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2 **BRIGHTON**

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4 **ZONING BOARD OF APPEALS**

5

6 **MEETING**

7

8 February 5, 2025
At approximately 7 p.m.
680 Westfall Road
9 Rochester, New York 14620

10 PRESENT:

11 DENNIS MIETZ
12 Chairperson

13 EDWARD PREMO) Board Members
14 KATHLEEN SCHMITT)
15 HEATHER MCKAY-DRURY)
16 MATTHEW D'AUGUSTINE)
17 JUDY SCHWARTZ)

18 LAUREN BARON, ESQ.
19 Attorney for the Town

20 RICK DiSTEFANO
21 Secretary

22 ABSENT: ANDREA TOMPKINS-WRIGHT

23

24 REPORTED BY: KIMBERLY A. BONSIGNORE, Court Reporter
25 FORBES COURT REPORTING SERVICES, LLC
26 21 Woodcrest Drive
27 Batavia, New York 14020

1 CHAIRPERSON MIETZ: Okay. So welcome to the
2 February meeting of the Zoning Board of Appeals. Let
3 me just tell you how we run this meeting. There are
4 seven things on our agenda -- or cases. So when your
5 case is called, you come up to the front, give us your
6 name and an address, please, then please tell us why
7 you feel we should approve your application.

8 We get the information about ten days ahead.
9 So most of the members have gone by, so they are at
10 least familiar with the situation that you're trying
11 to work on, and then, you know, again let us know why
12 you feel you've met the test for a variance.

13 So what will happen is, after you're
14 finished with your presentation, then I'll just ask if
15 there's anybody in the audience that wants to speak
16 about your application. And if there are, they speak.
17 If there aren't, then we move to the next application.

18 So we go through all of them that way. And
19 then we may take a little break, if the stenographer
20 needs a break, and then we'll start deliberating
21 tonight on all of them in the order that people
22 remain.

23 So if you want to stay and listen to the
24 deliberations, you can. There's no discussion. We
25 won't ask you any questions, or you ask us, but you're

1 welcome to sit here and listen to the discussion.

2 And then we try, unless something needs to
3 be tabled, to vote on everything tonight. So if you
4 stay, you'll know. If you leave, you can call Rick in
5 the building office tomorrow and he'll tell you what
6 happened regarding your application. Okay? So that's
7 the deal.

8 All right. So, Rick --

9 MR. DiSTEFANO: There is one additional
10 communication in your folder. So there should be a
11 total of two communications in your folder, one that
12 you received -- communications in your folder -- can
13 you hear me?

14 CHAIRPERSON MIETZ: It's tough in here.

15 MR. DiSTEFANO: It's the air handler that's
16 always going, so it's not the greatest.

17 Do any of the members have any questions
18 regarding any of the applications?

19 CHAIRPERSON MIETZ: Okay. All right. Call
20 the roll.

21 MR. DiSTEFANO: Mr.

22 (Whereupon the roll was called.)

23 MR. DiSTEFANO: Please let the record show
24 that Ms. Tompkins-Wright is not present.

25 CHAIRPERSON MIETZ: Okay. Rick, was the

1 meeting properly advertised?

2 MR. DiSTEFANO: Yes, Mr. Chairman. It was
3 advertised in the Daily Record of January 30, 2025.

4 CHAIRPERSON MIETZ: Okey-dokey. So minutes
5 we've got.

6 MS. SCHWARTZ: They're perfect. I don't
7 have anything.

8 CHAIRPERSON MIETZ: That's a record.

9 MR. D'AUGUSTINE: Motion to approve.

10 CHAIRPERSON MIETZ: Very nice. Very nice.

11 MR. DiSTEFANO: Do we have a second?

12 MS. McKAY-DRURY: Second.

13 CHAIRPERSON MIETZ: Okay.

14 MR. DiSTEFANO: The motion is to approve the
15 November minutes.

16 (Mr. Premo, yes; Ms. Schwartz, yes;
17 Mr. D'Augustine, yes; Chairperson Mietz,
18 yes; Ms. McKay-Drury, yes;
19 Ms. Schmitt, yes.)

20 (Upon roll, the motion to approve the
21 minutes carries.)

22 MR. DiSTEFANO: We've got December minutes
23 also.

24 CHAIRPERSON MIETZ: I don't think I brought
25 them tonight.

1 MR. DiSTEFANO: November was from the old
2 package. Do you remember I asked last month that you
3 keep -- when the packages came in to keep the minutes?

4 You've got them?

5 MS. SCHWARTZ: I didn't keep it.

6 MR. DiSTEFANO: Did you go through them?
7 Did you have any issues?

8 MS. MCKAY-DRURY: I have flipped through,
9 and I didn't have any issues.

10 MR. DiSTEFANO: Okay. Why don't you make a
11 motion.

12 MS. MCKAY-DRURY: Okay.

13 MR. DiSTEFANO: I have Heather with the
14 motion.

15 MS. MCKAY-DRURY: I think this is the
16 November one.

17 CHAIRPERSON MIETZ: Yes.

18 MS. MCKAY-DRURY: Okay. So I move to
19 approve the November 6, 2024, minutes.

20 MR. DiSTEFANO: Oh, wait. All right. Okay.
21 We flipped them, but go ahead. I'll fix it.

22 MS. MCKAY-DRURY: So I move to approve the
23 minutes.

24 MR. D'AUGUSTINE: Second.

25 MR. DiSTEFANO: The motion is to approve the

1 November minutes.

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

3 Mr. D'Augustine, yes; Chairperson Mietz,

4 yes; Ms. McKay-Drury, yes;

5 Ms. Schmitt, yes.)

6 (Upon roll, the motion to approve the.

7 minutes carries.)

8 CHAIRPERSON MIETZ: Okay. So the first
9 application is a holdover application, 11A-01. This
10 is for 270 South Landing.

11 **Application 11A-01-24**

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

19 MS. SPAWN-COX: Hi. My name is Essie
20 Spawn-Cox. I'm the owner of 270 South Landing Road,
21 14610. I am here to ask for a variance for an
22 additional 400 square feet to my existing garage for
23 personal use and my business use.

24 I have submitted plans for the landscaping
25 for three different companies, and the one that I

1 liked was from JOSH Landscape. He laid it out for me
2 as far as how things will be set up for the
3 landscaping to eliminate some of the longness of the
4 garage.

5 And I'm looking for -- asking for a variance
6 with the condition having it done by May 15th, if
7 weather permitting.

8 CHAIRPERSON MIETZ: Okay. Did everyone see
9 the submission? Do you see where basically the 400
10 feet or so of the garage space is where this -- these
11 arborvitae would be placed on the north side of the
12 garage?

13 Okay. Clear?

14 MR. DiSTEFANO: Essie, could you just kind
15 of, in your own words, explain what you submitted to
16 the board in terms of what you plan to do in terms of
17 the overall improvement of the property?

18 MS. SPAWN-COX: Well, what I was advised by
19 the landscapers, if I start at the 24 feet from where
20 the original -- the 600 square feet was already there,
21 and there's a door there, and he said maybe 3 feet
22 from that 24 feet back he would plant six trees I
23 think it is. Six or seven trees.

24 CHAIRPERSON MIETZ: Seven.

25 MS. SPAWN-COX: Okay. And they would be 5

1 feet tall. And he said material on those is 10 to 15
2 feet high, and he will put them so it won't be so
3 visible to the street. It would eliminate some of it.

4 CHAIRPERSON MIETZ: Now, from the prior
5 meeting -- I think maybe that's what Rick is asking.
6 Are there other things that you're doing on the site
7 that would help besides this?

