

**BRIGHTON  
ZONING BOARD OF APPEALS  
MEETING**

November 6, 2024  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

DENNIS MIETZ  
Chairperson

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

LAUREN BARON, ESQ.  
Attorney for the Town

RICK DISTEFANO  
Secretary

20 ABSENT: HEATHER MCKAY-DRURY

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

1 CHAIRPERSON MIETZ: Okay, folks. We'll get  
2 going here.

Welcome to the November Planning Board of Appeals meeting in the Town of Brighton. I just want to take a couple minutes to explain to you something, if you've never been to our meetings, how this meeting works.

8                   Okay. So what happens is there are 12  
9 applications that are on the agenda tonight. So we'll  
10 take them in the order that they were submitted and  
11 Rick assigned the application.

12 So when we call your application, you come  
13 up to the podium, give us your name and address,  
14 either business address or personal address, and then  
15 it's your responsibility to basically tell the board  
16 why we should approve your application.

17 Now, the board members have visited most of  
18 the locations, driven by them, looked around. So we  
19 have -- honestly, all the materials that you have  
20 submitted to the town, we get them a week and a half  
21 or so ahead so we have time to look everything over.

22 So once you've finished your presentation,  
23 then the board members might ask you some questions to  
24 clarify something, if something's inconsistent or  
25 whatever it is.

1                   And then once we finish that, then we'll ask  
2 if there's anyone in the audience that wants to speak  
3 regarding your application. So whoever does, comes up  
4 one at a time and speaks.

5                   We don't allow any crosstalk between people  
6 who are coming up to speak and the applicant. You  
7 know, if you guys want to talk outside, that's  
8 wonderful. We just go through it and finish that  
9 part, and then the public hearing is closed and move  
10 on to the next application.

11                  Once we finish all twelve of them, we'll  
12 probably take a little break for the court reporter,  
13 and we will then deliberate on these tonight. So,  
14 again, we'll go in order.

15                  You're welcome to stay and listen to the  
16 deliberation. If you choose not to, then you can call  
17 Rick DiStefano in the building office tomorrow and  
18 he'll let you know the results of your application.  
19 And unless something is tabled, then there will be a  
20 decision made tonight.

21                  We try really hard to make decisions. A lot  
22 of people have building projects here with different  
23 things, so we understand. We want to keep it moving  
24 for you if we can. Okay?

25                  All right. So, Rick, was the meeting

1 properly advertised?

2 MR. DiSTEFANO: Yes, Mr. Chairman. It was  
3 advertised in the Daily Record of October 31, 2024.

4 CHAIRPERSON MIETZ: Okay. Can you call the  
5 roll?

6 (Whereupon the roll was called.)

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

9 CHAIRPERSON MIETZ: Okay. Very good.

10 Anything you would like to address, sir?

11 MR. DiSTEFANO: There is communication in  
12 your folder. I did send that over to you yesterday.

13 Any members have any questions regarding any  
14 of the applications?

15 CHAIRPERSON MIETZ: Okay. Very good.

16 So we do have minutes to go over.

17 Go right ahead, Judith.

18 MS. SCHWARTZ: Page 47, line 15, middle of  
19 the line, the word should be "where," W-H-E-R-E.

20 MR. DiSTEFANO: I'm just going to interrupt  
21 you. Just for the record, this is the September 4,  
22 2024, minutes.

23 MS. SCHWARTZ: Okay. So the same  
24 correction.

25 That's it.

1 MR. D'AUGUSTINE: Motion to approve.

2 MS. TOMPKINS-WRIGHT: Second.

3 CHAIRPERSON MIETZ: You can't approve. You  
4 can submit.

5 We'll make a motion.

6 MR. DiSTEFANO: He did.

7 Motion is to approve with conditions.

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

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

13 CHAIRPERSON MIETZ: Okey dokey. So let's  
14 begin at the beginning.

Application 11A-01-24

16 Application of Essie Spawn-Cox, owner of  
17 property located at 270 South Landing Road, for an  
18 area variance from Section 203-2.1B(3) to allow a  
19 detached garage to be 1,000 square feet in size, after  
20 construction of a 400-square-foot addition, in lieu of  
21 the maximum 600 square feet allowed by code. All as  
22 described on application and plans on file.

23 CHAIRPERSON MIETZ: Okay. Come ahead.

24 MS. SPAWN-COX: Good evening.

25 CHAIRPERSON MIETZ: Hi.

1 MS. SPAWN-COX: I do have a --

2 MR. DiSTEFANO: Would you just introduce  
3 yourself to the board?

4 MS. SPAWN-COX: I'm sorry. I'm Essie  
5 Spawn-Cox, owner of 270 South Landing Road, 14610.

6 CHAIRPERSON MIETZ: Okay. Try to pull the  
7 mic over. It's hard for me to hear.

8 MS. SPAWN-COX: I do have a video, because  
9 pictures really don't say much for -- where do I  
10 start?

11 CHAIRPERSON MIETZ: What's that?

12 MS. SPAWN-COX: Video.

13 CHAIRPERSON MIETZ: That's additional  
14 pictures?

15 MS. SPAWN-COX: Yes.

16 CHAIRPERSON MIETZ: To what we've already  
17 got hooked on here?

18 MS. SPAWN-COX: Yes.

19 MR. DiSTEFANO: I think they have got a  
20 sense of the pictures and everything. So why don't  
21 you just --

22 CHAIRPERSON MIETZ: And, again, most of the  
23 members have visited there, so I think they're  
24 probably pretty conversant on it. You took pretty  
25 good pictures.

1 MS. SPAWN-COX: Thank you.

2 CHAIRPERSON MIETZ: Go right ahead.

3 MS. SPAWN-COX: Well, I'm looking to add 400  
4 square feet to the existing 600 square feet because I  
5 do daycare, and I want to store my daycare equipment  
6 there, and I also want to put a bike track inside as  
7 well. I also have lots of plants, so I want to store  
8 plants in there.

9 Additionally, I assumed, because I had 400,  
10 that the -- 600, that the other 400 would not make a  
11 big difference, but apparently it does and that's why  
12 I'm here.

13 CHAIRPERSON MIETZ: The way the code is  
14 written; right?

15 MS. SPAWN-COX: Now I know that.

16 CHAIRPERSON MIETZ: Okay. So do you have  
17 anything else you want to offer?

18 MS. SPAWN-COX: Well, you guys have  
19 everything on the papers. Besides the video, I have  
20 nothing else. Just looking for -- I was told that I  
21 could have two sheds put on the garage. So I assumed  
22 if I had the 600 plus the one for the plants and --  
23 you allow 336. So I'm really asking for, I think, 95  
24 square feet for the plants.

25 CHAIRPERSON MIETZ: Yeah, there's a little

1 difference in the code.

2 MS. SPAWN-COX: Okay.

3 CHAIRPERSON MIETZ: But how was this done?

4 I mean, who put this addition on?

5 MS. SPAWN-COX: His name is John Bro -- oh,  
6 God.

7 CHAIRPERSON MIETZ: He's a contractor;  
8 right?

9 MS. SPAWN-COX: Yes.

10 CHAIRPERSON MIETZ: It wasn't like you did  
11 it with a friend or something?

12 MS. SPAWN-COX: No. No. It was a  
13 contractor. The same --

14 CHAIRPERSON MIETZ: And he never had any  
15 discussion with you about it?

16 MS. SPAWN-COX: No. The same guy that did  
17 the 600 finished the 400. It's the same guy.

18 CHAIRPERSON MIETZ: Oh, so he originally did  
19 it?

20 MS. SPAWN-COX: Yes. He did the 600, yes.

21 CHAIRPERSON MIETZ: All right. Questions?  
22 Board members, questions of any kind?

23 MR. PREMO: I just have a question. There's  
24 been -- I think there's been a daycare there for 29  
25 years.

1                   MS. SPAWN-COX: I've only been there 14.  
2 I've been doing daycare for 30 years.

3                   MR. PREMO: Okay. And you've been there at  
4 this site for 14 years?

5                   MS. SPAWN-COX: Yes.

6                   MR. PREMO: And you live in the home?

7                   THE WITNESS: Yes, I do.

8                   MR. PREMO: And you have been able to keep  
9 the business going with the 600 foot?

10                  THE WITNESS: Prior to that, I had two  
11 sheds, two smaller sheds: one on the back and one  
12 where the one is sitting now. So that's why I  
13 upgraded to a bigger shed, because I had two on the  
14 property.

15                  MR. PREMO: And what happened to those two  
16 sheds?

17                  MS. SPAWN-COX: I took them down for the one  
18 that's there now.

19                  MR. PREMO: And would something like two  
20 sheds meet your purposes?

21                  MS. SPAWN-COX: No, it didn't. That's why I  
22 went for bigger.

23                  MR. PREMO: And why not?

24                  MS. SPAWN-COX: Because of all my daycare  
25 material. I also have a camper that I store there and

1 also I wanted to do the track and my flowers.

2 CHAIRPERSON MIETZ: What happens with all  
3 that playground equipment in the winter? Do you bring  
4 it inside?

5 MS. SPAWN-COX: I put it in the shed, but  
6 now I want to put it in the pole barn. But it goes  
7 inside. There are two sheds.

8 CHAIRPERSON MIETZ: You don't leave it out  
9 all winter?

10 MS. SPAWN-COX: Sometimes I do.

11 CHAIRPERSON MIETZ: Okay. Questions?

12 MR. D'AUGUSTINE: The track, is that the  
13 same size as the track that you have outside  
14 currently?

15 MS. SPAWN-COX: No. It's going to be a  
16 smaller track. It's not going to be a two-lane, it's  
17 going to be a one-lane.

18 MS. TOMPKINS-WRIGHT: Was any consideration  
19 made to construct it similar to how the homes in the  
20 neighborhood look, or your own home, rather than -- it  
21 kind of has a more commercial industrial look to it.

22 MS. SPAWN-COX: Well, when they approved the  
23 600, I assumed if I did 400, it all matched instead of  
24 having something different. So I went with that  
25 because that's what they allowed me to have before I

1 did the 400.

2 MS. TOMPKINS-WRIGHT: It's much larger.

3 MS. SPAWN-COX: Yeah. If you cruise by it,  
4 yeah, it is.

5 MR. DiSTEFANO: Well, that kind of leads to  
6 the question: So you pulled a building permit for 600  
7 square feet?

8 MS. SPAWN-COX: Correct.

9 MR. DiSTEFANO: And then you did not pull a  
10 building permit for the 400 square feet? You just  
11 constructed the 400 square feet --

12 MS. SPAWN-COX: Correct, because I  
13 assumed that it was -- --

14 MR. DiSTEFANO: -- you just constructed the  
15 400 square feet that exists today that -- you just  
16 went ahead and constructed beyond that permit that you  
17 originally got; correct?

18 MS. SPAWN-COX: I assumed, because it was in  
19 the back of the house and there was already 600 there,  
20 it wouldn't have made a difference, but...

21 MR. DiSTEFANO: But there is a code  
22 requirement that maximum -- a maximum detached garage  
23 is 600 square feet.

24 MS. SPAWN-COX: Yes, I know that now.

25 MR. PREMO: I guess just -- Rick, anything

1 about this being subject to ARB approval because it's  
2 so visible from the street?

3 MR. DiSTEFANO: No. Detached garages are  
4 not subject to ARB approval, unless we specifically  
5 make it a condition.

6 MR. PREMO: We could make it a condition --

7 MR. DiSTEFANO: We can make it a condition  
8 if we wanted to.

9 MR. PREMO: -- what the exterior material --

10 MR. DiSTEFANO: We could. I would hate to  
11 put the ARB in a position, though, that -- I think if  
12 we have an issue with the appearance, we decide and we  
13 make that a condition prior to our approval.

14 CHAIRPERSON MIETZ: Yes.

15 MR. D'AUGUSTINE: So the approval for the  
16 600 foot one, is that the same height that it  
17 currently is and so it's just extended?

18 MS. SPAWN-COX: Correct, out to the back.  
19 Yes, everything is the same.

20 MR. D'AUGUSTINE: From the street, it looks  
21 exactly the same as it did before.

22 CHAIRPERSON MIETZ: And she has a building  
23 permit for that, right, Rick?

24 MR. DiSTEFANO: A building permit for the  
25 original 600-square-foot detached garage, correct.

1 CHAIRPERSON MIETZ: Yeah, because it didn't  
2 require any variances.

3 MS. TOMPKINS-WRIGHT: When was that issued?

4 MR. DiSTEFANO: May, I believe.

5 MS. TOMPKINS-WRIGHT: Of this year?

6 MR. DiSTEFANO: Yes.

7 MS. TOMPKINS-WRIGHT: Did you ever build the  
8 600 and then build the 400, or was it built all at the  
9 same --

10 MS. SPAWN-COX: No. I built the 600 and  
11 then the 400 we did in August.

12 MS. TOMPKINS-WRIGHT: Okay.

13 MS. SPAWN-COX: So it was not done at the  
14 same time.

15 MR. DiSTEFANO: My understanding is the  
16 building inspector went out to do a final inspection  
17 on the 600 and noticed that the 400 had been  
18 constructed.

