
23         you weren't aware of any conversations, but was any  
24         thought given to a joint freestanding sign?

25                 MR. MURPHY: I'm sorry. I don't know. I

1 don't know.

2 CHAIRPERSON MIETZ: Okay. I think we've got  
3 it. Any other questions? Okay. Thank you.

4 MR. MURPHY: Thank you.

5 CHAIRPERSON MIETZ: Is there anyone in the  
6 audience who would like to speak regarding this  
7 application? Okay. There being none, the public  
8 hearing is closed.

9 **Application 6A-08-23**

10 Application of Heather Daly, owner of  
11 property located at 82 Southland Drive, for an Area  
12 Variance from Section 207-2A to allow a front yard  
13 fence (Sylvia Street) to be 6.5 feet in height in lieu  
14 of the maximum 3.5 feet allowed by code. All as  
15 described on application and plans on file.

16 MS. DALY: Good evening. My name is Heather  
17 Daly and I am the homeowner at 82 Southland Drive.  
18 And I would very much like to put a six foot privacy  
19 fence on the east side of the property behind my  
20 house. When I purchased the house, I noticed there  
21 was kind of what I thought would be an easement from  
22 the U of R into my neighborhood. And it's kind of a  
23 green space. And I was concerned that that could be  
24 developed someday.

25 So I reached out before I purchased the

1 house and received word from the Town that that lot  
2 would never be developed and there would never be a  
3 road put there. My understanding it's called a paper  
4 street, in which there's a street that looks like it's  
5 there, but it's actually not there. It's just on the  
6 map.

7 So apparently when they did the subdivision,  
8 they thought there'd be a street there. But it was  
9 never developed and it never will be.

10 So currently the status of my house on the  
11 east side, what is my backyard is according to the  
12 Town is my front yard. Although there's not an actual  
13 street there.

14 So I am here to replace the 3.5 foot fence  
15 with -- I'm sorry three and a half foot fence --  
16 that's a chain link fence -- with a six foot privacy  
17 fence. And I have a whole bunch of reasons why I'd  
18 like to do that if anyone would like to hear.

19 MS. TOMPKINS-WRIGHT: Are any of them  
20 different from what you put in your application?

21 CHAIRPERSON MIETZ: If you want to stress  
22 something, that's fine.

23 MS. DALY: To be honest, you know, I did a  
24 lot of research because I hope this will be the house  
25 that I die in. Like I want to be here long term. And

1 I want to get along with the neighbors.

2 So I wanted to make sure like, am I doing  
3 anything that's going to have a negative impact. So I  
4 really researched out like the whole law around it and  
5 why do -- you know, why do you want the low fence?  
6 And the low fence is -- you know, from my research  
7 it's all about, you know, clear vision for drivers and  
8 for cars. And I'm like, okay. There's no road there.  
9 There's no cars going through. So I felt pretty good  
10 about the fence.

11 But then I'm a pretty thorough person. So I  
12 went into a little more thought about how it would  
13 actually possibly benefit the neighborhood. And I  
14 thought about, gosh, it's a wood fence. And most  
15 people prefer wood over a chain link fence, for  
16 example. Maybe it will be a little better  
17 aesthetically. It's a personal thing, but I talked to  
18 a couple people and they're like, yeah. A wood fence  
19 is a little bit nicer than the chain link fence.

20 And then I thought it would also add value  
21 to the property. If it adds value to the property,  
22 then it adds value by definition to the neighborhood.  
23 So I thought that was a good reason.

24 Like I said, I'm a pretty thorough person.  
25 So I have a whole list that you can see. I can go

1 ahead and pass them out. And the list is broken down  
2 into benefits to me and my family. And then its also  
3 shared potential benefits to the neighborhood.

4           And who I mean by me and my family is I have  
5 a yellow lab. And she's part of my family. But I'm  
6 also in the process of adopting children. So there's  
7 a concern about privacy for the children.

8           There's also concern about safety.  
9 Additionally, there's been some thefts in the  
10 neighborhood and a privacy fence would eliminate  
11 visual appeal of somebody that might want to take  
12 something from the backyard because they won't be able  
13 to see it.

14           It would also allow less interaction.  
15 There's people that kind of walk through that area  
16 to -- you know, for leisure or there's UR employees  
17 that come back through there. And some of the people  
18 have dogs. And some of those dogs are a little  
19 aggressive. And they're on those extendable leashes  
20 and they interact with my dog. And there's this  
21 barking thing. So that could be eliminated.

