
BRIGHTON
ZONING BOARD OF APPEALS
MEETING

January 2, 2025
At approximately 7 p.m.
Brighton Town Hall
680 Westfall Road
Rochester, New York 14620

PRESENT:

DENNIS MIETZ
Chairperson

KATHLEEN SCHMITT) Board Members
HEATHER MCKAY-DRURY)
ANDREA TOMPKINS-WRIGHT)
JUDY SCHWARTZ)
MATTHEW D'AUGUSTINE)

LAUREN BARON, ESQ.
Attorney for the Town

RICK DiSTEFANO
Secretary

ABSENT: EDWARD PREMO

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

1 CHAIRPERSON MIETZ: Okay. Welcome to the
2 January meeting of the Brighton Zoning Board of
3 Appeals.

4 For those of you who have not been to one of
5 our meetings before, this is how the meeting goes.
6 We'll go through the applications, as they are on the
7 agenda. You'll come up to the podium, give us your
8 name and address, and then explain why you feel we
9 should approve your application. The board members
10 will ask questions, and then we'll move to the next
11 application.

12 We'll finish those, probably take a minute
13 or two break, if we need to, and then deliberate on
14 those. You can listen to the deliberation if you
15 wish, and if you decide to leave, then Rick DiStefano,
16 in the building office, tomorrow will have the results
17 of your application.

18 Do you have anything to add?

19 MR. DiSTEFANO: I have nothing to add, no.

20 Do any members have any questions regarding
21 any of the applications?

22 CHAIRPERSON MIETZ: Okay. Call the roll.

23 (Whereupon the roll was called.)

24 MR. DiSTEFANO: Please let the record show
25 that Mr. Premo is not present.

1 CHAIRPERSON MIETZ: Okay. Rick, was the
2 meeting properly advertised?

3 MR. DiSTEFANO: Yes, Mr. Chairman. It was
4 advertised in the December 26, 2024, edition of the
5 Daily Record.

6 CHAIRPERSON MIETZ: Okay. Do we have
7 minutes?

8 MR. DiSTEFANO: Well, I don't think you have
9 minutes.

10 MS. TOMPKINS-WRIGHT: I have no minutes.

11 CHAIRPERSON MIETZ: I didn't think so.
12 Well, you never know, you know.

13 MR. DiSTEFANO: You had November's minutes,
14 but obviously -- please let me know if you do receive
15 those packets because then I will not resend the
16 November minutes for next month.

17 CHAIRPERSON MIETZ: Nothing as of today.

18 MR. DiSTEFANO: So if you could do that.

19 According to our mail service, it's the Post
20 Office. They have slowed everything down.

21 CHAIRPERSON MIETZ: I can't believe it.

22 MR. DiSTEFANO: Especially at Christmastime,
23 they just slowed everything right down, so who knows
24 where those are.

25 CHAIRPERSON MIETZ: They didn't know if

1 those were holiday gifts that you had --

2 MR. DiSTEFANO: Exactly. They had presents
3 in front of you, but -- sorry.

4 CHAIRPERSON MIETZ: I'm sure that's what it
5 was.

6 MR. DiSTEFANO: So we will do November's
7 minutes at the February meeting, along with December's
8 minutes.

9 CHAIRPERSON MIETZ: Okay. Then whenever
10 you're ready, sir.

11 MR. DiSTEFANO: If there's anybody in the
12 audience for Application 11A-01-24, that application
13 has been postponed to the February 5th meeting. So
14 we'll go on to Application 1A-01-25.

15 **Application 1A-01-25**

16 Application of Brenton Hall, agent, and 140
17 Metro LLC, owner of property located at 140 Metro
18 Park, for a sign variance from Sections 207-32A(5) and
19 207-32B(1) to allow for a freestanding business
20 identification/directory sign where not allowed by
21 code. All as described on application and plans on
22 file.

23 CHAIRPERSON MIETZ: Is there anyone to speak
24 for anyone?

25 Go right ahead.

1 MR. HALL: Hello, Board. How are you all
2 today?

3 CHAIRPERSON MIETZ: Can you pull the speaker
4 up?

5 MR. HALL: Sorry?

6 CHAIRPERSON MIETZ: Pull the mic so you can
7 speak into --

8 MR. HALL: Oh, gotcha.

9 CHAIRPERSON MIETZ: Okay.

10 MR. HALL: I hope everybody is doing well
11 tonight. So --

12 MR. DiSTEFANO: You might want to introduce
13 yourself and your address.

14 MR. HALL: Oh, yes. My name is Brenton
15 Hall. I am from Fast Signs in Syracuse. I'm
16 representing 140 Metro Park LLC on behalf of Kishore
17 and Yogi. My clients are right here.

