

AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on April
2nd, 2014, COMMENCING AT APPROXIMATELY 7:15 P.M.

April 2nd, 2014
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

CANDICE BAKER LEIT, ESQ.
DR. DAVID LAWRENCE
CHRISTINE CORRADO
JUDY SCHWARTZ

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

NOT PRESENT:

JOHN CHOLETTE
DENNIS MIETZ

Reported by: CHAD L. SMITH, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020

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2 DR. LAWRENCE: I would like to now call to
3 order the April session of the Brighton Zoning Board of
4 Appeals.

5 Rick, was the meeting properly advertised?

6 MR. DiSTEFANO: Yes, Mr. Chairman. It was
7 advertised in the Brighton Pittsford Post of March 27,
8 2014.

9 DR. LAWRENCE: Thank you.

10 Rick, will you please call the roll?

11 MR. DiSTEFANO: Please let the record show
12 that members Cholette and Mietz are not present.

13 DR. LAWRENCE: Thank you.

14 Rick, are there any special circumstance
15 involving any of the applications?

16 MR. DiSTEFANO: No. Just for the record
17 Application 1A-03-14 has been postponed, Application
18 1A-04-14 has been postponed, and Application 4A-04-14
19 has been withdrawn.

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

22 DR. LAWRENCE: Okay. The public hearings are
23 now open.

24 Rick, do we have the minutes to go over?

25 MR. DiSTEFANO: Yes.

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2 DR. LAWRENCE: Does anybody have any
3 corrections of the minutes?

4 MS. CORRADO: Yes. On page 88, line 19, I
5 must have mumbled. So it should say at the end of the
6 line, have you consulted with them recently about the
7 need for a plan.

8 DR. LAWRENCE: Any other corrections?

9 MR. DiSTEFANO: Motion to approve?

10 (Motion made by Ms. Baker Leit to approve the
11 amended March minutes.)

12 (Seconded by Dr. Lawrence.)

13 (Upon roll call, motion to approve the March
14 minutes with corrections carries.)

15 DR. LAWRENCE: Rick, will you please read the
16 first application?

17 MR. DiSTEFANO: Is there anyone here tonight
18 for Application 1A-04 -- I'm sorry, 1A-02-14, that's
19 Tops Market?

20 I think - I'm not sure what's going on with
21 them.

22 Maybe we'll call it again at the end of the
23 meeting?

24 DR. LAWRENCE: Okay.

25 4A-01-14 Application of Fred R. Steele, Inc.

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2 contractor, and Jeff and Alleen Fraser, owners of
3 property located at 357 Corwin Road, for an Area
4 Variance from Section 205-2 to allow an entryway roof
5 to extend 4.7 ft. into the existing 50.2 ft. front
6 setback where a 60 ft. front setback is required by
7 code. All as described on application and plans
8 on file.

9 DR. LAWRENCE: Good evening.

10 MR. STEELE: Good evening. I'm Bruce Steele
11 with Fred R. Steele Inc., general contractors with the
12 project.

13 What we're requesting is to build a wood roof
14 over their existing concrete stoop. The concrete stoop
15 exists. It's been there since the house was built, but
16 it has no cover over it. The clients are older and at
17 this point would like to have a roof over the front
18 entrance.

19 And so we're really building on top of the
20 existing concrete slab. We're not extending it beyond
21 that line.

22 DR. LAWRENCE: So it's depicted in the
23 drawing it won't be enclosed.

24 It will just be two pillars supporting it?

25 MR. STEELE: That's correct, yup. And we're

1
2 matching all of the existing details on the house to
3 make it tie into the neighborhood as well.

4 I think that we've been approved by the ARB
5 already.

6 DR. LAWRENCE: Any questions?

7 MS. BAKER LEIT: I think it's stated in the
8 materials, but there are a number of other homes with
9 similar types of overhanging covers like the one that
10 you're proposing; is that correct?

11 MR. STEELE: Correct.

12 MS. BAKER LEIT: Right. Roughly how many
13 would you say are in the neighborhood?

14 MR. STEELE: Almost all of the houses have
15 them. This is one of the few that does not.

16 MS. BAKER LEIT: Great. Thank you.

17 DR. LAWRENCE: And you're at - the house is
18 at the end of the street?

19 MR. STEELE: Yup, it is on the corner.

20 DR. LAWRENCE: Okay.

21 Any other questions?

22 Thank you.

23 MR. STEELE: Thank you very much.

24 DR. LAWRENCE: Would anybody from the
25 audience like to come forward and speak in regards to

1
2 this application?