22           So there's a lot of reasons. I'd feel more  
23 comfortable with my dog being out there and having  
24 children play in the backyard if there's a privacy  
25 fence and it would just feel more secure.

1                   It could potentially also reduce noise.  
2 There's, you know, construction going on at U of R.  
3 And there's some expressway noise. So it can reduce  
4 noise in that regard, more so than the chain link  
5 fence that's there.

6                   So I'm pretty thorough, as you can see. I  
7 like to do things -- when I do things, I like to do  
8 them right. So I figured I'd share all the details of  
9 why I think this --

10                  CHAIRPERSON MIETZ: What about the swimming  
11 pool?

12                  MS. DALY: So that is currently -- that's  
13 another reason I'm here. Under potential benefit to  
14 the neighborhood, there's a empty large in-ground pool  
15 in the backyard, which is a safety concern and a six  
16 foot fence would be safer than a three and a half foot  
17 fence, which somebody could easily -- like if there  
18 were kids out playing at night, they could jump over  
19 and potentially fall in.

20                  CHAIRPERSON MIETZ: What is the situation  
21 with it? You don't use the pool?

22                  MS. DALY: No. It's empty.

23                  CHAIRPERSON MIETZ: I see that now, but what  
24 is the plan for it?

25                  MS. DALY: It's on hold currently.

1 CHAIRPERSON MIETZ: Okay.

2 MS. DALY: Yeah.

3 CHAIRPERSON MIETZ: So you may use it; you  
4 may not.

5 MS. DALY: I do not know. I'm going to deal  
6 with that next.

7 CHAIRPERSON MIETZ: But it is legally  
8 enclosed with the chain link fence?

9 MS. DALY: Yes.

10 CHAIRPERSON MIETZ: It looks like it was.

11 MS. DALY: Yes.

12 CHAIRPERSON MIETZ: Okay. All right. Okay.  
13 Other questions?

14 MR. GORDON: In your application, I see  
15 there was a request for six and a half foot high  
16 privacy fence and a six foot high privacy fence. In  
17 your testimony today, you said six foot. Is it six  
18 foot or is it six and a half foot?

19 MS. DALY: Good question. I would like a  
20 variance for a six and a half foot fence. Because my  
21 understanding when I spoke with the builders of the  
22 fence is that there can be variation in the height.  
23 So a six and a half foot permit would allow for a six  
24 foot fence with slight variations and posts and  
25 whatnot.

1                   MR. GORDON: I just wanted to clarify that.  
2                   And the only thing I can say relative is to make sure  
3                   you have a contractor who's doing it who's going to  
4                   get the correct building permits and comply with the  
5                   Town Code. Make sure they're familiar with the  
6                   swimming pool regulations in the Town of Brighton.  
7                   Even though your pool's empty, it's there and your  
8                   fence needs to comply and be gated. I see you're  
9                   planning on installing a gate as well. Your gate  
10                  needs to comply as well.

11                  MS. DALY: In terms of distance from the --

12                  MR. GORDON: In terms of making sure the  
13                  yard is fully enclosed. There's chain link on the  
14                  sides of the property, right? So this privacy fence  
15                  needs to interact with the other chain link?

16                  MS. DALY: No. I actually did last week get  
17                  a permit for the other side from the Town to -- so it  
18                  will be consistent.

19                  MR. GORDON: The privacy fence will go all  
20                  the way around the property?

21                  MS. DALY: Yes.

22                  MR. DiSTEFANO: And I think what Ken is  
23                  referring to is the gate shall be self-closing,  
24                  self-latching. It's an operational thing. Because of  
25                  the pool, the gate shall be self-closing and

1 self-latching.

2 MS. DALY: Let me make a note of that.

3 MR. GORDON: Make sure your contractor is  
4 familiar with the Town regs.

5 MS. DALY: Self-closing and self-latching.

6 CHAIRPERSON MIETZ: Latching. I'm sure your  
7 contractor will be familiar, but Ken is just reminding  
8 you.

9 MS. DALY: I'll be on it.

10 CHAIRPERSON MIETZ: All right. Any other  
11 questions for Heather? Okay. Thank you very much.

12 MS. DALY: Thank you.

13 CHAIRPERSON MIETZ: Anyone in the audience  
14 on this application? Okay. Then the public hearing  
15 is closed.

16 **Application 6A-09-23**

17 Application of Kyle and Daisy Geer, owners  
18 of property located at 153 Hollyvale Drive, for an  
19 Area Variance from Section 205-2 to allow a front  
20 porch to extend 7.6 feet into the 40 foot front  
21 setback required by code. All as described on  
22 application and plans on file.

