

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on August
5th, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

August 5th, 2015
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN
CHRISTINE CORRADO
JEANNE DALE
JUDY SCHWARTZ
MORREY GOLDMAN
ANDREA TOMPKINS WRIGHT
CANDICE BAKER LEIT, ESQ.

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

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

1
2 MR. MIETZ: I would like to now to call to
3 order the August 2015 session of the Brighton Zoning
4 Board of Appeals.

5 Rick, was the meeting properly advertised?

6 MR. DiSTEFANO: Yes, Mr. Chairman. It was
7 advertised in the Brighton Pittsford Post of July 30,
8 2015.

9 MR. MIETZ: Okay. Would you please call the
10 roll?

11 MR. DiSTEFANO: Please let the record show
12 that all members are present.

13 MR. MIETZ: Okay. We do not have the minutes
14 from the July meeting. We will cover those next month.

15 So I guess based on that, Rick, please read
16 the first application.

17 MR. DiSTEFANO: Anybody in the audience for
18 application 6A-05-15, that is for property between 2940
19 2980 East Avenue, that has been postponed until the
20 September 2nd meeting.

21 8A-01-15 Application of Timothy and Cathy Woodlock
22 owners of property located at 486 Grosvenor Road, for
23 Area Variances from Section 205-2 to allow a deck to
24 extend 16 ft. into the 46 ft. rear setback where a 60
25 ft. rear setback is required by code, and to extend 3.5

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2 ft. into the 15.7 ft. side setback where a 16 ft. side
3 setback is required by code. All as described on
4 application and plans on file.

5 MS. WOODLOCK: Good evening. I'm Cathy
6 Woodlock and my husband Tim and I are here to - we have
7 a deck on the back of our house that needs to be
8 replaced.

9 But the first thing we need to mention is the
10 measurements that were published are incorrect. I
11 don't know -- they somehow got them switched. The deck
12 will -- the present deck and the proposed deck will
13 extend seventeen feet into the rear setback instead of
14 sixteen feet. And the sixteen foot measurement is the
15 measurement of the proposed deck along the back of the
16 house. So somehow they got those two numbers flipped.

17 Any questions about that?

18 MR. DiSTEFANO: So you're just amending it to
19 read it extends seventeen feet into the --

20 MS. WOODLOCK: Seventeen feet into --
21 correct.

22 MR. MIETZ: One more time, Rick, just so
23 we're clear.

24 MR. DiSTEFANO: The setback request is
25 seventeen feet into the forty-six foot rear setback.

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The side setback remains the same?

MS. WOODLOCK: Correct.

MS. BAKER LEIT: So the existing deck currently is 17x15?

MS. WOODLOCK: Yes.

MS. BAKER LEIT: And the proposed new deck is 17x16?

MS. WOODLOCK: 16, Correct.

MS. BAKER LEIT: Thank you.

MR. MIETZ: Okay.

MS. WOODLOCK: We moved into this house in 1991 and the deck was present at that time. It wasn't until we came to get a permit to replace that deck that we discovered that prior deck - the deck that exists now - had never gotten a permit.

The deck is rotten. The boards underneath are rotten. The supporting posts are tipped. We actually have two big piles of logs under each end of the deck so that if it does tip when somebody is on it it's not going to go very far.

Like I said, the new deck will be similar sized. We're increasing the width by one foot only because the Trex product we're going to use comes in sixteen foot lengths and it seemed a little silly to

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2 cut a foot off each board. So that's the only reason
3 we've extended. But the extension, as shown on the
4 picture, it's going to extend towards the middle of the
5 yard one more foot instead of the side setback. The
6 side setback will be the same.

7 With my application I included letters from
8 the four neighbors whose properties abuts to my
9 backyard. None of which had a problem with us
10 replacing the deck. I also included pictures from our
11 deck that you can't even see into the yards of the
12 other properties from our deck because of the foliage
13 and the trees and the bushes.

14 The decks are a normal thing in a our
15 neighborhood. People on either side of us have very
16 similar decks, similar measurements. And we do use our
17 deck a lot so we would appreciate to be able to tear
18 this one down and have a nice deck that we can use.

19 MR. MIETZ: Could you just describe for the
20 record, I know it's in your application, just the
21 relationship of the back of the house to the rear
22 property line on that?

23 MS. WOODLOCK: The back, we don't have a lot
24 of depth to the rear property line. So the deck is --
25 any deck we build there is going to be into that

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2 setback.

3 MR. MIETZ: I know it's in the application,
4 but do you know about how far the back of the house is
5 to the rear property line?

6 MS. WOODLOCK: I think we measured it like
7 forty-three feet.

8 MR. MIETZ: Around forty-some feet?

9 MR. WOODLOCK: The house --

10 MR. DiSTEFANO: Could you just state your
11 name for the record?

12 MR. WOODLOCK: Timothy Woodlock.

13 MR. DiSTEFANO: Thank you.

14 MS. WOODLOCK: We don't have a measurement
15 from the back of the house to the --

16 MR. DiSTEFANO: It would just be that
17 subtraction to --

18 MR. MIETZ: It's about forty-some feet.

19 MS. WOODLOCK: Right.

20 MS. DALE: It says here forty-five feet from
21 the back property line.

22 MR. MIETZ: Yeah, that's what it is. Okay
23 that's fine.

24 Is there any other questions from any of the
25 Board members?

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Okay. Thank you very much.

MS. WOODLOCK: Thank you.

THE COURT: Is there anyone in the audience that would like to speak regarding this application?

UNKNOWN: What happened to the first one?

MR. MIETZ: Could you hang on just one second, ma'am?

UNKNOWN: Okay.

MR. MIETZ: Is there anyone that wants to speak related to this application?

There being none, the public hearing is closed.

The first one, ma'am, is a holdover from last month that's been postponed to the September meeting.

UNKNOWN: So it's not going to be discussed?

MR. MIETZ: It is not going to be discussed. You're talking about East Avenue?

UNKNOWN: Yes.

MR. MIETZ: Yes, it will not be discussed. It has now been moved to the September meeting.

UNKNOWN: Thank you.

THE COURT: Apologies for that, it just happened very recently.

UNKNOWN: Okay.

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2 MR. MIETZ: Okay.

3 8A-02-15 Application of David Crowe, architect, and
4 Floyd and Sue Winslow, owners of property located at
5 316 South Landing Road, for Area Variances from Section
6 205-2 to allow a new house to be constructed with a
7 front setback of 30 ft. in lieu of the minimum 60 ft.
8 required by code, and a side (north) setback of 6 ft.
9 in lieu of the minimum 21.7 ft. required by code. All
10 as described on application and plans on file.

11 MR. CROWE: Good evening. My name is Dave
12 Crowe, architect for Floyd and Sue Winslow. They're
13 the owners of 316 South Landing property. I'll give
14 you a quick review of the project.

15 So what we're proposing unfortunately --
16 start at the beginning. The home is a hundred and
17 ninety years old. They have lived there for the past
18 thirty-five years. And what they've been doing for the
19 past thirty-five years is trying to take care of the
20 house and try to keep it in good condition. But
21 unfortunately it was never well built from the
22 beginning. It's a hundred and ninety years old right
23 now and the repair and maintenance is simply more than
24 they can bear at this point in terms of roof leaks and
25 deterioration and dry rot. They're unable to insulate

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2 the house, so the heating costs are a fortune. There's
3 significant health and safety issues on the second
4 floor because of egress. None of the plumbing in one
5 of the bedrooms, which is over the garage, is insulated
6 so they have to keep the garage in the winter - to keep
7 from freezing - they keep it heated with a kerosine
8 heater.

9 So to keep a long story short, the house is
10 untenable at this point. Nobody wants to lose it.
11 It was an extraordinarily difficult decision for them
12 to make this decision to try and move forward and
13 remove the house and replace it. They've lived in the
14 house longer than anyone has lived in the house over
15 the hundred and ninety years which is pretty
16 remarkable.

17 So what they're asking tonight is simply if I
18 could state it clearly is do the best they can to
19 replace that home in kind and place.

20 And unfortunately the home was built a
21 hundred and ninety years ago and back then you put the
22 homes generally at the crest of a hill. You didn't put
23 it at the bottom of the hill. To the back of the
24 property is Allens Creek. It's about twenty-eight feet
25 down. It's a fairly steep slope. And since the house

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2 was originally built a hundred and ninety years ago
3 there has been successive generations of people that
4 have gone through and developed and maintained what are
5 absolutely beautiful, extraordinary gardens, very
6 lovely old-growth trees. It definitely looks like a
7 site that has been there on a very historic basis for a
8 very long time.

9 So the Winslows are hoping that with some - a
10 few modifications in terms of the siting of the house,
11 and I'll explain those in a minute - that they can try
12 to keep it pretty much in place and the design will be
13 pretty much in kind with what's there. And I'll
14 explain that --

15 I have a handout. Can I --

16 MR. DiSTEFANO: Sure.

17 MR. CROWE: Just to help explain the project
18 site a little better. Just as soon as you get that I
19 will run through it very quickly so I can explain and
20 you can see the challenges we're up against.

21 On the first page it's simply just an aerial
22 view. What I've done is gone down the street. There
23 are three of what I would call historic properties
24 within the region. The two that are fifty-five feet,
25 those are further north. The Winslow's is -- this is

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2 measured from this center line and back to the leading
3 edge of those homes. The Winslows are forty-seven feet
4 existing. The two to the north, fifty-five, both of
5 those are just about fifty-five feet.

6 What we are proposing though is we will push
7 the house back another 8.9 feet. So we'll end up at
8 fifty-six feet back from the center line. We will
9 actually be behind those because of some redesign to
10 the house.

11 And so that's the context on the street when
12 you look at the historic homes.

13 The second page and then successive pages as
14 we go through them are just our attempt to give you
15 some character of the backyard which is absolutely
16 lovely and it just sort of winds down from where the
17 house is sitting right now.

18 So the second -- I'm sorry, the third page
19 gives you a pretty good sense of how the property rises
20 up. There is a crest. The home sits at the crest of
21 that hill which is South Landing Street. So --

22 The fourth, these are just progressive shots
23 as you go back in. And you could see that it is an
24 absolutely lovely backyard. It's a hundred of ninety
25 years of effort and development in progress. And so

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2 it's something that they've fallen in love with. It's
3 got very unique character and it's a unique property
4 for Brighton.

5 The fifth page is simply a view from the
6 patio looking back. Again, just showing the view
7 downslope.

8 The sixth page shows a couple of very nice
9 old-growth trees. Unfortunately the siting that we are
10 proposing is going to allow us -- require us to remove
11 the twenty-two inch hemlock. Just because we are going
12 to be moving the home over to six feet that hemlock
13 will be lost. It's very close to the house right now.
14 So there's -- and we are looking for the six foot
15 setback because that just makes sense for building
16 code. The forty-inch maple and the fifty-inch eastern
17 pine are extraordinary trees and we would love to not
18 disturb those or to lose those.

19 As you head to the back of the property,
20 about half way back, that's the view on page seven.

21 Interesting to note, on page eight, from that
22 point back the Winslows haven't done anything with the
23 property. It's absolutely wild and original. It's as
24 close to what Brighton probably looked like a hundred
25 and ninety years ago than any other spot in the town.

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2 And there's no intent to change any of that. They
3 don't want to encroach or get into any of that or --
4 not mention that becomes a very steep slope section.
5 The DEC isn't going to want them to disturb that.

6 Just interesting to note on item nine, there
7 was a pool behind the house. That pool has been
8 abandoned, but it has not been removed. They simply
9 just broke the coping off that dropped into the pool
10 and filled and it's now a garden. We would like to try
11 and not put the house into that.

12 Page ten simply shows the front street
13 elevation. It's now 21.1 feet from South Landing. We
14 want to push that to thirty feet as we discussed.
15 That's an improvement of 8.9 feet and in the side yard
16 is one foot. That's actually 1.8 right now. The goal
17 is to push that to six. And the reason we're using six
18 is because that gets us past any kind of building
19 issues. Anything less than five needs to be fire
20 rated. So we're correcting what could be defined today
21 as a hazard.

22 So a couple of things that I just want to
23 note, we did go to the Architectural Review Board last
24 week. And they had made a suggestion that because of
25 some roof lines we make the garage one foot deeper so

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2 we could put a distinction on the roof. What we're
3 talking about is pushing the garage to the east so it
4 would not move any closer to the property. It would
5 just extend that line the six feet from the north
6 property line. So I just wanted to make sure that was
7 noted and that you're aware of that.

8 I could show you -- actually, I will show
9 you. So what we're talking about with that small
10 change is this being north(indicating), this back of
11 the garage(indicating) would be moved one foot to the
12 east. Wouldn't move any closer to the north line. So
13 we would still keep that six foot from the north line.
14 But that allows us to give better definition to the
15 roof. We had kept it one plane -- and suggestions --
16 it probably wasn't the best solution to that.

17 We do have neighbors -- letters from the
18 neighbors to the north and the south and to the west.
19 There is no neighbor to the east because that's the 490
20 and Allens Creek. And they did express they're
21 approval of the project.