3 There being nobody this part of public
4 hearing is closed.

5 Rick, will you please read the next
6 application?

7 4A-02-14 Application of Ronald and Diane Amelotte,
8 owners of property located at 225 Glenhill
9 Drive, for an Area Variance from Section 205-2 to allow
10 garage and house additions to extend 4 ft. into the
11 existing 31.3 ft. front setback where a 40 ft. front
12 setback is required by code. All as described on
13 application and plans on file.

14 DR. LAWRENCE: Good evening.

15 MR. AMELOTTE: Hi.

16 MS. HENNESSEY: Hi. I'm Chris Hennessey.
17 I'm the architect for the project. And this is Ron
18 Amelotte, the homeowner.

19 We are asking for a variance to bring the
20 garage forward toward the road, as well as part of the
21 first floor addition for the master bedroom and
22 bathroom.

23 The home owners have decided to relocate to
24 this area, but they want to have first-floor living for
25 health reasons and age reasons.

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MR. AMELOTTE: That's quite all right.

MS. HENNESSEY: So we're bringing the master bedroom and bathroom down to the first floor.

And the reasons for bringing the garage forward toward the road is so that they can install a ramp in the garage for handicapped accessibility.

DR. LAWRENCE: Any questions from the board?

MR. DiSTEFANO: I think just for explanation why does the addition - because it looks like you've got a pretty large backyard area --

MS. HENNESSEY: Uhm-hum.

MR. DiSTEFANO: Why does the addition itself need to be constructed in such a manner that it needs a variance?

MS. HENNESSEY: We looked -- as the current house is laid out the kitchen is in the center of the house. And should the addition move forward, the backyard toward the neighbor's property it would be right in front of the kitchen window to block all view from there.

DR. LAWRENCE: Rick, have we had any correspondences or responses or have you spoken to the neighbor at, I believe, number 60?

MR. AMELOTTE: I'm sorry?

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2 DR. LAWRENCE: I'm sorry. Did you speak with
3 the neighbor at number 60?

4 MR. AMELOTTE: I'm sorry?

5 DR. LAWRENCE: The next door neighbor?

6 MR. AMELOTTE: Yes.

7 DR. LAWRENCE: Were there any objections from
8 the next door neighbor?

9 MR. AMELOTTE: I haven't heard any objections
10 from anybody. I've been there all this week and the
11 sign has been out and nobody has approached me.

12 DR. LAWRENCE: Any other questions?

13 MR. GOLDMAN: So other than blocking your
14 window --

15 MS. HENNESSEY: Uhm-hum.

16 MR. GOLDMAN: -- the kitchen window, that's
17 the only reason you move it closer to the street?

18 MS. HENNESSEY: Right. And there were some
19 concerns with the bathroom part of the addition, making
20 sure it had enough clearances in case the wheelchair
21 would become needed.

22 MR. DiSTEFANO: And in your opinion, that's
23 the minimum size addition that's going to satisfy your
24 clients' needs?

25 MS. HENNESSEY: I think so, yes.

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2 And with this design - because not all of the
3 addition was pulled toward the street, just portions of
4 it. And it was set back for not only to be able to
5 just have the least amount of building, so to speak
6 toward the street, but also to give it that side curb
7 appeal as far as bringing the facade out and having
8 that have it's own -- what am I trying to say -- to
9 have it appealing from that side of the street instead
10 of just having a long facade without any character.

11 MR. DiSTEFANO: Can you tell us approximately
12 how many square feet you think it extends into that
13 setback - square feet for the addition, not the garage?

14 MS. HENNESSEY: Just how much of the square
15 feet extends --

16 MR. DiSTEFANO: Yeah, how much square footage
17 is actually extended into that setback?

18 MS. HENNESSEY: I would say probably --

19 MR. DiSTEFANO: Your best estimate?

20 A Twenty, twenty-five maybe. Just that little
21 bathroom part that sticks out.

22 MR. DiSTEFANO: Okay.

23 DR. LAWRENCE: Any other questions for the
24 applicants?

25 Thank you.

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MS. HENNESSEY: Thank you.

MR. AMELOTTE: Thank you.

DR. LAWRENCE: Would anybody from the audience like to come forward and speak in regards to this application?

There being none this part of public hearing is closed.