23 MR. GEER: Hello. I'm Kyle Geer, 527  
24 Rockingham Street. My wife and I recently purchased  
25 153 Hollyvale Drive and it's part of a fairly

1 extensive renovation project that we're doing.

2 We're currently requesting a variance of  
3 approximately seven and a half feet from the required  
4 40 foot setback to build a new front porch on the  
5 home.

6 The home is constructed on a 40 foot 4  
7 inches off of the required 40 foot setback. The  
8 current front porch door access area is approximately  
9 6.25 feet over the required 40 foot setback.

10 It's also currently on a paver patio and a  
11 split-rail fence. That encroaches an additional 6  
12 feet approximately into the 40 foot setback, both of  
13 which are being removed as a part of this project.

14 The requested variance for the new porch  
15 requires an additional setback of approximately 1.5  
16 foot. So we're reducing the overall encroachment by  
17 approximately four and a half feet with the removal of  
18 the paver patio and the split-rail fencing.

19 The project, as of this morning, has been  
20 approved by ARB. And I wanted to add, there's no  
21 additional encroachments to the neighboring properties  
22 to the east or to the west.

23 CHAIRPERSON MIETZ: Okay.

24 MR. D'AUGUSTINE: So you intend to keep that  
25 a fully open porch?

1                   MR. GEER: Yes.

2                   MS. SCHWARTZ: Is it not as far -- comes out  
3 as far as the flowers?

4                   MR. GEER: Not quite as far. So it will be  
5 just short of where the current paver patio ends.  
6 Then it goes another probably three to three and a  
7 half feet of flower bed. It will not encroach that  
8 far.

9                   MS. SCHWARTZ: Okay.

10                  MS. TOMPKINS-WRIGHT: Front porches are  
11 relatively common in the neighborhood?

12                  MR. GEER: Yeah. The neighbor directly to  
13 the east has a front porch fairly similar to what  
14 we're planning on putting in.

15                  CHAIRPERSON MIETZ: Okay. Questions? Good?  
16 Okay. Great.

17                  MR. GEER: I sat there all night nervous for  
18 that.

19                  CHAIRPERSON MIETZ: Well, it's not over.

20                  Is there anyone in the audience who would  
21 like to speak regarding this application? There being  
22 none, the public hearing is closed.

23                  (End of public hearings.)

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1 | REPORTER CERTIFICATE

2

3 I, HOLLY E. CASTLEMAN, do hereby certify  
4 that I did report the foregoing proceeding, which was  
5 taken down by me in a verbatim manner by means of  
6 machine shorthand.

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

11

12 Dated this th day of June 7, 2023  
13 at Rochester, New York.

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Holly E. Castlesman

HOLLY E. CASTLEMAN, ACR,  
Notary Public.

BRIGHTON  
ZONING BOARD OF APPEALS  
MEETING  
LIBERATIONS AND DECISION

June 7, 2023  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

## PRESENT:

DENNIS MIETZ  
Chairperson

EDWARD PREMO ) Board Members  
KATHLEEN SCHMITT )  
ANDREA TOMPKINS-WRIGHT )  
JUDY SCHWARTZ )  
MATTHEW D'AUGUSTINE )

KEN GORDON, ESQ.  
Town Attorney

RICK DISTEFANO  
Secretary

ABSENT:

HEATHER MCKAY-DRURY

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

1                   **Application 6A-02-23**

2                   Application of Advantage Federal Credit  
3                   Union, owner of property located at 70 Metro Park, for  
4                   a Temporary and Revocable Use Permit pursuant to  
5                   Section 219-4 to allow for a one day car sales event  
6                   with a tent and food truck (June 24, 2023) where  
7                   not allowed by code. All as described in application  
8                   and plans on file.

9                   Motion made by Mr. D'Augustine to approve  
10                   Application 6A-02-23 based on the following findings  
11                   of fact.

12                   **Findings of Fact:**

- 13                   1. The requested time duration is the minimum relief  
14                   necessary.
- 15                   2. The effect on the available facilities will not be  
16                   substantial and will not create a substantial change  
17                   to the character of the neighborhood and nor a  
18                   substantial detriment to the adjoining properties.
- 19                   3. The health, safety and general welfare will not be  
20                   negatively affected.