19 MS. SPAWN-COX: That was previous, before he  
20 came out. Because my original plan was to put it  
21 back -- where this 400 is, I was going to start the  
22 600 there, and then I changed my mind. So that was  
23 there before Ed came out.

24 CHAIRPERSON MIETZ: Okay. So any other  
25 questions?

1 MS. SCHMITT: I guess I'm a little confused  
2 now. You had a 600 foot kind of garage that had a  
3 back wall?

4 MS. SPAWN-COX: I still do.

5 MS. SCHMITT: So it's not open? The two  
6 aren't --

7 THE WITNESS: The wall is still there from  
8 the 600, yes.

9 MS. SCHMITT: And then you just put up the  
10 addition behind it.

11 THE WITNESS: Behind it and put a back door,  
12 yes.

13 MR. D'AUGUSTINE: So two sheds smooshed  
14 together?

15 THE WITNESS: Basically.

16 MS. SCHMITT: I didn't understand that there  
17 was a wall. I thought it had been opened up to make  
18 one large --

19 MS. SPAWN-COX: No. It's a wall there.

20 MS. SCHMITT: Okay.

21 MR. PREMO: Now, your plan is to put sort of  
22 a track inside?

23 MS. SPAWN-COX: Correct.

24 MR. PREMO: Will you then be taking down  
25 that wall?

1 MS. SPAWN-COX: No. Because of daycare, I  
2 can't take that wall down.

3 MR. PREMO: Well, the wall within the --

4 MS. SPAWN-COX: The inside?

5 MR. PREMO: Yes.

6 MS. SPAWN-COX: No. It will stay there.

7 MR. PREMO: The track will be on what?

8 THE WITNESS: The back side.

9 MR. PREMO: The 400?

10 THE WITNESS: Correct.

11 MS. SCHWARTZ: So when you're looking at it,  
12 you really don't see the back, the 400 that you had  
13 done?

14 THE WITNESS: If you stop in front of the  
15 house, my house sits here, the shed sits here. If you  
16 stop, you see that place -- that part. But on this  
17 side, you really can't see it because of all the trees  
18 there.

19 CHAIRPERSON MIETZ: The pictures are pretty  
20 good.

21 MR. D'AUGUSTINE: The pictures are good.

22 CHAIRPERSON MIETZ: Okay. Any other  
23 questions for her?

24 MR. DiSTEFANO: I just have one little one,  
25 going on with Ed's questioning. So it's okay under

1 New York State licensing for daycares to allow  
2 children to play in a shed-type structure?

3 MS. SPAWN-COX: Yes. In a garage shed, yes.

4 MR. DiSTEFANO: Okay.

5 CHAIRPERSON MIETZ: You have to get OCFS  
6 approval?

7 MS. SPAWN-COX: Yes.

8 CHAIRPERSON MIETZ: All right. Very good.

9 Any questions?

10 Questions?

11 Okay. Thank you very much.

12 MS. SPAWN-COX: Thank you.

13 CHAIRPERSON MIETZ: Okay. Is there anyone  
14 that would like to speak regarding this application?

15 Come on up.

16 MR. NEARPASS: Hi. Can you hear me?

17 CHAIRPERSON MIETZ: Just pull the mic up a  
18 little bit, if you wouldn't mind.

19 MR. NEARPASS: I'm trying my best here.

20 Good evening. My name is Greg Nearpass. I  
21 live at 248 South Landing Road. I've lived there for  
22 18 years. My property is immediately adjacent to 270.  
23 Despite the difference in the numbers, we're -- it's  
24 my immediate neighbor. I'm the immediate neighbor to  
25 the north.

1           I have read through the application, and I  
2 do have some concerns about the garage in its current  
3 form. I did submit a letter to the board on behalf of  
4 myself and a few of the other neighbors as well. I  
5 don't want to go through it kind of line by line, but  
6 I do just want to address a couple of points because I  
7 think it's important just to have that conversation  
8 with the board.

9           I mean, primarily what we're talking about  
10 here is the visual impact and the impact to the  
11 character of the neighborhood. I mean, I will submit  
12 that the additional 400 square feet, which is an  
13 additional 20 feet to the back, does make it visible  
14 from my property, because before the original  
15 600-square-foot structure was blocked by their house.  
16 And so the additional, you know, 400 square feet to  
17 the back does make it visible from, you know, my  
18 backyard.

19           But I do feel that the visual impact and the  
20 impact on the neighborhood are significant, you know,  
21 and adverse. South Landing Road is an historic  
22 neighborhood in the town. There are, you know,  
23 multiple homes on South Landing Road, mine being one  
24 of them, that the town has designated as historic.

25           And, you know, the garage -- if any of you

1 drove by it and saw it, because it's already  
2 constructed in its full thousand-square-foot size, it  
3 does look like a metal industrial warehouse building  
4 in the middle of an historic residential neighborhood.

5 And there are homes on South Landing Road  
6 that have detached garages. I don't believe any of  
7 them are a thousand square feet or more in size, but I  
8 do know that all of them are constructed in both  
9 materials and color to match the principle residence,  
10 I mean, that's consistent with the character of the  
11 neighborhood, and this garage is not.

12 Now, having said that, I mean, I would be in  
13 favor -- I think the letter goes on to state that we  
14 would be favor of the garage remaining in its current  
15 size if the board were to impose some reasonable  
16 conditions, you know, one of which being the garage to  
17 be sided with materials and color to match the  
18 principle residence.

19 I mean, this would be consistent with what  
20 the ARB did for the property back in I want to say  
21 2018 when they received approvals for a gazebo and a  
22 front porch addition. I think those conditions,  
23 again, would make it consistent with the character of  
24 the neighborhood.

25 I also think, you know, a 6-foot wooden kind

1 of board-on-board fence could be installed from the --  
2 actually, it would be the northwest front portion of  
3 the garage going across the property just to serve as  
4 an additional visual buffer.

5 And then lastly, and this isn't in the  
6 letter, but I got this from reading the application,  
7 and maybe Mr. DiStefano has already addressed this,  
8 but to the extent that the garage is going to be used  
9 for, you know, other activities or daycare activities,  
10 I don't know if that creates additional requirements  
11 in terms of the building having to have sprinklers,  
12 other kind of life safety measures that need to be,  
13 you know, installed, but I would think that any  
14 condition, you know, that use would be in place as  
15 well.

16 Thanks.

17 CHAIRPERSON MIETZ: Thank you very much.

18 Okay. Is there anyone else in the audience?

19 Yes. Come on up, please.

20 MR. YARGER: Good evening. My name is  
21 Michael Yarger. I reside at 294 Landing Road South,  
22 which is a house to the right of their property.

23 First of all, I would like to thank you all  
24 for your service. Secondly, I would like to state  
25 that I've been very pleased to have Essie as a

1 neighbor for all these 14 years. They provide a great  
2 service to our community by having that daycare center  
3 there, and it's very much appreciated and something  
4 that's much needed in our community.

5 Now, with regard to the structure that was  
6 built, I don't think it's in keeping with the  
7 neighborhood. The structure itself looks like a  
8 storage building that you would find in a storage  
9 facility.

10 And if you drive by any storage facility, it  
11 looks just like that, with the big garage door right  
12 in front and, you know, smaller doors for access to it  
13 and like that. It's just not appropriate for our  
14 neighborhood.

15 I think there are things that -- changes  
16 that could be made to make it more visually appealing,  
17 and I would hope that the board would take that into  
18 consideration.

19 My house personally is well-shielded from  
20 that structure, so it doesn't bother me to have it  
21 next door to me, and, you know, I'm not looking at it  
22 all the time because of the trees and the like that  
23 are there. But when I do drive down the street, it is  
24 very noticeable and it does look like something that  
25 belongs more in a commercial neighborhood than in a

1 residential neighborhood.

2 CHAIRPERSON MIETZ: Can I ask you, what kind  
3 of mitigation are you talking about?

4 MR. YARGER: Talking about, you know, using  
5 the same type of materials that you would have on your  
6 house; right? And that's what -- we have a three-car  
7 garage. It's detached on our property. We have an  
8 English Tudor house. It's a stucco-sided garage, so  
9 it looks like the house. My neighbors, same type of  
10 thing; right? None of us have a steel structure on  
11 our property that's a thousand square feet.

12 I also think it would be appropriate, as  
13 Greg mentioned, to have some type of a fence along the  
14 front, on the left side, as you're looking at it,  
15 that's about 6 feet high or so just so that, as you're  
16 driving down the street, you don't see the length of  
17 the building the way that it is. Okay? It would make  
18 the building seem smaller visually and more  
19 appropriate, I think.

20 CHAIRPERSON MIETZ: Okay. Thanks.

21 MR. YARGER: Thank you very much.

22 CHAIRPERSON MIETZ: Okay. Is there anyone  
23 else in the audience?

24 Did I hear a "yes"?

25 No. Okay. I'm sorry. I thought a heard

1 somebody say "yes."

2               Okay. Well, at this point, then, the public  
3 hearing is closed.

4 **Application 11A-02-24**

5               Application of Steven Berg, owner of  
6 property located at 88 Riverside Drive, for an  
7 area variance from Sections 203-16A(4) and 203-2.1B(2)  
8 to allow a shed to be 288 square feet in size in lieu  
9 of the maximum 250 square feet allowed by code. All  
10 as described on application and plans on file.

11               MS. BERG: Good evening. I'm Lisa Berg.  
12 This is my husband, Steven Berg. We reside at 88  
13 Riverside Drive. We are requesting a variance for our  
14 shed of 288 square foot, whereas the code currently  
15 allows for 256 square foot.

16               When we first purchased the property back in  
17 2014, there was a shed. Currently, it fell. Over  
18 time it did deteriorate, so we did have a new shed  
19 professionally installed, which is that 288 square  
20 foot.

21               At the time, we were not aware of the town's  
22 code. We did receive a letter, a neighbor letter, in  
23 the mail indicating that the code is 250 square foot,  
24 so we did not know. Since then we did apply for the  
25 shed permit, and then here we are tonight asking for

1 the variance.

2 The reason for the shed is to store our lawn  
3 equipment, as we're quickly finding out with our  
4 little one here, all the toys and stuff we need to  
5 store in the winter, and outdoor furniture as well.

6 I think that covered pretty much all of it.

7 CHAIRPERSON MIETZ: Okay.

8 MR. D'AUGUSTINE: The original shed size,  
9 the one that came down, what size was that,  
10 approximately?

11 MS. BERG: Unfortunately, I realized I  
12 forgot that piece of paper. It should be in the  
13 packet, though. The original survey map, it does show  
14 that original -- I do apologize for not bringing that  
15 paper.

16 CHAIRPERSON MIETZ: Do you have any plans  
17 to, like, mitigate the size of it in the yard the way  
18 it sits kind of on its own, as far as any kind of  
19 landscaping, screening of any kind, to try to, you  
20 know, not make it look so large?

21 MS. BERG: We haven't considered that, but  
22 if that's something that would allow us to --

23 CHAIRPERSON MIETZ: We're not talking about  
24 fencing or anything. We're just talking about it  
25 could be shrubs, bushes, you know, things like that.

1 MS. BERG: Yeah, we're not opposed to that.

2 MR. BERG: It's just a shed. There's no  
3 plumbing, heating, electrical, or anything like that.

4 CHAIRPERSON MIETZ: Could you just go over  
5 and give out your name so she has it?

6 MR. BERG: Steven Berg, 88 Riverside Drive.

7 CHAIRPERSON MIETZ: Okay. Go ahead and make  
8 your comment.

9 MR. BERG: No, there's no plumbing, heating,  
10 electrical, or anything like that. The structure,  
11 it's just a shed.

12 CHAIRPERSON MIETZ: Okay. All right. I  
13 guess why we're bringing it up is the difference in  
14 size to the code. Sheds, we have a maximum, as you  
15 now know. So if you're over that, then offering some  
16 kind of mitigation for it is helpful. Okay?

17 MR. BERG: Yes.

18 CHAIRPERSON MIETZ: So you'd be willing  
19 to --

20 MS. BERG: Absolutely.

21 CHAIRPERSON MIETZ: Questions?

22 MS. TOMPKINS-WRIGHT: Do you expect to use  
23 all of the space? So a 250-square-foot shed would not  
24 be large enough, you really do need 288?