8 MS. SPAWN-COX: Oh, I'm sorry.

9 CHAIRPERSON MIETZ: I think that's what he's
10 trying to --

11 MS. SPAWN-COX: Thank you. I'm sorry. Yes,
12 I'm going to finish painting the house the color of
13 the garage. I also painted the door. And I did some
14 planting prior to you guys asking me about the
15 landscaping, but that stuff don't come up until the
16 spring, but I had already did some planting, yes.

17 MR. DiSTEFANO: And you also showed, I
18 think, a fence on your plans.

19 MS. SPAWN-COX: Yes, there's a gate.
20 There's a gate next to the garage and the previous
21 chain-link fence.

22 CHAIRPERSON MIETZ: In front of the garage.

23 All right. So you feel that that's an
24 accommodation for this issue?

25 MS. SPAWN-COX: Correct.

1 CHAIRPERSON MIETZ: Have you spoken to any
2 of the neighbors about it at all or -- not since the
3 last meeting?

4 MS. SPAWN-COX: No, I have not.

5 CHAIRPERSON MIETZ: Okay. Very good.

6 Now, do you anticipate any other changes
7 with the business or your use or anything that would
8 change any of this going forward?

9 MS. SPAWN-COX: Are you referring to the
10 garage?

11 CHAIRPERSON MIETZ: In general.

12 MS. SPAWN-COX: There's nothing else going
13 on with the garage.

14 CHAIRPERSON MIETZ: You're just operating
15 the business and --

16 MS. SPAWN-COX: Correct.

17 CHAIRPERSON MIETZ: Going forward using it
18 for storage, and that's it?

19 MS. SPAWN-COX: Correct.

20 MR. DiSTEFANO: And you do realize that if
21 this board does grant the variance, you will need to
22 get a building permit for that addition?

23 MS. SPAWN-COX: I am aware of that, yes.

24 CHAIRPERSON MIETZ: Okay. Very good.

25 Any other questions, Board?

1 Okay. Thank you.

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

4 Okay. There being none, then the public
5 hearing is closed.

6 **Application 2A-01-25**

7 Application of David and Rochelle Lempert,
8 owners of property located at 39 Sutton Place, for a
9 temporary and revocable use permit pursuant to
10 Sections 219-4 and 203-2.1(5) to allow for the open
11 storage of a 31-foot enclosed auto transport trailer
12 in a front yard where not allowed by code. All as
13 described on application and plans on file.

14 MS. LEMPERT: Rochelle Lempert, co-owner of
15 39 Sutton Place.

16 MR. LEMPERT: David Lempert, 39 Sutton
17 Place.

18 MS. LEMPERT: We're requesting a temporary
19 and revocable use permit for six months to allow my
20 son Sam, the owner of the trailer, additional time to
21 find a longer term, more appropriate and safe,
22 affordable place for the trailer.

23 He needs 24-hour access. When he does
24 transport cars, he often leaves -- and he and my other
25 son, who is here, have a classic car brokerage

1 business, and they often do transports of the cars.
2 They go out of state. They often leave very early in
3 the morning, sometimes during the night, and so they
4 need 24 access. It needs to be in a safe environment,
5 and space is just very expensive, and what's
6 affordable is not always in a safe area.

7 MS. MCKAY-DRURY: What has been done with it
8 before now? Was there a different place where it was
9 stored?

10 MS. LEMPERT: Yes. Yes. My sons were
11 leasing some space in a building, but the landlord
12 changed the arrangements, and they had to move out of
13 there. That was indoor storage, which is preferable
14 and hard to come by.

15 MS. MCKAY-DRURY: And do you think that six
16 months is sufficient time? Is that based on anything
17 in terms of...

18 MS. LEMPERT: Well, it would take us through
19 the winter. This isn't the best time of year to look
20 for vehicle storage, and it would take us to -- you
21 know, into the summer, and hopefully yes, because they
22 are actively seeking space, and have been since we
23 received the letter from the town.

24 MS. MCKAY-DRURY: And is there anything that
25 you've looked into doing in terms of screening for the

1 neighbors or...

2 MS. LEMPERT: We live on a cul-de-sac, and
3 it's not, like, in the front yard. It's in the
4 driveway, and we have -- our driveway is about four
5 car lengths, and it is parked back as close to the
6 garage door as possible.

7 And because we're on a cul-de-sac, the house
8 is set back and you can barely see it. I mean,
9 obviously somebody had an issue with it. I don't know
10 what their issue was because it really isn't
11 blocking --

12 MR. LEMPERT: It's not an eyesore. It's a
13 newer trailer.

14 CHAIRPERSON MIETZ: Okay. Other questions
15 for these fine folks?

16 MR. DiSTEFANO: Have you -- go ahead.

17 CHAIRPERSON MIETZ: I was just going to ask
18 about the neighbors. Have you talked to them about
19 it?

20 MS. LEMPERT: We had spoken to the neighbors
21 to the left of us, and they were, like, surprised that
22 anybody had an issue with it at all. The neighbors on
23 the right side just moved in recently, and we were not
24 acquainted with them. Nobody else has approached us.

25 I mean, honestly, if somebody had been

1 neighborly and asked us about it, we would have said
2 it's temporary. Obviously it's not an ideal place for
3 it, and it was never our intention to keep it there
4 long term, and it certainly wasn't our intention to
5 violate the code.

6 I was in law enforcement for 30 years. I
7 had no intention to break the law, but it was just a
8 matter of convenience for right now.

9 MS. MCKAY-DRURY: When you say the folks to
10 the left, do you mean the ones that are on the side
11 closer to your driveway?

12 MS. LEMPERT: Yes.

13 MS. MCKAY-DRURY: Okay.

14 MR. DiSTEFANO: And do you plan on always
15 maintaining that trailer in the location up by the
16 garage so it won't kind of come down towards the
17 street at all?

18 MS. LEMPERT: Oh, yes.

19 MR. DiSTEFANO: You know, tuck it up to the
20 garage?

21 MR. LEMPERT: We don't want it near the
22 street. He doesn't want it in the driveway, and we
23 don't either, but until he finds a place --

24 MR. DiSTEFANO: But you're going to have it
25 tucked up?

1 MR. LEMPERT: Oh, yeah.

2 MR. DiSTEFANO: It wouldn't migrate down
3 towards the end or anything?

4 MR. LEMPERT: No.

5 CHAIRPERSON MIETZ: All right. Questions?

6 MR. PREMO: Is the trailer taken in and out
7 during the day?

8 MS. LEMPERT: It is. Not as much, you know,
9 right now, but, yes, it could be. Anytime somebody
10 hires them to transport a car, yes, it would
11 be hitching it up to the pickup truck.

12 MR. PREMO: And it's usually a pickup truck
13 versus a bigger --

14 MS. LEMPERT: Yes.

15 MR. LEMPERT: We have a picture of the truck
16 right in front of the trailer.

17 CHAIRPERSON MIETZ: It's like hooking up any
18 trailer.

19 MS. LEMPERT: Yes. I mean, it's a one-car
20 trailer. It's not like a big tractor trailer.

21 CHAIRPERSON MIETZ: Okay. Any other
22 questions?

23 Rick, all set?

24 Okay. Thank you.

25 MS. LEMPERT: Thank you.

1 CHAIRPERSON MIETZ: Is there anyone in the
2 audience who would like to speak regarding this
3 application?

4 Okay. There being none, the public hearing
5 is closed.

6 **Application 2A-02-25**

7 Application of Janna Hartfield, owner of
8 property located at 95 Branchwood Lane, for
9 an area variance from Section 207-2A to allow a front
10 yard fence to be 6 feet in height in lieu of the
11 maximum 3.5 feet allowed by code. All as described on
12 application and plans on file.