21                   **Conditions:**

- 22                   1. Applicant will follow all recommendations in the  
23                   Fire Marshall's letter of May 30th, 2023.
- 24                   2. This application only applies to an event on July  
25                   15th, 2023. If the applicant wishes to have future

1 events, it must reapply.

2 3. Applicant will take care of all trash disposal  
3 within 24 hours of the event.

4 4. All tents, food trucks and cars must be removed  
5 within 24 hours of the event.

6 (Second by Ms. Schwartz.)

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

8 Ms. Tompkins-Wright, yes; Mr. Premo, yes;

9 Ms. Schwartz, yes; Mr. D'Augustine, yes.)

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

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1                   **Application 6A-06-23**

2                   Application of Megan Betteley Wang and Yves  
3                   Wang, owners of property located at 249 Penfield Road,  
4                   for an Area Variance from Sections 203-2.1B(2) and  
5                   203-9A(4) to allow a shed to be located in the front  
6                   yard in lieu of the rear yard as required by code.  
7                   All as described on application and plans on file.

8                   Motion made by Ms. Schmitt to approve  
9                   application 6A-06-23 based on the following findings  
10                   of fact.

11                   **Findings of Fact:**

12                   1. Granting of the requested variance to allow a shed  
13                   to be placed in the homeowners' front yard facing  
14                   South Landing Road will not produce an undesirable  
15                   change in the character of the neighborhood or be a  
16                   detiment to nearby properties as the proposed shed  
17                   will be more than 200 feet from both Penfield Road and  
18                   South Landing Road and will be visually shielded from  
19                   passersby and neighbors due to the existing mature  
20                   trees and shrubs in addition to the road and homes.

21                   2. The benefit sought by the homeowners cannot be  
22                   achieved by feasible alternative methods because the  
23                   backyard is heavily forested and the placement of a  
24                   shed there would require the removal of multiple  
25                   mature trees. Placing the proposed shed in the back

1 of the home also would not be practicable as the shed  
2 that's requested is to store garden equipment and the  
3 existing vegetable garden is in the front yard and a  
4 considerable distance away.

5 3. The proposed variance will not have an adverse  
6 impact on the physical or environmental conditions of  
7 the neighborhood.

8 4. The alleged hardship was not created by the  
9 homeowner as the property in question is uniquely  
10 shaped and a large corner lot with both Penfield Road  
11 and South Landing Road considered to be the  
12 homeowners' front yard.

13 5. As noted, the homeowners looked at other options  
14 and concluded that the benefit sought cannot be  
15 achieved without the requested variance.

16 **Conditions:**

17 1. The variance is approved only for the location and  
18 size as described in the application and testimony  
19 provided and will not apply to future projects.

20 2. The variance is contingent on resubdividing the  
21 lots into a single lot.

22 3. All necessary building permits shall be obtained.

23 (Second by Ms. Tompkins Wright.)

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

25 Mr. D'Augustine, yes; Mr. Mietz, yes;

1                   Ms. Tompkins-Wright, yes; Ms. Schmitt, yes.)  
2                   (AUpon roll motion to approve with the  
3                   conditions carries.)  
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1                   **Application 6A-07-23**

2                   Application of Golisano Institute For  
3                   Business and Entrepreneurship, lessee, and Golisano  
4                   Business COE, owner of property located at 150  
5                   Sawgrass Drive, for 1) an Area Variance from Section  
6                   207-2A to allow a front yard wall to be 6 feet in  
7                   height in lieu of the maximum 3.5 feet allowed by code  
8                   and allow for the display of a relocated freestanding  
9                   sign on said wall; and 2) a Sign Variance from Section  
10                   207-32B to allow a building face business  
11                   identification sign to be 25 +/- feet above grade in  
12                   lieu of the maximum 20 feet allowed by code. All as  
13                   described on application and plans on file.

14                   Motion made by Ms. Schwartz that the Board  
15                   having considered the information presented by the  
16                   applicant and having conducted the required review  
17                   pursuant to SEQRA, adopts the negative declaration  
18                   prepared by town staff and determines that the  
19                   proposed action will not likely have a significant  
20                   environmental impact.

21                   Motion made by Ms. Schwartz to approve  
22                   application 6A-07-23 based on the following findings  
23                   of fact.

24                   **Findings of Fact:**

25                   1. The request for the six foot welcome wall sign to

1 the property is substantial. However, Westfall Road  
2 is two lanes and this wall sign will be clearly  
3 visible as one drives on this road.

4 2. The proposed plantings around it will soften the  
5 size and enhance the overall look of the property.