25 MR. BERG: Yeah, with the stepson, who's 17,

1 and now the daughter, and then equipment. And then  
2 for the business, I just have piping or anything --  
3 just like plumbing, fittings, and whatnot.

4 MS. TOMPKINS-WRIGHT: Okay.

5 CHAIRPERSON MIETZ: Questions over here?

6 MS. BARON: I just want to say for the  
7 record, for Board Member D'Augustine's earlier  
8 question, it looks like a former shed -- and it is  
9 difficult to read from the plans -- it looks like it  
10 was 8 feet by maybe 8 feet, 2 inches.

11 MS. BERG: Thank you.

12 MR. D'AUGUSTINE: Yes, that's what I was  
13 trying to see. Thanks.

14 CHAIRPERSON MIETZ: Questions?

15 MR. DiSTEFANO: Just a comment. I think  
16 you've had discussions with people in the building and  
17 planning department about this has been located in a  
18 floodplain and that you will need additional review  
19 and approval prior to getting the building permit, an  
20 EPOD permit, Environmental Protection Overlay District  
21 permit. You may have had a discussion with Jason  
22 probably a few months ago. That is something that --

23 MR. BERG: By email?

24 MR. DiSTEFANO: Perhaps. But that is  
25 something that needs to be taken care of prior to the

1 building permit being issued, because you still have  
2 to get a building permit and you still have to get  
3 that EPOD permit.

4 MS. BERG: Okay. We did apply online, and  
5 there was a response indicating that, but I don't  
6 remember seeing next steps to go ahead and get that  
7 approval.

8 MR. DiSTEFANO: My suggestion is you contact  
9 Jason --

10 MS. BERG: Okay.

11 MR. DiSTEFANO: -- and get that process  
12 moving, if the variance is approved tonight.

13 MS. BERG: Okay. Thank you.

14 CHAIRPERSON MIETZ: That would be a  
15 condition of the variance, that you would have to  
16 resolve that.

17 MS. BERG: Okay. Understood.

18 CHAIRPERSON MIETZ: All right. Anything  
19 else?

20 Okay. Thanks.

21 MS. BERG: Thank you. Appreciate it.

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

25 The public hearing is closed.

1                   Oh, sorry. I didn't know if you were -- I'm  
2 sorry. Please go ahead.

3                   MR. MATHIS: My name is Steve Mathis. I  
4 live at 81 Remington Parkway, I'm back to back with  
5 their property, and I just come here to support them  
6 because it's a beautiful shed. It does not -- you  
7 know, it's not an eyesore in any way.

8                   I think it's a great job and everything. So  
9 I'm just here to let anyone here know that, you know,  
10 we're back to back and it does not bother me in one  
11 way.

12                  CHAIRPERSON MIETZ: Okay. Thank you, sir.

13                  MR. MATHIS: Thank you.

14                  CHAIRPERSON MIETZ: Okay. Is there anyone  
15 else that would like to speak?

16                  Okay. Now the public hearing is closed.

17 **Application 11A-03-24**

18                  Application of Paul Mahoney, agent, and  
19 Ellen Fustanio, owner of property located at 154  
20 Cloverland Drive, for an area variance from Section  
21 205-2 to allow a front addition to extend 18.6 feet  
22 into the 40-foot front setback required by code. All  
23 as described on application and plans on file.

24                  MS. FUSTANIO: Hello, everyone. My name is  
25 Ellen Fustanio. I live at 154 Cloverland Drive,

1 14610. I have lived in this house for 23 years -- I  
2 can't believe I'm saying that -- for 23 years and have  
3 been sharing my home with my fiancé, Paul Mahoney, who  
4 is here as my agent, and also with my mother, Sheila  
5 Fustanio.

6 And do you need me to go on with what we're  
7 applying for?

8 CHAIRPERSON MIETZ: Could you just pull that  
9 mic up? Maybe we can hear you a little better.

10 Okay. Now, what was your question?

11 MS. FUSTANIO: Do you need me to describe  
12 any more about the location and going forward?

13 CHAIRPERSON MIETZ: Maybe you could give us  
14 the background of what you consider and why is it  
15 there and why is that the only place, things like  
16 that.

17 MS. FUSTANIO: So this has been an idea of  
18 mine for a long time in my head of having my mother  
19 live with us and to -- I'm the only daughter still  
20 living in Rochester, and we really were kind of  
21 baffled as to how to go about it.

22 We love our home. We love the neighborhood.  
23 The prices of houses are so high right now. The  
24 thought of buying and selling, I feel like we would be  
25 upside down and, you know, not in a place where we are

1 today.

2 So we hired Architectura to draw up some  
3 plans for us, and worked with them to learn the  
4 process about going through -- it's a little confusing  
5 and intimidating the order in which we're doing  
6 things, but we have met with contractors and have  
7 narrowed it down to one contractor that we would like  
8 to work with and have met with him a couple of times.

9 You know, at first we wanted the addition to  
10 be on the north side of the house so that we had a  
11 little separation of living space. But in talking  
12 through it, we couldn't really make that work in the  
13 area that it was. And all of the electrical and  
14 plumbing is on the other side, the south side of the  
15 house, so it would have been burdensome.

16 CHAIRPERSON MIETZ: Okay.

17 MR. PREMO: Was there any -- describe again  
18 what was the burden if you tried to put it someplace  
19 else.

20 MS. FUSTANIO: On the north side of the  
21 house, it's a lot closer to my neighbor.

22 MR. PREMO: Right.

23 MS. FUSTANIO: And all of the electrical and  
24 plumbing is on the south end of the house. So the  
25 electrical panel -- and there's just a slab on the 400

1 square feet that's on the north end of the main side  
2 of the house. So that has been one addition over  
3 there that was done before I bought the house in 2001.

4 MR. PREMO: Have you had any discussions  
5 with your neighbors, particularly at 142?

6 MS. FUSTANIO: I did. Actually, it's been  
7 kind of a back-and-forth with him. Not anything bad,  
8 but just he's very quiet, and recently Paul has had  
9 several conversations with him.

10 He called to say he was going out of town  
11 last week and -- through Sunday. And then he asked --  
12 you know, that he had received the letter and that he  
13 was very supportive of this idea.

14 And we had put stakes in the yard just for  
15 our own visibility --

16 MR. PREMO: I saw those.

17 MS. FUSTANIO: -- just to kind of visualize  
18 what it would look like and if it was going to be a,  
19 you know, monstrosity in the neighborhood. I really  
20 think that it will look nice and continue to beautify  
21 that corner.

22 MR. PREMO: And your neighbor was able to  
23 see where the stakes were?

24 MS. FUSTANIO: Yes. He actually  
25 acknowledged that he saw the stakes.

1 CHAIRPERSON MIETZ: Okay. All right. Other  
2 questions?

3 MR. DiSTEFANO: I don't see a floor plan  
4 with your proposal. Can you just kind of explain what  
5 the addition is going to consist of?

6 MS. FUSTANIO: So it would consist of an  
7 extension to the house. It would be opened at the  
8 hallway down to the sitting room, then a wall to  
9 continue on, and then on the other side would be a  
10 bedroom with a bathroom.

11 MR. DiSTEFANO: So kind of a master suite or  
12 something like that?

13 MS. FUSTANIO: Yes. It would be a master en  
14 suite, right. And so -- you know, definitely a  
15 resellable process, and getting a second bathroom in  
16 the house would be a wonderful thing. So it would be  
17 a definite win, I think.

18 And we are planning on doing a full basement  
19 with it, which would also, you know, just be -- help  
20 with the heating and -- sound structure.

21 CHAIRPERSON MIETZ: But there would be no,  
22 like, kitchenette or anything like that? It won't be  
23 self-contained like that?

24 MS. FUSTANIO: No.

25 CHAIRPERSON MIETZ: It will just be

1 attached, and in the future it could just be another  
2 bedroom?

3 MS. FUSTANIO: Yes.

4 CHAIRPERSON MIETZ: Okay. Questions?

5 Okay. Thanks.

6 MS. FUSTANIO: Thank you.

7 CHAIRPERSON MIETZ: All right. Is there  
8 anyone in the audience that would like to speak  
9 regarding this application?

10 Okay. The public hearing is closed.

11 **Application 11A-04-24**

12 Application of Charlie Turner, owner of  
13 property located at 60 Danforth Crescent, for  
14 an area variance from Section 205-2A to allow a 6-foot  
15 high fence to be located in the front yard where a  
16 maximum of 3.5-foot high fence is allowed by code.  
17 All as described on application and plans on file.

18 MR. TURNER: Thank you, Mr. Chairman. Chuck  
19 Turner -- my wife, Marian, is here with me -- as the  
20 owner of the property at 60 Danforth Crescent.

21 I do have some photos that I mentioned  
22 before that I would like to circulate. I'll go over  
23 them very briefly. It won't take very long. I don't  
24 know that your members have seen inside the fence.  
25 Oddly, if you've been there, you've seen the outside,

1 you've seen the bump-out, but you haven't seen inside.

2 CHAIRPERSON MIETZ: Yes, we can pass them  
3 around.

4 MR. DiSTEFANO: Are they copies of  
5 everything?

6 MR. TURNER: Yes. There's seven sets, I  
7 think.

8 This is an application for a variance from  
9 the zoning code to allow us to have a fence that bumps  
10 into what they call the corner lot -- the corner lot  
11 situation.

12 And when you have a corner lot, which we  
13 do -- we're on the corner of Danforth and Dartford.  
14 There are two front yards, basically, and you're not  
15 allowed to go beyond a cutoff line with either of  
16 those front yards without a variance, and a variance  
17 was never obtained.

18 This is a small piece of property. It's  
19 about 8 feet over the line, about 60 feet long, 485  
20 feet, something like that. Not a big piece of  
21 property at all, but for us it's important. It's part  
22 of this pool complex that was built and was on the  
23 site when we bought the property, as well as the  
24 fences were put in when we bought the property.

25 We bought the property in 1974. We've been

1 there 50 years on the nose. It was in June of '74  
2 that we were there. So we've been there this whole  
3 time. And really this was quite a shock to us that we  
4 would need a variance for this 8-foot, over-the-line  
5 situation.

6 So I'm here to ask you to give a variance  
7 for what already exists now. It's not a variance to  
8 do something new, it's a variance to authorize what  
9 already exists.

10 In the pictures that I handed out, some of  
11 these pictures -- there are six of them, I believe.  
12 The first one shows a picture across the pool. Under  
13 the slide, that white thing is a fence.

14 It's a little small for a fence, but it's an  
15 idea of what it would look like if we had to go back  
16 to the original requirements here and not -- if we  
17 didn't get the variance, a fence like this would be  
18 down the whole length of the property. In our  
19 opinion, this is quite an awkward-looking situation.

20 The fence behind it is what's been there for  
21 50 years. That would all come down, of course. But  
22 this white -- what we wanted to put up and want to put  
23 up is a new fence, vinyl fence, that would be exactly  
24 in the same position and location as the original  
25 fence. The fence that you see there now, that's what

1 we would like, and that's what we ask you for here.  
2 So this is what I'm aiming for.

3 The second page is another angle. You can  
4 see the slide and its steps there. So that's to the  
5 left of the first picture. My fence is still there,  
6 in part.

7 And then you will see in the background  
8 another situation, which we think is very important  
9 for your understanding. It is a model train setup,  
10 and you can see kind of the border walls to the train.  
11 It goes all the way up toward the fence, toward the  
12 top, where the eagle is on the fence, and then around  
13 the corner. It's about 75 feet round-trip on the  
14 train setup. And I'll show you a little bit more  
15 about that in just a second.

16 The third picture shows you that whole train  
17 layout from beginning to end or end to beginning,  
18 depending where you start it. Right now it's in fall  
19 costume. Everything is taken inside in the winter  
20 except for the track. But the train here is there,  
21 and it's set out every spring and every fall, and  
22 brought in in the fall.

23 This is a very important item for us. This  
24 is a family project. Our kids helped to work on it.  
25 My wife does the flowers. A beautiful job on the

1 flowers. I'll show you that in a minute.

2 And the reason I'm bringing this up is, if  
3 this variance is not granted, and we have to change  
4 our location of this fence, it will cut us off  
5 completely from the train, and it will cut it in two.  
6 Actually, about a third of it would remain, and the  
7 rest of it would be behind the new fence, the vinyl  
8 fence, and really would be unusable for us.

9 The last picture there, number 4, shows the  
10 train layout from the other end. So you now have a  
11 shot from both ends.

12 The next two pictures are more in season.  
13 That shows you the train layout as it is in the  
14 summertime with the flowers blooming and all of the  
15 appointments to the train layout. Those are two  
16 neighbor kids that were there. A lot of kids stop by  
17 and enjoy the train.