18 I looked through and I was -- the rules for
19 posting the public hearing sign, I was told to bring
20 this.

21 MR. DiSTEFANO: I'll just take that.

22 MR. HALL: And I brought a couple of copies
23 for you as well.

24 So I noticed what was allowed in the code
25 was a much smaller sign, and they're only for posting

1 real estate or -- or advertising for tenants if the
2 building is for sale or for lease.

3 So this building always has been a
4 multi-tenant property. As of now, there are multiple
5 businesses in it. There's really no great way --
6 there's another building behind it as well, which is
7 also owned by my clients. There's really no great way
8 to advertise any of the businesses there.

9 No one knows that they are there, and
10 because it's a multi-tenant building, we feel that it
11 should -- there should be one there so that it can
12 properly display all of the tenants in the building
13 coming from both sides, from both directions.

14 One of the other comments back was that the
15 sign was -- cannot be visible from a highway. There
16 is no highway near the sign. It's a pretty slow speed
17 limit road. It's 30 miles per hour. So I was just --
18 that was one of the comments back. There's no highway
19 near --

20 MR. DiSTEFANO: Clarification. Highway, as
21 per the code, is any street --

22 CHAIRPERSON MIETZ: Road.

23 MR. DiSTEFANO: -- road, avenue. It's not a
24 highway like 390 or anything like that. It is truly
25 just a street road.

1 A directory sign should only be seen once
2 you're on the property. So once you go into the
3 property and you approach a doorway, that's where a
4 directory sign -- you can't see it from the road, a
5 highway. So that's the directory sign requirements.

6 MR. HALL: Okay. So, I mean, as of now -- I
7 mean, because it's a multi-tenant building, I don't
8 know if there ever was an alteration to the code. We
9 do believe that it should be allowed. Because there
10 are multiple tenants in the building, it should be
11 visible to people driving down the road to let people
12 know that they're there.

13 Also it would help our clients as well to
14 make the property more viable in order to bring in
15 more tenants for them. Should someone leave, it helps
16 them advertise better, being able to bring another
17 tenant in far more easily than if there's nothing
18 there by the road, just a building with just a
19 business name on it, which is currently allowed, but
20 is allowed by the code.

21 I did notice -- I went up and down Metro
22 Park, and I noticed there were a multitude of signs
23 freestanding that were not real estate. I took
24 pictures of them, printed them out, if you would like
25 to see them.

1 One of them is a building. I think it's
2 Viewpoint Systems, and it looks like it has multiple
3 tenants in it. It's also a freestanding sign that's
4 also by the highway, which technically is supposedly
5 not allowed by the code. So I was wondering if maybe
6 they had gone through a similar process. No?

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

8 MR. HALL: Okay.

9 MR. DiSTEFANO: Have you got a picture of
10 it?

11 MR. HALL: I do. These are all the signs I
12 found in Metro Park. Some of them are flags. Some
13 are A-frames.

14 MR. DiSTEFANO: Yeah, any A-frames are
15 illegal. Any flags are illegal.

16 MS. TOMPKINS-WRIGHT: Can I ask a quick
17 question?

18 MR. HALL: Yes.

19 MS. TOMPKINS-WRIGHT: The tenants in this
20 park, are they all office tenants, or are they retail,
21 or medical, open to the public?

22 MR. HALL: They are office tenants.

23 MS. McKAY-DRURY: So we need to know what we
24 would be approving, so I want to clarify in terms of
25 the square footage that you're seeking.

1 MR. HALL: Uh-huh.

2 MS. McKAY-DRURY: It seems to me like you're
3 seeking a variance -- well, there's multiple aspects
4 of it. So you're looking for a larger size and a
5 higher sign, and you want it to be double-sided;
6 right? Is that the different components of what
7 you're seeking?

8 MR. HALL: Yes.

9 MS. McKAY-DRURY: So can you clarify? I
10 mean, double-sided I get. Can you clarify the size
11 that you're looking for and the height total?