22 And, yeah, I would just wrap up at this point
23 by saying their singular goal is just to do whatever
24 they can to try to maintain -- they don't want to lose
25 the house, but they have to. There's just no saving it

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2 at this point. They're trying not to lose the gardens
3 and the property as well. So that is the nature of how
4 we crafted the design and why this request is in front
5 of the you today. So --

6 MR. MIETZ: Okay. Questions?

7 MS. CORRADO: With the new house and the
8 paved - the driveway, are there plans to reduce the
9 paving out front?

10 It looks a little wide of the current garage.

11 MR. CROWE: Yes. So, actually when you look
12 at the paving(indicating) it says new asphalt, but
13 there is a line. We're just continuing the line back.
14 There isn't any -- it's already a two-car garage.
15 That's plenty for them. So we want to keep that. So
16 we're not -- the only reason we're increasing the
17 impervious surface would be just simply we moved the
18 thing back nine feet. So -- and in the back they do
19 have a patio there. So there's no increase there and
20 that's not in the setback anyways. And there's plenty
21 of undeveloped land there and I'm sure that they can
22 absorb that. So --

23 MS. BAKER LEIT: So in terms of the
24 construction schedule how long will this teardown and
25 construction take?

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2 MR. CROWE: They're hopeful -- we're racing
3 madly to try to get this started before winter.
4 They're not -- they don't want to go through another
5 winter. Two years ago was a terrible year for them and
6 the house leaked on a cataclasmic scale. Last year was
7 over the top and that's why they made the decision they
8 can't possibly survive another winter. So they're
9 making arrangements for a temporary home.

10 Our hope is to get through planning on the
11 19th and then the Architectural Review Board on the
12 25th. And we'll have the drawings at that point too
13 and we would like to go as quickly as we can into
14 construction if we can get approvals. So that's the
15 plan.

16 MS. BAKER LEIT: Is there in terms of the
17 impact on the neighbors, this type of construction
18 what's the plan?

19 MR. CROWE: Well, it's complete demolition of
20 the house. We're going to follow all the rules in
21 terms of, you know, soil erosion and trespass of any
22 kind of dirt or dirt in streets, all the town
23 requirements will be followed on that. It's going to
24 be a normal construction. There will be heavy
25 equipment, there's going to be framing and concrete and

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2 everything else.

3 So everything we're going to do can be done
4 from their property. There's really no need to
5 encroach on any of the neighbors. Maybe on the
6 demolition on the 1.8 foot side. I'm sure we can get
7 approval from those neighbors to have access to do
8 that. But the intent is it's built from the property,
9 that we control our site, that we follow all the state
10 rules in terms of erosion and -- I can't think of what
11 it's called when the dirt gets onto the road, but --

12 MS. BAKER LEIT: Right because this is a
13 fairly narrow residential road.

14 MR. CROWE: Sure.

15 MS. BAKER LEIT: So in terms of the actual
16 numbers of trucks that would be coming to the property
17 you will be having as many of those trucks as possible
18 physically on the site and not parked on the --

19 MR. CROWE: Sure.

20 MS. BAKER LEIT: Okay.

21 MR. CROWE: I mean, yeah. We don't have a
22 builder yet. We'll have to work that out. But that's
23 something they'll respect. It's a fairly busy street
24 as well.

25 MS. BAKER LEIT: Yeah.

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2 MR. CROWE: So we're not going to block that,
3 it's an important thoroughfare. I think that there is
4 plenty of usable land on the site. We want to be
5 careful of the trees. But everything will be fenced
6 off. We'll be very respectful of that. And we're only
7 going to pick a class-A builder and we'll make sure
8 that they fly straight. So --

9 MS. SCHWARTZ: I just have a question.

10 I can't recall with the driveway part over
11 here(indicating) will that remain as is or will that be
12 grassed in anymore?

13 MR. CROWE: The idea is to just push it back.
14 As we move the house back we're just going to extend
15 that.

16 MS. SCHWARTZ: So this whole width will be
17 retained?

18 MR. CROWE: Yes.

19 MS. SCHWARTZ: Okay.

20 MR. CROWE: That's the intent of that. So --

21 MS. TOMPKINS WRIGHT: Do they need Historical
22 Preservation Society approvals?

23 MR. DiSTEFANO: Yes.

24 MR. CROWE: We've been up there.

25 MS. TOMPKINS WRIGHT: You have. Okay.

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2 MR. CROWE: We had three meetings and they
3 voted not to designate it as a historic landmark. So I
4 would say we were successful at that arguably.

5 Nobody cares more about this house than the
6 Winslows, I can tell you. And Sue, sitting in the
7 back, is torn to pieces. They grew up there. All
8 their kids were raised there. They love this house.
9 And she's passionate about antiques. But they can't do
10 it anymore, it's eating them alive. They have a
11 full-time drywall contractor that comes in and fixes
12 the leaks. They tried and put the metal roof on in a
13 desperate attempt to stop the leaks and it's only worse
14 now. Metal roofs don't stop leaks. And its heating
15 bills are astronomical. It's just when I walk through
16 this house I can't believe they're living there. It's
17 a shack, right? It's a shack -- it's beautiful. It
18 has a lot of character, but it's not built for Brighton
19 winters. It's just not, unless you're a farmer in 1825
20 and then you didn't care so much. So that's all
21 they're looking to do.

22 I do a lot of the work over in the Finger
23 Lakes and generally they have a rule; if you tear it
24 down you've got one year to build it on the same
25 footprint before it runs out. I wish Brighton had

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2 that, but we don't. So, unfortunately, we're doing the
3 best we can to figure out a way to minimize the impact
4 of the losing of this house. That's what it comes down
5 to.

6 To your question of schedule, they would
7 dearly love to not spend another winter in the house.
8 That's the goal and that's why we're pushing so hard to
9 move through this.

10 MR. MIETZ: Any other questions?

11 MR. DiSTEFANO: Just a couple.

12 What's the setback, if you know, to the house
13 directly to the north?

14 MR. CROWE: I don't know it exactly, Rick,
15 but I would imagine it's somewhere around sixty to
16 seventy feet. I would be guessing there -- I'm
17 certain, probably.

18 Now, these - those were twentieth century
19 homes to the left and right.

20 MR. DiSTEFANO: Uhm-hum.

21 MR. CROWE: I would imagine what's happened
22 here is that the fifty-five, the fifty-five and the
23 forty-seven were the original homes and then they broke
24 up the property and sold them and those houses were
25 built in between.

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2 MR. DiSTEFANO: Just eyeing it, it looks
3 similar to the fifty-fives and forty-sevens.

4 So I was just wondering, you know, in
5 comparison, you know, would it be close to being the
6 same plane with that property to the north or still a
7 fair amount in front?

8 MR. CROWE: I don't want to mislead you.
9 That's a fair amount back. If you look at the
10 fifty-five furthest from the north you can get a sense.
11 It's very hard to see the daycare center because it's
12 behind the trees.

13 MR. DiSTEFANO: Right.

14 MR. CROWE: But if you can take a piece of
15 paper and bring that to ours it's just slightly behind
16 it.

17 MR. DiSTEFANO: Okay.

18 MR. CROWE: And what -- I guess I'll just say
19 what we did with the design of the house. The house
20 originally had sort of like an L or an S - so what we
21 did was maintained the back, but we moved the front.
22 So we basically just sort of took the S out of the
23 design so that we can keep it back where it is, but
24 improve the condition of the front. So it actually
25 worked out pretty well to try and minimize the impact.

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2 And I could say in terms of environmental
3 impact there will be none because it sat exactly where
4 we're going to put it for the last hundred and ninety
5 years and it's done pretty well. So we haven't had any
6 issues.

7 MR. DiSTEFANO: Could you just maybe - I know
8 you talked about it a little bit, but could you just go
9 a little bit more into detail on why you have to
10 maintain a six foot setback there and, you know, you
11 can't go at least a little closer to that twenty-one
12 feet?

13 MR. CROWE: Again, just trying to stay --
14 that one picture sort of showed it. This thing sort of
15 crests in a couple directions. The side is low and so
16 it runs by. The house truly is set on a little I call
17 it a crest, but a knob or knoll. So if you're at the
18 house looking at it from the street to your right,
19 which is south, it drops. It's hard to see
20 here(indicating) but it drops down and the adjacent
21 house sits a little bit lower. It rises to the north,
22 but that's not an issue.

23 So we're trying to stay on that. And we're
24 also trying to protect that maple. There's a pretty
25 spectacular - I think the maple is forty inches. As we

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2 move in that direction we're going to begin to encroach
3 on the drip line of the tree which is something they
4 would rather not do.

5 MR. DiSTEFANO: So basically what you're
6 saying is it minimizes the impact of the lot?

7 MR. CROWE: Absolutely. The lot is already
8 developed. We would just like to put the house back
9 where it was with a few modifications.

10 We're trying to be respectful. That's why we
11 said we'll go 8.9. We can do that without a lot of
12 impact. Don't want to deal with the fire code issues
13 with the less than five and neither do they in terms of
14 fire rating. So we grabbed that.

15 Again, the goal was to do what we can to try
16 to protect what was there. That's all. And if it
17 wasn't falling apart we would not be here tonight.
18 Absolutely not. We would be putting a new roof on and
19 painting it and getting ready for the Labor Day
20 holidays, but unfortunately that's not the case. We're
21 just trying to sort of remedy the situation.

22 MR. MIETZ: Any other questions for the
23 Board?

24 Okay. Thank you very much.

25 MR. CROWE: Okay. Thank you.

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

4 Jerry?

5 MR. LUDWIG: Jerry Ludwig, 940 East Avenue.
6 Honorable Chair, Members of the Commission, last time I
7 was here I was arguing about setbacks. This time I'm
8 arguing about setbacks, but more importantly
9 streetscape. And I think they've done a good job in
10 preserving that. Because ideally if someone lived in
11 Brighton and was away for ten or fifteen years and came
12 back and drove down South Landing Road would they
13 notice a big difference? And I have to say I don't
14 think so.

15 And so for that reason I'm fully in agreement
16 with what they want to do. I think it's compatible
17 with the neighborhood, compatible with the street and
18 that's it.

19 Any questions?

20 MR. MIETZ: Thank you very much.

21 MR. LUDWIG: Thank you.

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

25 There being none, this part of the public

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2 hearing is closed.

3 8A-03-15 Application of 2090 Clinton Ave South, LLC,
4 owner of property located at 2080 South Clinton Avenue,
5 for a Sign Variance from Section 207-32B to allow for a
6 free standing sign where not allowed by code. All as
7 described on application and plans on file.

8 MR. ROSE: Good evening, ladies and
9 gentlemen. My name is Robert Rose. I'm from
10 Poesrepoint Visual Graphics, the sign company that's
11 actually going to be producing the sign.

12 MS. SCHWARTZ: Excuse me, can you just speak
13 up a little bit?

14 MR. ROSE: I'm sorry.

15 MS. SCHWARTZ: Okay.

16 MR. ROSE: Robert Rose, from Pierrepoint
17 Visual Graphics. I'm the one that's going to be
18 fabricating the sign for the Jubilee Center.

19 We're actually replacing an existing sign.
20 The Jubilee Worship Center, they share a common
21 driveway with a new building that's going up. It's
22 going to stay with the looks of Brighton signs with the
23 masonry towers. It's a non-illuminated sign. So it's
24 not going to light, you know, the world up at night.
25 It will have low ground spotlights. It sits

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2 twenty-five feet off the road.

3 I guess is there any other questions?

4 MR. MIETZ: Just for the record, why don't
5 you compare this to what's there now?

6 MR. ROSE: Actually, the sign is gone now
7 because they moved --

8 MR. MIETZ: So you're not aware of the
9 dimensions of what was there?

10 MR. ROSE: No.

11 MR. MIETZ: Because it was servicing both
12 properties, correct?

13 MS. DALE: I saw it was still there.

14 MR. ROSE: It is still there?

15 MS. DALE: I drove by today and it was still
16 there.

17 MR. MIETZ: Just want to make sure it wasn't
18 changing in some fashion.

19 MR. DiSTEFANO: Yeah, let me just give a
20 little background on what transpired on that lot. That
21 lot was one large lot basically. The worship center
22 sits very far back off the road. Being a place of
23 worship they are permitted a free standing sign. They
24 came in, subdivided the property basically in half. So
25 the worship center no longer has any frontage on South

1
2 Clinton Avenue.

3 So the proposal by the new owner of the
4 office building being constructed was tried to provide
5 the worship center with a sign, but also a sign that
6 would also help them. So this is where they came up
7 with terminology that they're using on the sign Jubilee
8 Center --

9 MR. ROSE: Jubilee Center.

10 MR. DiSTEFANO: -- instead of just Jubilee
11 Worship Center it's going to be Jubilee Center. So
12 basically it is an attempt to replace the existing
13 sign, but because of the subdivision that sign would no
14 longer be permitted.

15 MS. SCHWARTZ: You are going to have lights
16 from the ground going up to the sign?

17 MR. ROSE: From the ground, yes.

18 MS. SCHWARTZ: Will the lights have a shield
19 on either side?

20 Because I say every time someone comes in -
21 at least with this kind of lighting, that regardless of
22 what direction you're going in --

23 MR. ROSE: Uhm-hmm.

24 MS. SCHWARTZ: The rows of lights just hit
25 you in the face and really I think they're a hazard

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because they are just so there.

But will you have them shielded in some way
so --

MR. ROSE: Yes.

MS. SCHWARTZ: -- just focus on reading the
sign?

MR. ROSE: Yes, we will shield it in some
way.

MS. CORRADO: What are the other lighting
options for a sign like this?

MR. ROSE: Because we don't want to
internally illuminate, gooseneck lighting. But for
something of this width the ground lighting will
probably be your best bet because the new lighting,
such as this - the gooseneck - it only lights up, you
know, a given area. So you'd have to place multiple
across the top and now it's going to start looking
gaudy. So the low-lying light provides, you know,
enough width.

MS. CORRADO: So there is a functional
purpose for it and an aesthetic purpose?

MR. ROSE: Yes.

MR. MIETZ: Okay.

MS. TOMPKINS WRIGHT: Do you know if the

1
2 prior free standing sign was lit?

