

1  
2 **BRIGHTON**  
3 **ZONING BOARD OF APPEALS**  
4 **MEETING**  
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6  
7 September 4, 2024  
8 At approximately 7 p.m.  
9 Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

10 PRESENT:

11 DENNIS MIETZ  
12 Chairperson  
13 EDWARD PREMO ) Board Members  
14 HEATHER MCKAY-DRURY )  
15 ANDREA TOMPKINS-WRIGHT )  
16 JUDY SCHWARTZ )  
17 MATTHEW D'AUGUSTINE )

18 LAUREN BARON, ESQ.  
19 Attorney for the Town

20 RICK DiSTEFANO  
21 Secretary

22  
23 ABSENT: KATHLEEN SCHMITT

24  
25 REPORTED BY: KIMBERLY A. BONSIGNORE, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive  
Batavia, New York 14020

1 CHAIRPERSON MIETZ: Good evening, everyone.  
2 Welcome to the September meeting of the Zoning Board  
3 of Appeals.

4 Let me just -- for those of you who don't  
5 know, I'll just let you know how we run this meeting.  
6 So what we do is -- as you can see on the agenda, we  
7 have five applications. So what we'll do is, when  
8 Rick calls you up to the podium, you're going to want  
9 to spend a few minutes telling us why you feel we  
10 should approve your application.

21 So at the end we may take a couple-minute  
22 break, if the stenographer needs one, and from there  
23 we then deliberate on the case. So we try to finish  
24 them all tonight, and so unless something is tabled  
25 for some reason, then there will be a decision

1 | tonight.

2 So you're welcome to stay and listen.

3 There's no board discussion with the applicants, but  
4 you could listen to the deliberation and the results,  
5 or could call tomorrow and talk with Rick DiStefano in  
6 the building office and he'll let you know the results  
7 of your application. Okay?

13 So anything, Rick, that you had?

14 MR. DiSTEFANO: Anybody have any questions  
15 regarding any of the applications? I'm sorry the  
16 packets were a little messy this time.

17 MS. SCHWARTZ: We got them.

18 MS. TOMPKINS-WRIGHT: It just means that you  
19 always have a job.

20 CHAIRPERSON MIETZ: Do you feel like you're  
21 needed?

22 MR. DiSTEFANO: Sure.

23 CHAIRPERSON MIETZ: How about was the  
24 meeting properly advertised?

25 MR. DiSTEFANO: Yes, Mr. Chairman. It was

1 advertised in the Daily Record of August 29, 2024.

2 CHAIRPERSON MIETZ: Okay. And can you call  
3 the roll?

4 (Whereupon the roll was called.)

5 MR. DiSTEFANO: Please let the record show  
6 that Ms. Schmitt is not present.

7 CHAIRPERSON MIETZ: Okay. So whenever  
8 you're ready, sir.

9 MR. DiSTEFANO: We have a bunch of minutes.  
10 Do you want to go through those?

11 CHAIRMAN MIETZ: Oh, yes.

12 MR. DiSTEFANO: There's a boatload of  
13 minutes.

14 CHAIRMAN MIETZ: Go ahead, Judy.

15 MS. SCHWARTZ: I don't have all of them, I  
16 have to admit.

17 MR. DiSTEFANO: Well, let's start with the  
18 April minutes. And, Judy, I'm going to need you to  
19 pull your mic close and bring it right up to you so we  
20 can hear you.

21 MS. SCHWARTZ: Okay. I have April. Page 5,  
22 line 20, in the middle it should be "pastries."

23 Page 10, line 7, the last -- almost last  
24 word should be "recorder."

25 Page 55, line 6, the word "for" should be

1 the word "in."

2 And that's all I have for April.

3 MR. PREMO: Move that we approve the minutes  
4 from the April 3rd meeting as amended.

5 MS. TOMPKINS-WRIGHT: Second.

6 MR. DiSTEFANO: The motion is to approve  
7 corrections.

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

9 Ms. Tompkins-Wright, yes; Mr. D'Augustine,  
10 yes; Chairperson Mietz, yes;

11 Ms. McKay-Drury, yes.)

12 (Upon roll motion to approve with  
13 corrections carries.)

14 CHAIRPERSON MIETZ: Okay.

15 MS. SCHWARTZ: Okay. On May, page 32, line  
16 9, the word should be "gate."

17 Page 50, line 3, the first word should be  
18 "addition."

19 Page 58, line 20, it should be "South  
20 Clinton."

21 And that's all I have.

22 MS. BARON: I also have one correction for  
23 May. It's on page 94, line 2. It should say  
24 "designation" not "destination."

25 CHAIRPERSON MIETZ: Okay. Motion.

1                   MR. D'AUGUSTINE: Motion to approve the May  
2 2024 minutes.

3                   MS. SCHWARTZ: Second.

4                   MR. DiSTEFANO: The motion is to approve the  
5 corrections.

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

10                  (AUpon roll motion to approve with  
11 corrections carries.)

12                  CHAIRPERSON MIETZ: Okay. You're on a roll.

13                  MS. SCHWARTZ: I do not have June.

14                  Does anybody have June?

15                  CHAIRPERSON MIETZ: I don't think it's out  
16 yet.

17                  MS. SCHWARTZ: I have July.

18                  MR. DiSTEFANO: I know. I think June we had  
19 to skip over, so you probably don't have June.

20                  MS. SCHWARTZ: Good.

21                  CHAIRMAN MIETZ: Do you want to do July,  
22 then?

23                  MR. DiSTEFANO: Yes, why don't we do July.  
24 July came in before June, and I think June came in  
25 right before --

1 CHAIRPERSON MIETZ: Okay.

2 MS. SCHWARTZ: This is an easy one. Page  
3 12, line 24, the second word is "area."

4 And that's all I have.

5 MS. TOMPKINS-WRIGHT: Motion to approve July  
6 minutes as amended.

7 MR. D'AUGUSTINE: Second.

8 MS. SCHWARTZ: Motion is to approve with  
9 correction.

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

14 (Upon roll motion to approve with  
15 corrections carries.)

