

Meeting Minutes from Town of Brighton ZBA meeting

August 7, 2024

Present:

Dennis Meitz, Chairperson
Andrea Tompkins, V-Chair
Edward Premo
Kathleen Schmitt
Judy Schwartz
Lauren Baron, Esq., Attorney for the Town
Rick DiStefano, Secretary

Meeting Called to Order by Chairperson Mietz: 7:06 PM

Chairperson: Announce the public hearings as advertised for the Board of Appeals in the Daily Record of August 1, 2024 will now be held.

Mietz – Missing one of our fingers our court stenographer tonight. Please make sure you speak with good powerful diction so we don't lose words. Let me tell you how we usually do this meeting. What we will do is when your application is before us we will call your application, please tell us your name and address. So if you represent an architectural firm you don't need to give us your personal address. Then you go ahead and give us the explanation why your application should be approved. People will ask you questions to clarify things from your presentation. Then we will see if members of the audience want to speak about your application.

Welcome to stay and listen to deliberation. However, there is no more discussion about the application with anybody else. If you don't want to stay, call Rick Distefano after the meeting.

DiStefano – there is one communication in your folder and you also received it last night.

Call the roll – Premo, Schwartz, Tompkins-Wright, Mietz, Schmitt are present, D'Augustine and McKay-Drury are absent

Previous meeting minutes will be dealt with at future meeting.

DiStefano –

8A-01-24 – Application of Christina Leung and Leung Irrevocable Trust, Christina W. owners of property located at 15 Maybrooke Road for an area variance from Sections 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to be located in a front yard (Winton Road South) in lieu of the rear yard behind the house as required by code

Christina Leung – Homeowner 15 Maybrooke Road, we are seeking a variance in regards to a standby generator, we live on a corner lot so technically we have two front roads, Winton road and Maybrook road, but ostensibly Winton road is a sidewalk to us, the proposed location is 50 feet from the neighbor, 40 feet from Winton, and another 40 feet from Maybrooke, doing this to

preserve the backyard, they have a giant AC condenser, and placement in the backyard would block entrance

Invested in native perennials. Just qualified for Cornell Extension pollinator extension. Interested in generator because house built in 1957 and has poor insulation. Looked at repairing or getting new liner or insert gas for fireplace and it was basically the same cost as a generator and generator more versatile.

Mietz – Did you look at other locations on the site that would meet the general requirements or other considerations?

Leung - The other side would put it 10 feet from a neighbor house. Behind addition would be 25 feet from other neighbor. Would put it on Winton side because would prevent bouncing of noise

Mietz – Can you describe screening?

Leung – We have plans, I can easily put a three-sided fence per the code and manufacturer specs the wall would have to be 3 feet from the generator.

Mietz – You showed the general plan

Leung – Yes, it would be wood slat.

Sewartz – There are also 20 feet arbor vitae on one side so you wouldn't be able to see it.

No further comment. Public hearing closed.

8A-02-24 – Father Gary Tyman and Our Lady of Lourdes Church owner of property located at 165 Rhinecliff Drive for an area variance from section 207-2A to allow front yard (Varinna Drive) fence to be 4 ft in height in lieu of the maximum 3.5 ft allowed by code.

Mary Kate Koecheler Principal of Seten Catholic School – we had fence built around sport court in 2003. Fence is 4 feet tall. Have decided to fence in part of our lawn where students go out for recess and some PE classes and we would like to have a fence that matches the other fence. Working with Highland Contractors same contractors who built the other fence. Safety concern, balls go into the road all the time.

Tompkins-Wright – reason for the height is to prevent balls from going into the road

Koecheler – reason for height is to match other side and will keep kids safe

DiStefano – what type of style will the fence be

Koecheler - 4-foot steel universal three rail fence

Baron – is there anything planned for within the fenced area or leaving it grass

Koecheler – just plan to leave it grass. There was a question about distance from sidewalk to fence and it will be 13 feet.