4A-03-14 Application of Tim Tyskiewicz, architect, and Matt and Courtney Winslow, owners of property located at 6 Elmwood Hill Lane, for an Area Variance from Section 207-6A(1) to allow a detached garage (size approved under application 2A-06-14) to be 19 ft. in height in lieu of the maximum 16 ft. allowed by code. All as described on application and plans on file.

DR. LAWRENCE: Good evening.

MR. TYSKIEWICZ: Hi. Tim Tyskiewicz, architect, 8041 Boughton Hill Road, Victor, New York.

This is the addition we would like to construct and as part of the construction we want to add the garage. And the garage is twenty-four feet wide. And we have a rule in town that the height be sixteen feet high and no higher, but all of our roof pitches on the house are ten, twelve. And so we are trying real hard to make the house look - to have it

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2 match all the way across the front of the elevation, so
3 if looks nicer. And so we would like to have an
4 exception to the sixteen foot rule.

5 DR. LAWRENCE: Would you describe the
6 topography of the coverage and how it sort of lessens
7 the effect.

8 MR. TYSKIEWICZ: It slopes away from south to
9 north about ten feet. And so we've tried, you know, to
10 let it kind of meander down the hill.

11 DR. LAWRENCE: And in relation to the house
12 next door, number 2, how would you say the height of
13 the garage is to the height of that side of the house?

14 MR. TYSKIEWICZ: It's shorter by a good
15 ten feet.

16 DR. LAWRENCE: Okay.

17 MS. SCHWARTZ: I noticed it looks like
18 windows up above, like --

19 MR. TYSKIEWICZ: Yup.

20 MS. SCHWARTZ: What's the purpose of the
21 windows?

22 MR. TYSKIEWICZ: So that the elevation
23 matches the house. In the house, in the gable space
24 there's a window and then there's an architectural
25 detail up there. We wanted the garage to match the

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house.

MS. SCHWARTZ: Okay. Will there be any utilities in the garage other than electricity?

MR. TYSKIEWICZ: No, it's just attic space up there and the electricity will be downstairs.

MS. SCHWARTZ: Okay. So this added space would be used primarily for?

MR. TYSKIEWICZ: Just storing.

MS. SCHWARTZ: It's not going to have a living space in any way?

MR. TYSKIEWICZ: No, no living space at all.

MS. SCHWARTZ: Okay. So nothing roughed in so that later on it could be turned into --

MR. TYSKIEWICZ: No plans.

MS. SCHWARTZ: Okay.

DR. LAWRENCE: Any other questions?

MR. DiSTEFANO: Are there any other detached garages on that street that might have a higher than sixteen foot --

MR. TYSKIEWICZ: Yeah.

MR. DiSTEFANO: I don't know if there are any other detached garages on the street but --

MR. TYSKIEWICZ: There is one. And I think if you look at it from the road it's about sixteen

1
2 feet, but if you measure it from all sides it's closer
3 to thirty feet. So there's at least one that's taller.

4 MR. DiSTEFANO: Do you mean it slopes off to
5 the back pretty drastically?

6 MR. TYSKIEWICZ: The back is taller. The
7 back is thirty feet - twenty feet.

8 MR. DiSTEFANO: Do you know which address
9 that's at?

10 MR. TYSKIEWICZ: 14.

11 MR. DiSTEFANO: 14.

12 DR. LAWRENCE: Any other questions?

13 Thank you.

14 MR. TYSKIEWICZ: Thanks.

15 DR. LAWRENCE: Would anyone from the audience
16 like to speak in regard to this application?

17 There being none this part of the public
18 hearing is closed.

19 Rick, what would you like to do with the --

20 MR. DiSTEFANO: I'll call it again.
21 Obviously there's nobody else in the audience, but is
22 there anybody here for the Tops Market application?

23 There being none I maybe think we just need
24 to table it pending representation.

25 DR. LAWRENCE: Do we have to make a motion to

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table that?

MR. DiSTEFANO: Yeah, I think we need to do it since it was on the agenda and I did not hear anything from the applicants.

Motion made by Ms. Schwartz to table Application 1A-02-14.

(Seconded by Ms. Baker Leit.)

(Upon roll call, motion to table Application 1A-02-14 carries.)

REPORTER CERTIFICATE

I, Chad L. Smith, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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

Dated

At Rochester, New York

Chad L. Smith

AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on April
2nd, 2014, COMMENCING AT APPROXIMATELY 7:15 P.M.