16 CHAIRPERSON MIETZ: Okay. Now we're good.

17 MR. DiSTEFANO: Okay. Everybody ready?

18 CHAIRPERSON MIETZ: Yes.

19 **Application 9A-01-24:**

20 Application of Natalee Kiesling, Marathon  
21 Engineering, agent, and Jewish Home and  
22 Infirmary, owner of property located at 2021 Winton  
23 Road South, for an Area Variance from Sections  
24 203-37A(1) and 203-2.1B(3) to allow a 7,596 +/- square  
25 foot carport structure to be located in a front yard

1       in lieu of the side or rear yard as required by  
2       code. All as described on application and plans on  
3       file.

4                    MR. GOLDMAN: Good evening, Mr. Chairman and  
5       members of the Board. My name is Jerry Goldman, I  
6       have an office at 1900 Bausch & Lomb Place, and I  
7       reside at 59 Branchwood Lane in the Town of Brighton.  
8       I'm here this evening for Jewish Senior Life, which is  
9       now rebranded as Jewish Home, if you've seen the  
10      commercials on television.

11                  With us tonight to answer any questions that  
12       the Board may have are Carly Zecher, who is the chief  
13       financial officer at Jewish Senior Life/Jewish Home,  
14       as well as Leticia Fornataro, who is principal at SWBR  
15       Architects, and Pete Gorman, who is project engineer  
16       from Marathon Engineering.

17                  I'm going to walk through a couple of pieces  
18       of paper that -- four pages that we have put before  
19       you this evening to give you some context. The rest  
20       of -- the rest of the Boards, the Town Board and the  
21       Planning Board, have been working on this for the  
22       better part of 12 years and now we have an application  
23       which comes before your Board.

24                  Taking a look at the first page, what you're  
25       looking at on the right side is the Jewish Senior Life

1 Tower, which is in the middle of -- roughly the middle  
2 of the page. What I refer to as Green Houses are  
3 located along the South Winton Road frontage, and  
4 south of that, on the Jewish Home -- what is referred  
5 to as the Jewish Home parcel is a 90-unit independent  
6 living building intended for moderate income, which  
7 was approved as part of an incentive zoning in 2015  
8 and which was applied for site plan approval more  
9 recently.

10 Subsequent to us going through some of the  
11 other steps and machinations, the Board of Jewish  
12 Senior Life decided that it would be important for  
13 there to be a carport structure over part of the  
14 parking spaces in the parking field.

15 The incentive zoning approval did not  
16 require any covered parking at all on the site, but we  
17 are proposing that covered parking, which is a  
18 structure. And as a structure, it has to conform with  
19 the town code relative to its location.

20 The parking field being where it is on the  
21 site, we have the parking structure, which is deemed  
22 to be in the front yard of the site. When we get to  
23 the last page, you will be able to see, depicted  
24 specifically, where it is intended to be.

25 The second page is a close-up of the

1 development area that we're talking about for the  
2 independent living structure.

3 The third page is a perspective of how the  
4 carport does blend in with the building and with the  
5 site.

6 And the fourth picture that we have, or the  
7 fourth thing that we have, does show outlined in red  
8 where the carport is.

9 Now, in an interpretation of the town code,  
10 town staff has determined that, despite the fact that  
11 we are behind what I would consider the front line of  
12 the building, that the front yard of the building  
13 extends from the east-west portion, the part of the  
14 building which runs parallel to Meridian Centre, and  
15 therefore requires a variance from this Board.

16 As I pointed out, we were part of an  
17 incentive zoning application. We have also gone  
18 through and obtained preliminary site plan approval  
19 for the overall site, including carport. And, in  
20 addition, we have obtained Architectural Review Board  
21 approval for the building elevations and the carport  
22 structure itself.

23 I'm not going to bore you with the details  
24 of these legal standards. They're in the letter of  
25 intent that we did provide as part of our application,

1 joint application, to the Planning Board and Zoning  
2 Board.

3 Suffice it to say, we have no other space  
4 really to put this carport or covered parking without  
5 being disruptive of the overall development of the  
6 site itself. We don't think it's particularly  
7 obtrusive and does provide a benefit to residents.

8 We do have a substantial amount of parking  
9 in this parking field, which services not only our  
10 building itself, but also the nearest Green House,  
11 which had to have their parking modified in order to  
12 accommodate the development as a whole.

13 Given all the facts and given all that  
14 information, I think that would be pretty much the  
15 close of our presentation. We would be available to  
16 answer any questions that the Board may have.

17 CHAIRPERSON MIETZ: A couple of things.

18 MR. GOLDMAN: Yes.

19 CHAIRPERSON MIETZ: So would you describe  
20 this as an amenity that assists in marketing the  
21 property?

22 MR. GOLDMAN: In part. In part it is and in  
23 part, for those who need or desire to have covered  
24 parking, it could be deemed to be a safety amenity as  
25 well.

1 CHAIRPERSON MIETZ: Okay. And what about  
2 mitigation of snow and ice control, because these  
3 things, unfortunately, tend to be an attractive you  
4 know what for that?

5 MR. GOLDMAN: Yes.

6 CHAIRPERSON MIETZ: So I would presume that  
7 your architectural team has addressed it in some way?

8 MR. GOLDMAN: That's correct. There will be  
9 a design of the roof structure to make sure that we  
10 don't have an issue relative to that. We have  
11 impervious surface there already. So in terms of  
12 drainage, it's not an issue, but in terms of safety  
13 and taking care of the snow --

14 CHAIRPERSON MIETZ: Ice, really.

15 MR. GOLDMAN: -- ice, really -- we've  
16 addressed that with the Planning Board.

17 CHAIRPERSON MIETZ: Okay. Very good.

18 Other questions for Jerry?

19 MS. MCKAY-DRURY: I just wanted to clarify.  
20 In terms of the necessity of it, I'm just grappling  
21 with the concept of some of them having parking and  
22 some of them not. Can you speak to why you're not  
23 seeking to cover all of the parking, especially if  
24 it's a safety issue?

25 MR. GOLDMAN: There are a couple of reasons.

1 One, it would be more obtrusive if we were to cover a  
2 lot more of it and it would come closer to the road.  
3 So from a design point of view, it would be  
4 problematic.

5 Also, based upon their focus group's  
6 marketing, anticipated usage, they don't think they're  
7 necessarily going to wind up with full utilization  
8 undercover anyway. There are a lot more spaces than  
9 we would need.

10 MS. MCKAY-DRURY: Are they correlated with  
11 certain apartments or are they something that any  
12 resident could opt to pay more for? How would that  
13 work?