No further comment. Public hearing closed.

8A-03-24 - Jim Colombo and Jagdish Kaur 30 Jefferson Road for sign variance from Section 207-32B to allow business identification sign on a second building face where not allowed by code

Aman Singh – speaking on behalf of parents who own property. Asking for second sign at property on East on Jefferson Road so people would see the sign. Can't make turn on Jefferson so can't see the sign coming from East. Safer with traffic because people can make left on east river road and see sign.

Mietz – Can you describe sign?

Singh – Exact same sign as the current sign. White on black and says Jefferson Liquor.

Schwartz – Do you know what square footage would be allowed for one sign?

DiStefano – Sign goes by building width not road frontage. Did not include on plans but from what I can tell their allowable square footage for one sign would be 87.7 square feet on Jefferson Road, and total square footage for both signs is 64 square feet.

No further comment. Public hearing closed.

7A-02-24 and 8A-04-24 – Igor and Renee Titoff owners of 155 Avalon Drive for area variance from section 203-2.1B(3) and 203-9A(4) to allow for construction of detached garage with a 2.5 ft rear setback and a 2.17 ft. side (east) setback in lieu of minimum 5 ft from all lot lines as required (see related variance application)

Igor and Renee Titoff 155 Avalon Drive, area variance to allow building coverage after construction of detached garage to be 28% of the lot in lieu of the maximum 25% allowed by code and an area variance from section 207-10E to allow driveway extension to be 2.17 feet from side lot line in lieu of minimum 4 feet (related to first application)

Renee Titoff – owners requesting variances for single car detached garage. Catalyst for the other two for the total building coverage and driveway location. Main concern is that the current garage was built after the property was constructed and you have to navigate a 90 degree turn to get in, small children in house and neighbors, blind corner is concerning from safety perspective. Variance for coverage of 28% over 25% is for construction of mudroom that would be next to existing garage. Taking up area that would be removed as existing driveway not removing greenspace. Not moving driveway closer to property line just an extension of the current asphalt of the driveway. Variance for the garage is important to us because two old growth trees in backyard they would like to keep.

Tompkins-Wright – Any concerns with stormwater runoff on neighboring property? All stormwater maintained on site?

Titoff - Yes

Premo – Current garage will be converted to living space?

Titoff – We would like to yes

Premo – Location in back is because different location would affect old growth trees and would still have to make turn

Titoff – That's correct. Want it to be straight shot in and out so you can see any obstacles.

Premo – New garage proposing, current one is small for modern vehicles. Will new one be able to accommodate modern vehicles?

Titoff – The new garage will be sized large enough to accommodate SUV to open both doors. In current garage can't open both doors on either side.

Premo – Neighbors on either side have indicate no objection?

Titoff – Yes and directly across street have no objection.

Igor Titoff – We would like to make style of garage match precisely the style of the house, same color and trim, so it looks from distance as if continuation of house

No further comment. Public hearing closed.

8A-05-24 and 8A-06-24 - BME and Westfall Brighton SRE, LLC for Westfall Development LLC for variance to allow gravel access maintenance drive to be 5 feet from side lot line in lieu of 10 feet required by code

BME and Westfall Brighton SRE, LLC for Westfall Development LLC for variance to allow 345 foot retaining wall varying height up to 12 feet topped with 48 inch railing where maximum 6.5 height is allowed by code

Ryan Destro from BME, Betsy Brugg from Woods, Kevin Nowak – 10 Liftbridge Lane East, Fairport NY

Seeking two area variances, first is from 205- to allow gravel access road to be 5 feet from lot line when 10 feet is required. Second is to allow 345 feet variable height retaining wall with 12 feet and topper, Town Board adopted Local Law 1 of 2024 to rezone the property to BF2, most recently on July 17, 2024 Planning Board approved with conditions.