6 3. There will be no negative impacts on the  
7 surrounding area due to this variance as this is a  
8 large open expanse.

9 4. The existing building is massive in every way,  
10 especially height. A building face business  
11 identification sign placed according to code at 20  
12 feet above grade would barely be visible due to mature  
13 trees on the front lawn and placement between the  
14 windows on the first and second floors could be a  
15 tight fit and would not be visible.

16 5. The request for the height of the building face is  
17 very substantial but it is necessary for clear  
18 visibility as one enters the property and is more in  
19 scale with the enormity of the building.

20 **Conditions:**

21 1. These variances only apply to the written  
22 application and testimony presented.

23 2. All necessary Architectural Review Board and  
24 Planning Board approvals shall be obtained.

25 3. There will be landscaping around the wall as

1                   depicted in the plans.

2       4. Ground-mounted lights at the wall shall be  
3                   shielded in both directions to prevent glare to  
4                   drivers at night.

5                   (Second by Mr. D'Augustine.)

6                   (Ms. Schmitt, yes; Mr. Mietz, yes;  
7                   Ms. Tompkins-Wright, yes; Mr. Premo, yes;  
8                   Mr. D'Augustine, yes; Ms. Schwartz, yes.)

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

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1                   **Application 6A-09-23**

2                   Application of Kyle and Daisy Geer, owners  
3                   of property located at 153 Hollyvale Drive, for an  
4                   Area Variance from Section 205-2 to allow a front  
5                   porch to extend 7.6 feet into the 40 foot front  
6                   setback required by code. All as described on  
7                   application and plans on file.

8                   Motion made by Mr. D'Augustine to approve  
9                   application 6A-09-23 based on the following findings  
10                   of fact.

11                   **Findings of Fact:**

12                   1. The requested variance will not produce an  
13                   undesirable change in the character of the  
14                   neighborhood given the neighboring property has a  
15                   porch of similar style.

16                   2. The requested variance is not substantial.

17                   3. The open nature of the porch will minimize the  
18                   effect that encroaching on the front setback will  
19                   have.

20                   **Conditions:**

21                   1. The porch will remain an open porch.  
22                   2. The porch will conform to the testimony given and  
23                   the plans submitted.  
24                   3. The applicant will obtain all required building  
25                   permits and Architectural Review Board approvals.

1 MS. SCHWARTZ: Second.

2 MR. D'AUGUSTINE: Am I screwing something  
3 up?

4 MR. GORDON: So character of the  
5 neighborhood, you hit that as a finding?

6 MR. D'AUGUSTINE: Did I say --

7 MR. DiSTEFANO: Kind of.

8 CHAIRPERSON MIETZ: He talked about another  
9 porch.

10 MR. GORDON: Did you hit can be received by  
11 some other method?

12 MR. D'AUGUSTINE: I did not.

13 MR. GORDON: So just so -- I mean, my  
14 feeling is there are five conditions that shall be  
15 reviewed with the last one, the self-creation, being  
16 optional, if you will. So you really have to hit all  
17 four. I only heard three findings. And I should  
18 always hear four.

19 MR. D'AUGUSTINE: So is finding number 4  
20 then going to be --

21 MR. GORDON: The benefit sought by the  
22 applicant --

23 MR. D'AUGUSTINE: The benefit sought by the  
24 applicant is the minimum necessary to achieve --

25 MR. GORDON: So if I could just suggest

1 language.

2 **Findings of Fact as Amended:**

3 Findings of Fact:

4 1. The requested variance will not produce an  
5 undesirable change in the character of the  
6 neighborhood given the neighboring property has a  
7 porch of similar style.

8 2. The requested variance is not substantial.

9 3. The open nature of the porch will minimize the  
10 effect that encroaching on the front setback will  
11 have.

12 4. The benefit sought by the applicant cannot be  
13 achieved by some other method, which would be feasible  
14 to the applicant given the configuration of the lot  
15 and the desired effect of the front porch and that the  
16 size of the porch provides the minimum necessary space  
17 to allow the homeowner to enjoy the front porch area  
18 that they desire.

19 MR. GORDON: Okay with Judy?

20 MS. SCHWARTZ: Yes, I still second.

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

23 (Ms. Tompkins-Wright, yes; Mr. Mietz, yes;  
24 Ms. Schmitt, yes; Mr. Premo, yes;  
25 Ms. Schwartz, yes; Mr. D'Augustine, yes.)