14 MR. GOLDMAN: They're currently evaluating  
15 exactly how to administer that. There may be some  
16 spaces that are assigned within that area, especially  
17 those who may have needs. But understand this is  
18 designed to be an independent living facility, so to  
19 that extent, we would be hopeful that it's not a  
20 necessity as much as anything else.

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

22 MS. SCHWARTZ: Jerry, I have a question.

23 MR. GOLDMAN: Yes, Judy.

24 MS. SCHWARTZ: Will all of the residents be  
25 paying the same rent; and if not, do they pay more if

1 they have a covered parking spot versus an open spot?  
2 Is there a difference there?

3 MR. GOLDMAN: That hasn't really been  
4 formally determined yet. My guess is is that there  
5 may be an increment for -- if there is to be an  
6 assigned space undercover, and that's yet to be fully  
7 determined by Jewish Home at this point.

8 MS. SCHWARTZ: And you think you would meet  
9 the need for as many people who would want a covered  
10 one?

11 MR. GOLDMAN: Yeah, if there's demand -- I  
12 mean, there's also the ability to come back and seek  
13 more relief and seek more cover, but our anticipation,  
14 based upon the marketing, is that we aren't going to  
15 need that.

16 MS. SCHWARTZ: Okay.

17 CHAIRPERSON MIETZ: Okay.

18 MR. DiSTEFANO: And I'll just kind of flip  
19 that question around.

20 Mr. GOLDMAN: Okay.

21 MR. DiSTEFANO: What if nobody wants to pay  
22 extra to park undercover?

23 MR. GOLDMAN: Well --

24 MR. DiSTEFANO: Do you have enough parking  
25 on-site to fulfill that need?

1                   MR. GOLDMAN: That we do. That we do. We  
2 went through this discussion with the Planning Board.  
3 By code, we exceed the amount of parking which is  
4 necessary.

5                   We have relief under the incentive zoning to  
6 allow 1.4 spaces per apartment unit. We don't  
7 anticipate that we are going to be utilizing all of  
8 that -- all of that demand on this site.

9                   CHAIRPERSON MIETZ: Okay. Very good.  
10                  Go ahead.

11                  MS. TOMPKINS-WRIGHT: My question is  
12 actually for Rick.

13                  Isn't there a code requirement for  
14 apartments, certain amount of spaces have to be  
15 covered?

16                  MR. DiSTEFANO: That's what they got relief  
17 from. In the incentive zoning, they got the relief so  
18 they didn't have to have covered parking totally on  
19 the site at all.

20                  MS. TOMPKINS-WRIGHT: Totally. Okay. Got  
21 it.

22                  CHAIRPERSON MIETZ: Very good.

23                  Other questions for Mr. Goldman?

24                  MS. TOMPKINS-WRIGHT: There's no other  
25 covered parking on the site; right?

1 CHAIRPERSON MIETZ: Over at The Summit there  
2 is.

3 MR. GOLDMAN: At The Summit there is.  
4 That's another parcel. That's to the west of us. But  
5 I believe on the Jewish -- what I refer to as the  
6 Jewish Home parcel, which basically is the home of the  
7 Green Houses and the like, I don't think there's any  
8 covered parking there.

9 MS. TOMPKINS-WRIGHT: And is the difference  
10 being here because it's more independent living versus  
11 the other locations?

12 MR. GOLDMAN: Correct. Correct. You know,  
13 the rest of the uses on that site are skilled nursing,  
14 which is two steps above.

15 MS. TOMPKINS-WRIGHT: Okay.

16 MR. GOLDMAN: So this is designed to be  
17 independent.

18 MS. TOMPKINS-WRIGHT: Okay. Thank you.

19 CHAIRPERSON MIETZ: Okay. Any other  
20 questions for Jerry?

21 Okay. Thank you, sir.

22 MR. GOLDMAN: Thank you very much.

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

1                   Okay. Hearing none, the public hearing is  
2 closed.

3                   **Application 9A-02-24**

4                   Application of David Webster, owner of  
5 property located at 256 Barclay Square Drive, for an  
6 Area Variance from Sections 203-2.1B(2) and 203-9A(4)  
7 and 207-8, to allow a shed to be located in a front  
8 yard in lieu of the rear yard as required by code.  
9 All as described on application and plans on file.

10                  MR. WEBSTER: Good evening. Thanks for  
11 having us. My name is Dave Webster, and my wife,  
12 Wendy Webster, is in the audience. We are the owners  
13 of the property at 256 Barclay Square Drive, and the  
14 request is to have a shed built in our backyard.

15                  I know it's the front yard based on the  
16 assessment, but the -- the shed is a 10-by-12 shed,  
17 120 square foot. Our hope is to build a wood shed,  
18 something a little more substantial and aesthetically  
19 pleasing, but the positioning of it is the challenge  
20 for us because of the requirement that it would be 40  
21 feet from Westfall Road.

22                  We have a 6-foot vinyl fence that surrounds  
23 our backyard, which is, I think, 27 feet from Westfall  
24 Road, and we did come here to get a variance for that.  
25 So the idea behind the shed would be to have it

1 positioned in the back corner of the backyard rather  
2 than 40 feet.

3                   And the way our backyard is situated -- it's  
4 a pretty narrow backyard, so there's not a lot of  
5 depth of usable area, and it slopes when you move  
6 closer to the house. So if we were to build it 40  
7 feet, it would look pretty out of place, quite  
8 honestly, and probably not be as aesthetically  
9 pleasing to the back corner, you know, with distance  
10 from the shed, but certainly positioned in a way that  
11 you wouldn't really see much of it from Westfall Road.  
12 I don't think you would see it at all from Barclay,  
13 the road in front of us, and so that's the reason for  
14 our request for the variance.

15                   I think we included the instrument survey.  
16 I tried to sketch in the position of the shed where we  
17 desired it. There's a picture of the shed that we're  
18 actually planning on ordering. It won't be that  
19 color, don't worry. It will be painted a similar  
20 color of the house, and the roof is actually matching  
21 what the roof on our house looks like.

22                   So the goal is to have something that looks  
23 really nice but will also be weather resistant, being  
24 solid wood, and a nice storage shed.

25                   CHAIRPERSON MIETZ: Okay. Questions?

1 MS. SCHWARTZ: Is the vegetation that you  
2 see from Westfall all yours back there?

3 MR. WEBSTER: The easement has vegetation.  
4 There's trees and shrubs there. And then we have  
5 evergreen -- arborvitae that are inside of our fence  
6 line that are ours.