48,000 square foot 2 story structure and includes a technologically advanced golf driving range 80 hitting bays, and outfield with targets. Both area variances are necessary because of Monroe County Pure Waters sanitary sewer main. The Top Golf project requires rerouting of sanitary sewer main at their request. First area variance for sanitary sewer access drive Monroe County

required 12 foot access drive to access sanitary sewer access line to be able to maintain and clean. Should be noted that the access drive is only close to property line for area of 100 feet. Sanitary sewer inverts are fixed and the cover that is necessary by code requires the retaining wall. The entire length of the retaining wall is adjacent to paved parking of Sawgrass office park to the east and not near any office buildings. Variances will not change character of neighborhood. Dumpster enclosure adjacent to the retaining wall. Final site plans approved by Planning Board approved the site plan with the access drive and the retaining wall on it. Standard gravity block limestone block.

DiStefano - How much of wall will actually be over 6 and a half feet?

Destro - Around 2/3 of wall will be above. With pinch point at corner of building

Premo - Railing on top of wall – what is the purpose?

Destro - Pedestrian safety. Design of wall is being completed by wall manufacturer. Guide rail and railing on top for walkers because 12-foot drop at pinch point.

DiStefano – Is a split rail fence proposed?

Destro - No just an example. Relying on manufacturer for design.

Mietz - Most likely a steel. Not wood correct?

Destro – Yes.

Shwartz – There will be no slats for a child to slip through?

Destro – No it would have to comply with building code.

No further comment. Public hearing closed.

DELIBERATIONS

7A-02-24 – 155 Avalon Drive

Move we approve application 7A-02-24 for an area variance from section 203-2.1B(3) and 203-9A(4) to allow for construction of detached garage with a 2.5 foot rear setback and a 2.17 foot side setback in lieu of 5 foot minimum setback as required by code based on following findings of fact:

1. Requested area variances are for single family home structure and are type II actions
2. Requested area variances are minimum necessary to address the needs of the applicants. New garage is intended to address 90 degree turn. House is undergoing renovation and new garage is necessary. Proposed garage is to provide needed parking and storage. Adjacent neighbors do not oppose
3. Benefit cannot be achieved by other method
4. Variances necessary because of lot size. In context not substantial.

5. No impact to environment
6. Hardship not self-created
7. Health safety welfare of neighborhood not adversely affected

Conditions – 1) variances are based on application and materials submitted and testimony given, 2) subject to obtaining all necessary building permits and inspections.

Motion by Premo

Tompkins-Wright – second

All in favor - yes

8A-04-24 – 155 Avalon Drive

1. Requested variance does not produce substantial change in the neighborhood. Current driveway sits within 2.7 feet of lot line so extension will appear in line with current driveway.
2. Applicant represented current garage is not able to be used in current location. Due to narrow lot there are no other reasonable alternatives.
3. Variance is not substantial given that coverage is only 3% increase and driveway already exists 2.75 feet from lot line in current location.
4. No proof variances will have affect on environment. No stormwater runoff concerns.

Conditions 1) variance applies only to the garage mudroom and extension provided in the plans provided, 2) All building permits shall be obtained.

Motion by Tompkins-Wright

Second – Schwartz

All in favor – Yes

8A-01-24 – 15 Maybrook Road

1. Property is corner lot with 2 front yard exposures
2. Proposed location is 25 feet further away from nearest neighboring property
3. Applicant will install architectural screen around generator
4. No negative impact on the character of neighborhood because of placement.
5. No other location would produce required result.

Conditions 1) variance based on testimony given and location of generator 2) generator shall meet decibel limits of Town 3) mitigation by fence shall be completed.