April 2nd, 2014
Brighton Town Hall
2300 Elmwood Avenue
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PRESENT:

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DR. DAVID LAWRENCE
CHRISTINE CORRADO
JUDY SCHWARTZ

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

NOT PRESENT:

JOHN CHOLETTE
DENNIS MIETZ

(The Board having considered the information
presented by the Applicant in each of the following
cases and having completed the required review pursuant
to SEQRA, the following decisions were made:)

Reported by: CHAD L. SMITH, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020

1
2 APPLICATION 4A-01-14

3 4A-01-14 Application of Fred R. Steele, Inc.,
4 contractor, and Jeff and Alleen Fraser, owners of
5 property located at 357 Corwin Road, for an Area
6 Variance from Section 205-2 to allow an entryway roof
7 to extend 4.7 ft. into the existing 50.2 ft. front
8 setback where a 60 ft. front setback is required by
9 code. All as described on application and plans
10 on file.

11 Motion made by Ms. Corrado to approve
12 Application 4A-01-14.

13 **FINDINGS OF FACT:**

- 14 1. The requested variance is not substantial.
15 Additionally, the other homes in the neighborhood have
16 similar additions to the front entryway.
17 2. The requested variance will not change the
18 character of the neighborhood.

19 **CONDITIONS:**

- 20 1. The entryway shall be as per plans submitted and in
21 testimony given, and in particular shall not be
22 enclosed.
23 2. All necessary Architectural Review Board approvals
24 and building permits shall be obtained.

25 (Seconded by Ms. Schwartz.)

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(Mr. Goldman, yes; Dr. Lawrence, yes; Ms. Baker Leit, yes; Ms. Schwartz, yes; Ms. Corrado, yes.)

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

APPLICATION 4A-02-14

4A-02-14 Application of Ronald and Diane Amelotte, owners of property located at 225 Glenhill Drive, for an Area Variance from Section 205-2 to allow garage and house additions to extend 4 ft. into the existing 31.3 ft. front setback where a 40 ft. front setback is required by code. All as described on application and plans on file.

Motion made by Mr. Goldman to approve Application 4A-02-14.

FINDINGS OF FACT:

1. Only a small portion of the house addition extends into the non-conforming 31.3 foot front setback.
2. The garage is going to extend into the front setback the minimum amount necessary to install an interior ramp inside the garage and still provide for vehicles parked inside the garage.
3. The renovation of this property as described offers the best possible solution for the applicants' needs.
4. No unacceptable change in the character of the neighborhood and no substantial detriment are expected to result from the approval of this variance.

CONDITIONS:

1. The variance will apply only to the request

described in the application and in testimony.

2. All necessary permits and approvals from the Town of Brighton shall be obtained.

(Seconded by Ms. Schwartz.)

(Ms. Corrado, yes; Ms. Baker Leit, yes; Dr. Lawrence, yes; Ms. Schwartz, yes; Mr. Goldman, yes.)

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

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2 APPLICATION 4A-03-14

3 4A-03-14 Application of Tim Tyskiewicz,
4 architect, and Matt and Courtney Winslow, owners
5 of property located at 6 Elmwood Hill Lane, for an Area
6 Variance from Section 207-6A(1) to allow a detached
7 garage (size approved under application 2A-06-14) to be
8 19 ft. in height in lieu of the maximum 16 ft. allowed
9 by code. All as described on application and plans on
10 file.

11 Motion made by Dr. Lawrence to approve
12 Application 4A-03-14.

13 **FINDINGS OF FACT:**

14 1. The requested variance of three feet in height is
15 not substantial because the house is on a lower grade
16 than the house, lessening any visual impact of the
17 slightly greater height.

18 2. The pitch of the garage roof will be consistent
19 with the roof of the house, again, lessening any visual
20 impact of the requested variance.

21 3. No unacceptable change in the character of the
22 neighborhood and no substantial detriment to nearby
23 properties is expected to result from the approval of
24 this variance. In fact, this garage is a substantial
25 distance from the nearest neighbor.

4. The health, safety and welfare of the community will not be adversely affected by the approval of this variance request.

CONDITIONS:

1. This variance will only apply to the structure that was described in the application and in testimony.

2. There will be no utilities other than electricity in this proposed garage.

3. The second floor of the garage will be used for storage only.

4. All necessary Town approvals will be obtained prior to the construction of the garage.

(Seconded by Ms. Schwartz.)

(Mr. Goldman, yes; Ms. Corrado, yes; Ms. Baker Leit, yes; Ms. Schwartz, yes; Dr. Lawrence, yes.)