18 And number 6, the last sheet here, that's  
19 our granddaughter coming up for a visit and playing  
20 with the train.

21 You know, it sounds like -- when you say "I  
22 have a model train. What's the big deal?" Well, this  
23 is a big deal for us. It's been a part of our family.  
24 I didn't start it when we moved in, but it's been  
25 probably 20 years at least in building it and adding

1 on to it, investing money. I'd say we've put in 5 to  
2 \$10,000 to set this train up and run it and have fun.

3 So we don't want to lose that. If we're not  
4 getting this variance, we may lose it, and that's the  
5 important thing that we can think of. I mean, we've  
6 lived here 50 years, we love Brighton, and it just  
7 would be a disaster for us if we were not able to get  
8 this variance.

9 And I think there's a practical difficulty,  
10 which is really the standard in giving an area  
11 variance. There's certainly a practical difficulty in  
12 the use of that pool and the land surrounding the  
13 pool, building out the flowers and the plantings on  
14 the inside of the -- inside of the fence.

15 And you can see there, where my little fake  
16 fence is, it's only about 10 feet from the side of the  
17 pool. It really gets very tight in there if you were  
18 to have to use that as a recreational area for a pool.

19 So that's our situation, and we would  
20 certainly appreciate your consideration.

21 CHAIRPERSON MIETZ: Okay. Thanks.

22 Questions?

23 MS. SCHMITT: I just have a question for  
24 Rick.

25 In the description that we have for the

1 variance, it is not talking about extending the lot  
2 line or going into the lot line, it's about the height  
3 of the fence. Is that correct? Is there another  
4 variance?

5 MR. DiSTEFANO: No. The height of the  
6 fence -- that fence is extending into the front yard.

7 MS. TOMPKINS-WRIGHT: It would only have to  
8 be 3.5 feet --

9 MR. DiSTEFANO: It can only be 3.5 feet in  
10 the front yard.

11 MR. TURNER: So we go in 8 feet -- I think  
12 it is 8 feet -- into the front side yard, whatever you  
13 want to call it, and we want a fence that's -- that it  
14 is now. I mean, the fence that's there right now does  
15 everything we want it to do, and it's done it for 50  
16 years.

17 CHAIRPERSON MIETZ: Okay. Clear?

18 Clear?

19 Okay. Good. Thank you. All set.

20 Is there anyone in the audience that would  
21 like to speak regarding this?

22 Okay. Public hearing is closed.

23 **Application 11A-05-24**

24 Application of Valerie Intini, agent, and  
25 Ian and Laura Walters, owners of property

1 located at 147 Avalon Drive, for an area variance from  
2 Section 205-2 to allow an attached garage addition to  
3 extend 10.6 feet into the 25.1 foot front setback  
4 where a 40-foot front setback is required by code, and  
5 to extend 3 feet into the existing 32.7 foot rear  
6 setback where a 40-foot rear setback is required by  
7 code. All as described on application and plans on  
8 file.

9 MS. INTINI: Good evening. My name is  
10 Valerie Intini. I'm a designer at Architectura. I'm  
11 here representing 147 Avalon Drive.

12 CHAIRPERSON MIETZ: Could you move over,  
13 right into the mic.

14 MS. INTINI: Sorry.

15 CHAIRPERSON MIETZ: We would love to hear  
16 you.

17 MS. INTINI: Also here representing their  
18 property is Laura and Ian Walters. I also do have the  
19 signed -- perfect. I was informed to bring it here  
20 tonight.

21 MR. DiSTEFANO: Thanks.

22 MS. INTINI: Yep. You're welcome.

23 Okay. So our clients are looking to create  
24 a two-car garage addition onto their house. The  
25 reason why we're asking for two variances tonight, one

1 is to the rear, which is the south of their property,  
2 and the other is to the east of their property, which  
3 is actually considered a front yard setback because of  
4 the easement that is shared between them and 129  
5 Avalon Drive.

6 Some issues that I want to bring up about  
7 their overall -- their property to begin with, is that  
8 their property is actually nonconforming to the RLB  
9 district. So their overall minimum lot area coverage  
10 is -- the minimum for an RLB is 15,500 square feet.  
11 Their existing lot is actually only a little over  
12 8,200 square feet.

13 You can see, based off of that overall  
14 square footage, there is a restriction in terms of  
15 what their overall lot width and lot depth is. And  
16 actually the minimum lot width for the RLB is actually  
17 90 feet, and our clients' total existing lot width  
18 right now is almost 67 feet and 9 inches. So it's  
19 actually 23 feet and 3 inches smaller than it should  
20 be.

21 And because of this, it is subsequently  
22 having us ask for these variances tonight because of  
23 the fact of what the setback requirements are for this  
24 project as well.

25 So our client is looking to extend their

1 existing galley kitchen actually into their current  
2 two-car garage, and then building a new, more  
3 current-sized two-car garage that would allow for  
4 storage, and in the future to allow to potentially  
5 build a ramp for ADA accessibility that they have  
6 talked to us about as well.

7 And then the property -- the garage itself  
8 will then go east as it goes towards the easement.  
9 Still 10 feet, 7 inches away from their existing  
10 property line on their side, which is once again  
11 considered a front yard setback as well.

12 MR. DiSTEFANO: A quick second. I just want  
13 clarification for the record that it's not an easement  
14 per se, it is actually right-of-way. It is an  
15 extension of Antlers Drive, owned by the town. A road  
16 could go through there, if they ever wanted to put a  
17 road through there. They're never going to want to  
18 put a road through there, but it could be. So it is a  
19 right-of-way, it's not an easement.

20 MS. INTINI: That's great to have that  
21 clarification. So, yes, for the right-of-way.

22 Also, to go off that point as well, there is  
23 a house directly behind where that right-of-way is.  
24 So unless they bulldoze that person's house, there is  
25 no other further development that will actually ever

1 happen there.

2                   And our clients actually do a lot of  
3 property maintenance, plowing, take care of the grass  
4 and kind of the lawn care of the easement itself. And  
5 they have actually reached out to the Town of Brighton  
6 to actually purchase that property since it kind of is  
7 at this point -- there's nothing that the town would  
8 be able to develop further on it.

9                   So because of that, and the fact that their  
10 overall property is actually smaller than what the  
11 current RLB district is, that's the reason why we're  
12 asking for these two variances tonight.

13                  MS. WALTERS: Just to mention that, when we  
14 did move in, they said --

15                  CHAIRPERSON MIETZ: Could you just put your  
16 name and address --

17                  MS. WALTERS: Laura Walters, 147 Avalon  
18 Drive.

19                  When we had purchased that property, the  
20 previous owners had told us that there could be -- the  
21 town had told them that they could take on the  
22 easement or right-of-way if they shared it with -- if  
23 they split it between the neighbors, and then just  
24 take on the taxes, just to clarify about that. So we  
25 were thinking we could do that, but when we came in,

1 we were told that that would not be appropriate.

2                   But I do have some pictures, if anybody  
3 would like to see them. I can put them to each side.  
4 It's just kind of views from the front. And we  
5 actually parked our car where a guest would park in  
6 the driveway to give kind of a perspective for the  
7 neighbor.

8                   We also have four letters -- three letters  
9 and one email -- copy of an email that was sent  
10 supporting the project from our neighbors across the  
11 street and to either side of us.

12                  MR. DiSTEFANO: Just for the record, I have  
13 letters from neighbors at 129 Avalon Drive, 155 Avalon  
14 Drive, and 148 Avalon Drive.

15                  MS. WALTERS: And then there is one in the  
16 envelope.

17                  MR. DiSTEFANO: All basically saying that  
18 they do not oppose the variance as requested.

19                  MS. WALTERS: There's one in the envelope  
20 too. Sorry. They were here a couple times ago,  
21 asking for a variance as well.

22                  MR. DiSTEFANO: And neighbors at 147 Avalon.

23                  MR. D'AUGUSTINE: I'm sorry. What was that  
24 last one?

25                  MR. DiSTEFANO: 147.

1 I'm sorry. I'm sorry. Regarding 147.

2 MR. WALTERS: 170.

3 MR. DiSTEFANO: 170. Thank you. You are  
4 147.

5 CHAIRPERSON MIETZ: Okay. Are you set? Do  
6 you have anything else you want to add or...

7 MS. WALTERS: Are there any questions for  
8 us?

9 CHAIRPERSON MIETZ: I'll ask that now. I  
10 want to make sure you're finished first. You get the  
11 first punch.

12 All right. Questions?

13 MS. SCHMITT: I'm just looking at one of the  
14 pictures. The very last picture, I don't see how that  
15 one is your house.

16 MS. WALTERS: Right. That is a similar  
17 property that's on the corner, what their driveway  
18 looks like.

19 MS. SCHMITT: And that's why I was looking.  
20 I know where this house is, and it's not --

21 MS. WALTERS: It's definitely not our house.

22 MS. SCHWARTZ: Do you plan on leaving all of  
23 the vegetation that surrounds it?

24 MS. WALTERS: Yes.

25 MR. DiSTEFANO: I just have a question in

1 regards to possible conflict with your neighbors in  
2 terms of vehicles parked outside of the garage that  
3 now extend into the T which could impact the neighbor  
4 trying to enter/exit their garage.

5 MS. WALTERS: And we did speak with him  
6 about that and walked the property with him. He  
7 thought that the -- and that's why the second-to-last  
8 picture is there. He thought that the property line  
9 went to where the T starts, and so we would be 10 feet  
10 back from that.

11 But that's actually -- there's 20 feet back  
12 from where the T starts, and so we would be 10 feet  
13 back from there, but that's actually -- so there  
14 should be plenty of room for a car to be parked for  
15 him to turn around.

16 MR. DiSTEFANO: So in a situation where  
17 there might be two cars that are parked out -- maybe  
18 even three, because they're having, you know, a few  
19 people over, are you going to make sure that people  
20 are going to provide -- you know, I'm sure it could  
21 happen now. Obviously, it could happen now, but  
22 there's a better chance of it happening more often  
23 with that loss of driveway for where this garage  
24 addition is going.

25 MS. WALTERS: Right. We've been very

1 conscious of that, as we've lived there for 12 years,  
2 because I haven't -- you know, when I was pregnant and  
3 things like that, you know, we needed access to the  
4 driveway in case of an emergency. So whenever we have  
5 that many guests, we ask them to park on the street.

6 MR. DiSTEFANO: Okay.

7 MS. BARON: Just one additional question.  
8 In the application, you speak to how -- with the  
9 addition, you would be able to remove the shed that's  
10 on your property. Can you tell us a little bit about  
11 that?

12 MS. WALTERS: There was a preexisting shed  
13 when we moved in, and it was our understanding that we  
14 could not alter or update the shed. Because it was  
15 part of this right-of-way, we would have to remove it.  
16 So we've kind of kept it there because we didn't have  
17 a lot of storage in the current garage. It's very  
18 tiny in the neighborhood.

19 So with the space of the new garage, we  
20 should be able to put that -- the lawn stuff in the  
21 garage and get rid of that shed. It's kind of  
22 becoming a bit of a problem with squirrels and things  
23 like that, so it would be great to get rid of it.

24 And like some of the other folks, we have a  
25 6-year-old with -- you know, a lot of bikes, and the

1 garage would provide us -- to be able to put storage  
2 there. In the summer, we're often parking in the  
3 driveway so that we can have all the bikes and all the  
4 kid gear in one half of the garage.

5 At this point, we would now be able to park  
6 our car in the garage and also have that storage in  
7 the new garage.

8 CHAIRPERSON MIETZ: Okay. Other questions?

9 Good. Okay. Thanks.

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

12 Okay. Then the public hearing is closed.

13 **Application 11A-06-24**

14 Application of Rod Buffington, agent, and  
15 1690 Monroe Ave. Redd, LLC, owner of property located  
16 at 1690 Monroe Avenue, for an area variance from  
17 Section 207-14.2A(3) (b) to waive the requirement of  
18 screening of restaurant roof exhaust equipment from  
19 view of the street and view from the second story of  
20 adjacent residential properties as required by code.  
21 All as described on application and plans on file.

22 MR. CROWE: Good evening, folks. My name is  
23 Dave Crowe with DJCA Cornerstone Architects. Address  
24 is 99 Garnsey Road, Pittsford, New York. With me  
25 tonight is the property owner. I'll let Marty

1 introduce himself.

2 MR. O'SULLIVAN: Hi, Marty O'Sullivan, one  
3 of the owners of 1690 Monroe Ave.

4 MR. CROWE: So we're here tonight to just  
5 talk about -- requesting relief from the zoning  
6 regarding area variance for rooftop screening for the  
7 property that they're working on.