3 Do you know that, Rick?

4 MR. DiSTEFANO: I do not know how the formal
5 one was light, no.

6 MS. BAKER LEIT: What are the business hours
7 of the office park?

8 MR. ROSE: Actually, I will bring somebody
9 else up for that.

10 MR. LISTORTE: Chris Listorte, from Gastric
11 Neurology Group of Rochester. I can speak to the sign
12 and Pastor Tim Schmidt is here as well from the church.

13 The sign was previously lit before at one
14 time.

15 MS. TOMPKINS WRIGHT: Okay.

16 MR. LISTORTE: The hours of the office are
17 basically 8:00 to about 4:30 p.m.

18 MS. SCHWARTZ: What was the lighting like on
19 the previous?

20 MR. LISTORTE: Same ground lighting. Same
21 ground lighting we're proposing.

22 MR. MIETZ: Go ahead, Morrey.

23 MR. GOLDMAN: Clearly the existing sign is
24 lower to the ground. This one has a significant space
25 below it. To Judy's point, with that light coming up

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some of that is going to spill underneath.

How do you propose to keep that from happening?

MR. ROSE: With different size shields you can get light to move wherever you need it to go. And I will make sure the shields are put in the proper place.

MR. GOLDMAN: Clearly the focus is just on the sign?

MR. ROSE: Yes.

MR. DiSTEFANO: And the sign will be double sided so it lights on both sides?

MR. ROSE: One light on either side.

MS. SCHWARTZ: And are these allowed to be on all night long?

MR. LISTORTE: No, these will be on a timer. So during the nighttime hours whenever the worship center is, you know, operating, those lights can be turned on and off.

MS. SCHWARTZ: So what would the latest hour be that you envision them being on?

MR. ROSE: Do you want to --

MR. SCHMIDT: My name is Tim Schmidt, I'm the pastor at Jubilee. And I missed the question, sorry.

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2 MS. SCHWARTZ: How late would the latest hour
3 be that you envision having the lights on?

4 MR. ROSE: How late would the lights be on or
5 how late are the services?

6 MS. SCHWARTZ: How late would the lights be
7 on?

8 MR. MIETZ: How late would you need to
9 illuminate the sign?

10 MR. LISTORTE: Our operation, as I mentioned,
11 is basically to 5:00 p.m. - 5:30 p.m.

12 I don't know if you have any specific --

13 MR. SCHMIDT: Yeah, we do have some midweek
14 services in the evening. I think there's flexibility
15 on both organizations part as to when the lights go
16 off. We certainly don't need them on all night if
17 that's an issue.

18 MR. MIETZ: Okay.

19 MS. TOMPKINS WRIGHT: Is there a time you
20 would object to?

21 If we put in a condition that says the lights
22 have to be off by 10:00 is that --

23 MR. SCHMIDT: I don't think there would be an
24 objection by either party on that.

25 MS. SCHWARTZ: Rick, does this come up on the

1
2 same regulations as a business sign does?

3 MR. DiSTEFANO: Places of worship are --

4 MS. SCHWARTZ: Are different?

5 MR. DiSTEFANO: -- different. Yes.

6 MS. SCHWARTZ: Okay.

7 MR. DiSTEFANO: So, no, it does not come
8 under the same -- but you have to remember to that this
9 is not on the place of worship's property.

10 MS. SCHWARTZ: Yeah.

11 MR. DiSTEFANO: So in essence it does become
12 a sign for the business, which is a the new office
13 that's being built. It's on their property. So,
14 again, they're trying to kill two birds with one stone,
15 give themselves some identification while also giving
16 the place of worship some identification.

17 MS. TOMPKINS WRIGHT: Which we prefer rather
18 than having competing --

19 MR. DiSTEFANO: Yeah. They probably want to
20 see one sign instead of two signs, but unfortunately
21 because of the subdivision they wouldn't be allowed to
22 have a sign on the road. So you're still only getting
23 one sign one way or the other.

24 MS. TOMPKINS WRIGHT: Have you gotten ARB
25 approval?

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2 MR. ROSE: This did go to the Architectural
3 Review Board and, yes, it did get approved last month.

4 MR. MIETZ: Okay. So any other questions?

5 Thank you very much.

6 MR. SCHMIDT: Thank you.

7 MR. MIETZ: Is there anyone in the audience
8 that the like to speak regarding this application?

9 There being none, the public hearing is
10 closed.

11 8A-04-15 Application of Linden Knoll, LLC, owner of
12 property located at 81 Linden Avenue, for an Area
13 Variance from Section 205-18 to allow for front yard
14 parking to extend 11 ft. into the 20 ft. parking
15 setback required by code. All as described on
16 application and plans on file.

17 MR. TOMLINSON: Good evening. My name is
18 Matt Tomlinson from Marathon Engineering, we're the
19 civil engineers for Linden Knoll.

20 Linden Knoll is at 81 Linden Avenue. It's an
21 independent senior living apartment complex. And there
22 are a hundred and forty-eight apartments at Linden
23 Knolls. And Linden Knolls backs to the Rochester
24 Friendly Home which enters off of East Avenue. And
25 over the last three or four years there's been several

1
2 projects on these two properties.

3 They are run by the same Board, so there's a
4 lot of inner-connectivity there. The Friendly Home has
5 more assisted living, nurses that visit, that kind of
6 thing more than Linden Knoll does. But over the years
7 since they've gotten some younger seniors in there -
8 there are several staff members, visitors, that kind of
9 thing - they've really been running into parking
10 issues.

11 Currently for the hundred and forty-eight
12 apartments there are sixty registered drivers at the
13 site. There are six full-time staff on multiple
14 shifts. So at shift turnover there's twelve staff
15 members that have parking. And there are roughly forty
16 outside agencies that have a staff member visit to
17 provide support for residents. As well twenty-two
18 visitors a day on average, obviously with holidays
19 being busier. So there are only sixty spaces on the
20 property currently. So with that kind of demand
21 there's a been a pent up demand for several years for
22 this property. Some of the parking that was done and
23 completed in 2013 for the Friendly Home has alleviated
24 that a little bit, but there's still a need for
25 additional paces.

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2 So as part of that, what we're proposing is
3 the addition of forty-five spaces using the existing
4 space available on the site. This is a developed and
5 mature campus that's been around for quite a while.
6 And so we're looking to fit in parking without impact
7 to the quality of the property, as well as not
8 impacting or improving the traffic circulation and
9 access for emergency vehicles and delivery vehicles
10 because it is the rear of the house for Friendly Home.

11 So what we're here requesting tonight is, as
12 was mentioned, an eleven foot encroachment into the
13 front setback and that is for the parking spaces that
14 front towards the corner of Linden Avenue at the I-490
15 onramp(indicating). This parking here(indicating)
16 there's approximately eight spaces within that that are
17 impacted by that setback.

18 And we believe that this variance or request
19 is not self-created. At the time that the Linden
20 Avenue was improved, as well as the bridge was
21 replaced. There was about fifty feet taken by the
22 State DOT for additional right-of-way through there.
23 So prior to that happening we were fifty feet away from
24 that right-of-way. Now that the State DOT took that
25 we're now encroaching.

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2 I should also mention there's pretty heavily
3 planted -- that the DOT did at the time of that bridge
4 placement and this parking area(indicating) sits up
5 approximately twelve to fifteen feet above the level of
6 the road. So that's fully screened and that parking
7 will not be seen even after constructed. And we are
8 proposing some additional plantings within that buffer
9 just to make sure that it is not visile from the
10 roadway.

11 We have been before the Planning Board. We
12 got conditional approval from them, as well as the
13 Conservation Board.

14 So with that I will answer any questions that
15 the Board may have.

16 MR. MIETZ: Okay. Pretty straight forward.

17 Any questions?

18 MR. DiSTEFANO: What's the -- nevermind, you
19 answered that?

20 MR. TOMLINSON: Okay.

21 MR. MIETZ: Pretty easy, huh?

22 MR. DiSTEFANO: I was going to ask what's the
23 total number of parking spaces and then I remember he
24 said eleven.

25 MR. MIETZ: Based on the operation, would you

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2 sense there would be any need to do anything in the
3 future seeing the amount of parking is fixed; maybe the
4 configuration of the residents may change --

5 MR. TOMLINSON: The amount of land is fixed
6 for events. Sometimes they park and shuttle from the
7 fire department, which is right there. The school
8 sometimes if there is large events here and it's
9 offseason for the school. So they have been very
10 proactive in trying to manage, but they really have
11 this demand. And like I said, it's becoming more
12 exacerbated as people that still have younger kids but
13 are moving into these types of communities, still
14 active and driving a lot. They have a lot of turnover
15 here and they're finding more and more that they have a
16 need for these parking spaces.

17 And we -- I apologize, I should have said
18 this, we believe this maximizes what's available on the
19 site.

20 MR. MIETZ: That was really my question.

21 MR. TOMLINSON: There's no room to put five
22 to ten more spaces on the site. This really does
23 maximize what they can could here.

24 MR. MIETZ: All right. Any other questions?

25 Okay. Thank you very much.

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

4 There being none, this public hearing is
5 closed.

6 8A-05-15 Application of Deacon Peter Bushunow, agent,
7 and Holy Ascension of Christ Orthodox Church, owner of
8 property located at 626 North Landing Road, for an
9 extension of a variance (8A-08-14) pursuant to Section
10 219-5F, allowing for the construction of a front
11 addition. All as described on application and plans on
12 file.

13 MR. BUSHUNOW: Hello. My name is Peter
14 Bushunow.

15 Do you need my address?

16 MR. DiSTEFANO: Sure.

17 MR. BUSHUNOW: 44 Crescent Hill Road,
18 Pittsford, New York New York. But I am a deacon and
19 parishioner of Holy Ascension Orthodox Church on
20 Landing Road. And a year ago we obtained a site plan
21 approval and part of that was the requirement for a
22 zoning variances for a setback.

23 Since that time we have been able to start
24 the site plan improvements. In fact, we have completed
25 the instillation of an expanded parking lot and a

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2 greatly needed repair to the existing parking area.
3 But what we found, which is not always surprising, is
4 that the construction was much more expensive than what
5 we anticipated and we are not able to start the
6 construction on the proposed addition to the church.
7 So that's the reason we're requesting a one year
8 extension on the approvals.

9 We have not changed the proposed plans in any
10 way from what was presented last year. And just to
11 remind the Board the reason for the addition is to
12 improve access to the building. The building was built
13 in the early '60s and it's a split level. To enter
14 either of the fellowship area or the worship area
15 people have to go either up a flight of stairs or down
16 a flight of stairs. There's no entry at ground level.

17 We worked with our architect's and there's no
18 way to really install an elevator in the existing
19 footprint. So to install an elevator and to bring the
20 bathroom facilities up to accessibility code we need to
21 add an addition onto the building.

22 Just to point out the addition that we're
23 requesting, it would still be forty feet from the --
24 there would still be a forty foot setback, which kind
25 of fits the other residential houses on that street.

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2 And the church itself is on a large lot. There's a
3 rectory that's on the same lot. And to the south of us
4 is an open field and then an elementary school. So
5 we're not going to encroach on anyone's - any adjacent
6 property.

7 MR. MIETZ: Okay. Any questions for the
8 deacon?

9 Looks like pretty much everything is --

10 MR. DiSTEFANO: Yeah, I guess just the basic
11 question: Do you have any idea when you would be
12 starting this construction?

13 Might we see you back again?

14 MR. BUSHUNOW: You know, we are working on
15 fundraising. We are, you know, working with an
16 architect. But we just - we realized that this year
17 that we would not be able to do the construction this
18 year. We certainly are planning to do it next year.

19 Can I promise that?

20 MR. DiSTEFANO: I'm not asking for promises.

21 MR. BUSHUNOW: I don't have money in the
22 bank. So if we had the money in the bank we would be
23 doing it right now. So it's certainly our intent of
24 our, you know, of -- the parish is, you know, working
25 towards that but --

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2 MS. CORRADO: Has any work begun on the
3 building in anticipation of this addition, not anything
4 affecting the exterior of the building?

5 Forgive me, I haven't had an opportunity to
6 drive by.

7 MR. BUSHUNOW: There's been no construction
8 on the building itself and when we constructed the
9 parking lot we certainly worked with the town and it's
10 -- for the permits it's kind of two separate things.
11 So we were able to do the site plan - the site
12 improvements, but we have not touched the building in
13 any way.

14 MR. MIETZ: Anything else?

15 MS. DALE: And the size of existing parking
16 area is not going to be increased?

17 MR. BUSHUNOW: Correct. What we have
18 constructed this year is exactly what you see on this
19 plan, what was proposed and approved a year ago and
20 that has been constructed. There's a little bit more
21 site work such as plantings that have to go in this
22 fall, but pretty much that and the grading and the
23 parking lot improvements have been finished.

24 And what we're asking for is an extension of
25 the setback variance so that won't expire so we don't

1
2 have to start from scratch with the Planning Board and
3 everything.

4 MR. MIETZ: Okay.

5 MR. BUSHUNOW: Thanks.

6 MR. MIETZ: Thank you.

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

9 There being none, the public hearing is
10 closed.

11 8A-06-15 Application of Dave Pastore / Upstate Roofing
12 and Painting, owner of property locate at 1300 Brighton
13 Henrietta Town Line Road, for an Area Variance from
14 Sections 205-8 and 207-6B(3) to allow a 1,600 sf
15 accessory structure to be constructed with a 19.8 ft.
16 side setback in lieu of the minimum 50 ft. side setback
17 required by code. All as described on application and
18 plans on file.

19 MR. MUROSE: Good evening. My name is Andy
20 Murose, I'm with BME Associates and with me is Dave
21 Pastore from Upstate Roofing and Painting.