12 MR. HALL: Yes. So the height, I believe
13 what's allowed is 6 feet. I don't have the drawing in
14 front of me, but it is on there. It is above 6 feet.

15 Now, there are ways to make it so that it
16 could be wider. Theoretically, you could add more
17 columns, make it wider, so that it could be a little
18 bit lower.

19 The construction of it is such that it's
20 made up of -- it's a slat system, so they all feed
21 together and it -- they do need to be that size, the
22 way it's made, in order for the text to actually be
23 visible to oncoming traffic, otherwise it would be so
24 small you wouldn't be able to really read it at all.

25 CHAIRPERSON MIETZ: You scaled for the

1 location; is that what you're saying? You scaled the
2 size of the sign for the location and the road?

3 MR. HALL: Yes. I went and took pictures.
4 I measured everything.

5 CHAIRPERSON MIETZ: Okay. All right.

6 Heather, did you have something else?

7 MS. MCKAY-DRURY: Yes. I'm just trying to
8 understand. You're allowed to have 6 feet tall. I
9 see 80 inches. Do you want me to do the math? Can I
10 know what the height is in feet? Like how many inches
11 are you seeking to --

12 MR. DiSTEFANO: It's 6 feet and 8 inches.

13 MS. MCKAY-DRURY: So it's an 8-inch height
14 variance?

15 MR. HALL: Uh-huh.

16 MS. MCKAY-DRURY: And then size. Now, we
17 have to do total square footage. So would it be 16,
18 Rick, that would be allowed? I saw 16.

19 MR. DiSTEFANO: 94 inches by 80 inches.

20 MR. HALL: It's 94-by-80?

21 MR. DiSTEFANO: Yes. It looks a lot bigger
22 than 6. Ten square feet I think the max is. It
23 depends on what -- the problem we're having here is
24 that you're trying to -- a directory sign has a
25 certain requirement because that's always up by the

1 building.

2 A freestanding sign, there is no requirement
3 because they're just not permitted in this district.
4 So there's no real -- I mean, if we look at this truly
5 as just a freestanding sign that they want to ask for,
6 then the size and height is irrelevant. It's really
7 whether or not we're going to allow it.

8 If you want to call it a directory sign,
9 then the directory sign is -- the fact is it's not
10 located where it needs to be and it's probably bigger
11 and higher than what the code allows.

12 So it's kind of a hybrid sign that -- it's
13 not truly a freestanding sign, but it's -- you know,
14 it's a multi-tenant sign, and there's a lot of
15 multi-tenant buildings that don't put these out by the
16 road.

17 MS. MCKAY-DRURY: So we're comparing -- the
18 numbers we're using, the 6 feet height and the 10 feet
19 or 16 feet -- square foot, that's for directory signs?

20 MR. DiSTEFANO: No. It's smaller than that.
21 I'll look that up, but you keep asking your questions.

22 MS. TOMPKINS-WRIGHT: But the current sign
23 that was there, was that approved through variance or
24 did it preexist?

25 MR. DiSTEFANO: There was no current sign

1 there.

2 MS. TOMPKINS-WRIGHT: The application
3 mentions that they're taking the current sign down.

4 MR. HALL: There was a sign there from the
5 previous property owner that they used to advertise
6 the property for sale.

7 MS. TOMPKINS-WRIGHT: All right.

8 MR. DiSTEFANO: You can't put up a business
9 identification sign in there. That's illegal.

10 MS. BARON: And then in terms of the actual
11 signage on the building, that would just be removed.
12 The only sign you would have is the freestanding sign,
13 or would you have signage that's attached to the space
14 of the building?

15 MR. HALL: The sign that's currently on the
16 building right now?

17 MS. BARON: Yes.

18 MR. HALL: We would like to leave that.

19 MS. BARON: Leave it. Okay.

20 MR. HALL: Yes.

21 CHAIRPERSON MIETZ: I think part of what
22 this comes down to -- that's why I asked. He suggests
23 that if this sign were to be approved, the way he
24 designed it was that it was the size necessary to see
25 it properly from the road.

1 So we could ask if that's the minimum
2 allowable or the minimum to be able to suffice to do
3 that, not any larger than what you believe is
4 necessary as the sign creator to do this.

5 Is that fair what I'm saying? I don't want
6 to put words in your mouth.

7 MR. HALL: I believe I understand what
8 you're saying. Maybe this will help illuminate a
9 little bit more. The way it's made, each tenant spot
10 on the sign is a slat.