1 (Upon roll motion to approve with conditions  
2 carries.)  
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1                   **Application 4A-01-23**

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

10                  Motion made by Ms. Tompkins-Wright to  
11                  approve application 4A-01-23 based on the following  
12                  findings of fact.

13                  **Findings of Fact:**

- 14                  1. The granting of the requested variance will not  
15                  produce an undesirable change in the character of the  
16                  neighborhood or be a detriment to nearby properties.  
17                  Many of the homes along this stretch of Elmwood  
18                  violate side setbacks, particularly for attached  
19                  garages. And there is at least one home on this  
20                  stretch of Elmwood where a second-floor addition was  
21                  constructed over the one-car garage. Because of this,  
22                  the expansion is unlikely to appear out of character  
23                  in the neighborhood or be a detriment.
- 24                  2. The requested variance is not substantial in light  
25                  of the fact that the addition does not increase the

1 overall height of the home and, in fact, is scaled to  
2 reduce the massing from both the front and side view,  
3 the garage's location has already been fully reviewed  
4 and approved by variance and the height of the  
5 second-story is otherwise permitted in this zone.

6 3. The benefit sought by the applicant cannot be  
7 achieved by any other method as the homeowner is in  
8 need of a more usable bedroom/living space in the home  
9 and no other location for the necessary expansion is  
10 available.

11 4. There is no evidence that the proposed variance  
12 will have an adverse effect or impact on the physical  
13 or environmental conditions in the neighborhood or  
14 district.

15 **Conditions:**

16 1. The variance granted herein applies only to the  
17 addition as presented and in the plans submitted and  
18 as approved by Architectural Review Board.

19 2. All necessary building permits must be obtained.

20 (Second by Mr. Premo.)

21 (Ms. Schmitt, yes; Mr. D'Augustine, yes;

22 Ms. Schwartz, yes; Mr. Mietz, yes;

23 Mr. Premo, yes; Ms. Tompkins-Wright, yes.)

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

1                   **Application 6A-01-23**

2                   Application of Margaret Heminway, owner of  
3                   property located at 25 Meadow Lane, for 1) an Area  
4                   Variance from Section 205-2 to allow a rear  
5                   building/garage addition to extend 20.7 feet into the  
6                   60 foot rear setback required by code, and 2) allow a  
7                   driveway expansion to be 0.9 feet from a side lot line  
8                   in lieu of the minimum 4 feet required by code. All  
9                   as described on application and plans on file.

10                  Motion made by Ms. Tompkins-Wright to  
11                  approve application 6A-01-23 based on the following  
12                  findings of fact.

13                  **Findings of Fact:**

14                  1. The granting of the requested variance will not  
15                  produce an undesirable change in the character of the  
16                  neighborhood or be a detriment to nearby properties.  
17                  The expansion will not be visible from the street. It  
18                  will still be almost 40 feet from the rear lot line  
19                  and given the orientation of the home on the lot to  
20                  the rear of his property, will have little effect on  
21                  that neighboring property. Further, the driveway  
22                  already exists less than a foot from the property  
23                  line. So extending it further into the yard will not  
24                  result in any change to the neighborhood or be a  
25                  detriment to the neighbors.

1       2. The requested variance is not substantial in light  
2       of the fact that the lot is significantly smaller than  
3       the required minimum lot size in the zone, making a 60  
4       foot rear setback more difficult to achieve. Were  
5       this property zoned for a smaller scale residential as  
6       the property is more appropriately sized, the variance  
7       request would be simply nominal. Further, the current  
8       driveway already extends into the side setback and the  
9       additional extension is immaterial.

10      3. The benefit sought by the applicant cannot  
11       reasonably be achieved by any other method. Given the  
12       smaller size of the lot for the zone, there's no  
13       ability to add bedroom and bathroom space to the first  
14       floor appropriately sized for aging place purposes  
15       without extending into a setback. And any first-floor  
16       rear expansion that includes a garage will necessitate  
17       an extension of the existing driveway without needing  
18       a full alternative.

19      4. There is no evidence that the proposed variance  
20       will have an adverse effect or impact on the physical  
21       or environmental conditions in the neighborhood or  
22       district.

23       **Conditions:**

24      1. The variance granted herein applies only to the  
25       addition and driveway as presented and in the plans

1 submitted.

2 2. All necessary building permits must be obtained.

3 (Second by Mr. D'Augustine.)

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

5 Mr. Mietz, yes; Ms. Schmitt, yes;

6 Mr. D'Augustine, yes; Ms. Tompkins-Wright,

7 yes.)