8 Most people probably know the location at  
9 1690 Monroe as the former Grinnell's. It was built in  
10 1961. It's been a restaurant since its origin. It's  
11 going to be a restaurant. They're doing a lot of  
12 work. If you drive by it, you'll see it's in full  
13 construction right now, working very hard to put it  
14 back into good condition and make it a really premier  
15 restaurant out of that location. We're probably  
16 looking at early 2025 to get that open.

17 One of the things that we've had to wrestle  
18 with here is the requirement by the town to have the  
19 rooftop equipment screening. And the challenge that  
20 we're having is -- I can show you here.

21 So the building -- this is the side that  
22 faces Monroe, and that's 50 feet wide. And what I've  
23 shown here, in these two locations, are these box  
24 trusses. So the nice thing about the building, it was  
25 made with continuous clear span. So built as a

1 restaurant, and obviously people don't want columns in  
2 a restaurant.

3 And the other challenge is that, while it  
4 was built very cleverly to have no columns, it was  
5 also built very lightly. So they're simple box  
6 trusses, with a 50-foot span, very limited  
7 weight-bearing capacity.

8 And in between those is actually -- you  
9 can't get it anymore, but it's a gypsum roof point,  
10 which is 2 to 3 inches thick, and it's literally  
11 reinforced with chicken wire. So it was a very  
12 inexpensive way to do a roof back in 1961.

13 It's in excellent condition. There's  
14 nothing wrong with it. Structurally, it's still  
15 sound. You can walk on the roof. Everything is good.  
16 The challenge we're having, though, is -- with the  
17 equipment, you will see -- and, by the way, we're  
18 putting the equipment in the same locations that it  
19 did previously exist with Grinnell's.

20 It is new equipment. I'm not saying it  
21 isn't being replaced. But, basically, the first  
22 two-thirds of the building has no equipment.  
23 Everything is placed in the rear of the building, and  
24 it varies in height, from 30 to 80 inches tall.

25 And our challenge is, if we were to do

1 rooftop screening, number one, we would have to  
2 basically run the entire width of the building, and  
3 there's two problems with that. One is wind blowing.  
4 So when the wind blows, those screens want to move,  
5 and that truss couldn't take it, so we'd have to  
6 cross-brace the entire building to do that.

7 Another challenge is that all those trusses  
8 were painted with lead-based paint. So in order to do  
9 that, they would have to abate the paint from the  
10 trusses, which is very large and expensive and very  
11 difficult to do.

12 The second problem is, with an 80-inch tall  
13 screen, our structural engineers have to wrestle with  
14 the challenge of snow loading and snow drifting, which  
15 would result in hundreds of thousands of additional  
16 pounds of weight on the roof structure because of the  
17 drifting and which couldn't be resolved simply by  
18 reinforcing the trusses. We'd have to put a series of  
19 columns within the space, which would really be very  
20 difficult for us to make that work.

21 So one thing I do want to point out -- and  
22 all I'm saying here in this picture, that is -- this  
23 truss, that's where the screen would go. And you can  
24 see the back wall where the bar is. So we're 12,  
25 almost 14 feet into the middle of the space where we'd

1 have to start putting the columns to support it.

2           One thing I do want to bring to your  
3 attention is -- so there's an existing condition here,  
4 where it is actually currently a low, small building,  
5 that setback, there's a home here. Actually, a  
6 business-converted home either side. That grate  
7 screen, that property -- what I'm trying to show here,  
8 when you're driving down the road, until you get to  
9 this point, you can't even see the building.

10           So there's about 250 lineal feet where you  
11 actually do get a view of the building, and as a  
12 concession, one thing that we would consider is --  
13 right here there is a span of trees. There's four  
14 trees, and we had a landscape company, Bartlett, come  
15 and take a look at those.

16           The two out by the street are not in good  
17 condition. One is actually leaning out over Monroe.  
18 Those two really have to go. We're working with Rick,  
19 and we have to work with -- the conservation board we  
20 have to go through, but we're getting that  
21 information. They would like to remove all four just  
22 because it blocks the view and it's sort of an  
23 obstruction.

24           They're, frankly, fairly overgrown into a  
25 small planting area, but the two elms in the back are

1 good. We would consider leaving those. As you drive  
2 from the southwest to the northeast, you'll see --  
3 once you get past the home, the trees screen it.  
4 Until you're directly in front of the building, you  
5 simply don't see -- which isn't so good for marketing  
6 to attract clients. However, we would be willing to  
7 leave those to help screen the rooftop equipment.

8 And the other thing I'll mention is just to  
9 kind of -- I think you guys have these pictures, but  
10 you really have to be in front of it to see that. And  
11 from Monroe, as you can see, when you're coming up  
12 from the south side, the building is sheltered. When  
13 you come down from the north side, it's sheltered.

14 This is the view from Tarrytown, the street  
15 behind. Heavily screened. And then in the back of  
16 the building -- you can see it in this elevation as  
17 well -- there's a very heavy line of trees behind it  
18 and brush, and there's a dumpster enclosure back there  
19 too.

20 So another concession they would be willing  
21 to do, and that would be -- we would have to figure  
22 out what it looks like, but what could be painted on  
23 that equipment. They would be willing to paint and  
24 camouflage and sort of do what they can to kind of  
25 knock down the shine of that steel.

1           But really, again, the problem is that  
2 building simply wasn't built to put rooftop screening  
3 on it. While it doesn't seem like it's very heavy,  
4 between the wind load and the snow load, it would be  
5 devastating to the building.

6           I don't know if there's anything else. And  
7 that's basically the heart of the appeal, to see if we  
8 could get some relief on that requirement.

9           MS. TOMPKINS-WRIGHT: The height of the roof  
10 equipment, is it -- you said 35 to 80 --

11           MR. CROWE: Yes. It varies whether it's an  
12 exhaust fan or the rooftop unit. And on the  
13 application, we did include that, and that's what this  
14 drawing was.

15           MS. TOMPKINS-WRIGHT: Is that consistent  
16 with the height of the current equipment?

17           MR. CROWE: I honestly don't remember what  
18 the old -- one of the challenges we had, by the way,  
19 was the town requirement. When you're in a location  
20 like this, you can't side exhaust. So our equipment  
21 did get taller, but we're in compliance with that  
22 requirement. The challenge is now -- another issue  
23 now is the vertical discharge is taller than the old  
24 would have been.

25           CHAIRPERSON MIETZ: On a percentage basis,

1 what would you say?

2 MR. CROWE: It's probably a third higher,  
3 maybe. I think the old -- we're probably dancing  
4 around 50 inches on the old, and now we're up around  
5 80.

6 As I mentioned, we would consider leaving  
7 those trees and we would consider trying to paint or  
8 camouflage or do something, you know, with noninvasive  
9 paint. Those are the challenges.

10 CHAIRPERSON MIETZ: Also from an HVAC  
11 perspective, is there an alternative that could have  
12 been done, if you didn't want to put screening, how  
13 this equipment is placed?

14 MR. CROWE: It couldn't be ground mounted.

15 CHAIRPERSON MIETZ: For the record.

16 MR. CROWE: For the record, no. Which is  
17 why all restaurants are done that way.

18 CHAIRPERSON MIETZ: Is there an HVAC unit up  
19 there?

20 MR. CROWE: There's a rooftop unit up there  
21 for heating and conditioning. There's makeup air for  
22 the hoods and then the exhaust for the hoods.

23 CHAIRPERSON MIETZ: Okay.

24 MS. SCHWARTZ: This is more for Rick.

25 Rick, has anyone ever complained all these

1 years about --

2 MR. DiSTEFANO: Not that I'm aware of. But  
3 then, again, it wasn't a requirement back in '69 or  
4 whenever the building was built.

5 MR. CROWE: '61.

6 MR. DiSTEFANO: It's new with the code, you  
7 know, so -- it was preexisting nonconforming.

8 MS. SCHWARTZ: Thank you.

9 MR. CROWE: The restaurant was open through  
10 2023.

11 MS. BARON: Just a clarification question  
12 about the trees. You said the first two in front  
13 would definitely have to be removed, but your  
14 concession is to leave the two behind?

15 MR. CROWE: Yes. These two up by the  
16 street, we were told by the landscape company that  
17 they're not in great shape. The elm is fairly old and  
18 it's actually leaning over Monroe, which is not a good  
19 thing. So that actually would be beneficial to the  
20 community because we don't want that to fall down in  
21 an ice storm. And then behind it is basically a junk  
22 tree. That's just shot.

23 So there's four trees here now. These two  
24 are sort of clumps -- if you go by, you'll see they're  
25 all kind of twisted up and they don't look great. The

1 two elms in the back are fine. They're a little  
2 shoehorned in, but we would keep them. They're  
3 healthy. You know, we could keep those two if that  
4 would be helpful to the decision.

5 CHAIRPERSON MIETZ: Okay.

6 MS. SCHMITT: I just have a quick question.  
7 It's probably unrelated, but what kind of restaurant  
8 will it be?

9 MR. O'SULLIVAN: So --

10 MS. SCHMITT: Unless it's top secret.

11 MR. O'SULLIVAN: No, it's not top secret.

12 The other partner in this is Richard  
13 Reddington, who is the owner and operator of REDD, and  
14 then had the two restaurants in Napa for 20 years. So  
15 this is a second restaurant of his. It's going to  
16 be -- we've discussed this with Rick a number of  
17 times.

18 It's an earth-driven restaurant. Kind of a  
19 steakhouse, similar to what Grinell's was. We're  
20 going to keep a couple aspects of Grinell's, in terms  
21 of valet parking and some of the appeal to it, but  
22 other than -- it's a completely new restaurant. I  
23 would call it a French-leaning steakhouse, maybe.

24 MS. SCHMITT: Probably not good for a  
25 vegetarian.

1                   MR. O'SULLIVAN: If you've ever been to  
2 Richard's existing restaurant, there are a lot of  
3 vegetarian items.

4                   CHAIRPERSON MIETZ: Okay. Other questions?

5                   MR. PREMO: You described that if you had to  
6 do the screening, due to snow loads, all the  
7 structural improvements and money you have to put out,  
8 just wondering if you have some dollar idea.

9                   MR. CROWE: It's well north of a hundred  
10 thousand dollars. Probably more. We've been hopeful  
11 not to have to do it.

12                  Here's what I can tell you. Just the lead  
13 abatement paint was somewhere around \$30,000 just to  
14 prepare the steel, and that's for the lateral bracing.  
15 Now, vertical bracing, honestly, we don't know how to  
16 do that without putting columns in.

17                  That's the real challenge. It's not a big  
18 restaurant. It's 3,600 square feet, and there's just  
19 no room for a series of columns to go down the middle  
20 of that space.

21                  MR. PREMO: You're looking at something in  
22 the six figures?

23                  MR. CROWE: Oh, easily, yes.

24                  CHAIRPERSON MIETZ: By the time you're done,  
25 yes.

1                   MR. O'SULLIVAN: Absolutely. If you go by,  
2 you'll see that we're getting to a point where this is  
3 a big negative surprise potentially.

4                   MR. CROWE: And I'll just mention -- to  
5 reinforce that, everything else that the town  
6 requires, they have run to. You know, the sprinkler  
7 systems and -- really it is a brand-new building. You  
8 won't know it from the old 1961 building, but this is  
9 one issue that we are really struggling to come up  
10 with a solution.

11                  MR. DiSTEFANO: Just a couple quick  
12 questions. Number one, any discussion with neighbors  
13 on Tarrytown?

14                  MR. O'SULLIVAN: There hasn't been one  
15 solely because they haven't come to us. And really  
16 the restaurant was operating up until 2023 with  
17 similar footprint, rooftop.

18                  MR. DiSTEFANO: I understand.

19                  MR. O'SULLIVAN: So from our understanding  
20 with the Grinells and whatnot, there's never been an  
21 issue with the neighbors.

22                  MR. DiSTEFANO: And, Dave, in your  
23 professional experience -- you've mentioned, well,  
24 we'll paint it with something. Do you have something  
25 in mind?

1                   MR. CROWE: Well, I was actually  
2 thinking we'd get -- do you know Rick Muto, who's a  
3 local artist? He's camouflaged transformers and  
4 things for us on projects. He's well-known. We'd  
5 bring Rick in to camouflage it.

6                   You know, we'd figure out -- because we  
7 really want it to blend in against that tree canopy  
8 behind it when you look at it. I don't think it will  
9 be a work of art, but it will be -- here's what I  
10 know, Rick. It won't be that shiny steel; right? We  
11 can look into doing greens and browns and --

12                  CHAIRPERSON MIETZ: Dull it down.

13                  MR. CROWE: Dull it down. Make it go away.

14                  MR. O'SULLIVAN: We've invested in the look  
15 of the space, and we certainly don't want to go  
16 backwards with this, but in order for us to execute  
17 the level of restaurant we're going for -- my partner  
18 has Michelin stars for nine years -- we needed to  
19 expand the kitchen and our capabilities there, which  
20 then expanded our footprint on the roof.