11 CHAIRPERSON MIETZ: I understand that.

12 MR. HALL: They come in -- sorry. I didn't
13 mean to cut you off, sir.

14 CHAIRPERSON MIETZ: No, no, no. Go ahead.

15 MR. HALL: They come in a specific height.
16 That's basically the minimum height that we can
17 fabricate.

18 CHAIRPERSON MIETZ: So you would agree,
19 then, that the size that you placed is the minimum
20 that you could build the sign and have it adequately
21 seen from the street? That's what I'm trying to ask.

22 MR. HALL: Yes.

23 CHAIRPERSON MIETZ: Because that's part of
24 our responsibility here, is to do what is the minimum
25 necessary to do the job. Right?

1 MR. HALL: Uh-huh.

2 CHAIRPERSON MIETZ: Very good.

3 All right. Other questions?

4 MS. MCKAY-DRURY: I still want to understand
5 square footage.

6 MR. DiSTEFANO: So if this was considered a
7 directory sign (as read): Directory signs indicating
8 the name of the occupants of the building and the
9 building number in order to direct persons to their
10 proper destination once they are on-site.

11 These signs shall not be readable from the
12 highway. Signs are to be single-faced, carry no
13 advertising, and be no larger than 16 square feet in
14 area, including the nameplates of all the tenants or
15 uses, and shall project not more than 6 feet in height
16 above grade.

17 The proposed sign's construction shall
18 complement the architectural style and materials used
19 in the construction of the building for which it will
20 serve. The proposed sign shall be subject to board
21 review and shall require a building permit.

22 In determining the design, location, and
23 hours of illumination, the board shall be guided by
24 other pertinent sections of these regulations.

25 So that's what a directory sign is.

1 MS. MCKAY-DRURY: Okay.

2 MR. DiSTEFANO: So you can make the argument
3 that this does not in any way meet the directory sign
4 regulations.

5 CHAIRPERSON MIETZ: Correct.

6 MR. DiSTEFANO: So then you want to call it
7 maybe a freestanding sign.

8 Purely a freestanding business
9 identification sign, those are not permitted in this
10 district, with some exceptions, churches, other things
11 that are allowed a freestanding sign.

12 Now, yes, there may be some illegal signs on
13 the street, and that's not good one way or the other.
14 I think you've got to take this sign on its own merit
15 and determine whether or not you want a directory
16 sign -- a business freestanding sign out by the road.

17 MS. MCKAY-DRURY: Okay. And then can you
18 tell me what the square footage is of the sign you're
19 proposing?

20 MR. HALL: Yes. The dimensions were
21 80-by-94. I don't have -- the drawing is in front of
22 you; correct?

23 MR. DiSTEFANO: 80 inches by 94 inches.

24 MR. HALL: So that's 52 square foot.

25 MS. MCKAY-DRURY: 82 square feet.

1 MS. BARON: 52 square feet.

2 MR. HALL: 52 square feet.

3 CHAIRPERSON MIETZ: Okay.

4 MS. McKAY-DRURY: Thank you.

5 CHAIRPERSON MIETZ: Are you set?

6 MS. McKAY-DRURY: Yes.

7 CHAIRPERSON MIETZ: Do you have any other
8 questions?

9 MS. McKAY-DRURY: No, I don't think so.

10 CHAIRPERSON MIETZ: Everybody understands
11 what we're talking about here?

12 Okay. Very good. Thank you, sir.

13 MR. HALL: Thank you, Board. I appreciate
14 it.

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

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

20 You're all set for now.

21 MR. HALL: Thank you.

22 **Application 1A-02-25**

23 Application of Denis Jeffries, applicant,
24 and The Country Club of Rochester, owner of property
25 located at 2935 East Avenue, for a temporary and

1 revocable use permit pursuant to Section 219-4 to
2 allow for a fireworks display on the evening of
3 February 8, 2025, in a RLA residential district. All
4 as described on application and plans on file.

5 MR. WIHLEN: Good evening, everybody. My
6 name is Scott Wihlen. I'm not Denis Jeffries, who's
7 on the application. Denis had a family emergency and
8 is out of town at this time. I'm representing the
9 Brighton Fire Department. I'm currently president of
10 the Brighton Fire Department.