22 We're here tonight to request a side yard
23 setback from Section 205-8 of the town code from a
24 fifty foot side setback to a 19.8 foot side setback for
25 the proposed ten foot wide to be a hundred and sixty

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2 foot lean-to structure.

3 The proposed structure is located on the
4 north side of the parcel. This is Henrietta - Brighton
5 Henrietta Townline Road(indicating). This way is
6 north(indicating). We're proposing to maintain the
7 existing facility side setback. The existing building
8 is actually on the road side, nineteen feet from the
9 side property line. It is 19.8 feet from where we're
10 proposing to connect with the new structure and then it
11 will actually be a little over twenty feet on the north
12 end just because the building diverges from the
13 property line.

14 We do feel that this proposal is consistent
15 with the neighboring properties. We did provide an
16 aerial exhibit depicting a few properties within the
17 area that exhibit similar setbacks from what we're
18 requesting. The parcel also is located in between
19 several vacant parcels that are within the IT District.

20 And some of the other improvements with the
21 facility are pavement improvements. And those
22 improvements will be performed within the existing
23 pervious area. So there will be no additional
24 impervious here. There will be no disturbance really
25 to the site other than right where the building is

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2 going to sit. They're just looking to mill off the
3 existing actual millings and then place pavement.

4 I guess with that I would be happy to answer
5 any questions.

6 MR. GOLDMAN: When I visited the property I
7 noticed along the north side there were some trailers
8 and stuff. The one -- you have the red line kind of
9 indicating most of that last trailer is on your
10 property. It clearly looked to me that it was on the
11 other property.

12 Is that your trailer that's there?

13 MR. PASTORE: No, sir, it's not our trailer.
14 It was the trailer of the previous landowner or the
15 property owner and he moved it over. I don't know if
16 he still owns it or not, but it's not ours.

17 MR. GOLDMAN: And the concrete blocks that
18 are piled up there appears to be on the other side - on
19 the other property.

20 That's not yours?

21 MR. PASTORE: Identical situation, the
22 previous owner moved them over. They were stored in
23 the back.

24 MR. GOLDMAN: And one last question: When
25 you build this shed, looking at it from the west will

1
2 that be completely enclosed so that there's no
3 visibility from the road that's on the other side of
4 that vacant lot?

5 MR. MUROSE: That's correct. The structure -
6 the open side will face into the site and then they're
7 actually proposing board fence to screen the open side.

8 MR. GOLDMAN: Well, I was concerned about the
9 back side.

10 MR. PASTORE: That will be a siding system
11 that's similar to the building that's there now.

12 MR. GOLDMAN: Thank you.

13 MR. MIETZ: Okay. Questions?

14 Okay. Thank you very much.

15 MR. PASTORE: Thank you.

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

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

20 8A-07-10 Application of The Country Club of Rochester,
21 owner of property located at 2935 East Avenue, for a
22 Temporary and Revocable Use Permit pursuant to Section
23 219-4 to allow for a mobile structure/trailer, used as
24 a fitness facility, to be placed on site. All as
25 described on application and plans on file.

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2 MR. DESTRO: Good evening. I'm Ryan Destro,
3 from BME Associates, on behalf of the Country Club of
4 Rochester. We are requesting a temporary permit per
5 town code 219-4 to allow a twenty-four foot by sixty
6 foot temporary mobile unit structure within the Country
7 Club of Rochester parking lot.

8 On May 20th, 2015 the Planning Board granted
9 final site plan approval for the proposed demolition
10 and building addition on the north side of the existing
11 CCR clubhouse. As part of the proposed demolition the
12 existing CCR fitness room will be displaced.

13 In order to provide CCR members continued
14 access to their fitness equipment it is proposed to be
15 temporarily relocated to the existing pro shop located
16 along the north side of Elmwood Avenue. The temporary
17 structure is necessary to accommodate the
18 administrative portion of the pro shop as well as the
19 sales and merchandise aspect while the fitness
20 equipment temporarily takes its place in the pro shop.

21 The temporary structure is proposed to be
22 located in the existing paved CCR parking lot to the
23 west of the existing pro shop. The temporary structure
24 has been proposed in the safest and the most practical
25 location on the CCR parking lot. The close proximity

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2 to the pro shop is necessary to allow for the required
3 extension of the electric and phone service to the
4 temporary structure from the pro shop. And no other
5 utility connections are required.

6 The proposed location of the temporary
7 structure has also been selected because; one, it is
8 located closest to the golf course. So golfers can
9 check in during the fall and spring seasons to avoid
10 walking through the additional parking lot area, as
11 hole number one is located directly to the south. It
12 is also in the portion of the parking lot that is the
13 farthest away from the nearest residential lots to the
14 west.

15 The proposed construction to the CCR
16 clubhouse is scheduled to commence and be completed
17 during the off-peak golf season. Therefore, the
18 temporary structure should only be necessary from
19 September, 2015 to approximately March, 2016, prior to
20 the peak 2016 golf season or approximately seven months
21 plus or minus.

22 The temporary structure will also be similar
23 in nature to structures currently allowed in the town
24 code for contractors during the construction process.

25 So with that being said, I would be happy to

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answer any of your questions.

MR. MIETZ: What will happen once it's removed?

Will there be any other changes to the area or will this simply be --

MR. DESTRO: It will just be back to the normal parking lot again.

MR. MIETZ: So just repair what utilities are there and repair the parking lot?

MR. DESTRO: There shouldn't be any parking lot issues. It's just a mobile structure that's going to be placed in the correct location in the parking lot and it will be able to be pulled off afterwards. There's not going to be any pavement disturbance or anything.

MR. MIETZ: Permanent attachment?

MR. DESTRO: Yeah.

MS. DALE: Is there any concern that during the time period you will be short some parking that you have today?

You'll be down -- did it say how many spaces?

MR. DESTRO: Yeah, it's going to take up around seven parking spaces. It's going to be during the off-peak golf season. So the parking lot isn't

1
2 anticipated to be as full as it normally would be
3 during the spring and late summer time.

4 MS. DALE: So giving up those spaces is not
5 going to have --

6 MR. DESTRO: No.

7 MR. GOLDMAN: I noticed in the plans there's
8 a handicapped restroom in there.

9 MR. DESTRO: On the mobile home?

10 MR. GOLDMAN: Yes. How do you plan on
11 handling the waste?

12 MR. DESTRO: The waste would be similar to a
13 camper. You'd have a tank and it has to be emptied by
14 a separate contractor.

15 MR. GOLDMAN: Thank you.

16 MR. MIETZ: All right. Any other questions
17 about this?

18 MR. DiSTEFANO: Yeah.

19 MR. MIETZ: Go ahead.

20 MR. DiSTEFANO: Is there going to be any type
21 of markings, signage, logos along that trailer that's
22 facing out towards Elmwood Avenue?

23 MR. DESTRO: No, none are proposed.

24 MS. TOMPKINS WRIGHT: How much is visible
25 from the road?

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2 MR. DESTRO: You would only really be able to
3 see -- I was just driving here tonight and I passed it.
4 The corridor is lined with trees, dense vegetation and
5 there's a stone wall, if you want to call it, or a line
6 of stones. So you would only see it like if you're
7 directly in front of it. There's landscaping in the
8 front of it and there's a stone wall in the front. So
9 we would be behind that, but it would be the parking
10 spaces closest to the road.

11 MS. DALE: So you will have the light from
12 the parking lot to the side of the temporary structure,
13 but there won't be anything on the Elmwood Avenue; I
14 mean it's just going to look like it's not going to be
15 lit at all?

16 MR. DESTRO: No, there won't be any lighting
17 on the roadside of it. We're not proposing any
18 additional lights other than the lights that are
19 currently in the parking lot today.

20 MS. DALE: Okay.

21 MR. DiSTEFANO: Do you know --

22 MR. MIETZ: Could you --

23 MR. DiSTEFANO: Go ahead.

24 MR. MIETZ: Could you just establish again
25 when you think the end date for the construction would

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be?

MR. DESTRO: CCR would like it as soon as possible. I know the construction is intended to start, you know -- right after Labor Day the demolition is going to start and then followed by the building addition. They would obviously like to have it done sometime in March if possible.

There might be a time period where some of the building could be established and then the fitness equipment could be moved in earlier, but right now we would probably be looking at some time during the end of spring probably would be --

MR. MIETZ: So you're suggesting that the building would be removed by --

MR. DESTRO: I can't give you an exact date, but it would probably be sometime in March. It would be seven or eight months. It would be well within the two month - two year limit for --

MR. MIETZ: That's fine.

MR. DESTRO: -- the permit.

THE COURT: Understood. I just thought you had a, you know, whatever kind of --

MR. DESTRO: It's as fast as the contractor can get it done.

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MR. MIETZ: It depends on the weather.

MR. DESTRO: And the weather too.

THE COURT: Okay. All right, we can deal with that.

MR. DiSTEFANO: Just one other question. I know you addressed it to some degree.

Was there any other consideration to somewhere else on site where that trailer could go so it would lessen the impact on Elmwood Avenue, or was this just in the eyes of the club the best place?

MR. DESTRO: It's on the perimeter of the parking lot so it won't -- it's going to minimize any disturbance to the parking area. And then also, like I said, while the fitness equipment is going to be placed in the pro shop here(indicating) some of the elements of the pro shop are going to be relocated to the new temporary structure, and that -- hole number one is directly across the street. So that's where golfers would -- it makes sense to have it there.

MR. DiSTEFANO: Okay. So in essence this isn't truly a place for fitness equipment. It's more of where the pro shop - a golfer can come there and pay greens fees or whatever they do.

So it's more of an office type use?

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2 MR. DESTRO: Correct. When we first were
3 looking at this application the intent was to put the
4 fitness equipment in it.

5 MR. DiSTEFANO: Right.

6 MR. DESTRO: But once we started looking at
7 it it was determined that just the weight of the
8 fitness equipment wouldn't be supported properly in the
9 temporary structure, and it would be much more suitable
10 for being placed temporarily in the permanent structure
11 of the pro shop.

12 MR. MIETZ: Okay. All set, Rick?

13 MR. DiSTEFANO: Yeah.

14 MR. MIETZ: Any other questions?

15 Thank you.

16 MR. DESTRO: Thank you for your time.

17 MR. MIETZ: Is there anybody in the audience
18 that would like to speak regarding this application?

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

21 8A-08-15 Application of Columbia-Wegman Brighton LLC,
22 owner of property located at 1350 Westfall Road, for an
23 Area Variance from Section 207-31 to allow for a free
24 standing sign where not allowed by code. All as
25 described on application and plans on file.

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2 MR. SPENCER: Good evening. My name is
3 Andrew Spencer, also with BME Associates. I think
4 we're going to take up shop here this evening.

5 MR. MIETZ: I thought maybe you were having a
6 company picnic.

7 MR. SPENCER: We can do that outside in the
8 parking lot after we're all done this evening.

9 I'm here to represent the Wegman Company with
10 a request for a variance for signage for the property
11 on Westfall Road. The project proposes utilizing the
12 existing sign on the property and turning it ninety
13 degrees to be more visible from both directions on
14 Westfall Road.

15 Albeit the town code - Section 207-31 - does
16 not allow for signage in this area, the sign was
17 approved during the incentive zoning process with the
18 town. As part of the incentive to the community
19 parking to the north of this property were given to the
20 town. It's all the area from here(indicating) that
21 crosses all way down to Westfall Road. And the sign
22 was approved as part of the incentive zoning process by
23 the Town Board.

24 What the applicant wants to do is actually
25 turn that sign ninety degrees and utilize the back side

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2 with the same text and imagery that's on the existing
3 sign.

4 This is the existing sign today(indicating).
5 It exists right here(indicating) parallel with Westfall
6 Road. And I did give the Board a few examples, a few
7 photographs, coming to the site.

8 One of the main reasons we're requesting the
9 turning of the sign is to allow greater visibilty for
10 motorists. There have been complaints by both staff
11 and by resident families trying to find the location.

12 Back during the incentive zoning process and
13 the site plan approval process there's a section of
14 wooded area and a section of trees and a wetland area
15 that could not be removed. And those are right
16 here(indicating). And it's difficult to see right
17 here(indicating) and there's a wooded area on the
18 western location and there's a wooded area
19 here(indicating), allowing only a few brief
20 interruptions on that hedgerow within that vegetation
21 to actually see into the site.

22 The neighboring property next door, the
23 church, has a grand lawn that goes all the way up to
24 the front of the church, and when traveling on Westfall
25 Road you can see into that property and actually see

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2 the building. Are signage is less an issue here.

3 In this particular instance the sign is
4 extremely important to alert people that the entrance
5 is in that location. A series of photographs taken
6 from different areas of the site within three hundred
7 and fifty feet of the entrance way, the sign is not
8 even visible. And here's that wooded area that I spoke
9 of(indicating). Even at a hundred and -- at the
10 property corner right in this location here(indicating)
11 the sign is still - just comes into view. Traffic on
12 this road is relatively fast. By the time you are up
13 on that sign and up on that driveway it's very
14 difficult to stop and make that turn. I have actually
15 missed it on occasion driving to the site. I've had to
16 go up, turn around and come back.

17 Quite honestly, coming from the west is an
18 even worse situation because we have telephone poles
19 and stop signs that are also in our way. Approximately
20 three hundred and fifty feet away from that entranceway
21 you can't see the entranceway. You cannot see the
22 signage.

23 It's one of the most important things trying
24 to keep vehicular safety and pedestrian safety. At the
25 utmost provide as much time for the people turning into

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2 the site to find that location, slow down and make that
3 turn.