7 MS. SCHWARTZ: So it's pretty dense?

8 MR. WEBSTER: Yeah.

9 MS. SCHWARTZ: Okay.

10 CHAIRPERSON MIETZ: Can you speak to the  
11 neighborhood as it relates to sheds? What would you  
12 say about that as far as within the neighborhood?

13 MR. WEBSTER: There's several sheds in the  
14 neighborhood, if that's what --

15 CHAIRPERSON MIETZ: We don't need addresses,  
16 but just talk about --

17 MR. WEBSTER: Yeah. Yeah, we see --

18 CHAIRPERSON MIETZ: It's a common  
19 occurrence?

20 MR. WEBSTER: Yeah, it is pretty common to  
21 see sheds. A lot of vinyl sheds. Some more  
22 substantial wood sheds, like the one that we want to  
23 build, but, yeah, there's definitely sheds in the  
24 neighborhood.

25 CHAIRPERSON MIETZ: Okay. Very good.

1                   Other questions?

2                   MR. DiSTEFANO: Just one quick question. So  
3 your layout, it appears you're going to be right at  
4 the -- basically right at the 5-foot setback from your  
5 neighbor's property to the west, which is the minimum  
6 required?

7                   THE WITNESS: Yes, correct. Actually, 5  
8 feet from the fence line, which is a little more than  
9 5 feet from the property line.

10                  MR. DiSTEFANO: Okay. Thank you.

11                  CHAIRPERSON MIETZ: Okay. Thank you very  
12 much, sir.

13                  MR. WEBSTER: Thank you.

14                  CHAIRPERSON MIETZ: Is there anyone else in  
15 the audience that would like to speak regarding the  
16 setback?

17                  Okay. There being none, then the public  
18 hearing is closed.

19 **Application 9A-03-24**

20                  Application of Anderson Frey, owner of  
21 property located at 125 Commonwealth Road, for an Area  
22 Variance from Section 205-2 to allow for the  
23 construction of a 564 +/- square foot attached garage  
24 with a 12-foot, 1-inch rear setback where a 40-foot  
25 rear setback is required by code, and a 9-foot, 1-inch

1 side setback where a 12-foot side setback is required  
2 by code. All as described on application and plans on  
3 file.

4 MR. FREY: Okay. So I'm Anderson Frey. I'm  
5 the owner of the house at 125 Commonwealth Road. So  
6 we want to build an attached garage at the end of the  
7 driveway there.

8 We have a particular situation there that  
9 other houses in the neighborhood don't have. We have  
10 a sewage line that goes on the property line, so our  
11 setbacks for any structure are a little more strict.  
12 So even if you wanted to put a detached garage -- and  
13 then I wouldn't have to ask for the variance -- that  
14 garage would be too small.

15 It's pretty close to what we have today. We  
16 cannot fit our car -- you cannot fit -- unless it's a  
17 very small car like, let's say, a Volkswagen Beetle,  
18 then you can fit it in, but -- then the bikes. So  
19 it's a very small garage that we have. Judy would  
20 know. She lives nearby.

21 And then the detached garage also wouldn't  
22 be much bigger because of the setback, and so we  
23 decided to try to build an attached one. Therefore,  
24 we're asking for the variance.

25 So we will still be, like, 2 feet on the

1 side from the actual setback of 7 feet because of the  
2 sewage line. And of course the back, we're, you know,  
3 not even close to the 40. But the garage that we have  
4 today, already it has -- it is already closer to the  
5 property line than 40 feet.

6 Both houses to our left and to our right  
7 have garages in that exact same location. As a matter  
8 of fact, both garages are closer to the property line  
9 both on the side and both on the back than ours would  
10 be.

11 So in terms of fitting in the neighborhood,  
12 at the moment our house stands out for not having a  
13 garage in that location. Both neighbors to the sides  
14 have it. The neighbors to the front also do. So it's  
15 a pretty common feature of the neighborhood.

16 MS. MCKAY-DRURY: Have you spoken to the  
17 neighbors on the north side, from the side, and then  
18 the west --

19 MR. FREY: Oh, yeah, yeah, yeah. Tony and  
20 Michelle, I mean, actually they offered to come. I  
21 didn't think it was going to be necessary given their  
22 age, but yes.

23 MS. MCKAY-DRURY: I just wanted to clarify,  
24 because I see that you're requesting on the side  
25 setback 9 foot, 1 inch, but then doesn't the site plan

1 show 8 foot, 9 inches? Maybe I'm misunderstanding.

2 MR. FREY: If in the form it says 9, then  
3 you should probably trust the project because the  
4 architect made the form. I was the one that submitted  
5 it, so the 9 might be my mistake. It might be closer  
6 to 9. 8.9, sorry, sounds about right.

7 MS. MCKAY-DRURY: Did anybody else -- I just  
8 want to make sure I'm not reading the site plan wrong.

9 MR. DiSTEFANO: No, you're reading it right.  
10 It's showing that the edge of the garage is 8.9 feet  
11 at that rear portion.

12 MR. FREY: It might be.

13 CHAIRPERSON MIETZ: That's the pavement;  
14 right?

15 MR. DiSTEFANO: No, to the lot line.

16 MS. TOMPKINS-WRIGHT: Do we have a concern  
17 if it wasn't advertised for the --

18 MR. DiSTEFANO: No, we could modify it.  
19 It's only a few inches.

20 MS. TOMPKINS-WRIGHT: Okay. I just wanted  
21 to make sure.

22 Can you speak to the size of the garage?  
23 You talked about kind of if it was too small it  
24 couldn't fit. Is this the minimum size for the garage  
25 to fit what you need to fit in the garage: car sizes,

1 storage?

2 MR. FREY: I would love to fit two cars, but  
3 there's no way you can do that because of the sewage  
4 line, even attaching it; right? We can definitely fit  
5 a car and our bikes. We're happy enough with that.

6 MS. TOMPKINS-WRIGHT: Okay.

7 CHAIRPERSON MIETZ: Questions? Other  
8 questions?

9 Rick, do you have something over there?  
10 You're looking...

11 MR. DiSTEFANO: I'm just looking at their --  
12 the zoning table that they put. The architect put 9  
13 feet, 1 inch proposed for the side yard, but they're  
14 showing a tie of 8 feet, 9 inches. So 9 plus or minus  
15 feet.