8 (Upon roll motion to approve with conditions

9 carries.)

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1                   **Application 6A-03-23**

2                   Application of Sign and Lighting Services,  
3                   agent, and Daniele SPC, LLC, owner of property located  
4                   at 2760 Monroe Avenue, for a Sign Variance from  
5                   Section 207-32B to allow for non-business  
6                   identification signage (adding "Allergy" to the  
7                   existing "WellNow Urgent Care" sign) where not allowed  
8                   by code. All as described on application and plans on  
9                   file.

10                  Motion made by Mr. Premo that with respect  
11                  to application 6A-03-23 that the Board having  
12                  considered the information presented by the applicant  
13                  and having conducted the required review pursuant to  
14                  SEQRA adopts the negative declaration prepared by town  
15                  staff and determines that the proposed action will not  
16                  likely have a significant environmental impact.

17                  Motion made by Mr. Premo to approve  
18                  application 6A-03-23 based on the following findings  
19                  of fact.

20                  **Findings of Fact:**

21                  1. The proposed additional signage is to better  
22                  identify services they provide and directions to  
23                  customers.

24                  2. The additional wording will be within the total  
25                  square footage of signage allowed.

1       3. The additional signage will not create an adverse  
2       change to the existing commercial area or the  
3       neighborhood.

4       4. The variance is the minimum necessary to identify  
5       services.

6       5. The benefit sought by the applicant cannot be  
7       achieved by any other method.

## 8 Conditions:

9       1. The variance only applies to the signage as  
10      proposed in testimony given.

13 (Second by Mr. D'Augustine.)

14 (Ms. Schwartz, no; Ms. Tompkins-Wright,  
15 yes; Mr. Mietz, yes; Ms. Schmitt, yes;  
16 Mr. D'Augustine, yes; Mr. Premo, yes.)

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1                   **Application 6A-04-23**

2                   Application of Faith Bible Church, owner of  
3                   property located at 1095 East Henrietta Road, for an  
4                   Area Variance from Section 205-8 to allow a 1,200 +/-  
5                   square foot outdoor pavilion to be located 16 feet  
6                   from a side lot line in lieu of the minimum 50 feet  
7                   required by code. All as described on application and  
8                   plans on file.

9                   Motion made by Mr. Mietz to approve  
10                   application 6A-04-23 based on the following findings  
11                   of fact.

12                   **Findings of Fact:**

- 13                   1. The property is subject to a previous variance,  
14                   which allowed a building expansion of 17 and a half  
15                   feet from the setback.
- 16                   2. The proposed location will place the structure 16  
17                   feet from the setback.
- 18                   3. The proposed location will not be visible from the  
19                   street and will minimize obstruction to the existing  
20                   trees.
- 21                   4. No negative effect on the character of the  
22                   neighborhood or the industrial/commercial neighborhood  
23                   will result from this approval.
- 24                   5. The proposed location is the most suitable  
25                   location to meet the needs of the applicant on the

1                   lot.

2                   **Conditions:**

3                   1. Based on the testimony given and plans submitted  
4                   as to the size and location of the structure.

5                   2. All necessary Planning Board approvals and  
6                   building permits shall be obtained.

7                   3. This structure shall remain open on all four  
8                   sides.

9                   (Second by Ms. Schwartz.)

10                   (Ms. Schmitt, yes; Ms. Tompkins-Wright,  
11                   yes; Mr. D'Augustine, yes; Mr. Premo, yes;  
12                   Ms. Schwartz, yes; Mr. Mietz, yes.)

13                   (Upon roll motion to approve with conditions  
14                   carries.)

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1                   **Application 6A-05-23**

2                   Application of Jacquelyn Marchand, owner of  
3                   property located at 2340 Elmwood Avenue, for Area  
4                   Variances from Section 205-2 to allow 1) a front  
5                   building addition to extend 5 feet into the existing  
6                   38.9 foot front setback (Elmwood Avenue) where a 40  
7                   foot front setback is required by code, and 2) allow a  
8                   porch addition to extend 6.6 feet into the existing  
9                   31.6 foot front setback (Seminole Way) where a 40 foot  
10                  front setback is required by code. All as described  
11                  on application and plans on file.

12                  Motion made by Mr. Premo to approve  
13                  application 6A-05-23 based on the following findings  
14                  of fact.

15                  **Findings of Fact:**

16                  1. The requested area variances are for a  
17                  single-family home and are a Type II action pursuant  
18                  to 6 NYCRR § 617.5(c)(17) and no review is required  
19                  pursuant to the State Environmental Quality Review  
20                  Act.