4 The construction of the sign is exactly as is
5 existing today. The placard on the back side would be
6 exactly the same as it is today. And I did provide the
7 Board with the materials if terms of what would be
8 going on that sign.

9 I would also direct you to the letter from
10 July 14th, of all the factors that the Board must
11 consider. I won't go into great detail this evening
12 unless you have questions regarding that.

13 With that I look to answer any of your
14 questions.

15 MS. SCHWARTZ: Andy, I have to say that I
16 find - which I think is illegal, the sandwich sign out
17 front - confusing because it doesn't have really
18 anything to do with the name of the facility and the
19 address and so forth. There was a red and white -
20 there was. I mean, I've seen --

21 MR. MIETZ: It's in one of the pictures.

22 MR. SPENCER: I believe that is an allowable
23 sign. That is a for-rent sign. It is allowable to
24 indicate that there are places for rent on the
25 property. I do not believe that is not allowed. It's

1
2 a temporary sign.

3 MR. DiSTEFANO: A for-rent sign is
4 permissible.

5 Is it permissible as an A-frame? Not really.

6 MR. SPENCER: Okay.

7 MS. SCHWARTZ: And to me that's confusing
8 because you have something there that's really more out
9 front of your sign. The other thing is too, the number
10 is not really all that visible. I think that truly
11 with a flower bed you do see that. And if the sign -
12 if the lettering and numbers were more prominent --
13 that 1350 to me really could be more prominent and
14 would let people know where they are.

15 So I just wondered whether you could try
16 something before you go and turn and make it, you know,
17 double sided?

18 Has any thought been given to that at all?

19 MR. SPENCER: When we went through the
20 original process, no. This was the sign that they
21 wanted. This is the type of sign that they would like
22 to maintain on the site.

23 We'll give -- we'll go off a little bit on
24 the side here. There is a double sided sign on
25 Westfall Road that happens to be right across the road

1
2 from this location. It's double sided and it's turned
3 perpendicular to the road, and it's far easier to see.
4 It happened to be this sign right here (indicating)
5 which identifies the park.

6 MS. SCHWARTZ: Right.

7 MR. SPENCER: So there is -- it occurs. And
8 actually, in other locations in the town double sided
9 signs perpendicular to the road do occur.

10 Visibility coming out of the entranceway is
11 also a concern too. So as you get out of the Ameritas
12 parking lot and coming down and trying to make that
13 turn to the east or to the west the sign as it is today
14 blocks a little bit more view as you're driving up
15 through. If we turn the sign ninety degrees we would
16 actually get a better view. There is more area that
17 disrupts, disrupting more area as you're coming through
18 here (indicating) than if the sign were turned in the
19 other direction. I think you would actually have a
20 better view.

21 MS. SCHWARTZ: Okay.

22 MS. DALE: When the sign is moved is the
23 intent to redo all the plantings around it?

24 MR. SPENCER: I believe that is correct,
25 yeah. To keep the --

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MS. DALE: It looks nice.

MR. SPENCER: Yeah, it does look nice, until we get the snow around it.

MS. DALE: Right.

MR. DiSTEFANO: Did you mention earlier that the sign would not be lit or is there ground lighting now with it?

MR. SPENCER: There is ground lighting right now, a single light. There is a proposal to put a second light on the other side. So we would have light on both sides.

This is the existing sign here(indicating) with one light. Turning the sign this way(indicating) we would have a light.

MR. DiSTEFANO: So the sign itself is actually further off the road than it exists right now?

MR. SPENCER: It will be exactly the same eleven feet to that area and extend further --

MR. DiSTEFANO: But it would extend -- yeah. Okay. It will be no closer to the road than it is now.

MS. SCHWARTZ: So that's a good point. Thank you, Rick.

So then why would it really be beneficial, it's going to be set back even further?

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2 Why are you so sure that this will make it
3 easier for motorists to see it if it's basically the
4 same?

5 MR. SPENCER: The visibility of the sign when
6 you're driving toward that sign here(indicating) you
7 read that sign versus being able to see that sign from
8 where you are and now read that sign. This will be far
9 more visible to motorists that are coming down towards
10 the sign on either direction versus this
11 direction(indicating) and you're coming down the road
12 and you have you to turn to see the sign.

13 MS. SCHWARTZ: Right, but that's going to be
14 going back deeper into the property.

15 MS. DALE: Right, but I think it's turned.

16 MS. SCHWARTZ: I still think you have to be
17 pretty close to it to see it. You're not going to be
18 able to --

19 MS. DALE: We don't want it bigger.

20 MS. SCHWARTZ: No. But I'm saying a hundred
21 and fifty feet back, I don't think it going to show
22 through.

23 MS. CORRADO: I think you will see it much
24 more clearly.

25 MS. SCHWARTZ: What about the lighting?

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Shielded?

MR. SPENCER: The lighting is shielded. It's a spotlight. So it is spotted right on the sign itself.

MS. SCHWARTZ: No spillage on the sign? And what about motorists coming both directions?

MR. SPENCER: It will not be directed towards the motorists. It will be contained on that sign.

Can I say explicitly that a hundred percent of that light is contained, I cannot. I will not make that statement. But they're spotlights and the spotlight is trained on the sign right here(indicating).

MS. SCHWARTZ: And is it something that has to be -- is the current light on all night long?

MR. SPENCER: The current light I believe is turned off, again, per the approval. I believe eleven o'clock in the evening that light is turned off.

MR. DiSTEFANO: That's per the incentive zoning the light had to be off?

MR. SPENCER: I believe that is correct. I would have to double check.

MR. DiSTEFANO: So if this Board were to say

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2 any lighting shall meet the incentive zoning --

3 MR. SPENCER: Yes. And, again, based on the
4 incentive zoning approval this is within the context of
5 a sign that was a approved and the sign will still be
6 there.

7 MS. CORRADO: What was the reasoning for
8 placing the sign parallel to the road instead of
9 perpendicular originally?

10 MR. SPENCER: I think that we actually
11 thought it was going to be more visible. I actually
12 believe that we thought that there's going to be enough
13 viewshed.

14 But what really confuses the issue is the
15 wooded areas. If you could see the building then you
16 would know you would be able to turn. And there's
17 many, many instances where you see the building first
18 and then the sign comes up and you know you're at the
19 correct location. In this particular instance you have
20 a split second, especially traveling west on Westfall
21 Road there's this very, very small gap where you get a
22 view and if you're not paying attention you miss it and
23 you're on top of the entranceway.

24 MR. MIETZ: Okay. Any other questions?

25 Okay. Thanks.

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

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

6 8A-09-15 Application of Brian Geary, owner of property
7 located at 193 Avon Road (Tax ID#133.13-3-22), for
8 extension of an area variance (7A-07-14) pursuant to
9 Section 219-5F, allowing for the construction of a new
10 home with 26% lot coverage. All as described on
11 application and plans on file.

12 MR. GEARY: Hello. I'm Brian Geary, the
13 owner of the property at 193 Avon Road.

14 I will be building a new house on that
15 property. I got a variance approval a year ago,
16 July 7th. I did not start construction yet. The
17 Planning Board is ready to issue the permit and they
18 requested I get an extension of the area variance.

19 The 25% lot coverage was increased to 26.1%
20 because of a roof overhang on the back of the property.
21 Nothing has changed on the plans. So I plan to go into
22 the ground either this fall or next spring.

23 MS. TOMPKINS WRIGHT: How long is the
24 construction anticipated to take?

25 MR. GEARY: Probably nine to twelve months.

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MR. MIETZ: Straight forward.

Any other questions?

Again, that's the only change?

MR. GEARY: That's it and that's not changed.
That's a roof overhang that's all it is.

MR. MIETZ: Right, the one foot.

MR. GEARY: It's not one foot. It's one
percent.

MR. MIETZ: One percent, excuse me.

MR. DiSTEFANO: It does appear some work has
been started out there.

Can you maybe just explain a little bit about
what's going on?

MR. GEARY: Yeah. I would argue that I don't
need the extension because the question is whether
there's been diligent pursuit and substantial
construction. I've done everything I can do other than
dig a basement. So the landscaping, the trees have
been removed - probably twenty-five trees that were all
approved to come down. Twenty-five new trees have been
planted on the west border. Twenty-six bushes have
been planted on the west side.

I have not graded or done drainage or
anything of that. But I've done everything I could do

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2 before I dig. Once you dig you're committed.

3 MR. DiSTEFANO: And the current condition of
4 the lot, I know there have been some complaints from
5 neighbors in regards to the upkeep and the fact that
6 there's a number of tree stumps and things out there.

7 Is that going to be taken care of with
8 relatively --

9 MR. GEARY: Yes. The stumps were the only
10 thing that ever became an issue with and the town was
11 not willing to take the stumps or even let me put them
12 at the dump. So I've dug those. Friday they'll be in
13 one pile. I need a sixty ton dump to get them and they
14 have to leave the Town of Brighton.

15 MR. DiSTEFANO: So you'll be doing that?

16 MR. GEARY: Hopefully this weekend. I'm
17 doing it all myself so it takes me time to get it all
18 done.

19 MR. DiSTEFANO: Thank you.

20 MR. MIETZ: Okay. Any other questions?

21 Okay. Thank you.

22 MR. GEARY: Thanks.

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

25 If not, the public hearing is closed.

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2 8A-10-15 Application of Columbia-Wegman LLC, owner of
3 property located at 1350 Westfall Road, for an Area
4 Variance from Section 207-2B to allow a rear yard fence
5 to be 8.5 ft. in height in lieu of the maximum 6.5 ft.
6 in height allowed by code. All as described on
7 application and plans on file.

8 MR. SPENCER: High, good evening. I'm still
9 Andrew Spencer, I'm still from BME Associates.

10 I'm thinking hot dogs and hamburgers, Dennis,
11 what do you think?

12 MR. MIETZ: Sounds good.

13 MR. GEARY: I'm here this evening for this
14 particular variance to request a two foot height
15 increase to the fence around the wander garden on the
16 rear of the Ameritas of Brighton. That is located
17 right here(indicating) on this site.

18 In essence what the applicant is intending to
19 do is to increase the height of the fence to increase
20 the security of that wander garden for the dementia
21 patients that live there. That garden is only utilized
22 by the dementia residents. There have been instances
23 in other institutions where those residents have
24 actually climbed up and over a six foot high fence.
25 And this addition of a two foot high fence would be an

1
2 added deterrent for them to try to get up and go over
3 that fence.

4 I did provide the Board with a number of
5 photographs of the rear of the property. The existing
6 six foot high fence is a board on board fence. The
7 proposed two foot addition off is a trellis style to go
8 on top. It won't limit the light that much, but it
9 becomes another visual deterrent and a block for the
10 residents.

11 I also provided a few photographs from both
12 the east and the west of the wander garden area. And
13 this area of the site(indicating) will not be visible
14 to the neighboring properties, except for from the
15 church - potentially on the rear of their property -
16 and from the town parkland itself, but not from any of
17 the residential neighbors on the left-hand side. So I
18 don't believe it will be discernable that there's an
19 additional two foot heighth on the fence.

20 I just want to reiterate again the reason for
21 the addition is for the safety of the residents - the
22 health of the residents. This is something that they
23 are truly concerned with.

24 With that, I would answer any questions you
25 might have.

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MS. CORRADO: Very attractive design.
Is there any concern that with the trellis feature there a strong resident could use that to pull themselves further up over the fence?

MR. SPENCER: I don't know. I think at six feet in heighth you could still have the ability to grab on the top and go over. The addition of two feet of visual should be enough to deter them. Is it possible? Yes, it is possible.

MS. CORRADO: If they're very determined.

MR. SPENCER: If they're very, very determined, yeah. That garden area is monitored, but if someone turns around for a moment that gives a moment for someone to try and get up and over.

MR. GOLDMAN: We had a similar situation, I believe it was last month, where they had an area which they extended the fence out for a similar situation. But they put - it was a metal fence and they put up a device to prevent people from climbing over, kind of pointed.

But no thought was given to something like that to make it a stronger deterrent?

MR. SPENCER: Not at this point. We also want to be cautious -- we want to be careful that it

1 fits in with the character.

2 Putting something spikey up there, putting up
3 some other form of deterrent may not be the correct
4 answer it may actually cause harm instead. On a metal
5 fence potentially if the actual posts were turned, but
6 on a wooden fence I don't know what you would do. I
7 don't believe we've given it any consideration. I know
8 what the applicant wants to do. They want to keep in
9 context with the board-on-board fence.
10

11 MR. MIETZ: Other than some other kind of
12 deterrent, there's no other way to do that. Okay.

13 MR. DiSTEFANO: Just one --

14 MR. GOLDMAN: I just have a question: This
15 property came before us for a generator; is that the
16 generator at the corner there?

17 MR. SPENCER: It is. And actually in one of
18 the photographs you can actually see the generator.

19 MR. GOLDMAN: Thank you.

20 MR. DiSTEFANO: It's not this one by the
21 baler. It's not that one.

22 MR. SPENCER: It's this area right
23 here(indicating). Next to the enclosures, the
24 generator is back here. I believe it's the last page
25 of photographs.

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MR. GOLDMAN: It's that giant thing.

MR. SPENCER: Yeah, that's correct.

MR. DiSTEFANO: Andy, just for the record, this two foot fence addition is being added to the existing fence; no additional fencing is being proposed?

MR. SPENCER: That is correct. All of this will go on the existing fence.

MR. DiSTEFANO: Thank you.

MR. MIETZ: Okay. Are we clear?

Okay. Thank you.

MR. SPENCER: Thank you.

MR. MIETZ: Is there anyone in the audience that would like to speak regarding this application?

There being none, the public hearing is closed.