16 CHAIRPERSON MIETZ: Plus or minus what?

17 MR. DiSTEFANO: Feet.

18 MR. FREY: Yes, within that range.

19 Obviously I'll build whatever you tell me to because  
20 it's 2 inches.

21 CHAIRPERSON MIETZ: Okay. All set, then.

22 Questions?

23 Okay, sir. Thank you.

24 MR. FREY: Thank you.

25 CHAIRPERSON MIETZ: Is there anyone in the

1 audience that would like to speak regarding this?

2 Okay. Public hearing is closed.

3 **Application 9A-04-24**

4 Application of Jim Hawkins, agent, and West  
5 Rochester ANY REV, LLC, owner of property located at  
6 2525 West Henrietta Road, for a Temporary and  
7 Revocable Use Permit Pursuant to Section 219-4 to  
8 allow for the temporary parking/storage of new  
9 vehicles on an adjacent parcel of land (2577 West  
10 Henrietta Road) where not permitted by code. All as  
11 described on application and plans on file.

12 MR. HAWKINS: Who gets my form here?

13 MR. DiSTEFANO: I'll take it. Thanks.

14 MR. HAWKINS: Okay. So, yeah, I'm Jim  
15 Hawkins. I'm here representing Vision Auto Group at  
16 2525 West Henrietta Road for Henrietta Hyundai.

17 So the ask is for the revocable special use  
18 permit for parking for the duration of our  
19 construction for the remodel of the lot. Currently,  
20 as the lot sits, we own the parcel in the back and to  
21 the side of us.

22 It used to be a pizza shop. And the way the  
23 lot was laid out when the lot was purchased was  
24 parking in the area where it was not supposed to be  
25 because it's not the property of the dealership, but

1 the way that they made it look when it was bought, you  
2 know, that was part of the lot.

3 So we moved everything off of that part of  
4 the lot -- or that part of the property. And now with  
5 construction coming, we don't have the space to  
6 satisfy the fire marshal for the lanes around the  
7 building, which is why we're asking to be able to use  
8 that space again with the special use permit.

9 CHAIRPERSON MIETZ: Can you describe the  
10 construction? What's the extent of it and the time?

11 MR. HAWKINS: The construction is a remodel  
12 of the building. It's a complete remodel,  
13 which includes -- it's basically just gutting the  
14 building, the roof; everything. It's going to be  
15 extensive, and it's the whole building: the auto  
16 shop, the sales floor, service department. Absolutely  
17 everything. There's going to be, you know, obviously  
18 a lot of construction vehicles, a lot of just  
19 equipment, materials, everything there.

20 And so, obviously for that reason, we would  
21 want that side of the building to be as open as  
22 possible too for access for the construction crew.  
23 And, you know, where the sales floor gets relocated,  
24 we need that to be accessible for customers also.

25 CHAIRPERSON MIETZ: Do you have an estimate

1 of how long the construction project will be from the  
2 date of start? Not when is it going to start, but how  
3 long.

4 MR. HAWKINS: They are saying up to a year.

5 CHAIRPERSON MIETZ: Okay.

6 MR. HAWKINS: It's a big project.

7 CHAIRPERSON MIETZ: Sure. It all depends on  
8 when they start and the weather and all kinds of  
9 issues, but about a year, then?

10 MR. HAWKINS: They said up to a year. I  
11 would hope not longer, hopefully less. But, yeah,  
12 we're just trying to give ourselves enough time as far  
13 as the permit goes to, you know, complete the project.

14 CHAIRPERSON MIETZ: And it will remain open  
15 through this whole period of time?

16 MR. HAWKINS: Yes.

17 CHAIRPERSON MIETZ: They will phase it  
18 somehow, or a temporary --

19 THE WITNESS: Correct, yep. Move things  
20 around, yeah, and phase it out.

21 CHAIRPERSON MIETZ: Okay. Questions?

22 MR. PREMO: Well, this may be for staff too.  
23 We can give up to two years?

24 MS. BARON: Yes, the code allows up to two  
25 years. They only requested one year.

1                   MR. PREMO: But we could make it two in  
2 case -- because if we make it one, they need to come  
3 back?

4                   MR. DiSTEFANO: They have to come back,  
5 right.

6                   CHAIRPERSON MIETZ: We can discuss that  
7 later.

8                   MR. PREMO: Okay. Where the parking is  
9 supposed to be, is that going to remain, like, a  
10 graveled area? I mean --

11                  MR. HAWKINS: That was kind of up in the  
12 air. They had originally wanted us to -- because it  
13 was gravel before the lot was purchased, like, you  
14 know, years ago, without a permit or any of that. The  
15 old owner had graveled it and started parking vehicles  
16 over there, no permit. You know, it was just kind  
17 of -- I guess it was probably just an oversight. You  
18 would never guess driving by it, seeing vehicles  
19 parked there that they shouldn't be there.

20                  So the original ask was to revert it to  
21 grass, but then when we started talking about  
22 resubdividing for those parcels for the dealership,  
23 they said hold off on that. If you do decide to  
24 resubdivide, then, you know, that won't be necessary.  
25 So it's kind of just up in the air at the moment as

1 far as what's going to happen with that.

2 MR. PREMO: But you're not planning on  
3 taking that and --

4 MR. HAWKINS: No, no, no. No, that will  
5 remain gravel.

6 MR. PREMO: It was gravel. Grass is --

7 MR. HAWKINS: It's all gravel right now.

8 MS. TOMPKINS-WRIGHT: Can I ask a quick  
9 question?

10 MR. HAWKINS: Sure.

11 MS. TOMPKINS-WRIGHT: Both of these lots are  
12 under the same ownership?

13 THE WITNESS: Yes. All three of them are,  
14 yes.

15 MR. DiSTEFANO: The smaller one also.

16 MS. TOMPKINS-WRIGHT: If they did a  
17 subdivision and combined the two lots, they would not  
18 need a temporary use permit. Is that -- am I right on  
19 that?

20 MR. DiSTEFANO: They could because they have  
21 parking right up against the lot line of the third  
22 lot, which they have to have a setback there. So they  
23 would have to bring all three lots into it.

24 And then by doing that, I don't know what  
25 that would do to the overall site, determine, you

1 know, how much impervious surface they have, what  
2 other kind of variances could come into it.