13 MS. HARTFIELD: Janna Hatfield, owner of 95
14 Branchwood Lane. I'm here to request allowance for a
15 6-foot fence to enclose what is considered my
16 backyard, but to the town it's my other front yard
17 because it backs up to French Road.

18 There is a smaller, partial fence back there
19 currently. It would need to be replaced because it's
20 pretty dilapidated. I just bought the property in
21 October, so I'm just trying to enclose it for privacy
22 sake.

23 I'm having Vinyl Outlet install the fence.
24 I've already had them out, and they've given me a
25 quote for it, so it would just be sided on both sides.

1 It's a townhouse, so it's just two sides, and then the
2 back, which is up towards French Road. And there will
3 be a gate that opens inward, because there is an
4 easement on the property, so that would still allow
5 for access to the utilities in the backyard.

6 CHAIRPERSON MIETZ: Can you talk about,
7 we'll say, the neighborhood? Obviously, I know it's a
8 condo complex.

9 MS. HARTFIELD: Yes.

10 CHAIRPERSON MIETZ: Do you see fences that
11 are 6 feet near you?

12 MS. HARTFIELD: Yeah, the fences right
13 directly next to me are not. The neighbor, looking
14 out back to the left, they have probably a 3-1/2 foot
15 fence, which is the allowance the town says for a
16 front yard.

17 The neighbor to my right does not have their
18 property enclosed, and so literally my property runs
19 right into theirs at this point. So I would like some
20 separation there.

21 But in doing so, I would like more privacy
22 since there is a sidewalk right there on French Road
23 and there's a lot of foot traffic. So, you know, I
24 would like to be able to use my backyard with some
25 privacy.

1 CHAIRPERSON MIETZ: I guess what I'm asking,
2 though, is, in the immediate area, not next door to
3 you necessarily, but other ones that face French Road,
4 are there 6-foot fences?

5 MS. HARTFIELD: Yes, sir. Yes. A couple of
6 houses over there are some 6-foot fences.

7 CHAIRPERSON MIETZ: Okay. And then what
8 color will the fence be?

9 MS. HARTFIELD: It's white.

10 CHAIRPERSON MIETZ: Okay. Questions? All
11 set?

12 Okay. Thanks.

13 MS. HARTFIELD: Thank you.

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

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

19 **Application 2A-03-25**

20 Application of Amanda Costanza, architect,
21 and Greg Griffo, owner of property located at 89
22 Greenaway Road for 1) an area variance from Section
23 205-2 to allow an attached garage addition to extend
24 3.5 feet into the 40-foot front setback required by
25 code; and 2) an area variance from Section 205-2 to

1 allow a front porch roof overhang to extend 5.5 feet
2 into the 20.3-foot front setback where a 40-foot front
3 setback is required by code. All as described on
4 application and plans on file.

5 MR. GRIFFO: Hi. My name is Greg Griffio.
6 I'm looking to get a variance for --

7 CHAIRPERSON MIETZ: What is the address,
8 please?

9 MR. GRIFFO: 89 Greenaway Road.

10 CHAIRPERSON MIETZ: Thank you. Sorry.

11 MR. GRIFFO: We're looking to do an addition
12 onto our house. Part of that addition would be to
13 have a front entrance that has an overhang. The other
14 one would be to extend it and have a larger garage to
15 the right of our house.

16 There's another house on our street that
17 actually falls well within that 40 foot. I want to
18 say within 15 feet of their garage abutting up next to
19 Greenaway Road. It's a similar setup as mine, so I
20 didn't think it would be too much of a variant if
21 there's another house that has the exact same
22 condition right now.

23 CHAIRPERSON MIETZ: Okay.

24 MS. COSTANZA: I'm Amanda Costanza,
25 architect.

1 CHAIRPERSON MIETZ: Closer to the mic,
2 please.

3 MS. COSTANZA: Sorry. So they currently
4 have an attached a very small one-car garage, so
5 they're just looking to get enough space to park the
6 other vehicle inside and enough space to the side of
7 that in order to have a like snowblower or snow tires,
8 tools, that sort of thing, to get in and out of the
9 garage.

10 And the addition will only go over the
11 setback at one corner. Because of the angle of the
12 house and the setbacks and the angle of the street,
13 it's just that one corner, by 3 foot 6. The back
14 corner of the garage will be within the setback.

15 And because the house is existing
16 non-conforming is why we need to get special approval
17 for this front overhang. They currently just have an
18 uncovered stoop, like a lot of houses, and they just
19 want some covering to protect from the elements.

20 CHAIRPERSON MIETZ: Okay. Questions?

21 MR. PREMO: With respect to the garage
22 addition, what other alternatives did you have? Is
23 there any way to do a two-car garage without the need
24 for a variance?

25 MS. COSTANZA: We did look at going further

1 back. The issue with that is just that once you put
2 your -- because it's so tight already, in order to get
3 a snowblower out and around the cars in the winter and
4 that sort of thing, we just really thought having an
5 extra couple feet on the side of the cars would make a
6 big difference.

7 MR. PREMO: And I believe in the application
8 there was something you mentioned about inconsistency
9 with the roof lines or whatever.

10 MS. COSTANZA: Yeah, the other issue is the
11 roof lines. They're kind of complicated as it is, and
12 so we decided to kind of stick with the roof line that
13 we have currently and just extend it out towards
14 Greenaway. It's difficult to add a gable or do
15 anything else off the back without just getting into
16 the finishes.

17 MR. PREMO: Have you seen the letter from
18 Mr. Hack concerning this?

19 MR. GRIFFO: No. I actually talked to him
20 yesterday, but he didn't mention anything about this.

21 MR. PREMO: So neither one of you have
22 seen this?

23 MR. GRIFFO: No.

24 MR. PREMO: They haven't seen it?

25 MR. DiSTEFANO: Probably not, no. It comes

1 into us and --

2 MR. PREMO: Is Mr. Hack here?

3 MR. DiSTEFANO: I don't know. I don't think
4 so.

5 MR. GRIFFO: No, I don't see him. He's a
6 pretty big guy. He's pretty tall. Sorry.

7 MR. PREMO: So I don't know quite how to
8 do -- Mr. Hack suggested some changes, including some
9 landscaping and an additional window.

10 MR. DiSTEFANO: Yeah, and I think it's
11 something that we should discuss as a board.

12 I'm going to ask the question: Have you
13 gone to the Architectural Review Board yet?

14 MS. COSTANZA: No.

15 MR. DiSTEFANO: You have not gone to the
16 Architectural Review Board. We have an Architectural
17 Review Board that's going to review it.

18 MR. PREMO: Right. So that would be a
19 condition to the approval?

20 MR. DiSTEFANO: Yes. The Architectural
21 Review Board has to see it. I get a little concerned
22 when neighbors start telling the boards how something
23 should look.

24 MR. PREMO: Yeah.

25 MR. DiSTEFANO: I think if this board feels

1 that landscaping is necessary somewhere, then that's
2 something we could consider.

3 You have the letter in front of you?

4 MR. PREMO: The ARB?

5 MR. DiSTEFANO: ARB wouldn't deal with
6 landscaping. That's really kind of us determining
7 whether or not we feel that's some way to mitigate the
8 variance.

9 You guys have the letter. You can read it.
10 If you feel like it's something that you want to
11 address with them, great. If you don't want to
12 address an issue in that letter, then I would just
13 keep it as a communication.

14 MS. SCHWARTZ: To me, it just seems -- they
15 haven't seen it, we've seen it, and we would be making
16 decisions on --

17 MR. DiSTEFANO: We have to make our
18 decisions based on their application; right? The
19 Architectural Review Board would make their decision
20 based on the elevations that they presented.