8A-11-15 Application of the Baptist Temple, owner of property located at 1101 Clover Street, for a Sign Variance from Section 207-31B to allow for three (3) identification signs(two free standing identification signs currently exist) where only one identification sign is allowed by code. All as described on application and plans on file.

MS. TABOR: Good evening. My name is Candy

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2 Tabor, I'm the moderator at the Baptist Temple. And
3 this is David Nitcher, lifelong participant in the
4 church and our intern this year to help us get some of
5 this legwork done.

6 The building on the property at 1101 Clover
7 Street was built in the 1960s and designed to
8 accommodate the future with character and quality.
9 That at least was our goal. It has been quietly and
10 consistently maintained for the past fifty years.
11 Currently the building is home to three religious
12 congregations, one prestigious daycare, a camera club,
13 art gallery, continuing education opportunities, as
14 well as a town polling site.

15 The leadership team of the Baptist Temple
16 have been progressive in meeting the evolving needs of
17 the community. However, we now believe that our name
18 is no longer effective in communicating our value to
19 the community. The Baptist Temple historically has had
20 a strong influence on the community. The legal entity
21 and the religious congregation will remain the heart
22 and the pulse of this address, but it is important to
23 inform the community of our open mindedness and the
24 opportunity to share ideas and the talents in the
25 neighborhood. We have an artistic flavor. The

1
2 building is continuously used for artists, whether it
3 be music, art, performance.

4 The evolving definition of the building has
5 prompted the team to change the name. We have named
6 the building The Clover Center for Arts and
7 Spirituality. The name change comes with a need to
8 update the building signage to identify the expanding
9 value that we're offering.

10 We have in existence variances already
11 because of our corner lot. The entrances are on
12 Highland as well as Clover. They've been there since
13 1964 - 65, when the building was put up. We would like
14 to letter the building itself to say the Clover Center
15 for Arts and Spirituality. That is our request.

16 MR. MIETZ: The sign that you're proposing is
17 there like raised letters that will be pinned to the
18 building?

19 MS. TABOR: Correct.

20 MR. MIETZ: Not lit in any fashion?

21 THE WITNESS: There is an existing light in
22 the ground now that shines on the cross. We will be
23 removing the cross from that portion of the building
24 and the existing light. It's also on the --

25 MR. MIETZ: So the spot is the spot you're

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proposing?

MS. TABOR: Uhm-hmm.

MR. MIETZ: And the same thing I gather with the logo, or whatever it is, the clover leaf that's face mounted as well?

MS. TABOR: Yes, it is.

MR. MIETZ: Okay.

MS. TOMPKINS WRIGHT: The two free standing signs they will not change, they'll still say Baptist Temple?

MS. TABOR: The granite sign on the Clover Street is seven foot long and solid granite and already violates the new rules. We opted not to touch it.

We will be back next month with proposals to change the lettering on the Highland Street sign.

MS. TOMPKINS WRIGHT: So that would say Clover Center instead of --

MS. TABOR: Right. And Baptist Temple -- well we propose Baptist Temple will be under it as well as the other groups that are using the building.

MS. BAKER LEIT: So what are the other congregations that are currently sharing the space?

MS. TABOR: The Open Circle meets on Wednesday evenings. It is an artistic group, open

1
2 format. And Roc City Church is in the fellowship, all
3 on Sunday mornings.

4 MS. BAKER LEIT: And the new name for the
5 building, is that registered under a d/b/a, is it
6 something incorporated or is it just --

7 MS. TABOR: It is a d/b/a of the Baptist
8 Temple.

9 MS. BAKER LEIT: Okay.

10 MR. DiSTEFANO: When you say it's a d/b/a of
11 the Baptist Temple, it's a little tricky because the
12 way the code is written the name has got to be a
13 business identification name, and I'm trying to figure
14 out exactly what the business identification is for the
15 new name that your naming the building. I understand
16 that you have different uses within this building --

17 MS. TABOR: Correct.

18 MR. DiSTEFANO: You just said it's a d/b/a.
19 I mean, is it a registered d/b/a?

20 MS. TABOR: We applied to New York State and
21 they told us we did not need a registration because it
22 has no legal entity. Baptist Temple, Inc. is our legal
23 name and the legal owners of the entire property.

24 The Clover Center for Arts and Spirituality
25 is the name we're calling the building.

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MR. DiSTEFANO: The name you're calling the building?

MS. DALE: So this request was to remove the cross and put in the new name --

MS. TABOR: Yes.

MS. DALE: -- on the spot where the cross is today?

MS. TABOR: Correct.

MS. DALE: So I guess I didn't know in looking at the application that you're going to be coming back later for a change, a larger sign?

MS. TABOR: No, no.

MS. DALE: The same one?

MS. TABOR: The exact same footprint.

MS. DALE: Okay.

MS. TABOR: We want to change the letting and cover the -- currently the sign is metallic and starting to rust. And next month's proposal that's to cover it with a sheet - cedar shank and then put stainless steel plates - lettered plates.

MS. DALE: How come it wasn't all done as one?

MS. TABOR: Because we couldn't get our act together fast enough.

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2 MS. DALE: Okay. I just didn't know if it
3 was more complicated.

4 MS. TABOR: No, the application had too many
5 holes in it.

6 MR. MIETZ: I think we have a couple of
7 issues to wrestle with related to this. Again, the
8 comment you made that you tried to apply for the d/b/a
9 was vague.

10 They said that one was not required?

11 MS. TABOR: One was not needed for what we
12 were trying to do because -- well, I can bring in the
13 letter they sent back.

14 MR. MIETZ: So you weren't really trying to
15 form an entity?

16 MS. TABOR: No, we were not.

17 MR. MIETZ: Okay. You were just trying to
18 create a name?

19 MS. TABOR: Correct.

20 MR. MIETZ: Okay. So the operation of this
21 property, are these other groups in essence tenants of
22 the property; in other words, these are the open
23 mission and these are folks --

24 MS. TABOR: Yes.

25 MR. MIETZ: So they contribute some monetary

1
2 numeration to the Baptist Temple for using the space?

3 MS. TABOR: Correct.

4 MR. MIETZ: Okay. And that's --

5 MR. DOLLINGER: And the designation really
6 designates the building, not any particular occupant of
7 the building.

8 MS. TABOR: Correct.

9 MR. MIETZ: Right, or any entity.

10 MR. DiSTEFANO: Which in itself might require
11 a variance.

12 MR. DOLLINGER: That's the thing that I --

13 MR. MIETZ: All right. We'll have to --

14 MR. DOLLINGER: If we have the information --

15 MR. MIETZ: Okay. So we'll call it a
16 technical issue.

17 Any other questions?

18 MS. TOMPKINS WRIGHT: To move the cross on
19 the other side of building do you need approval to -
20 are you coming back for a separate approval to put the
21 cross up?

22 MS. TABOR: If it goes up.

23 MS. TOMPKINS WRIGHT: If it goes up?

24 MS. TABOR: Right now it needs to be
25 repaired. One of the stand boxes broke and we don't

1
2 know if we'll repair it or if we'll put it back. It
3 may go up inside.

4 MR. MIETZ: Okay. Any other questions at
5 this point?

6 Thank you.

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

9 There being none, the public hearing is
10 closed.

11 8A-12-15 Application of Dean Faklaris, agent, and the
12 University of Rochester, owner of property located at
13 5901 Lac de Ville Blvd., for a Sign Variance from
14 Section 207-32B to allow for a free standing business
15 identification sign where not allowed by code. All as
16 described on application and plans on file.

17 MR. FAKLARIS: I'm Dean Faklaris. University
18 of Rochester, as Rick Said, are requesting a sign
19 variance for a free standing business sign in front of
20 Highlands of Brighton where one isn't allowed by code.

21 First off, I guess we will come clean in my
22 audits. The previous owners put up the existing sign
23 there now without getting a permit. And in our
24 discovery and talking with Rick we've learned there's
25 no permit for that one now. But we are requesting one

1
2 to replace what is there now that falls in Highlands
3 into our system, U of R Medicine.

4 The one we are requesting is actually
5 slightly smaller than the one that's been there for
6 some time. We're requesting a free standing one. If
7 you've been on Lac de Ville the line of sight to the
8 building is quite distant and depending on your angle
9 somewhat obscured, so it's tough to see the front. So
10 we would like to put one out by the - a small one out
11 by the front entranceway.

12 MR. SCHMIDT: You said smaller.

13 In what way?

14 MR. FAKLARIS: Square footage of the panel.

15 MS. SCHWARTZ: Height as well?

16 MR. FAKLARIS: Height is actually slightly
17 shorter and the square footage of the panel is actually
18 slightly smaller.

19 MS. SCHWARTZ: Okay.

20 MR. MIETZ: Was there any thought to the
21 address?

22 MR. FAKLARIS: You know, as you said that or
23 as I was sitting in the back it would be something I
24 wouldn't mind talking about, in the top left corner.

25 MR. MIETZ: Yeah. I think, you know, again,

1
2 with the configuration of these buildings and visiting
3 this location on occasion I think that people sometimes
4 have difficulty there.

5 MR. FAKLARIS: I would be more than happy
6 above the shield to add 5901. I may have to grow it
7 just couple of inches just to fit it in there to make
8 sure the 5901 is readable.

9 MR. MIETZ: Or maybe you could work on
10 something that just slides down a little bit?

11 MR. FAKLARIS: But I'm talking about a couple
12 of inches is all it would take to squeeze that.

13 MS. SCHWARTZ: How large do you think you
14 could make the numbers?

15 MR. FAKLARIS: Ideally you want to make them
16 the minimum I would say is three inches. Generally
17 it's one inch for every ten feet is optimal. You can
18 see things farther than that, but generally you want to
19 be I think at least three inches.

20 If you want to tell me to make it four
21 inches, I would be happy to make the sign just a little
22 bit bigger.

23 I was trying to be cognoscente of the code on
24 entrance and exit signs, which try to get down to the
25 six feet. Learning from Rick that this really isn't

1
2 considered one once you put the business identifier on
3 there.

4 So I would always be happy to make something
5 slightly larger if you wanted me to.

6 MS. SCHWARTZ: If you are going to put them
7 up it makes it worth while to put them up --

8 MR. FAKLARIS: Absolutely.

9 MR. MIETZ: The letters of the word Highlands
10 are three inches.

11 MR. FAKLARIS: Right.

12 MR. MIETZ: So that's about how big they are?

13 MS. SCHWARTZ: Uhm-hum.

14 MR. MIETZ: They seem like they were.

15 We don't usually want to redesign signs, but
16 what color do you think you would --

17 MR. FAKLARIS: I would make it -- I would
18 make it blue. And I would be happy to -- I know you
19 said you don't like to do that, but I would be happy to
20 share that with Rick or whatever you told me to do
21 before we did that.

22 MS. SCHWARTZ: Thank you.

23 MR. GOLDMAN: The other properties within
24 this development, as memory serves, had just number
25 signs out by the street, maybe Building E or something

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like that?

MR. FAKLARIS: Correct -- well, this isn't -- Highlands is somewhat unique. The rest of the -- the surrounding property is Clinton Crossing, owned by Costello. We're kind of a little peninsula inside it. It's owned by --

MR. GOLDMAN: So U of R properties aren't U of R?

MR. MIETZ: They're all --

MR. FAKLARIS: Clinton Crossings is owned by Costello - Anthony Costello and Sons. We rent a lot of space in there but, this property is owned by the U of R, in this particular parcel.

MR. GOLDMAN: So you're saying that you want this sign to be completely different than all of the rest of the signs within the development?

MR. FAKLARIS: I guess I'm saying this isn't necessarily part of the development. We share -- they're on the same road, but this isn't part of Clinton Crossings.

MR. GOLDMAN: I, as a person that has used some of the facilities in there --

MR. FAKLARIS: Sure.

MR. GOLDMAN: -- am keenly aware that it's

1
2 the U of R. That everything in there is the U of R
3 Medical Center. I don't care who owns it or I don't
4 know who owns it.

5 MR. FAKLARIS: Right.

6 MR. GOLDMAN: So what you're telling me is a
7 little confusing.

8 So I'm asking you, again, is the signage for
9 the other properties trying to indicate I believe the
10 building number --

11 MR. FAKLARIS: Buildings.

12 MR. GOLDMAN: -- and the street address, or
13 is it just the building?

14 MR. FAKLARIS: Buildings, but Building D and
15 Building H and Building G we are the master lease
16 holders. We are the only tenants in Buildings A and C.
17 We are not -- there's other tenants in there.

18 MR. GOLDMAN: I'm asking about the street
19 sign.

20 What does it currently say on those other
21 buildings?

22 MR. FAKLARIS: They have building letters.

23 MR. GOLDMAN: No address?

24 MR. FAKLARIS: No, it has numerics too.
25 Numerics and building --

1
2 MR. DOLLINGER: They have to start with the
3 brand. Those buildings --

4 MR. DiSTEFANO: Yeah, but what Morrey is
5 basically saying is how is this building different from
6 all the other buildings within Clinton Crossings and
7 why should this building get a free standing sign and
8 the rest of them not have a free standing sign.

9 I think that's what he's saying: What's the
10 difference?

11 MR. MIETZ: I think originally, you know,
12 those buildings were all originally multiple tenanted
13 buildings.

14 MR. DiSTEFANO: Right.

15 MR. MIETZ: Whether over time U of R has
16 required a lease hold on all of them, some of them,
17 pieces of them or more of them, they originally were
18 multiple tenanted buildings.

19 MR. DiSTEFANO: Yeah, but again, the
20 fundamental question --

21 MR. DOLLINGER: That's a good question. Now
22 I get your question.

23 MR. DiSTEFANO: But the fundamental question
24 is: How is this property different from any of the
25 other properties within the Clinton Crossings' grouping

1
2 that it should require a free standing sign?