Mietz – move to approve

Second – Schwartz

All in favor – yes

8A-02-24 – 165 Rhinecliff Drive

Move to approve based on following findings of fact:

1. The applicant is a church and elementary school. They are seeking to install 4-foot fence where the maximum height permitted by Code is 3 and a half feet.
2. The proposed area to be fenced is used as a playground and for physical education for the children in their care.
3. The property itself, fronts two streets, Varrina and Rhinecliff. In 2003, the applicant received a variance to install a 4-foot-high fence on the Varrina facing property. By this application, they are seeking to install an identical style and height fence on the Rhinecliff side of the property.
4. As the Rhinecliff side of the property is heavily landscaped, making any fence virtually invisible to passerbys, the granting of this variance would not appear to result in any substantial detriment to nearby properties or otherwise adversely affect the character of the neighborhood.
5. Moreover, there is no evidence there would be a negative impact to the health, safety, and welfare of the neighborhood.
6. The proposed fence is the minimum necessary to achieve the applicant's desired goal of safety for the children in their care.

Conditions 1) The variance applies only to the fence as described in the application and testimony provided and will not apply to future projects 2) all necessary building permits will be obtained.

Schmitt – move to approve

Premo – second

All in favor – yes

8A-03-24 – 30 Jefferson Road

Shwartz – Have they gotten ARB approval yet?

DiStefano – I believe the sign went to ARB and there was a condition that they get variance, but that should still be a condition.

Move to approve negative SEQRA declaration prepared by Town staff.

Move to approve application

1. Coming from east no indication of name of business

2. Requested variance for second business identification will let motorists know they are approaching Jefferson Liquor.
3. Second sign will eliminate safety hazards.
4. According to code the one sign allowed for front of building could be 87.7 square feet and 2 proposed signs are far below allowed square footage
5. No adverse affect on character of area because sign allowed for front of building could be 87.7 square feet and 2 proposed signs are far below allowed square footage

Conditions – 1) variance only applies to east elevation sign as per plans submitted and testimony given 2) all necessary ARB and planning board

Schwartz - Motion

Tompkins Wright – Second

All in favor – yes

8A-05-24 – Top Golf

Town Board has adopted a negative declaration for the incentive zoning of the project and no further SEQRA review is required.

Approve based on following findings of fact:

1. The proposed access drive required to maintain the relocated sanitary sewer has been located as close to the building as possible.
2. The utility authority requires a 12 foot gravel access road to access their equipment which can only be located as shown requiring a ft . encroachment into the required setback.
3. No negative effect on the character of the area will result in the granting of the variance since the property is in a commercial area abutting an office building parking lot.
4. No other option is available to achieve the desired result.

Conditions – Variance applies only to 12-foot gravel drive in location shown, as per plans submitted and testimony given

Mietz – motion

Schwartz – second

All in favor - yes

8A-06-24 – Top Golf

Town Board has adopted a negative declaration for the incentive zoning of the project and no further SEQRA review is required.

Discussion by Board regarding railing on top of wall – want it to be safe,

Schwartz – concerned about approving it without seeing it

Premo – think it can be conditioned for Town staff to review

Schmitt – I agree, if Rick sees it and meets code requirements. Trust him.

Tomkins-Wright – wants condition that staff has final review

Schwartz – if it weren't up so high, she would not be as concerned

DiStefano – will look like industrial railing, but will be in parking lot not really seen, those office buildings know what's going in there, those property owners have to grant temporary easement to Top Golf to do grading

Move to approve

1. Town Board on April 24, 2024 issued a negative declaration of environmental significance and no further review is required or authorized pursuant to SEQR.
2. Top Golf project is adjacent to City Gate and Sawgrass Office Park and has been approved by Town Board and Planning Board.
3. Requested area variances are due to the unique nature of the sight.
4. No other feasible alternative.
5. Not substantial.
6. No unacceptable change to the neighborhood and no substantial impact to neighboring properties.
7. Health safety and welfare of community will not be affected

Conditions – 1) based on application as submitted and testimony given in location and of materials shown 2) proposed safety railing must meet NYS Building Code and design is subject to review and approval by Secretary to the Board 3) all necessary building permits and inspection

Premo – motion

Tompkins-Wright – second

All in favor – yes

Meeting Closes – 8:15 PM