21 So I don't feel comfortable with this board
22 telling the Architectural Review Board on how they
23 should approve this. So I don't want us making --
24 because we received a letter from a neighbor to say
25 put another window in, I don't think that's our --

1 MS. SCHWARTZ: No, but can we say
2 landscaping along the side of it.

3 MR. DiSTEFANO: If you think it's something
4 that we would do as a condition of approval for this
5 variance, and certainly we can always put that type of
6 mitigation --

7 CHAIRPERSON MIETZ: Right.

8 MS. BARON: I just want to make a couple of
9 comments for the record too.

10 So the correspondence that the board is
11 discussing right now was received just very recently,
12 on February 3rd. So it has been publicly provided.
13 It was posted as part of the final agenda. Just
14 because they haven't seen it doesn't mean that
15 correspondence was not made available to the public.

16 And as Rick is saying, this board is allowed
17 to consider as a condition of the variance, if you
18 think that mitigation is necessary as far as
19 landscaping goes to, you know, resolve any impacts --
20 impacts from the construction of the garage on the
21 property, then that is certainly something that this
22 board has conditioned on variances in the past and you
23 can continue do that.

24 MR. DiSTEFANO: I will say the second letter
25 that came in came in after the posting of the final

1 agenda. So that was not open to the public. Nobody
2 has seen that except for you. But again, I think,
3 it's a letter that is something to consider, if you
4 want to ask a question.

5 There was another letter from the same
6 individual, a follow-up letter, regarding the
7 driveway. The driveway is not in front of us for a
8 variance. So again it's something, you know, you
9 certainly can take into account, but you do not need
10 to address it.

11 CHAIRPERSON MIETZ: Okay. That's what we
12 have the ARB folks for.

13 All right. Good. So are there any
14 questions about it or about anything else?

15 MR. PREMO: Just a moment, please.

16 CHAIRPERSON MIETZ: Excuse me?

17 MR. PREMO: If I could just have a moment.

18 CHAIRPERSON MIETZ: Yes.

19 MR. GRIFFO: I guess one thing to point out
20 is that the garage is not next to a house. It's not
21 encroaching closer to anybody's house or anything like
22 that. It's closer to a -- like a road. That's on the
23 left corner.

24 MR. PREMO: I'm fine.

25 MS. MCKAY-DRURY: It looks like you have

1 some landscaping there too.

2 MR. GRIFFO: I do actually have
3 landscaping there. That's why I don't -- the comment
4 doesn't make really much sense, because I have
5 landscaping that's right through there. It has a
6 bunch of bushes. I have a tree. I have a nice little
7 rock, like, front entrance, kind of like a small rock
8 wall.

9 MS. MCKAY-DRURY: How much of that can
10 remain?

11 MR. GRIFFO: The rock wall can remain. The
12 trees I just put in there just give myself more
13 privacy. But three of them, I believe, will be taken
14 out, and the other two would remain.

15 MS. MCKAY-DRURY: Right.

16 MR. GRIFFO: I think in our drawings it
17 shows from like -- it shows the front of a tree being
18 planted in front of the garage. So...

19 CHAIRPERSON MIETZ: Okay. Other questions
20 for these folks?

21 You've got it?

22 Good?

23 Good?

24 Okay. Thank you.

25 Is there anyone in the audience that would

1 like to speak regarding this application?

2 Okay. There being none, then the public
3 hearing is closed.

4 **Application 2A-04-25**

5 Application of Andrew Hintenach, architect,
6 and Tom Firmani, owner of property located at 230
7 Ambassador Drive, for an area variance from Section
8 209-10 to allow livable floor area, after construction
9 of a 554 plus/minus square foot second floor addition,
10 to be 4,085 square feet in lieu of the maximum 3,589
11 square feet allowed by code. All as described on
12 application and plans on file.

13 MR. FIRMANI: Good evening. I'm Tom
14 Firmani.

15 MR. HINTENACH: Andrew Hintenach.

16 CHAIRPERSON MIETZ: Could I have addresses
17 for both of you, please?

18 MR. HINTENACH: My address is 86 Castle
19 Street, Geneva, New York 14456.

20 MR. FIRMANI: And mine is 230 Ambassador
21 Drive.

22 CHAIRPERSON MIETZ: Okay. Perfect. Go
23 right ahead.

24 MR. HINTENACH: Well, we have a pretty
25 simple application except for our square footage. We

1 are adding a second floor to an existing one-story
2 garage, and we're adding for a master suite so that --
3 currently the house has two bedrooms upstairs and a
4 master downstairs. And Tom and his wife have young
5 kids, and they want to be on the same level as the
6 kids in their rooms.

7 So the solution to that was to add the
8 square footage above the garage, and in the process
9 not adding on to the footprint of the house. So that
10 in the calculations of livable area, you know, the
11 town code, we're here to request a variance to allow
12 us to have that livable square footage added to the
13 house.

14 CHAIRPERSON MIETZ: Okay. Questions?

15 MS. SCHWARTZ: No.

16 CHAIRPERSON MIETZ: Judy, no.

17 Questions?

18 MS. BARON: I just have a quick question.
19 Did you explore any other potential options other than
20 constructing the addition over the garage?

21 MR. HINTENACH: No, because that's pretty
22 much the only place that we could add square footage
23 that would get us on the same level. It's a little
24 bit -- the benefit of it, though, is the master suite
25 that's on the first floor will be used for the

1 in-laws; right?

2 MR. FIRMANI: Only when they visit. We
3 don't want them to move in yet. We're just simply too
4 far away from where the kids are. It's too far of a
5 walk having them that far away with the bedrooms
6 upstairs.

7 CHAIRPERSON MIETZ: Do you have any comment
8 about the architectural part of it as it relates to
9 the neighborhood and how you've decided to design
10 this?

11 MR. HINTENACH: Well, we are going through
12 the Architectural Review Board. We haven't gotten
13 their approval yet. We're working on that because our
14 design brought up questions, and so we have to --

15 CHAIRPERSON MIETZ: Well, what about -- you
16 know, we all know the neighborhood, but could you
17 comment? I mean, do you feel that this addition is
18 going to be in keeping with the neighborhood?

19 MR. HINTENACH: I feel it is. It's just not
20 that large of an addition and it doesn't enlarge the
21 footprint of the house. So we feel we can get an
22 aesthetic approval from the Architectural Review
23 Board.

24 CHAIRPERSON MIETZ: Sure. Materials-wise
25 and all that?

1 MR. HINTENACH: Yes. Well, we're going to
2 match everything in the house. It's going to look
3 very much like the existing house.

4 CHAIRPERSON MIETZ: Hopefully, it will look
5 like it was always there. I'm sure that's what you're
6 trying to achieve. Good.

7 Any questions over here?

8 MS. MCKAY-DRURY: The only other question
9 is, are you sure you want to make it so easy for your
10 kids to come in? As someone who wakes up to my kids
11 coming in and climbing into bed with me every night,
12 are you sure?

13 MR. FIRMANI: Based upon how flu season has
14 been this year, yes. Just hearing them coming down
15 the hallway and running, it's like -- my wife is just
16 like, "This doesn't work."

17 "I understand." There's cameras. I can see
18 them.

19 MR. DiSTEFANO: Andrew, did you do any
20 comparisons to other properties in the Sandringham,
21 Ambassador area in terms of how this compares to the
22 increased square footage per lot?

23 MR. HINTENACH: Yes, the house across the
24 street has us covered with that.

25 MR. DiSTEFANO: Well, let me just state it a

1 different way. Does it appear that the houses in that
2 neighborhood are large compared to the size of their
3 lots?