3 MR. FAKLARIS: I guess my comment is you have
4 a landlord in the rest of Clinton Crossings that to
5 your point are multi-tenant. Over time we've required
6 them. I'm imagining when the site plan was approved
7 the lease deals weren't made. The lease deals weren't
8 made with the U of R or other tenants in there.

9 So what would Anthony Costello have asked to
10 be on the road other than Building D, when he hasn't
11 executed leases yet?

12 MS. DALE: Do you want them --

13 MR. FAKLARIS: If he --

14 MS. DALE: -- coming back now and asking --

15 MR. FAKLARIS: Well we --

16 MS. DALE: -- do those buildings have a free
17 standing sign?

18 MR. FAKLARIS: We were here last month to ask
19 for a variance for Building D, for the canopy. And I
20 think we're probably done at Building D. So I don't
21 see anything else going on with the road there.

22 MS. CORRADO: Would it be fair -- oh, I'm
23 sorry.

24 MR. GOLDMAN: I was just going to say that's
25 clearly on the building, not at the road. So we're

1
2 talking about two different things here because the
3 canopy change was consistent with what this Board
4 allowed at 400 White Spruce. It was consistent --

5 MR. FAKLARIS: Correct.

6 MR. GOLDMAN: -- with what's on the building,
7 not on the road. Now, you're asking for it to be on
8 the road which makes it different than the rest of the
9 development, as I as a driver going by.

10 Let me be quite frank with you.

11 MR. FAKLARIS: Sure.

12 MR. GOLDMAN: That sign that's up there. You
13 suggested or you told us that it wasn't approved and we
14 agree with that. And for you to put up a sign that
15 enhances not only what was there, but enhances it with
16 your own branding is a little more than what, at least
17 with this one member of the Board feels, is right based
18 on what I see in the development. That's my point.

19 MR. FAKLARIS: Sure.

20 MS. CORRADO: Two questions.

21 MR. GOLDMAN: Go ahead.

22 MS. CORRADO: One, I just want to be clear:
23 The sign that exists already, that was placed prior to
24 the University of Rochester purchasing the Highlands?

25 MR. FAKLARIS: As far as I know, yes. I have

1
2 not been able to locate who put that sign up.

3 MS. CORRADO: Okay.

4 MR. FAKLARIS: It was just one of those I'm
5 driving around looking at properties and asked for the
6 background for where this is. "We don't have anything
7 on file." Okay. Somebody that I don't know put that
8 up.

9 MS. CORRADO: So obviously that existed
10 before U of R took ownership?

11 MR. FAKLARIS: I would assume so because
12 there are no markings at all about Strong or University
13 of Rochester Medical Center. Nothing is on there. So
14 I would assume it was the previous owners.

15 MS. CORRADO: So my other question is: Would
16 it be safe to say that one of the salient differences
17 between the Highlands and the other buildings in that
18 development is that Highlands is residential primarily
19 and the other buildings are medical offices?

20 MR. FAKLARIS: Correct.

21 MS. CORRADO: So you have a different sort of
22 user of the building to consort visitors --

23 MR. FAKLARIS: Correct.

24 MS. CORRADO: -- that might require a
25 different sort of --

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MR. FAKLARIS: Correct.

MS. CORRADO: -- finding?

MR. FAKLARIS: Correct. And you may have -- you know, going forward all of our materials created for this - for Highlands - would have U of R Medical. It would be part of our system - UR Medicine. So you would see possibly social workers inside a hospital, might perhaps distribute materials to children of elderly patients that maybe say, "Hey, it maybe time for mom or dad to start looking at places." So they would see it only in context of UR Medicine.

So, you know, it's how they would see it. So we're just presenting it as how they would see it everywhere else.

MS. CORRADO: So it might be somewhat similar to the previous sign on Westfall looking for a location as a visitor to a residence --

MR. FAKLARIS: Correct.

MS. CORRADO: -- rather than looking for your medical office?

MR. FAKLARIS: Uhm-hum.

MR. DOLLINGER: Is this building further off the road than Building D?

MR. FAKLARIS: Yes, much further.

1
2 MR. DOLLINGER: So I guess, again, I'm trying
3 to explore because I get what Morrey is saying now.

4 Why would -- is there any reason why the
5 building sign similar to -- even with the U of R logo I
6 think that -- and I understand the variances still, but
7 why would that in this particular instance -
8 comparatively with Building D and other ones in Clinton
9 Crossings - why would a building sign here be less
10 effective?

11 MR. FAKLARIS: Uhm --

12 MR. DOLLINGER: Why would you be more
13 required to have to have the free standing road sign as
14 opposed to a building sign?

15 Any reasoning -- I was just wondering what
16 your reasoning was?

17 MR. FAKLARIS: I guess angle. There's a
18 canopy over the entrance now. That's very difficult to
19 see. There is spot on -- if you look at the map on the
20 last page, that's facing Lac de Ville on somewhat of an
21 angle. So if you're coming from the center of Keaton
22 Boulevard it's almost back left shoulder. I think
23 people are -- when you're talking about a building
24 that's set back a little bit, I think people look
25 forward when they drive. And so something closer to

1
2 their line of site when they're driving would be more
3 readable than something a hundred and fifty yards away.

4 MR. GOLDMAN: So the sign on Building D,
5 which we approved last year, is visible from the road -
6 any road?

7 MR. FAKLARIS: From any road?

8 MR. GOLDMAN: I think not. I don't think you
9 can see the sign over the door on Building D, which we
10 approved, from any place other than the parking lot.

11 So I take that is what you're saying is that
12 you're trying to tell me in that case you wanted it
13 there and it was cool, but over here, you don't want it
14 here because you want this sign out by the street.

15 I'm confused.

16 MR. WENTWORTH: Let me speak. James
17 Wentworth, University of Rochester.

18 There is a sign, a lettered name of Highlands
19 of Brighton on the canopy. It's -- I don't know, a
20 four inch text maybe.

21 MR. FAKLARIS: Uhm-hum.

22 MR. WENTWORTH: It's not something you can
23 see from a long distance away, but it is there. The
24 building is named, but it's not the business
25 identification branding name.

1
2 MR. GOLDMAN: I don't think you're hearing
3 what I'm saying. I would not, for one, have any
4 problem with you branding your building.

5 MR. WENTWORTH: Okay.

6 MR. GOLDMAN: I have a problem with this
7 thing by the street. We gave you approval at 400 White
8 Spruce. We gave you approval at Building D.

9 Why not give it for this building?

10 Why does it have to be at the street?

11 That's my question. That's what I'm
12 struggling with.

13 MR. WENTWORTH: I can say --

14 MR. FAKLARIS: There may be an answer --

15 MR. DOLLINGER: We've talked about it. On
16 one hand --

17 MR. WENTWORTH: -- in design studies and,
18 again, given the distance and trying to be readable
19 from the street it's going to be much bigger.

20 MR. FAKLARIS: It will be -- yeah.

21 MR. WENTWORTH: And then there's the
22 question: Do we need a variance if we're going to put
23 U of R Medicine up on the building and still say
24 Highlands of Brighton over the canopy because now
25 that's two building signs, versus doing something small

1
2 and discreet at the street?

3 MR. DiSTEFANO: Well, maybe your answer is -
4 and I don't want to put words in your mouth, but maybe
5 your answer is in your opinion this is the only viable
6 place to put proper identification for this building.

7 MR. FAKLARIS: It's not the only one. I
8 think it's the most -- considering the distance of the
9 building from the road, I think it helps the unique
10 visitor on line of site.

11 I wouldn't -- to be honest, I wouldn't be
12 opposed to a UR Medicine sign on Lac de Ville in front
13 of the Building D entrance. It's not my building, so I
14 think it becomes; one, I'm sure there's a site plan
15 already approved to only put building letters there.
16 It's not my building, so I'm not in a position to put
17 signs wherever I want. I have a landlord to work with
18 on, you know, the medical offices at Clinton Crossing
19 and I have to comply with their requests as well. So
20 I'm trying to find something that functions and
21 discreet enough that it isn't obtrusive on the street.

22 I guess what's obtrusive is in the eye of the
23 beholder.

24 MR. MIETZ: Anything else?

25 Just one last thing.

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MR. FAKLARIS: Sure.

MR. MIETZ: If you -- if this sign were to be approved, it would be then no contemplation to do anything different on that overhang?

I realize you can't answer forever, but there wouldn't be any follow-up attempts to do something different?

MR. FAKLARIS: I think we would be done with Highlands of Brighton right here, yeah. As far as I know there are no other plans -- there are no other plans at this time.

MR. MIETZ: Okay. Very good.

Any other questions?

MR. GOLDMAN: For the Highlands of Brighton?

MR. FAKLARIS: For this building, correct.

THE COURT: Okay. Any other questions?

If not, thank you.

Is there anyone in the audience that would like to speak regarding this application.

There being none, the public hearing is closed.

MR. DiSTEFANO: Now we need to take up whether or not we want to reopen the public hearing on 7A-02-15. I know a couple members weren't here last

1
2 month. There was a quite lengthy discussion and
3 unfortunately I wasn't able to get the minutes out to
4 everybody so that the members that weren't here were
5 able to at least review those. I would think we would
6 just need a majority to reopen it. I don't think we
7 need a unanimous vote to reopen it.

8 So would you like me to call out that
9 question?

10 MR. MIETZ: Does anyone have an issue with
11 that?

12 I don't think we need to go through the
13 entire application again.

14 MR. DiSTEFANO: I think a quick summary for
15 the two members that weren't here and of course they
16 could ask any questions they wanted to if we were to
17 reopen it.

18 MR. MIETZ: That would be fair.

19 MR. DiSTEFANO: And, yeah, I think they have
20 all the follow-up information.

21 MR. MIETZ: Sure.

22 MR. DiSTEFANO: So I will ask the question:
23 Those in favor of reopening the hearing on 7A-02-15
24 please say yes?

25 It is a unanimous vote to reopen the hearing

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2 so I will read the application.

3 7A-02-15 Application of Faith Temple, owner of property
4 located at 1876 Elmwood Avenue, for an Area Variance
5 from Sections 203-2C(1)(a) and 203-9B(1) to allow for a
6 permanent structure, after conversion from a temporary
7 structure, to be located 23 ft. from a side lot line in
8 lieu of the minimum 100 ft. required by code. All as
9 described on application and plans on file. TABLED AT
10 THE JULY 1, 2015 MEETING

11 MR. DOLLINGER: At the last meeting I looked
12 into some of the concerns that I had --

13 MR. MIETZ: Right.

14 MR. DOLLINGER: -- regarding the arlupa,
15 which I'm an expert on thanks to Faith Temple and
16 Pastor Steve. I looked at this and the only reason I
17 bring it up now is I think it may impact the nature of
18 your questions and discussion as to what we can do --
19 what I believe we can do from both a practical point of
20 view and also kind of from a moral/ethical point of
21 view given what the law is and how we try and move, you
22 know, within the angle of the law.

23 This -- you know, arlupa is really a statute
24 that basically says you can't really substantially
25 burden -- we can't act in a manner in the area of

1
2 zoning regulation that substantially burdens expression
3 and performance of their faith. And you can do that,
4 but to do that you have to have what they call a really
5 compelling governmental reason. You have to have a
6 real reason to do it.

7 Another thing that's interesting is with this
8 particular statute that's under play is unfortunately
9 it addresses specifically churches and it says that
10 houses of worship have to have a hundred foot setback.
11 Those types of regulations are really, really,
12 scrutinized because instead of -- I mean, if they were
13 coming before us and saying, you know, it's a fifteen
14 foot setback and we're doing ten and all of these
15 districts it's fifteen feet for everybody. The courts
16 look at that and say we're going to look at that a
17 little bit looser because that regulation applies to
18 everybody. And, you know, you still can't have
19 regulations that impede and substantially burden their
20 faith, but at the same time if it applies to everybody
21 they give you a little bit more latitude to make
22 decisions. They really scrutinize statutes like this
23 that particularly say religious institutions have --
24 they really question -- you need to have a really
25 substantial compelling interest to say we're going to

1
2 treat churches different. Which is really in absentia,
3 somebody put this statute up.

4 So, you know, it seems to me that it gets --
5 and I know people don't want to hear when I say this,
6 it gets difficult to say if we turn this down and it
7 was challenged we could have any chance or a good
8 chance or a reasonable chance of winning that appeal.
9 It gets tough.

10 I mean, if you really analyze this statute,
11 the fact that it says a hundred foot setback in the
12 Town of Brighton is necessary for a church can't be
13 overstated that is even questionable. I mean, that
14 statute itself seems to put a pretty -- in the Town of
15 Brighton there's not a lot of places where you could
16 build a reasonably sized church and have a hundred foot
17 setback.

18 So I guess what I'm saying is you want to
19 look at this from somewhat of that point of view of:
20 Gee, how can we do the best we can on our questioning
21 and on our conditions, et cetera et cetera, given the
22 fact that what the overlying statute says?

23 I mean, you can do what you want. I can't
24 tell you how to vote. I can only tell you, you know,
25 what the impact of that could be possibly. And of

1
2 course, I've always looked at my job -- doing this for
3 twenty-three years now, one of my big things that I've
4 always done actually is you should do the right thing
5 and you shouldn't be expected to get sued. That's been
6 my whole -- you know, that's my job.