21                  CHAIRPERSON MIETZ: Okay. Sounds good.

22                  All right. Other questions?

23                  Thanks, guys.

24                  MR. CROWE: Thank you.

25                  CHAIRPERSON MIETZ: Is there anyone in the

1 audience that would like to speak regarding this?

2               Okay. The public hearing is closed.

3 **Application 11A-07-24**

4               Application of Danny Daniele, owner of  
5 property located at 2729 Monroe Avenue for  
6 modification of approved sign variances allowing for a  
7 replacement/change of a front elevation business  
8 identification sign and modification of approved  
9 variances allowing for replacement/change of a rear  
10 elevation business identification sign. All as  
11 described on application and plans on file.

12               CHAIRPERSON MIETZ: Is there someone here to  
13 speak to --

14               MR. DiSTEFANO: We can put you at the end,  
15 if you want.

16               MR. DANIELE: Wherever you would like.

17               My apologies. I think you have some  
18 pictures in front of you.

19               MR. DiSTEFANO: You want to introduce  
20 yourself to the board?

21               MR. DANIELE: I would love to.

22               Good evening. Danny Daniele, 2851 Monroe  
23 Avenue.

24               It's for the Oakfield Hotel, and we're going  
25 to be updating the sign to the front and back. The

1 plan is to use the exact same signs to the front and  
2 back. We've gone through some different iterations.  
3 The iteration you have in front of you I'm hoping is  
4 the most recent.

5 We've painted the entire building. We've  
6 redone the parking lot. We've redone the landscaping.  
7 We've also redone the entire inside, the carpets,  
8 painting the bathrooms, but that has nothing to do  
9 with signs.

10 So we're just looking for this board's  
11 approval or disapproval. If you believe the signs  
12 look like crap, we'll do something else. If you think  
13 it's okay, we'll move forward.

14 CHAIRPERSON MIETZ: So this is a refranchise  
15 of the hotel, just rebranding?

16 MR. DANIELE: That's correct, it's going to  
17 be a new brand. The old one was the Clarion.

18 CHAIRPERSON MIETZ: Right.

19 MR. DANIELE: This one is going to be called  
20 the Oakfield.

21 CHAIRPERSON MIETZ: Very good.

22 MR. DiSTEFANO: And it's a different owner  
23 for the property; correct?

24 MR. DANIELE: Yes. The previous owner is no  
25 longer the property owner. You can say it's under new

1 management, new ownership.

2 CHAIRPERSON MIETZ: So the square footage  
3 looks like it's about the same.

4 MR. DiSTEFANO: Yes. Within reason, it's  
5 all pretty much the same area. The logo is probably a  
6 little smaller than what was on the old sign.

7 CHAIRPERSON MIETZ: Okay. Questions?

8 Okay. Thanks.

9 MR. DANIELE: Thank you, Rick, for your  
10 help. I know I've called you about 17 times. You got  
11 me through the process. I'm happy to be here.

12 MR. DiSTEFANO: Just for you. I stand up  
13 for you.

14 MR. DANIELE: If you need anything else, let  
15 me know.

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

19 Okay. There being none, the public hearing  
20 is closed.

21 **Application 11A-08-24**

22 Application of James Greaser, owner of  
23 property located at 22 Victoria Lane, for an area  
24 variance from Section 205-2 to allow a rear addition  
25 to extend 6 feet into the 40-foot rear setback

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

3 MS. GREASER: Good evening, everyone. My  
4 name is Mary Greaser. This is my husband, Jim. We  
5 live at 22 Victoria -- it's actually Drive. It's not  
6 Lane, it's Drive.

7 We've been in the house for 22 years or so,  
8 and we are looking to add a little bit of space to the  
9 home. We thought about selling and moving somewhere  
10 else. We looked into that. It just is not practical  
11 at this point in time, and we also just really love  
12 where we are. We love the location and we would  
13 really like to stay there.

14 As we have gotten a little bit older and  
15 we've started having conversations about retirement  
16 and things like that, and being at home more often, we  
17 would like to have a little bit more space for  
18 hobbies, for aging in place, potentially needing  
19 walker space and wheelchairs. Hopefully not, but  
20 things like that as we stay in the home.

21 So we are looking to go 6 feet into the  
22 setback, and we've spoken to neighbors. The addition  
23 would be on the back of the house. You would not see  
24 it from the road. But we have spoken to our neighbors  
25 and -- Jim's actually spoken to them, and they seem

1 fine with the plan.

2 We did have some stakes out. As someone  
3 else said, they just wanted to be able to visualize  
4 where it was actually going to be. So they could see  
5 where those were and kind of what we were talking  
6 about.

7 Do you have anything that you think you want  
8 to add, or no?

9 MR. GREASER: Houses around us --

10 CHAIRPERSON MIETZ: Step up, sir.

11 MR. GREASER: Ours was built in, like, 1950.  
12 Houses in the same neighborhood over the years have  
13 had additions, added on either rooms or extensions.  
14 We just need a little more space. It's barely 1,500  
15 square feet. The basement is not 12 courses, so you  
16 can't make use of it as living space.

17 MS. GREASER: So the intention is to create  
18 a new, like, master bedroom for us and to do a little  
19 bit of shifting of the other rooms.

20 There's no plan to put a bathroom in at this  
21 point. It's too expensive and it's just us, so  
22 probably not really necessary at this point. So it  
23 would just be a new master bedroom.

24 CHAIRPERSON MIETZ: Okay. Can you talk a  
25 little bit about -- you know, you mentioned that there

1 are similar additions to other homes that were built  
2 in the '50s and '60s in that neighborhood. Not their  
3 exact addresses, but what would you say, there's quite  
4 a few or a few?

5 MS. GREASER: So, yeah, actually there's a  
6 house on one side of us that had an addition put on  
7 the back. The house on the other side of us, we  
8 actually learned it was -- we thought it was an  
9 addition, but it was actually built that way.

10 MR. GREASER: It was originally a patio that  
11 got enclosed and made into living space.

12 MS. GREASER: It looks like it was an  
13 addition.

14 And our neighbor across the street, they had  
15 several additions added on to their home.

16 MR. GREASER: Because they did not have a  
17 basement. It was just built on a slab, so it got  
18 extended.

19 MS. GREASER: And it grew and grew and grew.

20 MR. GREASER: And the house behind us, where  
21 Mr. Miller used to live, had an addition onto the  
22 garage and extended it into the backyard some.

23 CHAIRPERSON MIETZ: How would it appear,  
24 then? Would you match the existing home siding, its  
25 color, and all that?

1 MS. GREASER: Yes. So the intent is to  
2 actually re-side the whole house once the addition is  
3 done so that it will all be uniform, and so that would  
4 also be an upgrade to the home.

5 It was sided when? In 1993?

6 MR. GREASER: I think it was 1994 or so.

7 MS. GREASER: Yeah. So it's kind of tired  
8 and needs an upgrade anyway, so we would -- we do have  
9 plans to re-side the whole house.

10 CHAIRPERSON MIETZ: And the roof on it would  
11 match the existing --

12 MS. GREASER: Yes. They will match it as  
13 close as they can.

14 CHAIRPERSON MIETZ: Okay. Questions?

15 Good. Thanks.

16 MS. GREASER: Thank you very much.

17 CHAIRPERSON MIETZ: Is there anyone in the  
18 audience that would like to speak regarding this  
19 application?

20 Okay. The public hearing is closed.

21 MR. DiSTEFANO: Okay. The next four  
22 applications are the same project, so I will read all  
23 four together, and we can handle them as one.

24 **Application 11A-09-24**

25 Application of Lawton Watts, agent, and 3300

1 BHTL Partners, LLC, owner of property located at 3300  
2 Brighton Henrietta Town line Road, for an area  
3 variance from Section 205-8 to allow a medical office  
4 building to be constructed with a 42-foot front  
5 setback in lieu of the minimum 75-foot front setback  
6 required by code. All as described on application and  
7 plans on file.

8 **Application 11A-10-24**

9 Application of Lawton Watts, agent, and 3300  
10 BHTL Partners, LLC, owner of property located at 3300  
11 Brighton Henrietta Town line Road, for an area  
12 variance from Section 203-129B(2) to allow a new  
13 medical office building and other site improvements  
14 (e.g. parking spaces) to encroach into the 100-foot  
15 vegetative watercourse EPOD buffer where not allowed  
16 by code. All as described on application and plans on  
17 file.

18 **Application 11A-11-24**

19 Application of Lawton Watts, agent, and 3300  
20 BHTL Partners, LLC, owner of property located at 3300  
21 Brighton Henrietta Town line Road, for an area  
22 variance from Section 205-12 to allow a medical office  
23 building to be constructed with 69 parking spaces in  
24 lieu of the minimum 134 spaces required by code. All  
25 as described on application and plans on file.

1 **Application 11A-12-24**

2 Application of Lawton Watts, agent, and 3300  
3 BHTL Partners, LLC, owner of property located at 3300  
4 Brighton Henrietta Town line Road, for an area  
5 variance from Section 205-164A to allow front yard  
6 parking where not allowed by code. All as described  
7 on application and plans on file.

8 CHAIRPERSON MIETZ: That was a mouthful.

9 MR. SAXTON: My name is Joshua Saxton. I'm  
10 a civil project manager at Passero Associates. I'm  
11 also here representing the client for this project.

12 CHAIRPERSON MIETZ: Could you just give us  
13 Passero's address?

14 MR. SAXTON: 2424 West Main Street,  
15 Rochester, New York.

16 Before getting into, I guess, the  
17 applications here tonight, I just want to give you a  
18 little history of this project.

19 So this was actually presented and approved,  
20 kind of went through also -- not only this board, but  
21 planning board approval back in 2019 and 2020, for  
22 essentially the same project, before that project, you  
23 know, stopped development.

24 Essentially it's the same kind of  
25 development we're proposing right now, which is a

1 10,000-square-foot medical office building, parking to  
2 the east, then an access right off Canal View  
3 Boulevard. At that time, three of the variances that  
4 we're here for tonight were granted and discussed,  
5 which included the parking along the frontage, the  
6 front setback encroachment, and then the EPOD  
7 disturbance.

8 The new variance that we're here for tonight  
9 is for the parking, which as stated is -- it's up to  
10 137, which is a lot more than what we're showing. The  
11 reason why that's being required, even though -- I  
12 guess the area where the building is we're proposing a  
13 basement for the building as opposed to just a  
14 slab-on-grade, which is what was proposed back in 2019  
15 and 2020, with that basement being used for storage,  
16 mechanical use, not for -- no additional office space.

17 So for that variance, you know, we  
18 thought -- you know, it's not going to be a driver of  
19 more people coming and parking at the site. You know,  
20 this will be used for the functionality of the  
21 building. So that really doesn't affect the spaces we  
22 had before, which this first level was there before we  
23 were meeting the code of parking.

24 And kind of going back to the history of it,  
25 and kind of like for the other three variances, a lot

1 of that is driven by environmental factors of the  
2 site. That EPOD and floodplain area kind of going  
3 around the creek, that cuts through the site just a  
4 bit north and west of the property, and that limited  
5 the development of the parcel. Back in 2019 and 2020,  
6 there was a lot of discussion, changes to the site,  
7 you know, trying to push it to the south to preserve  
8 as much of those environmental features as possible.

9 And as shown on, you know, this plan and  
10 what we are continually doing for this development is,  
11 you know, adding a trail and vegetation along the  
12 western side of the property to kind of get a buffer  
13 between this development. Having those trees, kind of  
14 a more flat area buffer, and then obviously there's  
15 the -- the overgrowth that is going through the creek  
16 bed that goes to the west and north of the site, and  
17 then in turn also push parking to the frontage.

18 If you go down this road, there's parking  
19 along the frontage for the majority of the businesses,  
20 and then also the setback of the building, you know,  
21 there's some buildings in this that meet that similar  
22 setback.

23 So at that time all three of those variances  
24 were approved. We're not proposing any changes to  
25 those. Like I said, the addition being that fourth

1 variance for the parking, and that has to do with the  
2 basement level, which is not going to be a driver of  
3 new customers and employees coming to the site. It  
4 will just be used for storage and mechanical space.

5 So we're here to answer any questions on  
6 those three kind of pre-approval variances and also  
7 the new variance for the parking for this project.

8 CHAIRPERSON MIETZ: Okay. First question.  
9 So talk to us a little bit more about this basement.  
10 So it's going to be strictly block and storage? Is it  
11 going to be finished in some way? What's it going to  
12 be?