4 MR. HINTENACH: Well, I think we're -- on
5 the lot coverage itself, I think we're well within the
6 limits of that.

7 MR. DiSTEFANO: In regards to livable floor
8 area?

9 MR. HINTENACH: Well, I didn't do any math
10 on that.

11 MR. DiSTEFANO: But you would think that --
12 most likely you have some pretty large houses over
13 there, and the lots are not super large; right?

14 MR. HINTENACH: Right. And our lot is, I
15 think, fine for what we're doing. I mean, the lot is
16 very generous.

17 MR. DiSTEFANO: Well, that's my point. In
18 comparison to the neighborhood, you feel it's within
19 keeping with what transpires in the neighborhood?

20 MR. HINTENACH: I definitely think so. If
21 it was the increasing the lay and cover of the lot, it
22 would be a different discussion. But since it's going
23 over the garage, and the way we've tried designing it,
24 it seems to fit very nicely.

25 MR. DiSTEFANO: Okay. Thank you.

1 CHAIRPERSON MIETZ: Okay. Just so you
2 understand, you know, what one of the things that
3 needs to be considered is the square footage
4 triggers -- obviously you need the variance, but how
5 does it affect the rest of the neighborhood?

6 So if the houses are larger than that or
7 similar to that, then the effect of it is less than if
8 it was the opposite -- okay.

9 MR. HINTENACH: They are one of the smaller
10 houses on the street.

11 CHAIRPERSON MIETZ: What is the base square
12 footage of the house?

13 MR. FIRMANI: The base square footage
14 overall is 3,500 square feet.

15 CHAIRPERSON MIETZ: Before the addition?

16 MR. FIRMANI: Yes, sir.

17 CHAIRPERSON MIETZ: Which in that
18 neighborhood is not very large.

19 All right. Very good.

20 Any questions?

21 Okay. Thanks.

22 MR. FIRMANI: Folks, I have the form that --

23 MR. DiSTEFANO: Give that right to me.

24 MR. FIRMANI: Thank you.

25 CHAIRPERSON MIETZ: Okay. Is there anyone

1 in the audience speaking on this application? If not,
2 then the public hearing is closed.

3 MR. DiSTEFANO: The next two applications
4 I'll read them both. They're the same property. Bear
5 with me.

6 **Application 2A-05-25**

7 Application of Paul Morabito, architect, and
8 Ashley Amalfi, owner of property located at 2369 East
9 Avenue, for 1) an area variance from Section 207-11A
10 to allow an in-ground swimming pool to be partially
11 located in a front yard where not allowed by code; and
12 2) an area variance from Section 207-2A to allow a
13 front yard fence to be 4 feet in height in lieu of the
14 maximum 3.5 feet allowed by code. All as described on
15 application and plans on file.

16 **Application 2A-06-25**

17 Application of Paul Morabito, architect, and
18 Ashley Amalfi, owner of property located at 2369 East
19 Avenue, for Area Variances from Sections 203-2.1B(2) &
20 (3) to 1) allow for the construction of a 1,232 square
21 foot detached garage in lieu of the maximum 600 square
22 feet allowed by code, 2) to allow said garage to
23 extend into a front yard where not allowed by code, 3)
24 construct a 410 square foot pool cabana in lieu of the
25 maximum 250 square feet allowed by code, and 4) allow

1 said cabana to extend into a front yard area where not
2 allowed by code. All as described on application and
3 plans on file.

4 MR. MIRABITO: Paul Morabito representing
5 2369 East Avenue.

6 And I think Nicole should start.

7 MS. REDDINGTON: Nicole Reddington. I'm a
8 landscape architect with JOSH Landscape Company, and
9 I'm representing the owners of 2369 East Avenue.

10 So I am basically representing -- or asking
11 for the pool in the front yard and the fence of 4 foot
12 height in the front yard. It's a corner lot, so the
13 traditional side and rear yard is considered a front
14 yard.

15 We did go through a few renditions of design
16 to -- where we were even closer into the front yard,
17 and we're working -- our limits -- our design
18 constraints were that we're trying to give enough
19 buffer from Council Rock, but not get too close to the
20 east property line, which is abutting condominiums and
21 a parking lot to a condo, and also some mature trees.
22 We're trying to stay away from those.

23 So that's how we landed where we are with
24 the current design. We're trying to not go too far
25 into the front yard, but also not push too close to

1 the condos and the mature trees at the property line.

2 And then I will just say also there is an
3 existing brick wall that could be considered a fence.
4 That's part of the original house. That is currently
5 4 feet and in the front yard, so there's a little bit
6 of a precedent there. The reason we're asking for a 4
7 foot fence is because that is the pool code
8 requirement by New York State law.

9 We're also trying to mitigate the view into
10 the pool area with some landscaping. We are not
11 putting the fence right at the property line. We're
12 giving some room to existing trees and trying to stay
13 away from those along Council Rock. So we're kind of
14 giving some of the yard to the public face to give
15 more buffer.

16 And then on the property -- and I think this
17 is not a variance, but on the east side, we're
18 abutting a condominium parking lot. We're proposing a
19 6 foot solid fence for privacy, but that would be
20 considered side yard, so...

21 MR. MORABITO: Additionally, onto the garage
22 building -- it's a fairly large lot. It's .84 acres.
23 I did some clicking around on an interactive Brighton
24 site, and it seems that .25 to .5 was pretty much all
25 the lots. A majority of them, predominantly.

1 So with regard to the garage being twice as
2 big, the lot is generally twice as big. So I'm hoping
3 that weighs on your decision somewhat.

4 The cabana is 410. It's supposed to be 250
5 max. We'll combine these things into one building, so
6 we don't have a bunch of structures all over the
7 property and just try to consolidate.

8 And again, with regard to the landscaping,
9 there is much effort put into figuring out how to
10 shield all of the neighboring properties and give them
11 privacy, but also mitigate some of the results of the
12 corner lot and not having a backyard to construct a
13 pool in a typical fashion for the family.

14 MS. REDDINGTON: If I could also mention,
15 there is a side porch that juts out into the front
16 yard. And so we did change the design to push the
17 garage inside so it doesn't go any further out than
18 that side porch does. I believe the dimension is on
19 the drawing at 38 feet, 4 inches.

20 We originally had the garage closer towards
21 Council Rock, but we saw that that side porch was, you
22 know, not too far off of where we were siting it. So
23 we pushed it in so it did not jut out any further than
24 the existing part of the house juts out.

25 MR. MIRABITO: It's not just the porch,

1 but -- it's full brick. It's got a balcony on top of
2 it. It's a major part of the house. It's not some
3 spindly little porch. We at least stayed behind that.

4 CHAIRPERSON MIETZ: Can you talk a little
5 bit about the style of the addition as it relates to
6 the house?

7 MR. MIRABITO: Well, the initial design for
8 the building, I'm trying to -- it's large. And the
9 results of a 4/12 pitch roof, trying to match the
10 existing elements of the house, and stay within 16
11 feet, try to minimize the number of variances that are
12 being requested, and so, as always, I will do my best
13 to make things look cohesively, like it was built with
14 the house.

15 MS. BARON: Can you please speak to a little
16 bit about why the square footage of the garage is
17 required? Does the owner have several vehicles that
18 they own, or why is it so large?

19 MR. MIRABITO: The owners are doctors. They
20 are on call. They have a live-in nanny. There are
21 cars all over the place. They're trying to just keep
22 things, you know, in a garage, put the cars in the
23 garage.

24 The existing garage building is not very
25 functional. It's being used for storage, and so a bit

1 of extra space -- that's being torn down. A bit of
2 extra space in the garage itself is going to help with
3 the storage.