11 This year is a unique year for us. It's our
12 hundredth anniversary. We were incorporated in 1925.
13 The volunteer fire department side was. And we're
14 seeking a special use and revocable permit at our
15 annual banquet, where we recognize our members for
16 this special year, and we would like to put on a very
17 short fireworks display for our members that have been
18 volunteering for, you know, many, many years. So
19 we're seeking town board -- I'm sorry -- zoning board
20 approval for that use permit.

21 The display would be approximately 5, 10
22 minutes long. It's going to be a short display for
23 our members and it will approximately start between an
24 8 and 8:30 time frame. We will not be doing it late
25 at night to bother any of the neighbors or anything.

1 We will be also making a communication sent
2 out through The Country Club of Rochester to all the
3 neighbors in the area that we'll be hosting this
4 fireworks display.

5 CHAIRPERSON MIETZ: Okay.

6 MR. WIHLEN: Any questions or comments?

7 CHAIRPERSON MIETZ: Matt?

8 MR. D'AUGUSTINE: So you would be fine as
9 that as a condition, to make sure you communicate with
10 the neighbors?

11 MR. WIHLEN: Oh, yes. Yes.

12 MS. BEARDSLEY-COMERER: And it's a condition
13 of The Country Club of Rochester.

14 CHAIRPERSON MIETZ: Ma'am --

15 MS. BEARDSLEY-COMERER: I'm sorry.

16 CHAIRPERSON MIETZ: -- give us your name and
17 address.

18 MS. BEARDSLEY-COMERER: Amy
19 Beardsley-Comerer. I'm the assistant general manager
20 at The Country Club of Rochester.

21 CHAIRPERSON MIETZ: Thank you.

22 What's the address, please?

23 MS. BEARDSLEY-COMERER: 2935 East Avenue.

24 CHAIRPERSON MIETZ: Thank you.

25 Any questions for these folks?

1 Okay. Thank you.

2 Is there anyone in the audience that would
3 like to speak regarding this application?

4 Okay. Being none, the public hearing is
5 closed.

6 **Application 1A-03-25**

7 Application of Alan Ryon, owner of property
8 located at 111 Bastian Road, for 1) an area variance
9 from Section 203-2.1B(2) and 203-9A(4) to allow a
10 detached garage to be 1,078 square feet in size, after
11 construction of a 575 square feet addition; and 2) an
12 area variance from Section 207-6A(1) to allow said
13 garage addition to be 16.5 foot in height in lieu
14 of the maximum 16 feet allowed by code. All as
15 described on application and plans on file.

16 MR. RYON: Hello. Alan Ryon here, 111
17 Bastian Road.

18 We had went through this process I think it
19 was -- it was 2023, and I just never was able to get
20 it built due to kind of two factors: one, money, and
21 then, two, I ran into some survey kind of issues.

22 We have our lot and the side lot next to us,
23 and as a precondition in doing this -- because the
24 structure would kind of cross that line, we were going
25 to merge the lots.

1 So we just ran into issues kind of merging
2 it, with the survey work and stuff, but we mostly
3 solved those, and we would solve those before we did
4 any -- broke any ground. So that's actually still
5 ongoing, but I feel like I'm very close to finishing
6 that.

7 I want to go through it now because I
8 believe I will start the project, if approved, within
9 the year, which I think that was the original --
10 right?

11 MR. DiSTEFANO: You have one year to pull a
12 building permit.

13 MR. RYON: So that's why I'm back.

14 MS. TOMPKINS-WRIGHT: No changes to the
15 plan?

16 MR. RYON: Actually, yes, there was a change
17 to the plan. I did increase the size a little bit,
18 which was my original kind of size, but I kind of made
19 it a little smaller --

20 CHAIRPERSON MIETZ: Can you describe what
21 that change was?

22 MR. RYON: Yeah. So I'm going 3 more
23 additional feet wide than the lot structure. So it
24 was 16 foot wide before, which was what was approved,
25 and then I'm now changing that to 19 feet.

1 So the side setback, after the lots are
2 merged, will be 38 feet for the next --

3 MS. TOMPKINS-WRIGHT: Can you describe the
4 reason for the additional 3 feet? Like what's the
5 need for that?

6 MR. RYON: It was kind of originally what I
7 wanted, and I kind of scaled it back due to money. So
8 I just kind of went back to the original spec, but
9 it's more -- I kind of want the, like, traditional two
10 bay.