13 MR. SAXTON: I don't believe it's going to  
14 be finished per se. I'm kind of saying the former  
15 there. You know, maybe block storage for some of the  
16 equipment and items that they may need in the upper  
17 office level for their use, and then also for water  
18 coming in, other piping, any of the other mechanicals  
19 that may be in the building using that as the space so  
20 it's not covering the first floor and trying to cram  
21 it all in there.

22 CHAIRPERSON MIETZ: Is it a single-use  
23 tenant?

24 MR. SAXTON: It will be split between two  
25 medical --

1 CHAIRPERSON MIETZ: Two medical uses?

2 MR. SAXTON: Medical uses, yes.

3 CHAIRPERSON MIETZ: Okay.

4 MS. SCHWARTZ: So you do have tenants this  
5 time around, because last time you didn't have  
6 tenants.

7 MR. SAXTON: Yes. It's actually -- for part  
8 of this, it's going to be a new tenant, not from what  
9 was 2019, 2020. This time there is a dedicated, you  
10 know, use that's going to be used for each --

11 MS. SCHWARTZ: And just refresh me. You say  
12 you need more parking spaces in Application 11 because  
13 you're having the basement being finished, even though  
14 you're not going to have anything down there except  
15 storage?

16 MR. SAXTON: Yes. The way the code reads,  
17 it's by gross square footage. So it's all levels,  
18 including basements and -- that basement level isn't  
19 going to be driving more people coming in. It will  
20 just be storage.

21 MS. SCHWARTZ: Is it possible in time that  
22 it could be turned into usable space?

23 MR. SAXTON: There is no intent at this  
24 time. And I don't think there will be, because the  
25 way it will be, you know, designed with the

1       mechanicals and things, trying to convert that to  
2       anything that would drive parking would just be not  
3       possible.

4               So it would just be that first level for,  
5       you know, employees, people going there for their  
6       visits, and then the lower level would just be  
7       storage.

8               MS. SCHWARTZ: So if you didn't have this  
9       basement footage, okay, what would your parking  
10      requirement be? Do you know?

11              MR. SAXTON: I believe it would be 68. It  
12      would be essentially half of the required now. It's  
13      based on 150 per square footage of the building.

14              MR. DiSTEFANO: I just want to be a little  
15      careful. Would there, could there be a break room in  
16      the basement, bathrooms in the basement, medical file  
17      storage, where somebody might be down there working,  
18      you know, an employee of the facility be down there  
19      working?

20              I don't want us to get into a situation that  
21      you get a condition placed on you that says you can't  
22      go in the basement, period.

23              MR. SAXTON: Uh-huh.

24              MR. DiSTEFANO: So just, I think, you know,  
25      that's something to be cognizant of.

1                   MR. SAXTON: Yes, I think that's a good  
2 point. You know, if there is -- like I said, the  
3 driver of -- the majority of it is medical offices.  
4 It's the employees that will be in the offices, people  
5 there that are visiting for their appointments.

6                   You know, as these plans develop and, you  
7 know, they're -- the permit process, obviously as this  
8 goes through, you know, some things like that may come  
9 up where there could be, like, a break room, like you  
10 said, or some other thing where employees could go  
11 down there and it's not strictly that use.

12                  But what that basement will be used for  
13 won't significantly increase the traffic and parking  
14 of the site. So that's...

15                  CHAIRPERSON MIETZ: Is there any other  
16 possibility for parking on the site?

17                  MR. SAXTON: No. I know that was one thing  
18 that we were kind of driven by on the original  
19 approvals was, you know, you can't really go north,  
20 you have a floodplain there. And then that kind of  
21 constrains the site for the building, the parking we  
22 have, and then obviously some other site amenities,  
23 sidewalks, stormwater management, things like that.

24                  CHAIRPERSON MIETZ: So without lowering the  
25 square footage, there's no way to do it; right?

1 MR. SAXTON: Yeah.

2 CHAIRPERSON MIETZ: All right. Any other  
3 questions for these guys, you know, the three ones  
4 we've approved before?

5 Questions?

6 Okay. Thanks.

7 MR. SAXTON: Thank you.

8 CHAIRPERSON MIETZ: Is there anyone in the  
9 audience that would like to speak regarding this group  
10 of applications?

11 There being none, public hearing is closed.

12 (The public hearings concluded at 8:26 p.m.)

13 (Beginning of deliberations.)

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1 | **REPORTER CERTIFICATE**

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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

13 Dated this 12th day of December 2024  
14 at Brighton, New York

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KIMBERLY A. BONSIGNORE  
Court Reporter and  
Notary Public No. 01B06032396  
in and for Monroe County, New York

**BRIGHTON**  
**ZONING BOARD OF APPEALS**  
**DELIBERATIONS AND DECISIONS**

November 6, 2024  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

DENNIS MIETZ  
Chairperson

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

LAUREN BARON, ESQ.  
Attorney for the Town

RICK DISTEFANO  
Secretary

20 ABSENT: HEATHER MCKAY-DRURY

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

1 CHAIRPERSON MIETZ: I move that we table  
2 Application 11A-01-24 and reopen the public hearing to  
3 give the applicant the opportunity to come up with  
4 some possibilities for mitigating the appearance of  
5 the structure.

6 MS. SCHWARTZ: Second.

7 MR. DiSTEFANO: Judy, second?

8 MS. SCHWARTZ: Yes.

9 MR. DiSTEFANO: The motion is to table and  
10 leave the public hearing open.

11 (Mr. Premo, yes; Ms. Tompkins-Wright, yes;

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

13 Ms. Schwartz, yes; Mr. Mietz, yes)

14 (Upon roll, motion to table and keep the  
15 public hearing open carries.)

16 CHAIRPERSON MIETZ: Okay. We'll skip over 2  
17 and go to 3, which is Cloverland.

18 MR. PREMO: I move that we approve  
19 Application 11A-03-24 for an area variance to allow a  
20 front addition of Cloverland Drive frontage to extend  
21 18.6 feet into the 40-foot front setback required by  
22 code based on the following findings of fact.

23 **Findings of Fact**

24 1. The requested variance is for a single-family home  
25 and is a Type II action pursuant to 6NYCRR Section

1 617.5c17, and no review is required pursuant to the  
2 State Environmental Quality Review Act.

3 2. The requested area variance is the minimum  
4 variance necessary to address the benefits sought by  
5 the applicant. The proposed addition is to create  
6 living space for the care and housing of the owner's  
7 elderly parent at the house. Given the unique  
8 arrangement of the existing house on the lot, the  
9 existing utility connections and the fact that the  
10 house is on a corner lot, there is no other feasible  
11 option other than the requested front yard variance to  
12 address the hardship.

13 3. No other alternatives can alleviate the difficulty  
14 and produce the desired result.

15 4. The context of the requested variance is not  
16 substantial.

17 5. There will be no unacceptable change in the  
18 neighborhood, and no substantial impact to nearby  
19 properties is expected. In fact, there are other  
20 homes with similar structures located in the area.

21 6. The hardship is not self-created by the applicant.

22 7. The health, safety, and welfare of the community  
23 will not be adversely affected by the granting of the  
24 variance.

25 MR. PREMO: The following conditions apply.

1        **Conditions**

2        1. The variance is based on the application material  
3        submitted and the testimony provided and only  
4        authorizes the project described therein.  
5        2. Subject to Architectural Review Board approval.  
6        3. Subject to obtaining all necessary building  
7        department permits and inspections.

8                    MS. SCHWARTZ: Second.

9                    MR. DiSTEFANO: The motion to approve with  
10        conditions.

11                   (Ms. Schmitt, yes; Mr. Mietz, yes;  
12                   Mr. D'Augustine, yes; Ms. Tompkins-Wright,  
13                   yes; Ms. Schwartz, yes; Mr. Premo, yes)  
14                   (Upon roll, motion to approve with.  
15                   conditions carries.)

16                   MS. SCHMITT: I move to approve Application  
17        11A-04-24 based on the following findings of fact.

18        **Findings of Fact**

19        1. The property at issue is a corner lot fronting two  
20        streets. The applicants seek to replace their  
21        existing nonconforming 6-foot tall wooden fence that  
22        has aged with a 6-foot tall white vinyl fence where  
23        the maximum permitted by code is 3.5 feet. The  
24        replacement fence would be in the same location as the  
25        existing fence.

- 1       2. A privacy fence is necessary, as it provides both
- 2       security for the in-ground swimming pool as well as
- 3       providing the necessary privacy to the homeowners.
- 4       3. The granting of this variance would not appear to
- 5       result in any substantial detriment to nearby
- 6       properties or otherwise adversely affect the character
- 7       of the neighborhood as the existing fence has been
- 8       there for 50 years.
- 9       4. Moreover there is no evidence that there would be
- 10      a negative impact to the health, safety, and welfare
- 11      of the neighborhood.
- 12      5. The proposed replacement fence is the minimum
- 13      necessary to achieve the applicants' desired goals of
- 14      privacy and safety.

15      Conditions

- 16      1. The variance applies only to the fence as
- 17      described in the application and testimony provided
- 18      and will not apply to future projects.
- 19      2. All necessary building permits shall be obtained.

20                    MS. TOMPKINS-WRIGHT: Second.

21                    CHAIRPERSON MIETZ: Okay.

22                    MR. DiSTEFANO: Motion is to approve with

23      conditions.

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

25                    Mr. Mietz, yes; Mr. Premo, yes;

1                   Ms. Tompkins-Wright, yes; Ms. Schmitt, yes)  
2                   (AUpon roll, motion to approve with  
3                   conditions carries.)

4                   MS. SCHWARTZ: I move that we approve  
5 Application 11A-05-24 based on the following findings  
6 of fact.

7                   **Findings of Fact**

- 8                   1. The current house is situated on the lot that is  
9                   nonconforming according to code regarding site area,  
10                   lot width, and setback.
- 11                   2. In addition, the applicants' driveway is a dead  
12                   end to the east of this property, which is within town  
13                   right-of-way, thus creating this property on a corner  
14                   lot with two front yards.
- 15                   3. Any addition or additions to this house would  
16                   necessitate a variance or variances.
- 17                   4. The variance with the attached garage addition to  
18                   extend 10.6 feet into the existing 25.1 feet front  
19                   setback on the east side of the house where a 40-foot  
20                   front setback is required may seem substantial but  
21                   will not have a negative impact on the character of  
22                   the neighborhood. It faces the right-of-way and there  
23                   is a great deal of vegetation on this side of the house.
- 24                   5. The variance for the rear setback of 3 point -- 3  
25                   plus or minus feet into the existing 32.7 feet rear

1 setback where 40 feet are required by code is minimum  
2 and will allow the applicants to achieve their desired  
3 results.

4 **Conditions**

5 1. This variance only applies to the plans submitted  
6 and testimony presented.  
7 2. All building and planning approvals must be  
8 obtained.

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

10 MR. DiSTEFANO: Motion is to approve with  
11 conditions.

12 (Ms. Schmitt, yes; Mr. Mietz, yes;  
13 Mr. D'Augustine, yes; Mr. Premo, yes;  
14 Ms. Tompkins-Wright, yes; Ms. Schwartz, yes)  
15 (Upon roll, motion to approve with  
16 conditions carries.)

17 MS. TOMPKINS-WRIGHT: I move to approve  
18 Application 11A-06-24, all as described in the  
19 application and plans on file based on the following  
20 findings of fact.

21 **Findings of Fact**

22 1. The granting of the requested variance will not  
23 produce an undesirable change in the character of the  
24 neighborhood or be a detriment to nearby properties.  
25 This restaurant property has had rooftop equipment for

1 60 years without screening. Other properties along  
2 Monroe Avenue similarly have visible rooftop equipment  
3 with no screening. A lack of screening will thus  
4 continue the status quo for this property and not be  
5 inconsistent with the area. Further, there is  
6 vegetation to the northeast, providing some natural  
7 screening of the rooftop equipment from residential  
8 properties to the rear of the property.

9 2. The requested variance is not overly substantial  
10 given that the request is to continue a preexisting  
11 nonconformity that has been in existence for many  
12 years. The equipment is also placed in the back half  
13 of the building, reducing the visibility from Monroe  
14 Avenue.

15 3. The benefits sought by the applicant may not  
16 reasonably be achieved by any other method or without  
17 a variance. Applicant has testified that there are no  
18 other locations on the property where equipment can be  
19 installed, other than the roof, and screening the  
20 rooftop equipment would require significant structural  
21 reinforcement at a substantial financial burden, any  
22 installation of columns, which would be inappropriate  
23 for the restaurant use.

24 4. There is no evidence the proposed variance would  
25 have an adverse effect or impact on the physical or

1 environmental conditions of the neighborhood or district.

2 **Conditions**

3 1. The variance granted herein applies only to the  
4 rooftop equipment described in the location as  
5 depicted on the application and in the testimony  
6 given.