4 Now we have a pool -- hopefully will have a
5 pool, and we'll have pool storage and -- I'm not
6 trying to be egregious, but enough space for vehicles
7 and items.

8 MS. BARON: Is the existing shed being torn
9 down too?

10 MR. MIRABITO: The existing shed is really
11 old. I think it might have been a horse-feeding
12 structure. It's really interesting. I hate to see it
13 torn down, but -- I don't think they were against it,
14 but it's -- it's very, very old and it's pretty cool.
15 It's got a lot of character. It will be hidden behind
16 the garage. You won't be seen.

17 CHAIRPERSON MIETZ: Is it used?

18 MR. MIRABITO: It's being used. It's really
19 neat. We talked about if it was going to have to go,
20 and we would have to figure out how to move it
21 somewhere, because it can't be destroyed, it's too
22 cool.

23 CHAIRPERSON MIETZ: I've seen it.

24 MR. DiSTEFANO: So on your layout plan, that
25 shed is the shed that already exists on the property?

1 MR. MIRABITO: Correct.

2 MR. DiSTEFANO: Just for the record, so
3 everybody understands, this being one building, its
4 total square footage is 1,200 plus square feet of
5 garage, plus 400 plus square feet of cabana. So it's
6 an over 1,600 square foot building under one roof,
7 so it's a big structure.

8 MS. SCHMITT: And this is probably
9 stating -- it may be considered a dumb question, but
10 why is part of the garage called the horticultural
11 area?

12 MR. MORABITO: The husband grows plants and
13 stuff. He said he might use a bay for that. We're
14 just going to call it a garage. It's a garage.

15 CHAIRPERSON MIETZ: So this is just how he's
16 using --

17 MR. MORABITO: One or the other, it's a
18 garage.

19 But with regard to the size of it, yes, it's
20 large. The house footprint, I think, is over 3,300
21 square feet. So the house is massive. Again, the
22 property is very large. It's almost an acre on this.

23 CHAIRPERSON MIETZ: How about utilities?
24 What's going on with the garage and the cabana?

25 MR. MIRABITO: There will be a half-bath --

1 I'm sorry. A full bath, a shower and using the
2 bathroom for the people in the pool.

3 CHAIRPERSON MIETZ: The cabana?

4 MR. MORABITO: The cabana.

5 CHAIRPERSON MIETZ: How about in the garage
6 itself?

7 MR. MORABITO: No.

8 CHAIRPERSON MIETZ: Electric?

9 MR. MORABITO: That's it.

10 CHAIRPERSON MIETZ: Nothing else?

11 MR. MORABITO: Nothing else.

12 MR. PREMO: There's not going to be any,
13 like, living there, I assume?

14 MR. MORABITO: No.

15 MR. PREMO: There's not a kitchen?

16 MR. MORABITO: There will be some snack
17 counter because, you know, you're --

18 MS. REDDINGTON: They have got a cabana.

19 MR. MORABITO: Not a stove. No cooking.

20 MR. PREMO: I just wanted it on the record.

21 CHAIRPERSON MIETZ: All right. Are you
22 good?

23 MS. BARON: Just one additional question.
24 Can you speak about the landscaping in between the
25 garage -- beyond the driveway? So on that property

1 line --

2 MS. REDDINGTON: On the south property line?

3 MS. BARON: Yes.

4 MS. REDDINGTON: So the intention there is
5 to do some evergreen planting to help screen the view
6 of the garage from the neighbor. They do -- I do
7 believe that's one of the neighbors that wrote a
8 letter of support.

9 So far they've had no, you know, issue with
10 that neighbor, and they were -- she was perfectly
11 happy with their plans. But, you know, just to be a
12 good neighbor, maybe eventually someone else is going
13 to live there, they're trying to do as much screening
14 as possible.

15 MR. MORABITO: There were two neighbors that
16 wrote letters that both reviewed the plans and saw
17 what Nicole -- with the landscaping and the layout.

18 MR. DiSTEFANO: Did you submit those
19 letters?

20 MS. REDDINGTON: They were on file. I got
21 notice that they were on file.

22 MR. MORABITO: I uploaded them. Here. Any
23 additional attachments --

24 MR. DiSTEFANO: Oh, that may have been
25 missed.

1 Why don't you quickly read them into the
2 record on who and what they said?

3 MR. MORABITO: Ramzi El-Hassan and Diana
4 Dunn at 45 Council Rock, Town of Brighton Planning
5 Board, Subject: Letter of Support for Thomas Frye and
6 Ashley Amalfi Project at 2369 East Avenue.

7 "Dear Planning Board Members, we are writing
8 to express our support for the proposed garage and
9 pool project at 2369 East Ave., Rochester, New York,
10 14610, belonging to our neighbors, Thomas Frye and
11 Ashley Amalfi. We live at 45 Council Rock Ave. and
12 are familiar with the property. We believe this
13 project will be a positive addition to the
14 neighborhood. We have no concern regarding its impact
15 to our property or surrounding area."

16 MR. DiSTEFANO: Paul, slow down just a
17 little bit.

18 MR. MORABITO: Practicing my speed reading.

19 This is from Ashley Ellis, and I believe she
20 lives at 50 Council Rock. "To whom it may concern:
21 We have seen the plans for our neighbors' home at 2369
22 East Avenue. Tom Frye and Ashley Amalfi have
23 discussed the layout of their outside property project
24 with us. We support Tom and Ashley in their property
25 renovation endeavor."

1 CHAIRPERSON MIETZ: Okay. Any questions?

2 MR. DiSTEFANO: May I have that for the
3 record?

4 CHAIRPERSON MIETZ: Rick, good?

5 MR. DiSTEFANO: Could you just explain a
6 little bit about the need for 410, I guess, square
7 feet for the cabana?

8 MR. MORABITO: Sure. So the cabana is 20
9 feet wide, 12 feet deep. Part of the 410 square feet
10 includes this kitchenette/snack bar area and the
11 bathroom and changing room. It has laundry equipment
12 and a 3-by-3 shower, toilet, and sink. So all of that
13 together is the 410.

14 The actual covered area is 12-by-20, and
15 it's enough for, you know, chairs for people to be
16 there and enjoy. If it gets too much -- my personal
17 deck is 12-by-16, and you can't really get a
18 half-dozen people out there without feeling like
19 there's too many people. So I get that he wants it to
20 be a little bigger than 12-by-16, so that's why the
21 covered area is 12-by-20.

22 It's the bathroom and changing area that
23 throws it up into 420, because by itself it's 220,
24 without including the bathroom and the laundry area.

25 Does that explain it?

1 MR. DiSTEFANO: Uh-huh.

2 CHAIRPERSON MIETZ: Okay. Any other
3 questions?

4 Good.

5 MS. MCKAY-DRURY: I'm not sure that you
6 expressly said. In terms of the pool placement, is
7 there a reason why it couldn't be further back so that
8 it's not technically in the front?

9 MS. REDDINGTON: Yes. So we did look at
10 that, and it pushes it -- well, first of all, it takes
11 it off center to the cabana. And then it also -- if
12 we do that, anything we do next to it would be
13 encroaching on the drip line of a mature tree that's
14 there that they really like. So we're trying to avoid
15 that root zone and give them enough space around the
16 pool.

17 MS. MCKAY-DRURY: Okay. So that's the tree
18 that we see, and the big circle --

19 MS. REDDINGTON: Right next to the shed,
20 yep.

21 MS. MCKAY-DRURY: I see. Thank you.

22 CHAIRPERSON MIETZ: All set?

23 Thank you.

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

1 Okay. There being none, then the public
2 hearing is closed.

3 (The public hearings concluded at 7:50 p.m.)