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

REPORTER CERTIFICATE

I, Chad L. Smith, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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

Dated

At Rochester, New York

Chad L. Smith

0	again [3] 3/22 13/20 21/19 age [1] 6/25	beyond [1] 4/20 block [1] 7/20
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16 [2] 10/14 21/8	Almost [1] 5/14	Bruce [1] 4/10
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207-6A [2] 10/12 21/6	anyone [2] 3/17 13/15	case [1] 8/20
21 [2] 1/24 16/25	anything [2] 2/20 14/5	cases [1] 16/18
225 [2] 6/8 19/4	appeal [1] 9/7	center [1] 7/17
2300 [4] 1/2 1/4 16/2 16/4	appealing [1] 9/9	CERTIFICATE [2] 15/2 23/2
27 [1] 2/7	Appeals [1] 2/4	certify [2] 15/4 23/4
2A-06-14 [2] 10/13 21/7	Applicant [1] 16/18	CHAD [6] 1/23 15/4 15/17 16/24 23/4 23/17
2nd [4] 1/2 1/3 16/2 16/3	applicants [2] 9/24 14/5	Chairman [1] 2/6
3	applicants' [1] 19/20	change [3] 17/17 19/21 21/21
31.3 [3] 6/11 19/7 19/14	application [34]	character [4] 9/10 17/18 19/21 21/21
357 [2] 4/3 17/5	applications [2] 2/15 2/21	CHOLETTE [3] 1/15 2/12 16/14
4	apply [2] 19/25 22/6	Chris [1] 6/16
4.7 [2] 4/5 17/7	approached [1] 8/11	CHRISTINE [2] 1/8 16/8
40 [2] 6/11 19/7	approval [3] 19/23 21/23 22/3	circumstance [1] 2/14
4A-01-14 [4] 3/25 17/2 17/3 17/12	approvals [3] 17/23 20/3 22/12	clearances [1] 8/20
4A-02-14 [4] 6/7 19/2 19/3 19/11	approve [9] 3/9 3/10 3/13 17/11 18/4 19/10 20/8 21/11 22/17	clients [1] 4/16
4A-03-14 [4] 10/9 21/2 21/3 21/12	approved [3] 5/4 10/13 21/7	clients' [1] 8/24
4A-04-14 [1] 2/18	approximately [3] 1/2 9/11 16/2	closed [3] 6/4 10/8 13/18
5	April [5] 1/2 1/3 2/3 16/2 16/3	closer [2] 8/17 13/2
50.2 [2] 4/5 17/7	ARB [1] 5/4	code [6] 4/7 6/12 10/14 17/9 19/8 21/9
6	architect [4] 6/17 10/9 10/18 21/4	come [2] 5/25 10/5
60 [4] 4/6 7/24 8/3 17/8	architectural [2] 11/24 17/23	COMMENCING [2] 1/2 16/2
6A [2] 10/12 21/6	are [12] 2/12 2/14 2/22 4/16 5/8 5/13 6/19 10/24 10/24 12/18 12/22 19/22	community [1] 22/2
7	area [8] 4/3 6/9 6/24 7/11 10/11 17/5 19/5 21/5	completed [1] 16/18
7:15 [2] 1/2 16/2	as [15] 4/7 5/3 6/12 6/20 6/20 7/16 9/7 9/7 10/15 10/20 17/9 17/20 19/8 19/19 21/9	concerns [1] 8/19
8	asking [1] 6/19	concrete [3] 4/14 4/14 4/20
8041 [1] 10/18	attic [1] 12/5	conditions [6] 17/19 18/5 19/24 20/9 22/5 22/18
88 [1] 3/4	Attorney [2] 1/10 16/10	conforming [1] 19/14
A	audience [4] 5/25 10/5 13/15 13/21	considered [1] 16/17
able [1] 9/4	AVENUE [4] 1/2 1/4 16/2 16/4	consistent [1] 21/18
about [3] 3/6 11/9 12/25	away [1] 11/8	construct [1] 10/20
above [3] 11/18 15/6 23/6	B	constructed [1] 7/14
above-entitled [2] 15/6 23/6	back [4] 9/4 13/5 13/6 13/7	construction [2] 10/20 22/13
accessibility [1] 7/7	backyard [2] 7/11 7/19	consulted [1] 3/6
accurate [2] 15/8 23/8	BAKER [7] 1/7 3/10 14/8 16/7 18/3 20/6 22/15	contractor [2] 4/2 17/4
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