7 2. Applicant shall paint all rooftop equipment in a  
8 way so as to sufficiently camouflage the view of the  
9 equipment from neighboring properties.

10 3. Applicant shall not remove the two trees closest  
11 to the front of the building to further create  
12 additional screening of the rooftop equipment from  
13 Monroe Avenue.

14 4. All necessary permits must be obtained.

15 MS. SCHWARTZ: I'll second.

16 MR. DiSTEFANO: Motion is to approve with  
17 conditions.

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

23 CHAIRPERSON MIETZ: I move we approve  
24 Application 11A-08-24 based on the following findings  
25 of fact.

1        **Findings of Fact**

2        1. The proposed location for the addition is the only  
3        alternative to meet the needs of the applicant.  
4        2. The request of 6 foot into the rear setback is not  
5        substantial.  
6        3. No negative effect on the character of the  
7        neighborhood will be felt from this variance since  
8        other similar additions are present in the subject  
9        neighborhood.

10        **Conditions**

11        1. Based on the drawings submitted and testimony  
12        given --

13                CHAIRPERSON MIETZ: I guess just call it  
14        building permits. Right, Rick?

15                MR. DiSTEFANO: Uh-huh.

16                MR. D'AUGUSTINE: Second.

17                MR. DiSTEFANO: Could we just expand on  
18        number 1 a little bit for the stenographer? I don't  
19        know if she knows our shorthand.

20                CHAIRPERSON MIETZ: Yes.

21                Condition 1?

22                MR. DiSTEFANO: Yes.

23                CHAIRPERSON MIETZ: This approval is based  
24        on the drawings submitted and testimony given related  
25        to this application.

1                   MR. DiSTEFANO: And will not apply to any  
2 future structures considered that are not part of the  
3 current application, and then all necessary building  
4 permits shall be obtained, number 2.

5                   MR. D'AUGUSTINE: Second.

6                   MR. DiSTEFANO: The motion is to approve  
7 with conditions.

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

11                   (AUpon roll, motion to approve with  
12                   conditions carries.)

13                   MR. PREMO: With respect to Applications  
14 11A-09-24, 11A-10-24, 11A-11-24, and 11A-12-24, I move  
15 that this board, having considered the information  
16 presented by the applicant and having conducted the  
17 required review pursuant to SEQR, adopts a negative  
18 declaration prepared by the town staff, and determines  
19 that the proposed action will not likely have a  
20 significant environmental impact.

21                   MR. DiSTEFANO: The motion is to approve the  
22 neg dec for the project at 3300 Brighton Henrietta  
23 Line Road.

24                   CHAIRPERSON MIETZ: You want to do that as a  
25 separate motion?

1 MR. DiSTEFANO: Yes.

2 CHAIRPERSON MIETZ: Does somebody want to  
3 second that?

4 MR. D'AUGUSTINE: Second.

5 MR. DiSTEFANO: The motion is to adopt the  
6 negative declaration.

7 (Mr. Premo, yes; Ms. Schwartz, no;

8 Ms. Tompkins-Wright, yes;

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

10 Ms. Schmitt, yes)

11 (Upon roll, motion to adopt SEQR  
12 carries.)

13 MR. PREMO: I move that we approve  
14 Application 11A-09-24 for an area variance from  
15 Section 205-8 to allow a new medical office building  
16 to be constructed within a 42-foot front setback  
17 (Brighton Henrietta Town Line Road frontage) in lieu  
18 of the minimum 75-foot setback required by code, based  
19 upon the following findings of fact.

20 **Findings of Fact**

21 1. The requested variance seeks reissuance of an  
22 expired area variance approved by the board on  
23 February 2, 2022, in its decision on Application  
24 1A-03-22.

25 2. There's been no significant changes in the

1 environmental conditions or of the area of the project  
2 from those that existed on February 22, 2022.

3 3. The findings of fact made in the decision on  
4 Application 1A-03-22 remain correct and are  
5 incorporated herein by reference.

6 4. Therefore the requested area variance should be  
7 granted.

8 **Conditions**

9 1. The variance granted herein only applies as to the  
10 building described in and the location as depicted on  
11 the application and in the testimony given.

12 2. All necessary planning board approvals shall be  
13 obtained.

14 MR. D'AUGUSTINE: Second.

15 MR. DiSTEFANO: The motion is to approve  
16 with conditions.

17 (Ms. Schmitt, yes; Ms. Schwartz, no;  
18 Ms. Tompkins-Wright, yes; Mr. Mietz, yes;  
19 Mr. D'Augustine, yes; Mr. Premo, yes)

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

22 MR. PREMO: I move we approve Application  
23 11A-10-24 for an area variance from Section  
24 203-129B(2) to allow new medical office building and  
25 other site improvements (e.g. parking spaces) to

1 encroach into the 100-foot vegetative watercourse EPOD  
2 buffer where not allowed by code based on the  
3 following findings of fact.

4 **Findings of Fact**

- 5 1. The requested variance seeks reissuance of an area  
6 variance issued by this board on February 2, 2022, in  
7 its decision on Application 1A-04-22.
- 8 2. There's been no significant change in the  
9 environmental conditions or in the area of the site  
10 from those that existed on February 2, 2022.
- 11 3. The findings of fact made in the decision on  
12 Application 1A-04-22 remain correct and incorporated  
13 herein by reference.
- 14 4. Therefore the requested area variance is granted.

15 **Conditions**

- 16 1. This variance is based on the testimony given and  
17 plans submitted and only approves the project  
18 described therein.
- 19 2. All necessary planning board approvals shall be  
20 obtained.

21 MR. D'AUGUSTINE: Second.

22 MR. DiSTEFANO: The motion is to approve  
23 with conditions.

24 (Ms. Schwartz, no; Ms. Tompkins-Wright, yes;  
25 Ms. Schmitt, yes; Mr. Mietz, yes;

1 Mr. D'Augustine, yes; Mr. Premo, yes)

4 MS. TOMPKINS-WRIGHT: I move to approve  
5 Application 11A-11-24, all as described in the  
6 application and plans on file based on the following  
7 findings of fact.

## 8 Findings of Fact

9       1. The granting of the requested variance will not  
10      produce an undesirable change in the character of the  
11      neighborhood or be a detriment to nearby properties.  
12      The parking is sufficient and code compliant if the  
13      development was limited to the first floor. Given  
14      that the first floor is the only part of the building  
15      being used for clinical or medical office purposes,  
16      there is no expectation of a lack of parking or  
17      impacting neighboring properties or rights-of-way.

18       2. The requested variance is not substantial given  
19       that the applicant testified that the basement level  
20       of the building will be utilized only for storage.  
21       The use of the basement as storage will not increase  
22       the parking demands at the site.

23       3. The benefits sought by the applicant cannot  
24       reasonably be achieved by any other method as there  
25       are no areas on the property that could be developed

1 into additional parking to lessen the variance  
2 request.

3 4. There is no evidence that the proposed variance  
4 will have an adverse effect or impact on the physical  
5 or environmental conditions in the neighborhood or  
6 district.

7 5. The difficulty leading to this variance request is  
8 not self-created as it stems from the environmental  
9 features of the property, including restricting -- I'm  
10 sorry. It stems from the environmental features of  
11 the property, restricting development areas for  
12 additional parking.

13 **Conditions**

14 1. The variance applies only so long as the property  
15 is used for medical office and/or clinical use and  
16 applies only to the parking described in and in the  
17 location as depicted on the application and in the  
18 testimony given.

19 2. The use of the basement level of the building  
20 shall be limited to storage and mechanical building  
21 requirements only.

22 3. All necessary planning board approval and other  
23 permits must be obtained.

24 MR. D'AUGUSTINE: Second.

25 MR. DiSTEFANO: The motion is to approve

1 with conditions.

2 (Ms. Schmitt, yes; Mr. Premo, yes;

3 Ms. Schwartz, no; Mr. Mietz, yes;

4 Mr. D'Augustine, yes;

5 Ms. Tompkins-Wright, yes)

6 (Upon roll, motion to approve with

7 conditions carries.)

8 MS. SCHMITT: I move to approve application  
9 11A-12-24 based on the following findings of fact.

10 **Findings of Fact**

11 1. The proposed variance will not create a  
12 substantial change in the neighborhood or subject  
13 area. The area is commercial and industrial in  
14 nature. The location of the parking is similar to  
15 other uses in the area, including multiple lots across  
16 Brighton Henrietta Town Line Road. The plan will  
17 enhance the landscaping buffer between the parking and  
18 the road.

19 2. The difficulty necessitating the variance cannot  
20 be resolved in another manner not involving variances.  
21 Moving the parking further north to avoid a front  
22 setback would result in rear and side setbacks but  
23 parking within a floodplain and floodway limits.

24 3. The requested variance is not substantial. It is  
25 for 69 parking spaces in total, not all of them

1 located directly in front along Brighton Henrietta  
2 Town Line Road. Moreover the variance request is the  
3 minimum necessary to grant a relief from this  
4 difficulty.

5 4. Other alternative plans would require other  
6 variances and impact the preexisting environmental  
7 features on the site.

8 5. The proposed variance is consistent with  
9 surrounding properties so as not to have an adverse  
10 effect on physical or environmental conditions of the  
11 neighborhood. Again, front parking is part of the  
12 plan that most limits the impact on the environmental  
13 area on the site.

14 6. The difficulty, which leads to this variance, was  
15 not self-created and the environmental features are  
16 preexisting.

17 **Conditions**

18 1. The variance only applies to the present parking  
19 lot layout as submitted in the current application and  
20 testimony. It will not apply to additional parking  
21 considered in the future.

22 2. All necessary planning approvals must be obtained.

23 MR. D'AUGUSTINE: Second.

24 MR. DiSTEFANO: Motion is to approve with  
25 conditions.

1 (Ms. Schwartz, no; Mr. Premo, yes;  
2 Ms. Tompkins-Wright, yes; Mr. Mietz, yes;  
3 Mr. D'Augustine, yes; Ms. Schmitt, yes)  
4 (Upon roll, motion to approve with  
5 conditions carries.)

6 MR. D'AUGUSTINE: I move to approve  
7 Application 11A-02-24 based on the following findings  
8 of facts.

9 **Findings of Facts**

- 10 1. The requested variance will not result in  
11 substantial change in the character of the  
12 neighborhood given that the shed is the same style and  
13 color of the house.
- 14 2. Difficulty that necessitates the variance given  
15 the amount of needed storage for lawn equipment and  
16 decorations and other items.
- 17 3. The requested variance is the minimum necessary  
18 given the applicant's storage needs.
- 19 4. Variance is consistent with the surrounding  
20 properties given the number of storage sheds and  
21 detached garages in the area.

22 **Conditions**

- 23 1. The shed will conform to the size and style as  
24 described in the application submitted and in the  
25 testimony given.

1       2. All necessary Environmental Protection Overlay  
2       District (watercourse approvals) shall be obtained.

3       3. All building permits shall be obtained.

4                   MS. SCHWARTZ: Second.

5                   MR. DiSTEFANO: Motion to approve with  
6        conditions.

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

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

12                  MR. D'AUGUSTINE: I move that the board,  
13        having considered the information presented by the  
14        applicant, having conducted the required review  
15        pursuant to SEQR, adopts the negative declaration  
16        prepared by town staff and determines the proposed  
17        action will not likely have a significant  
18        environmental impact. I also move to approve  
19        application 11A-07-24 based on the following findings  
20        of fact.

21                  **Findings of Fact**

22        1. The only change from the previous variance granted  
23        on May 1, 2019, is the sign branding.  
24        2. The signs will stay the same size, shape, and  
25        style as they are currently.

1        **Conditions**

2        1. This variance will apply only to the sign as  
3        proposed in plans described in testimony.

4                    MR. DiSTEFANO: Variance will apply only to  
5        signs on the front -- one up on the front elevation  
6        and one up on the rear elevation.

7                    MR. D'AUGUSTINE: Only to signs, one on the  
8        front elevation and one on the rear elevation.

9                    MR. DiSTEFANO: In substantial compliance  
10      with the approved variances.

11                  MS. BARON: In substantial compliance with  
12      the size and location as approved by the variances.

13        2. All necessary Architectural Review Board approvals  
14      will be obtained.

15        3. All necessary building permits will be obtained.

16                  MR. PREMO: Second.

17                  MR. DiSTEFANO: Motion to approve with  
18      conditions.

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

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

24                  (Proceedings concluded at 9:45 p.m.)

25                  \*            \*            \*

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.

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

11

12 Dated this 12th day of December 2024  
13 at Brighton, New York

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KIMBERLY A. BONSIGNORE  
Court Reporter and  
Notary Public No. 01B06032396  
in and for Monroe County, New York