4 (Beginning of deliberations.)

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1 REPORTER CERTIFICATE

2

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

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

13 Dated this 7th day of March 2025
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

February 5, 2025
At approximately 7 p.m.
680 Westfall Road
Rochester, New York 14620

10 PRESENT:

DENNIS MIETZ
Chairperson

LAUREN BARON, ESQ.
Attorney for the Town

RICK DISTEFANO
Secretary

20 ABSENT: ANDREA TOMPKINS-WRIGHT

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 we approve
2 11A-01-24 based on the following findings of fact.

3 **Findings of Fact**

4 1. The applicant operates a licensed day-care
5 facility at the property, which has been in place many
6 years.

7 2. Due to the need for storage of equipment and
8 fixtures, additional garage space was required.

9 3. The addition was placed at the back side of the
10 existing garage at the same width and will not be
11 visible from the street.

12 4. The owner is in the process of painting both sides
13 of the garage and the house a uniform color and will
14 be installing landscaping to screen the 400 feet of
15 addition from the north.

16 **Conditions**

17 1. Based on the drawings and specs submitted and
18 testimony given.

19 2. The landscape plan as submitted will be installed
20 as soon as possible in the spring.

21 3. All necessary building permits for the addition
22 shall be obtained.

23 MR. DiSTEFANO: A couple of things. I'm
24 sorry. I need a second first.

25 MR. PREMO: Second.

1 MR. DiSTEFANO: Discussion. I've got a
2 couple of things. I think landscaping should be
3 installed and we should date it.

4 CHAIRPERSON MIETZ: What?

5 MR. DiSTEFANO: We should date when that
6 landscaping --

7 CHAIRPERSON MIETZ: She offered May 15th.

8 MR. DiSTEFANO: And I think we should put a
9 date on it, because that way I can give it to code
10 enforcement, and code enforcement will know it's May
11 15th. It definitely can be installed by May 15th, and
12 start planning around that.

13 If it's an issue, you know, if it had to be
14 a week from that, she can certainly give us a call.

15 CHAIRPERSON MIETZ: That's fine. We can add
16 that, that's fine.

17 MR. PREMO: Would the C of O be tied to that
18 being done?

19 MR. DiSTEFANO: It could be.

20 CHAIRPERSON MIETZ: The permit, you're
21 talking about?

22 MR. DiSTEFANO: Well, it isn't a C of O. It
23 would be a letter of completion, but we could hold the
24 letter of completion until the landscaping is
25 installed.

1 There are a couple of ways of doing it. I
2 don't think we have to -- that the board has to
3 consider the way to do it. I think we just date it
4 when it needs to be installed by. They have to get a
5 building permit, and then internally the building
6 inspector can think of the best way to keep that on
7 his radar, basically.

8 CHAIRPERSON MIETZ: Okay.

9 MR. DiSTEFANO: I thought there were other
10 things.

11 MS. BARON: You did say you had a couple of
12 things.

13 MR. DiSTEFANO: I know.

14 Oh, there was -- one of your findings. You
15 said the addition was to the rear of the building.

16 CHAIRPERSON MIETZ: Yes.

17 MR. DiSTEFANO: It might be good to point
18 out that no visual impact from the street will be
19 seen.

20 CHAIRPERSON MIETZ: After the landscaping is
21 put in.

22 MR. DiSTEFANO: Well, if you're standing at
23 the street, looking at the structure, you're not going
24 to see anything different.

25 CHAIRPERSON MIETZ: I don't mind adding

1 that.

2 So it's going to go in number -- so, I
3 guess, that's in number 3. "The addition was placed
4 at the back side of the existing garage at the same
5 width and will not be visible from the street."

6 MR. DiSTEFANO: That's good.

7 CHAIRPERSON MIETZ: Are the conditions
8 straight now? Are you okay with them?

9 MR. D'AUGUSTINE: Second.

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

12 (Mr. Premo, yes; Ms. Schwartz, yes;
13 Ms. Schmitt, yes; Ms. McKay-Drury, yes;
14 Mr. D'Augustine, yes; Chairperson Mietz,
15 yes.)

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

18 CHAIRPERSON MIETZ: Now we move over to
19 Sutton Place with the storage trailer.

20 MS. MCKAY-DRURY: All right. I move we
21 approve Application Number 2A-01-25 based on the
22 following findings of facts.

23 **Findings of Fact**

24 1. The proposed use is of a temporary in nature and
25 does not involve the erection or enlargement of any

1 permanent structure.

2 2. The issuance will not negatively impact the
3 health, safety, or general welfare of the community.

4 3. The proposed permit will not impact the character
5 of the neighborhood or be detrimental to surrounding
6 properties, particularly given the length of the
7 driveway, the house being set back in a cul-de-sac,
8 and the location of the trailer remaining close to the
9 garage.

10 4. This is the minimum necessary for reasonable
11 use in order to meet the homeowners' needs, given that
12 they require safe storage of this and do not currently
13 have a lease where they can store it off-site.

14 MS. MCKAY-DRURY: This approval is subject
15 to the following conditions.

16 **Conditions**

17 1. It is limited to the use and trailer as depicted
18 in the application and testimony given.
19 2. The trailer shall only be parked per the testimony
20 given, i.e., as close as possible to the garage.
21 3. The approved use shall last only for a period of
22 six months.

23 MR. DiSTEFANO: Can we just say "and shall
24 expire on August 5th"?

25 MS. SCHWARTZ: Second.

1 CHAIRPERSON MIETZ: Second is Judy over
2 here.

3 MR. DiSTEFANO: Okay. The motion is to
4 approve with conditions.

5 (Mr. D'Augustine, yes; Chairperson Mietz,
6 yes; Mr. Premo, yes; Ms. Schmidt, yes;
7 Ms. Schwartz, yes; Ms. McKay-Drury, yes.)

8 (Upon roll, the motion to approve with
9 conditions carries.)

10 CHAIRPERSON MIETZ: Okay. Good.

11 I move we approve Application 2A-02-25 based
12 on the following findings of fact.

13 **Findings of Fact**

- 14 1. The property backs up to French Road with a
15 sidewalk parallel to the road and vehicle traffic.
- 16 2. The existing 4 foot fence allowed by code does not
17 meet the needs of the applicant.
- 18 3. Existing fences at 6 foot are in place within the
19 subject neighborhood.
- 20 4. No negative effect would result in installation of
21 this fence as it is in keeping with neighborhood
22 conditions.

23 **Conditions**

- 24 1. Based on testimony given and plans submitted.
- 25 2. All necessary building permits shall be obtained.

1 MS. SCHWARTZ: Second.

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

4 (Mr. Premo, yes; Ms. Schmitt, yes;
5 Ms. McKay-Drury, yes; Mr. D'Augustine, yes;
6 Ms. Schwartz, yes; Chairperson Mietz, yes.)
7 (Upon roll, motion to approve with
8 conditions carries.)

9 CHAIRPERSON MIETZ: Okay. Next we're moving
10 over to Greenaway.

11 MR. PREMO: I move that we approve
12 Application 2A-03-25 for two area variances. The
13 first an area variance from section 205-2 to allow an
14 attached garage addition to extend 3.5 feet into the
15 40 foot front setback (Greenaway Road) required by
16 code; and, two, an area variance from section 205-2 to
17 allow a front porch roof overhang to extend 5.5 feet
18 into the 20.3 foot front setback, Walden Place, where
19 a 40 foot setback is required by code, based upon the
20 following findings of fact.