3 MR. HAWKINS: Right. They were kind of  
4 ironing that out. You know, our parent company is in  
5 Florida, so it's kind of you hear from them when you  
6 hear from them, you know. But, yeah, that's all been  
7 tossed around with resubdividing and just, you know,  
8 changing all of it.

9 But for right now, though, just to get the  
10 construction going for what we need, we're just  
11 looking for the special use permit.

12 CHAIRPERSON MIETZ: Very good.

13 Other questions?

14 Well, thank you very much.

15 MR. HAWKINS: Thank you.

16 CHAIRPERSON MIETZ: Is there anyone in the  
17 audience that would like to speak?

18 Hearing none, the public hearing is closed.

19 **Application 9A-05-24**

20 Application of Serge Tsvasman, agent, and  
21 Allen and Madeline Barrett, owners of property located  
22 at 412 Antlers Drive, for an Area Variance from  
23 Section 205-2 to allow for the construction of an  
24 attached garage with a 4.6-foot side setback in lieu  
25 of the minimum 12.6-foot side setback required by

1 code. All as described on application and plans on  
2 file.

3 MR. TSVASMAN: Hi. My name is Serge  
4 Tsvasman. I work with Design Works Architecture, and  
5 I'm representing the Barretts today regarding their  
6 non-conforming existing setback for their garage.

7 So a long story short --

8 CHAIRPERSON MIETZ: An address, please.

9 MR. TSVASMAN: 412 Antlers Drive for the  
10 owner, and Design Works is at 6 North Main Street in  
11 Fairport.

12 CHAIRPERSON MIETZ: Okay. Go right ahead.

13 MR. TSVASMAN: Long story short, the project  
14 started as a kitchen addition, and then the additions  
15 in the back of the house, sort of between the garage  
16 and some living space and -- pretty much inaccessible  
17 to construction vehicles, other than removing the  
18 existing garage and accessing it through that --  
19 through the driveway there.

20 The garage has a lower plate height, so it  
21 made an entrance -- side entrance difficult. So the  
22 decision was made to rebuild the garage with a taller  
23 plate.

24 It's going to be an attached garage as  
25 opposed to a detached garage, which it is today. Keep

1 the existing foundation, and the garage footprint  
2 remains the same, the height changes slightly.

3 I have a letter from the next-door neighbor  
4 on the garage side. Can I submit that to you, Rick?

5 MR. DiSTEFANO: Yes.

6 MR. TSVASMAN: And then the signed  
7 paperwork.

8 MR. DiSTEFANO: Just for the record, we  
9 received a letter from Lisa Rhodes at 422 Antlers  
10 Drive, basically saying that she is in support of the  
11 project.

12 CHAIRPERSON MIETZ: Okay. Questions?

13 MS. SCHWARTZ: Yeah, I have a question.  
14 Inasmuch as the garage is going to be the same, is it  
15 possible to raise the roof of the garage and put that  
16 new wall for the kitchen in and then put in your  
17 kitchen addition?

18 MR. TSVASMAN: I'm not following.

19 MS. SCHWARTZ: Okay. Okay. The garage goes  
20 down a bit and the kitchen addition is going to be a  
21 little bit higher. Okay? But the garage basically --  
22 the new one is going to be basically what's there now,  
23 on the same pad and everything.

24 So my question is, you're going to have a  
25 new wall of the garage, but it's going to be the wall

1 of the kitchen when it gets attached, so why can't the  
2 back part of the roof off the current garage be raised  
3 to meet the new wall of the kitchen instead of having  
4 to do the whole thing?

5 MR. TSVASMAN: I'm not sure I follow  
6 completely, but the garage plate in the back, the  
7 existing plate is around 7 feet. We're going to  
8 raise -- we're going to make both plates 8 1/2 feet,  
9 front and back.

10 So that will raise the wall of the garage on  
11 both ends, allowing the kitchen to -- the kitchen roof  
12 to be a nice height and flash appropriately on the  
13 back side. So that was part of the challenge of the  
14 lower plate height as well for that kitchen.

15 MR. DiSTEFANO: And just to clarify, that --  
16 regardless, once they attach it to the house, it  
17 becomes an attached garage. It has to meet totally  
18 separate setbacks than a detached garage.

19 MS. SCHWARTZ: No, I'm not even talking  
20 about a setback.

21 CHAIRPERSON MIETZ: You're talking about a  
22 design issue, which is really not --

23 MR. DiSTEFANO: That really has, yeah, no  
24 effect on the variance. Once it's attached, that's  
25 the variance. It doesn't matter how they attach it.

1 CHAIRPERSON MIETZ: It's an ARB issue, the  
2 design.

3 Okay. Anything else? Questions over here?

4 Matt, anything?

5 MR. D'AUGUSTINE: No.

6 CHAIRPERSON MIETZ: Over here?

7 MR. PREMO: No.

8 CHAIRPERSON MIETZ: Okay. Thanks very much.

9 MR. TSVASMAN: Okay. Thanks.

10 CHAIRPERSON MIETZ: Is there anyone in the  
11 audience that would like to speak regarding this  
12 application?

13 Okay. Then the public hearing is closed.

14 (The public hearings concluded at 7:42 p.m.)

15 (Beginning of deliberations.)

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1 | **REPORTER CERTIFICATE**

2

3 I, Kimberly A. Bonsignore, do hereby  
4 certify that I did report the foregoing proceedings,  
5 which was taken down by me in a verbatim manner by  
6 means of machine shorthand.

11

12 Dated this 1st day of October 2024

13 at Brighton, New York

14

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Kimberly A Bonsignore

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Kimberly A. Bonsignore

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2 **BRIGHTON**  
3 **ZONING BOARD OF APPEALS**  
4 **DELIBERATIONS AND DECISIONS**  
5

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6  
7 September 4, 2024  
8 At approximately 7 p.m.  
9 Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

10 PRESENT:

11 DENNIS MIETZ  
12 Chairperson  
13 EDWARD PREMO ) Board Members  
14 HEATHER MCKAY-DRURY )  
14 ANDREA TOMPKINS-WRIGHT )  
15 JUDY SCHWARTZ )  
15 MATTHEW D'AUGUSTINE )

16 LAUREN BARON, ESQ.  
17 Attorney for the Town

18 RICK DiSTEFANO  
18 Secretary

19  
20 ABSENT: KATHLEEN SCHMITT

21  
22  
23

24 REPORTED BY: KIMBERLY A. BONSIGNORE, Court Reporter  
FORBES COURT REPORTING SERVICES, LLC  
21 Woodcrest Drive  
25 Batavia, New York 14020

1                   **Application 9A-01-24**

2                   Application of Natalee Kiesling, Marathon  
3                   Engineering, agent, and Jewish Home and Infirmary,  
4                   owner of property located at 2021 Winton Road South,  
5                   for an Area Variance from Sections 203-37A(1) and  
6                   203-2.1B(3) to allow a 7,596 +/- square foot carport  
7                   structure to be located in a front yard in lieu of the  
8                   side or rear yard as required by code. All as  
9                   described on application and plans on file.