11 My existing two bay, it's -- they did an
12 addition on the house, and you can't really pull --
13 you can't pull a car into the one bay. So with this
14 additional single bay, I will have a true kind of
15 two-car garage. That's kind of the main reason.

16 I travel a lot for work, and I kind of want
17 to tuck all my stuff into the garage. That's kind of
18 the main kind of -- the security side of it. It's
19 also kind of my profession, so...

20 MR. DiSTEFANO: Just for the record, the
21 original -- this request is 90 square feet larger than
22 the one we approved originally.

23 CHAIRMAN MIETZ: 90?

24 MR. DiSTEFANO: 90. 9-0.

25 MR. RYON: It's 30 foot deep. I wanted to

1 go deeper on it just to limit -- just kind of the way
2 you look at it, it doesn't look as large kind of the
3 deeper you go. I know that's oftentimes a concern.
4 So the structure is, I think, 30 foot deep, and then I
5 added 3 foot, so -- yeah, that makes sense.

6 CHAIRPERSON MIETZ: Any questions?

7 Okay. Thanks.

8 Is there anyone in the audience that would
9 like to speak regarding this?

10 Okay. There being none, the public hearing
11 is closed.

12 **Application 1A-04-25**

13 Application of John Glynn, applicant, and
14 The Country Club of Rochester, owner of property
15 located at 2935 East Avenue, for a temporary and
16 revocable use permit pursuant to Section 219-4 to
17 allow for a fireworks display on the evening of July
18 26, 2025, in a RLA residential district. All as
19 described on application and plans on file.

20 MR. GLYNN: Thank you very much. John
21 Glynn, 8 Nature View, Pittsford, New York. I'm here,
22 similar to Scott, requesting a temporary and revocable
23 use permit for a fireworks display on July 26, '25.

24 It is my daughter's wedding, and we are
25 celebrating that at The Country Club of Rochester, and

1 we are looking to have celebratory fireworks performed
2 by Young Explosives probably in the dusk time frame.
3 That time of year, it would be probably about 9, 9:15,
4 again less than a 10-minute display, and we would be
5 working with CCR to make sure all of the neighbors are
6 notified appropriately.

7 And here is the form for the display.

8 MS. BEARDSLEY-COMERER: Again, Amy
9 Beardsley-Comerer, assistant general manager at
10 Country Club of Rochester, 2935 East Avenue.

11 CHAIRPERSON MIETZ: Can you talk to the
12 summer of '25 because we've had over the years
13 numerous requests for fireworks for special events
14 that are, as you know, at CCR? Is this the extent of
15 what we're going to hear for this year?

16 I realize this is one application and you're
17 asking for one night, but do you have any other
18 thoughts that there will be additional shows that you
19 would be -- you or one of your members is going to
20 come back and ask for?

21 MS. BEARDSLEY-COMERER: The Country Club of
22 Rochester always does their two annual shows: one
23 being the annual fireworks, which is the last Thursday
24 in June, and then New Year's Eve, which just occurred.
25 Other than that, we've had no other weddings inform us

1 that they're interested at this point.

2 CHAIRPERSON MIETZ: That's fine. I'm just
3 inquiring as to what you know.

4 MS. BEARDSLEY-COMERER: And I would have
5 thought by now someone would have come forward in
6 looking for that.

7 CHAIRPERSON MIETZ: Okay. So you'll have
8 the winner.

9 MR. DiSTEFANO: I guess, Amy, the concern is
10 that we're -- as these come in, we're just piling up
11 fireworks displays at the country club, and there's
12 got to be a cap on this. I think the country club
13 needs to understand that if somebody approaches them
14 that maybe you need to stop them before they even get
15 to us.

16 MS. BEARDSLEY-COMERER: Yes.

17 MR. DiSTEFANO: Because, you know, it's
18 tough for somebody to come in and us denying the
19 application. You know, it should be coming from you
20 guys that, you know, we've already done two, plus our
21 own two, that's four. You know, the neighbors have
22 got to start getting a little, you know --

23 MS. BEARDSLEY-COMERER: If that was a
24 contingency of this ruling, that we would stop for the
25 year at the four total, we would be more than willing

1 to say that.