21 **Findings of Fact**

22 1. Requested area variances are for a single-family
23 home and are Type II actions pursuant to 6 NYCRR
24 Section 617.5(c)17, and no further review is required
25 pursuant to the State Environmental Quality Review

1 Act.

2 2. The requested area variance is to allow
3 construction of an addition to an existing garage and
4 to create a -- excuse me -- an addition to an existing
5 garage to create a two-car garage and to allow an
6 overhang to cover the existing front entry stoop.

7 3. The property, 89 Greenaway, is a corner lot with
8 frontage on Greenaway and Walden Place. The existing
9 location of the house and the front stoop are
10 preexisting non-conforming uses.

11 4. The proposed variances are because of the unique
12 shape and location of the lot and the practical
13 difficulties associated with creating a two-car
14 garage.

15 5. Other options were considered for expanding the
16 garage, but due to the existing roof lines of the
17 house and the non-conforming footprint, such options
18 were not practical.

19 6. The existing front stoop is non-conforming, and
20 the proposed overhang simply provides protection from
21 the elements and is similar to other covered porches
22 in the area.

23 7. The proposed variances are the minimum variances
24 necessary to help address the benefits sought by the
25 applicant, namely a two-car garage and covered porch.

- 1 8. No other alternatives can alleviate the
- 2 difficulties and provide the desired result.
- 3 9. The variances in context are not substantial.
- 4 10. There will be no unacceptable change to the
- 5 neighborhood and no undue impacts to neighboring
- 6 properties.
- 7 11. The hardship results from the shape, size, and
- 8 configuration of the existing lot and is not created
- 9 by the applicant.
- 10 12. The health, safety, and welfare of the community
- 11 will not be adversely affected by the approval of the
- 12 variances.

13 MR. PREMO: The following conditions apply.

14 Conditions

- 15 1. The variances are based on the application and
- 16 materials submitted and testimony given and only
- 17 authorized project described therein.
- 18 2. Subject to approval by the Architectural Review
- 19 Board.
- 20 3. Subject to obtaining all necessary building
- 21 permits and inspections.

22 MR. D'AUGUSTINE: Second.

23 MR. DiSTEFANO: The motion is to approve

24 with conditions.

25 (Ms. Schmitt, yes; Ms. McKay-Drury, yes;

1 Chairperson Mietz, yes; Ms. Schwartz, yes;

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

3 (Upon roll, motion to approve with

4 conditions carries.)

5 CHAIRPERSON MIETZ: Okay. Now we're moving
6 to Ambassador Drive.

7 MS. SCHMITT: I move to approve Application
8 2A-04-25 based on the following findings of fact.

9 **Findings of Fact**

10 1. This variance request is to allow livable floor
11 area above the existing garage, adding approximately
12 554 additional square feet to the home. With the
13 addition, there would be 4,085 square feet in lieu of
14 the maximum 3,589 square feet allowed by code.

15 2. The addition is needed as the homeowners have
16 small children and wish to have their bedroom on the
17 same floor as the children.

18 3. The granting of this variance will not produce an
19 undesirable change in the character of the
20 neighborhood or be a detriment to nearby properties as
21 the neighborhood consists of larger homes. And as the
22 homeowners are keeping the existing footprint, they
23 are maintaining the current aesthetic of the property.

24 4. The benefits sought by the applicant cannot be
25 achieved by another method because any addition that

1 would allow all bedrooms to be on the same floor would
2 require a variance.

3 5. The addition above the garage is the minimum
4 necessary to achieve the homeowners' goal, and they
5 have worked with their architect to utilize the
6 existing footprint.

7 6. There is no evidence that there would be a
8 negative impact on the health, safety, and welfare of
9 the neighborhood with this variance.

10 7. While it could be argued that the difficulty
11 meeting with the variance was self-created, this
12 element does not outweigh other criteria used in
13 support of the variance.

14 **Conditions**

15 1. This variance applies only to the additions
16 described in the application and testimony provided
17 and will not apply to future projects.

18 2. Applicant shall obtain the approval of the
19 Architectural Review Board.

20 3. All necessary building permits shall be obtained.

21 MR. D'AUGUSTINE: Second.

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

24 (Chairperson Mietz, yes; Ms. Schwartz, yes;
25 Mr. Premo, yes; Ms. McKay-Drury, yes;

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

4 CHAIRPERSON MIETZ: Okay. Now we move over
5 to East Avenue.

6 MR. D'AUGUSTINE: Do you want to discuss
7 these together?

8 CHAIRPERSON MIETZ: We'll do them one at a
9 time. The first one is the pool situation.

10 MS. SCHWARTZ: I move we approve Application
11 2A-05-25 based on the following findings of fact.

12 | Findings of Fact

13 1. This property is located on a corner lot,
14 therefore necessitating a variance for most changes to
15 the property as there are two front yards.

16 2. The requested pool will be equally located along
17 the front and rear yards setbacks, providing a
18 substantial distance from Council Rock Avenue as well
19 as providing privacy from the apartment complex
20 parking lot on the opposite side of the property.

21 3. This is the least intrusive placement for the pool
22 on the site and loans a great deal of space for
23 substantial vegetative buffering along Council Rock
24 Avenue.

25 4. A 4 foot high fence around the pool is required by

1 state law, but only a 3-1/2 foot high fence is allowed
2 by code in a front yard, therefore about half of the
3 fencing around the pool requires a variance of 6
4 inches, which is minimal and will not be able to be
5 detected by any passerby.

6 5. The fence will be of a decorative black aluminum
7 picket style and screened by landscaping, as
8 previously stated.

9 6. The variance for the fence will not have a
10 negative effect on the health, safety, or character of
11 the neighborhood.

12 **Conditions**

13 1. This variance only applies to the written
14 application and testimony presented.

15 2. All necessary planning and building permits must
16 be obtained.

17 3. The proposed landscaping plan must be implemented.

18 MR. D'AUGUSTINE: Second.

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

21 (Ms. Schmitt, yes; Chairperson Mietz, yes;

22 Ms. McKay-Drury, yes; Mr. Premo, yes;

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

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

1 CHAIRPERSON MIETZ: So now let's go to the
2 second application.

3 I move that we table Application 2A-06-25.

4 MR. DiSTEFANO: And reopen the public
5 hearing?

6 CHAIRPERSON MIETZ: Yes, we should, you
7 know, for additional information on the garage, cabana
8 addition, because I think the applicants heard what we
9 said to them.

10 MR. D'AUGUSTINE: Is that specific enough?

11 MR. DiSTEFANO: For additional information,
12 including a floor plan of the garage, all four
13 elevations of the garage, and possibly perspectives in
14 regards to --

15 CHAIRPERSON MIETZ: Generally we don't go
16 into that specifically, but that's fine.

17 MR. DiSTEFANO: I'm being specific with --
18 because that's how my letter is going to be written to
19 them.

20 CHAIRPERSON MIETZ: Yes, I get it. People
21 listen to what we're saying and we don't --

22 MR. DiSTEFANO: I know, but I want it down
23 in my notice to them exactly what we're looking for.

24 MS. BARON: Did you also want additional
25 information regarding the criteria for necessity?

1 MR. DiSTEFANO: Well, that was the floor
2 plan.

3 MS. BARON: That's the floor plan, that's
4 fine.

5 MR. DiSTEFANO: The floor plan showing the
6 need for space, all four side elevations, and a
7 perspective rendering in regards to the compatibility
8 of the structure with the existing house.

9 MS. SCHWARTZ: Second.

10 MR. DiSTEFANO: The motion is to table and
11 keep the public hearing open.

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

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

17 (Proceedings concluded at 8:30 p.m.)

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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.

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

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13 Dated this 7th day of March 2025
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