10                  MR. D'AUGUSTINE: Given the Town Board's  
11                  amended SEQR assessment on July 10th as part of the  
12                  incentive zoning --

13                  MR. DiSTEFANO: Amendment.

14                  MR. D'AUGUSTINE: -- amendment, no further  
15                  review is necessary.

16                  MR. DiSTEFANO: Okay.

17                  MR. D'AUGUSTINE: So I move to approve  
18                  9A-01-24 based on the following findings of fact.

19                  **Findings of Fact:**

- 20                  1. The variance will not produce a substantial change  
21                  to the character of the neighborhood. The covered  
22                  parking area fits in line with the current building  
23                  and parking layout of the area.
- 24                  2. The benefit cannot be achieved in another manner  
25                  due to the fact there is no other place the

1 carport-covered spaces could go.

2 3. The variance is not substantial due to the fact  
3 the property is on what is essentially a corner lot  
4 and placement options are limited.

5 4. The variance will not have an adverse effect on  
6 the physical or environmental conditions of the  
7 neighborhood.

8 MR. D'AUGUSTINE: Conditions -- so they've  
9 gotten all other Board approvals, then?

10 MR. DiSTEFANO: They're still in front of  
11 the Planning Board, so you could end that one.

12 **Conditions:**

13 1. Applicant must acquire all Planning Board  
14 approvals.

15 MS. TOMPKINS-WRIGHT: And building permits.

16 2. Applicant must acquire all necessary building  
17 permits.

18 3. The carport will conform to the size and dimension  
19 as given in testimony and as described in the plans.

20 MR. D'AUGUSTINE: Anything else?

21 MS. TOMPKINS-WRIGHT: I'll second.

22 MS. MCKAY-DRURY: Your first statement, you  
23 might just want to amend it to include the year. You  
24 said July 10th, but you didn't say the year.

25 MR. D'AUGUSTINE: I did not say the year,

1 that is true.

2 I'll amend the statement to add 2024 to the  
3 initial SEQR statement.

4 MS. TOMPKINS-WRIGHT: I'm comfortable with  
5 that amendment as well.

6 MS. MCKAY-DRURY: We didn't say anything  
7 about being self-created.

8 MR. DiSTEFANO: I'm sorry?

9 MS. BARON: You didn't say anything about  
10 self-created.

11 MR. D'AUGUSTINE: Right.

12 MS. BARON: It's really -- you don't have  
13 to. It's a balancing test. So if the other four of  
14 the five balances in favor, then --

15 MR. DiSTEFANO: Every variance -- area  
16 variance is basically self-created.

17 CHAIRPERSON MIETZ: Okay. Let's move on.

18 MR. DiSTEFANO: The motion is to approve the  
19 conditions.

20 (Ms. McKay-Drury, yes; Chairperson Mietz,  
21 yes; Ms. Schwartz, yes; Mr. Premo, yes;  
22 Ms. Tompkins-Wright, yes; Mr. D'Augustine,  
23 yes.)

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

1                   **Application 9A-02-24**

2                   Application of David Webster, owner of  
3                   property located at 256 Barclay Square Drive, for an  
4                   Area Variance from Sections 203-2.1B(2), 203-9A(4) and  
5                   207-8 (Through Lots) to allow a shed to be located in  
6                   a front yard in lieu of the rear yard as required by  
7                   code. All as described on application and plans on  
8                   file.

9                   CHAIRPERSON MIETZ: I move we approve  
10                   Application 9A-02-24 based on the following findings  
11                   of fact.

12                   **Findings of Fact:**

- 13                   1. Due to the depth of the lot, the proposed location  
14                   is the only alternative which will meet the  
15                   applicant's need.
- 16                   2. Placing the shed 40 feet from the south property  
17                   line would encroach to near the middle of the rear  
18                   yard.
- 19                   3. An existing 6-foot fence and vegetation will  
20                   shield the shed from Westfall Road.
- 21                   4. Similar sheds are present in the subject  
22                   neighborhood and no negative effect on the character  
23                   of the area would result from the approval of this  
24                   variance.

25                   **Conditions:**

1       1. Based on testimony given and plans submitted as to  
2       the size, location, and style of the shed --

3           CHAIRPERSON MIETZ: And then they just need  
4       a building permit?

5           MR. DiSTEFANO: Yes.

6           CHAIRPERSON MIETZ: So number 2, building  
7       permit?

8           MR. DiSTEFANO: All necessary building  
9       permits shall be obtained.

10          MR. D'AUGUSTINE: Second.

11          CHAIRPERSON MIETZ: Judy, have you got --

12          MR. DiSTEFANO: Motion is to approve with  
13       conditions.

14           (Mr. D'Augustine, yes; Ms. Tompkins-Wright,  
15       yes; Mr. Premo, yes; Ms. McKay-Drury, yes;  
16       Ms. Schwartz, yes; Chairperson Mietz, yes.)

17           (Upon roll motion to approve with conditions  
18       carries.)

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1                   **Application 9A-03-24**

2                   Application of Anderson Frey, owner of  
3                   property located at 125 Commonwealth Road, for an Area  
4                   Variance from Section 205-2 to allow for the  
5                   construction of a 564 +/- square foot attached garage  
6                   with a 12-foot, 1-inch rear setback where a 40-foot  
7                   rear setback is required by code, and a 9-foot, 1-inch  
8                   side setback where a 12-foot side setback is required  
9                   by code. All as described on application and plans on  
10                  file

11                  MS. MCKAY-DRURY: Okay. I vote we approve  
12                  Application 9A-03-24 based upon the following findings  
13                  of fact.

14                  **Findings of Fact:**

15                  1. The requested variance will not result in any  
16                  substantial change in the character of the  
17                  neighborhood and that multiple surrounding homes have  
18                  garages in similar locations with similar amount of  
19                  visibility from the street and proximity to the  
20                  property lines.