2 CHAIRPERSON MIETZ: Okay. Very fine. Very
3 fine. Okay. We can discuss that.

4 MR. DiSTEFANO: Yes, we can discuss that.
5 It will be a little hard --

6 CHAIRPERSON MIETZ: Any other questions for
7 these folks?

8 MS. TOMPKINS-WRIGHT: Is it Young Explosives
9 as well?

10 MR. DiSTEFANO: Yes.

11 CHAIRPERSON MIETZ: Okay. Good. Thank you
12 very much.

13 Is there anyone who would like to speak on
14 this application?

15 Then the public hearing is closed.

16 (The public hearing concluded at 7:30 p.m.)

17 (Beginning of deliberations)

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BRIGHTON
ZONING BOARD OF APPEALS
DELIBERATIONS AND DECISIONS

January 2, 2025
At approximately 7 p.m.
Brighton Town Hall
680 Westfall Road
Rochester, New York 14620

PRESENT:

DENNIS MIETZ
Chairperson

KATHLEEN SCHMITT) Board Members
HEATHER McKAY-DRURY)
ANDREA TOMPKINS-WRIGHT)
JUDY SCHWARTZ)
MATTHEW D'AUGUSTINE)

LAUREN BARON, ESQ.
Attorney for the Town

RICK DiSTEFANO
Secretary

ABSENT: EDWARD PREMO

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

1 **Application 1A-01-25**

2 Application of Brenton Hall, agent, and 140
3 Metro LLC, owner of property located at 140 Metro
4 Park, for a sign variance from Sections 207-32A(5) and
5 207-32B(1) to allow for a freestanding business
6 identification/directory sign where not allowed by
7 code. All as described on application and plans on
8 file.

9 MS. McKAY-DRURY: I move we deny Application
10 Number 1A-01-25 based on the following findings of
11 fact.

12 **Findings of Fact**

- 13 1. The proposed sign would create a substantial
14 change to the character of this neighborhood.
- 15 2. The difficulty in necessitating the variance
16 requests can be solved by other means, such as clear
17 number address signs and then directory signs not
18 visible from the road within the property.
- 19 3. The variance request is substantial, particularly
20 the request for it to be three times the square
21 footage that would be allowed for a permissible sign
22 located in the appropriate place on the property.
- 23 4. The variance is not the minimum necessary to grant
24 relief from the difficulty, again relating to the
25 availability of number address signs or anyone who

1 needs to locate the property.

2 5. The variance is not consistent with the
3 surrounding properties so as to have a negative impact
4 on the physical perhaps not environmental conditions,
5 but again visibility of the sign is pretty
6 unprecedented in the area.

7 6. The difficulty is self-created. However, that
8 factor itself would not be dispositive.

9 MR. D'AUGUSTINE: Second.

10 MR. DiSTEFANO: The motion is to deny.

11 (Ms. Schwartz, yes; Ms. Tompkins-Wright,
12 yes; Mr. Mietz, yes; Ms. Schmidt, abstain;
13 Mr. D'Augustine, yes; Ms. McKay-Drury, yes.)
14 (Upon roll, motion to deny carries.)

15 **Application 1A-02-25**

16 Application of Denis Jeffries, applicant,
17 and The Country Club of Rochester, owner of property
18 located at 2935 East Avenue, for a temporary and
19 revocable use permit pursuant to Section 219-4 to
20 allow for a fireworks display on the evening of
21 February 8, 2025, in a RLA residential district. All
22 as described on application and plans on file.

23 MS. SCHWARTZ: I move that we approve
24 Application 1A-02-25 based on the following findings
25 of fact.

Findings of Fact

1. This fireworks display is for the celebration of the Brighton Fire Department's 100th anniversary. It is only on the night of February 8, 2025. The display will last for less than 10 minutes. It will be after dinner, between 8 and 8:30 p.m.

2. The Country Club of Rochester has had several fireworks displays over the years without any issues.

3. The display will be done by Young Explosives, the company that the town uses annually for July 4th.

Conditions

1. This approval only applies to the written application and testimony presented.

2. All necessary fire marshal approvals and/or permits must be obtained.

3. CCR and the applicant must communicate with the neighbors in advance regarding this event.

4. CCR shall display no more than four firework displays this calendar year, 2025.

MS. TOMPKINS-WRIGHT: I'll second.