21                  2. The requested area variances are the minimum  
22                  variances necessary to address the benefit sought by  
23                  the applicant. The existing house and setbacks or  
24                  existing nonconforming from the existing nonconforming  
25                  structure. The house is located on a corner lot with

1 front yards on Elmwood Avenue and Seminole Way. The  
2 proposed small porch on the front of the house and the  
3 proposed sunroom on the back of the house will add  
4 necessary living space to allow the residents to  
5 remain and age in place. Construction of the  
6 additional space in the rear yard would require moving  
7 the existing driveway and garage and would not be  
8 practicable. The overall size of the expanded house  
9 will be in keeping with the neighborhood. The overall  
10 appearance of the property will be improved.

11 2. No other alternative can alleviate the difficulty  
12 and produce the desired result.

13 3. The variances in context are not substantial.

14 4. There will be no undesirable change to the  
15 neighborhood and no substantial impact to the  
16 neighboring properties.

17 5. The hardship is not self-created by the applicant.

18 6. The health, safety and welfare of the community  
19 will not be adversely affected by approval of the  
20 variances.

21 **Conditions:**

22 1. The variances are based on the application  
23 material submitted and the testimony given and only  
24 authorizes the project described therein.

25 2. The front porch will remain open and not enclosed.

1      3. Subject to Architectural Review Board approval.

2       4. Subject to obtaining all necessary building  
3       permits and inspections.

4 (Second by Ms. Tompkins-Wright.)

5 (Ms. Schwartz, yes; Mr. Mietz, yes;

6 Mr. D'Augustine, yes; Ms. Schmitt, yes;

7 Ms. Tompkins-Wright, yes; Mr. Premo, yes.)

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1                   **Application 6A-08-23**

2                   Application of Heather Daly, owner of  
3                   property located at 82 Southland Drive, for an Area  
4                   Variance from Section 207-2A to allow a front yard  
5                   fence (Sylvia Street) to be 6.5 feet in height in lieu  
6                   of the maximum 3.5 feet allowed by code. All as  
7                   described on application and plans on file.

8                   Motion made by Ms. Tompkins-Wright to  
9                   approve application 6A-08-23 based on the following  
10                  findings of fact.

11                  **Findings of Fact:**

12                  1. The granting of the requested variance will not  
13                  produce an undesirable change in the character of the  
14                  neighborhood or be a detriment to nearby properties.  
15                  While the code requires fences be no higher than 3.5  
16                  feet when abutting the street, this property abuts a  
17                  paper street that was never developed as a traversable  
18                  street and there is no intent to ever develop it as  
19                  such. To that end, this fence will appear to all  
20                  neighbors and passersby as being located fully in the  
21                  rear yard and similar in nature to neighboring  
22                  property owners' front setbacks.

23                  2. The requested variance is not substantial for the  
24                  same reason. The front yard that abuts this paper  
25                  street functions as and appears to be the side or rear

1        yard. As such, there's no reason not to permit  
2        construction of the fence that would otherwise be  
3        permissible in the side or rear yard.

4       3. The benefit sought by the applicant cannot  
5       reasonably be achieved by any other method as the  
6       homeowners seek to create privacy for their rear yard,  
7       which is not achievable with a 3.5 foot high fence.

8       4. There's no evidence that the proposed variance  
9       will have an adverse effect or impact on the physical  
10      or environmental conditions of the neighborhood or  
11      district.

## 12 Conditions:

13       1. The variance granted herein applies only to the  
14       fence described in and in the location as depicted on  
15       the application and in the testimony given.

16 | 2. All necessary permits must be obtained.

17       3. The maximum height of this fence shall be no more  
18       than 6.5 feet.

19 (Second by Mr. D'Augustine.)

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

21 | Mr. Premo, yes; Ms. Schwartz, yes;

22 Mr. D'Augustine, yes; Ms. Tompkins-Wright,

23 | yes.)

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

1 (Proceedings concluded at 9:26 p.m.)  
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1 | **REPORTER CERTIFICATE**

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3 I, HOLLY E. CASTLEMAN, do hereby certify  
4 that I did report the foregoing proceeding, which was  
5 taken down by me in a verbatim manner by means of  
6 machine shorthand.

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

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12 Dated this th day of June 7, 2023

13 at Rochester, New York.

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Holly E. Castleman

HOLLY E. CASTLEMAN, ACR,  
Notary Public.