21                  2. The difficulty in necessitating the variance  
22                  request cannot be solved in another manner not  
23                  requiring a variance given the limited size of the  
24                  lot, existing location of the home, and the sewer  
25                  easement running parallel with the driveway.

1       3. Though the rear variance is somewhat substantial,  
2       it is the minimum necessary to provide the homeowners  
3       with a garage to fit their needs without reducing the  
4       home square footage given the preexisting sewer  
5       easement.

6       4. The proposed variance is consistent with  
7       surrounding properties and that most have garages  
8       located to the side and rear of their homes and is not  
9       expected to have an adverse effect on the  
10      environmental conditions.

11      5. Although the home was purchased --

12                MS. MCKAY-DRURY: Scratch that. Sorry.  
13                Strike that part.

14      5. The difficulties leading to the request largely  
15      stem from the existing easement and the existing home  
16      and driveway, which were not within the owner's  
17      control.

18                MS. MCKAY-DRURY: This approval is subject  
19      to the following conditions.

20                **Conditions:**

- 21      1. It is limited to the garage based on the plans and  
22      maps submitted in the application and the testimony  
23      given.
- 24      2. All necessary building permits must be obtained.

25                MS. MCKAY-DRURY: Planning Board approvals

1 on this?

2 MR. DiSTEFANO: No.

3 3. The construction and location of the garage shall  
4 not interfere with access to the town's sewer  
5 easement.

6 MS. TOMPKINS-WRIGHT: Second.

7 MR. DiSTEFANO: Motion is to approve with  
8 conditions.

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

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

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1                   **Application 9A-04-24**

2                   Application of Jim Hawkins, agent, and West  
3 Rochester ANY REV, LLC, owner of property located at  
4 2525 West Henrietta Road, for a Temporary and  
5 Revocable Use Permit Pursuant to Section 219-4 to  
6 allow for the temporary parking/storage of new  
7 vehicles on an adjacent parcel of land (2577 West  
8 Henrietta Road) where not permitted by code. All as  
9 described on application and plans on file.

10                  MR. PREMO: I move we approve Application  
11 9A-04-24 for temporary and revocable use permit  
12 pursuant to comprehensive development regulation  
13 Section 219-4 to allow vehicle storage on a parcel  
14 where such use is not allowed based on the following  
15 findings of fact.

16                  **Findings of Fact:**

- 17                  1. The temporary and revocable use permit allows the  
18 temporary use of land and it is a Type II Action  
19 pursuant to number 6, then all upper case NYCRR,  
20 Section 617.5(c) (21), and no further review is  
21 required pursuant to the State Environmental Quality  
22 Review.
- 23                  2. The temporary parking of vehicles is necessary to  
24 allow construction activity on the applicant's  
25 adjoining parcel and to allow emergency access and

1 handicap parking during the construction project.

2 3. No negative impact on the character of the --  
3 excuse me -- there will be no negative impact on the  
4 character of the neighborhood given the commercial  
5 retail uses along West Henrietta Road and the  
6 temporary nature of the use.

7 MR. PREMO: The following conditions will  
8 apply.

9 **Conditions:**

10 1. The temporary revocable use permit is based on the  
11 application and material submitted and the testimony  
12 given and only authorized for the uses described  
13 therein.

14 2. The temporary and revocable use permit is for a  
15 period of 18 months or the issuance of a final  
16 Certificate of Occupancy for the renovation project,  
17 whichever happens first.

18 MS. MCKAY-DRURY: Second.

19 MR. DiSTEFANO: Motion is to approve the  
20 conditions.

21 (Chairperson Mietz, yes; Mr. D'Augustine,  
22 yes; Ms. Tompkins-Wright, yes; Ms. Schwartz,  
23 yes; Ms. McKay-Drury, yes; Mr. Premo, yes.)

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

1                   **Application 9A-05-24**

2                   Application of Serge Tsvasman, agent, and  
3                   Allen and Madeline Barrett, owners of property located  
4                   at 412 Antlers Drive, for an Area Variance from  
5                   Section 205-2 to allow for the construction of an  
6                   attached garage (replacing a detached garage) with a  
7                   4.6-foot side setback in lieu of the minimum 12.6-foot  
8                   side setback required by code. All as described on  
9                   application and plans on file.

10                  MS. SCHWARTZ: I move that we approve  
11                  Application 9A-05-24 based on the following findings  
12                  of fact.

13                  **Findings of Fact:**

- 14                  1. The 4-foot, 6-inch side setback is a preexisting  
15                  non-conforming condition, which a 12-foot, 6-inch side  
16                  setback is required by code.
- 17                  2. In order to meet code, the applicant would not  
18                  have enough space for the kitchen addition and most  
19                  importantly the removal of the garage foundation would  
20                  greatly increase the project cost unnecessarily.
- 21                  3. There will be no adverse effect on the character  
22                  of the neighborhood because the appearance of the  
23                  garage will remain the same. The only very small  
24                  difference will be the attachment of the garage to the  
25                  house.

- 1 4. All materials will match the existing.
- 2 5. The health and safety of the neighbors will not be
- 3 affected by this variance.

4 **Conditions:**

- 5 1. This variance only applies to the written
- 6 application and testimony presented.
- 7 2. All Planning Board approvals must be obtained.

8 MR. DiSTEFANO: Can I just say "all  
9 necessary Architect Review Board" --

10 MS. SCHWARTZ: It's in there and it got  
11 approval.

12 MR. DiSTEFANO: Yeah, but let's just keep it  
13 in there, ARB and building permits.

14 MS. SCHWARTZ: Did you get that?

15 MR. DiSTEFANO: All necessary Architecture  
16 Review Board approvals and building permits shall be  
17 obtained.

18 MS. SCHWARTZ: Thank you.

19 MS. TOMPKINS-WRIGHT: Second.

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

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

1 (Upon roll motion to approve with conditions  
2 carries.)

3 (Proceedings concluded at 8:03 p.m.)

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## REPORTER CERTIFICATE

I, Kimberly A. Bonsignore, do hereby certify that I did report the foregoing proceedings, which was taken down by me in a verbatim manner by means of machine shorthand.

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

Dated this 1st day of October 2024  
at Brighton, New York

Kimberly A Bonsignore

Kimberly A. Bonsignore