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

(Ms. Schmitt, abstain; Ms. McKay-Drury, yes; Mr. Mietz, yes; Mr. D'Augustine, yes; Ms. Tompkins-Wright, yes; Ms. Schwartz, yes)

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

3 **Application 1A-03-25**

4 Application of Alan Ryon, owner of property
5 located at 111 Bastian Road, for 1) an area variance
6 from Section 203-2.1B(2) and 203-9A(4) to allow a
7 detached garage to be 1,078 square feet in size, after
8 construction of a 575 square feet addition; and 2) an
9 area variance from Section 207-6A(1) to allow said
10 garage addition to be 16.5 foot in height in lieu
11 of the maximum 16 feet allowed by code. All as
12 described on application and plans on file.

13 MS. TOMPKINS-WRIGHT: I move to approve
14 Application 1A-03-25 of Alan Ryon, owner of property
15 located at 111 Bastian Road, et cetera, all as
16 described on application and plans on file based on
17 the following findings of fact.

18 **Findings of Fact**

19 1. The request herein is not substantial given that
20 the garage will appear as a two-car garage from the
21 right-of-way, as part of the original garage sits
22 behind the existing home, thus the additional square
23 feet will not be overly noticeable by passersby.
24 Further, the height of the addition is consistent with
25 the height of the existing garage and home.

1 2. No other alternative can alleviate the difficulty
2 and produce the desired result. Applicant's desire is
3 for two vehicles in their garage, which the maximum
4 garage size in Brighton is meant to accommodate. They
5 are currently unable to do so in the current garage
6 due to in part its location behind the existing home
7 and would not be able to do so without a garage
8 addition, adding necessary square feet.

9 3. No unacceptable change in the character of the
10 neighborhood and no substantial detriment to nearby
11 properties is expected to result from the approval of
12 this variance. Following subdivision of the property,
13 this garage will be right-sized for the size of the
14 combined lot and 38 feet away from the side lot lines.
15 The design of the garage is consistent with the
16 current garage and will appear in line with the
17 neighborhood.

18 4. There is no evidence that the health, safety, or
19 welfare of the community will be adversely affected by
20 the approval of this variance.

21 **Conditions**

22 1. The variances apply only to the garage addition as
23 described in the application and testimony provided
24 and will not apply to any future projects.

25 2. All necessary building permits shall be obtained.

1 3. Prior to the issuance of a building permit, proof
2 of a subdivision plat shall be submitted to the Town
3 of Brighton Building Planning Department for review
4 and approval and filed with Monroe County.

5 MS. SCHWARTZ: Second.

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

8 (Ms. McKay-Drury, yes; Mr. Mietz, yes;

9 Ms. Schmidt, abstain; Mr. D'Augustine, yes;

10 Ms. Schwartz, yes; Ms. Tompkins-Wright, yes)

11 (Upon roll, motion to approve with

12 conditions carries.)

13 **Application 1A-04-25**

14 Application of John Glynn, applicant, and
15 The Country Club of Rochester, owner of property
16 located at 2935 East Avenue, for a temporary and
17 revocable use permit pursuant to Section 219-4 to
18 allow for a fireworks display on the evening of July
19 26, 2025, in a RLA residential district. All as
20 described on application and plans on file.

21 MR. D'AUGUSTINE: I move to approve
22 Application 1A-04-25 based on the following findings
23 of fact.

24 **Findings of Fact**

25 1. The fireworks display will be one evening as part

1 of a wedding celebration on the property of The
2 Country Club of Rochester on July 26, 2025, and will
3 start at approximately 9:00 p.m. and last
4 approximately 10 minutes.

5 2. Young Fireworks has a history of putting fireworks
6 displays at CCR and has had no negative effects on the
7 character of the neighborhood and anticipate there
8 will be no further negative effects.

9 **Conditions**

10 1. All fire marshal approvals and/or permits shall be
11 obtained.

12 2. The fireworks display is limited to the event as
13 described in the testimony given and in the
14 application materials.

15 3. CCR will notify neighboring property owners prior
16 to the event.

17 4. CCR shall have no more than four firework displays
18 for the 2025 calendar year.

19 MS. TOMPKINS-WRIGHT: Second.

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

22 (Ms. Schwartz, yes; Chairperson Mietz, yes;

23 Ms. McKay-Drury, yes; Ms. Schmidt, abstain;

24 Ms. Tompkins-Wright, yes;

25 Mr. D'Augustine, yes)

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(Upon roll, motion to approve with
conditions carries.)
CHAIRPERSON MIETZ: Okay. Good luck, folks.
(Proceedings concluded at 7:57 p.m.)

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