7 So that's really the background of this.

8 And, Candice, you'll align with me, I think
9 most people would look at this and look at it as kind
10 of a pretty clearcut case of --

11 MS. BAKER LEIT: But --

12 MR. DOLLINGER: You need --

13 MS. BAKER LEIT: -- setback. I mean, I would
14 have to guess that we have most of -- the different
15 applications would be noncompliant already. I mean
16 it's just a --

17 MR. DOLLINGER: And it would be very
18 difficult to find a place to put a church.

19 MS. BAKER LEIT: Right.

20 MR. DOLLINGER: So and it's -- but that
21 aside, that's the context and I'll shut up.

22 MR. MIETZ: Karl?

23 MR. ESSLER: Good evening. Thank you very
24 much. And I do very much appreciate giving us just a
25 very brief time to I think, maybe -- and I'll confess,

1
2 I have a hunch that when we did the our initial
3 presentation maybe there were a couple of areas that we
4 were perhaps not clear enough on about what the intent
5 of Faith Temple was going forward in turning this from
6 a temporary to a permanent structure. Although, I
7 certainly appreciate Mr. Dollinger's comments.

8 I just wanted to address very briefly maybe
9 some things that we missed last time because I
10 understand there were some concerns that were expressed
11 in the deliberations about essentially what's the long
12 term intent for the appearance and the maintenance of
13 this structure as being one of the issues. So let me
14 start with that.

15 We -- and I think what I may have overlooked
16 was just the idea that ARB had already looked at this
17 and had decided based upon what Faith Temple was
18 proposing for improvements to this temporary structure
19 that we want to turn into a permanent modular building,
20 part of the school structure -- what we had proposed.

21 And if you look at the photos - essentially a
22 full repaint of this color of this entire structure.
23 There are certain boards on the walls that may need
24 some repair and replacement. We intend to do that.
25 There is some trim around some of these side areas that

1
2 we intend to replace and repair. And also there was
3 some questions about what the skirting was. That's
4 this area down here(indicating). And again, that is
5 going to be fully repainted and repaired.

6 So then I think the question that maybe I
7 didn't answer well enough was: Well, okay, once you do
8 that what's your intent going forward because this
9 structure right now is being used and intended to be
10 used now going forward because of changes in the plans
11 of Faith Temple as part of the school as it has been -
12 high school and high school offices?

13 So again, I guess I asked Pastor Steve if he
14 could just perhaps confirm for the Board what the
15 intention is for the long term repair and maintenance
16 of this facility.

17 MR. EDLIN: Steve Edlin, Faith Temple, Senior
18 Pastor. Thank you for the opportunity to come before
19 you.

20 We absolutely intend to make the building
21 look well. We understand it is a modular building. We
22 understand that, but we have our school in there as
23 well as some church activities on the weekend and
24 during the weeknights. And so because of that we want
25 to make it attractive, we want to make it appealing.

1
2 So all the repairs that Karl is talking about,
3 absolutely.

4 For years as you know we've had it as a
5 temporary structure and so the repairs were minimal.
6 And so we would just keep it going, keep it moving as
7 is, hoping to, you know, moving our facility somewhere
8 else at some point. But now that it has become more
9 permanent we want to put more efforts into it to really
10 up - make it look sharp. We want to make it look as
11 presentable as we can for a number of reasons; for our
12 congregation, for our neighbors as well as for our
13 school. We are representing a school where we have
14 children coming in and we want to appeal to the parents
15 as well. So we don't want the building to look run
16 down.

17 And our plan this month is to do all the
18 repairs that are necessary because we have the school
19 year starting on September 2nd. So we're planning on
20 having it all done within the next thirty days of all
21 the things that need to be done within the building.

22 And so we definitely plan in the long term to
23 keep that up; whatever needs to be replaced, whatever
24 needs to be repaired, whatever needs to be redone. And
25 welcome your suggestions, your comments, your thoughts

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2 on it. We definitely want to be something Brighton
3 feels good about. We have been in this town a long
4 time, over fifty years, and we certainly want to
5 continue to have a relationship with Brighton that
6 works well for everyone.

7 So if anyone has any questions I'm happy to
8 answer them.

9 MS. BAKER LEIT: Has there been any thought
10 to additional landscaping?

11 MR. ESSLER: Yup. As a matter of fact, there
12 has been. It's in your package.

13 I don't know if you all have had a chance to
14 take look at your package, but let me pass this out.

15 MR. DiSTEFANO: Was this part of the
16 additional information that you've submitted?

17 MR. ESSLER: Yes. This was part of the
18 supplemental package.

19 MR. DiSTEFANO: Thank you.

20 MR. ESSLER: Essentially what we've talked
21 about doing is I think we discussed at the initial
22 public hearing - and a couple of you were not here -
23 this(indicating) if you look over here on the east side
24 of the property - which is these two pictures - there
25 really is almost no visibility whatsoever. There's the

1
2 long wooded fence, then fences beyond that and tons of
3 trees. There were no neighbors that came and spoke in
4 opposition whatsoever to this at the original public
5 hearing. And I actually had one neighbor that I spoke
6 to out there when I went out myself who said, "It's
7 been here for ten years. What's the problem? We don't
8 care." So from that standpoint, our thought was from a
9 visibility standpoint this isn't really much of an
10 issue.

11 But I guess the one place that you could look
12 at is if you actually look from Elmwood Avenue down
13 here(indicating) up along here(indicating) you can see
14 from Elmwood Avenue this building because it does
15 project out about twenty-five feet from where the main
16 church building is.

17 So what we're willing to propose is, as you
18 see from this plan is -- we've got it up
19 here(indicating) as well -- this is Elmwood
20 Avenue(indicating), we're talking about taking some
21 parking spaces out here(indicating) and planting a
22 couple of trees and some shrubs that will essentially
23 from Elmwood Avenue block the view of this building.
24 And that's really the only view that anybody has of
25 this building. So essentially we're prepared to do

1
2 that, to add some extra landscaping to make sure that
3 essentially you can't really see that building from
4 much of anywhere on this property.

5 MS. BAKER LEIT: Can I just say as a parent,
6 in terms of an attractive - like if I were looking for
7 an attractive place for my kid to go to school I would
8 want to see ground plantings in the front like that top
9 drawing where there's like a ramp. I would like to see
10 -- I would not want just to see a modular building, to
11 be quite honest. That would not attract me. As a
12 parent, I would feel like that's a claustrophobic space
13 and I would want to see something that looks like it's
14 really permanent.

15 MR. ESSLER: Okay. Well --

16 MS. BAKER LEIT: Maybe some shrubs --

17 MR. MIETZ: Foundation plantings.

18 MS. BAKER LEIT: Right, foundation plantings.

19 MR. ESSLER: And again, if the Board has
20 specific ideas --

21 MS. BAKER LEIT: That's a strong suggestion.

22 MR. ESSLER: Well, we would be happy to
23 consider those, absolutely.

24 But let me explain a little bit about -- I
25 hear where you're coming from about -- although, if you

1
2 look and saw and get a chance to look at the package we
3 submitted supplemental, we submitted a number of
4 letters from parents who really, really want this to
5 stay where it is because it's important to them to have
6 this facility for their students. And the problem is
7 if we were to have to either remove this or move it out
8 to the hundred foot - move all that out to the hundred
9 foot setback or take the thing out altogether --

10 MS. BAKER LEIT: Excuse me. Is there the
11 ability to plant foundation plantings at that point?

12 MR. EDLIN: I believe so.

13 MR. ESSLER: Rick, do you have some --

14 MR. EDLIN: We could put foundation plantings
15 on the west side.

16 MR. ESSLER: This is Rick Ball, our
17 architect.

18 MR. BALL: The building - other than the side
19 that has the parking on it, which is essentially toward
20 the original building on Elmwood avenue - has grass
21 area all the way around it.

22 MS. BAKER LEIT: Okay.

23 MR. BALL: Certainly we could put foundation
24 plantings on the side where the ramp is. The ramp of
25 course has to be there for accessibility.

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MR. MIETZ: Right.

MR. BALL: But you could put foundation plantings on that side. And then certainly removing those four parking spaces and adding plantings at the end of at that drive would obscure the site - the one piece of the structure that you can see from there.

MS. BAKER LEIT: Thank you.

MR. ESSLER: Again - and the last point I just want to make and then we'll be essentially done, the reason that we want to turn this from a temporary to a permanent building without completely replacing it. And, again, Rick has done a great job on the supplemental materials explaining the cost. For us to actually move this building out to the setback or what would perhaps be a better alternative of making a new addition to the actual church structure -- that latter option would cost about 1.2 million dollars and would take a year. So your school operation are completely disrupted for a year, with a million dollars in expenses.

And if we were to try and move the modular building to the setback --

MS. DALE: Well, it wouldn't disrupt school if you were building onto the main church building and

1
2 keep the modular there for school to be in session and
3 not be disrupted.

4 MR. ESSLER: That would be true, but you're
5 still talk a million --

6 MS. DALE: Yeah. No, I get --

7 MR. ESSLER: -- 1.2 million dollars.

8 MS. DALE: -- your comments about not having
9 school.

10 MR. ESSLER: I understand.

11 MS. DALE: Okay.

12 MR. ESSLER: But you're talking about a the
13 amount of money that now becomes - reaches the point
14 for the parents that this now becomes almost an
15 impossible task to keep and maintain their children at
16 the school.

17 MS. DALE: How many students are there?

18 MR. EDLIN: About a hundred and thirty.

19 MS. DALE: A hundred and thirty in four
20 classrooms?

21 MR. EDLIN: No, in the whole school.

22 No, in those classrooms there's probably
23 about twenty-five, thirty.

24 MS. DALE: Gotcha. Right, right.

25 So that's just the high school is in the

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modular and --

MR. EDLIN: Correct.

MS. DALE: -- the rest of the -- okay.

MR. ESSLER: So I think it's really -- again, I'm not going to argue or debate the law. I think Mr. Dollinger would advise you on that, although I do think that he's correct in there should be a little more legal standard here.

But if there are any other questions I would be happy to answer them.

MS. DALE: I didn't -- I don't think there was or I missed it. I don't know if -- is there -- there were four classrooms.

Are there bathrooms in the --

MR. EDLIN: Yes.

MS. DALE: Okay. And it's -- I mean, is a modular building --

MR. DOLLINGER: Yeah, this is just a back room.

MS. DALE: Yeah.

MR. DOLLINGER: It has a COO, this has a Certificate of Occupancy. So --

MS. DALE: Oh, okay.

MR. DOLLINGER: -- from all of that angle

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2 it's not really a temporary building. They --

3 MR. DiSTEFANO: From New York State Building
4 Code it meets the definition of a permanent building.
5 Once the building is in place for more than six months
6 it has to meet all of New York State's Building Codes.
7 Even though it might be temporary in nature as far as
8 zoning looks at it --

9 MS. DALE: Yeah.

10 MR. DiSTEFANO: -- the building code says you
11 have to be a permanent building and meet all the state
12 requirements which includes energy codes and everything
13 else.

14 MR. ESSLER: Sprinklers, whatever, yeah. The
15 Town has been through that building now --

16 MR. DiSTEFANO: Right. So the building was
17 constructed as a permanent building even though it was
18 temporary in nature from a zoning standpoint.

19 MS. TOMPKINS WRIGHT: So, just to piggyback
20 on -- no difference on the remaining useful life of the
21 building, of this construction versus --

22 MR. DiSTEFANO: I think that's one of the
23 issues is that this building doesn't have the same life
24 span as if they were to add on to the church.

25 MS. TOMPKINS WRIGHT: So what is -- do you

1
2 have any idea what is the life span with this kind of
3 structure?

4 MR. ESSLER: Rick?

5 MR. BALL: In my opinion, the building was
6 obviously located someplace else and brought to the
7 site. And I believe right now that structure is
8 approximately twenty-something years old. The boxes
9 themselves have been on this site for ten years. With
10 proper maintenance - which is exactly what we're
11 talking about - restoration of the exterior, making
12 sure the roofs are tight, proper looking at the
13 interior finishes, this building could easily last
14 another twenty to thirty years with out any issues.

15 MS. CORRADO: So following on that, it's in
16 very shabby condition right now and we've had repeated
17 assurances that the previous effort - request - for
18 extension of the temporary permit that you maintained
19 -- I think, Reverend Edlin, you had said, "We're going
20 to commit to maintaining the building in a safe and
21 attractive manner going forward." I think this was one
22 or two applications back for the extension of the
23 temporary permit.

24 It doesn't look great right now and I am not
25 comfortable with the reassurances at this point. We

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haven't seen the commitment play out?

MR. ESSLER: Give us a couple years and press that requirement to return in a couple of years and take a look at what's still there.

MS. CORRADO: We've been doing this for ten years or more, right? So --

MR. ESSLER: But we're turning it now to a permanent structure, but that doesn't mean you couldn't make us come back in to satisfy you or the ARB with the, you know, integrity of the structure from an aesthetic standpoint.

MS. DALE: So you're saying the reason you didn't fulfill the statements in the past was you decided not to do what you said you were going to do because it was temporary and you were going to move maybe?

MR. ESSLER: Yeah, there --

MS. DALE: Now, you're not going to move --

MR. ESSLER: There was a very long debate in process with the town where the temple actually had a project proposed.

MS. DALE: But you could have fulfilled -- you could have done what you said you were going to do even though it was going to be temporary. I guess

1
2 that's the trouble.

3 MR. ESSLER: And I guess I would express some
4 measure of disagreement. I have been out to the site.
5 I don't think as a temporary - well, even permanent
6 founder of the building that that's really in such a
7 terrible state of disrepair. I have been in it. I've
8 been around it. Yeah, it needs touch up, but it
9 doesn't need significant work. The work we're talking
10 about would be done quickly and easily.

11 MS. DALE: What then -- it seems how come you
12 didn't?

13 MR. EDLIN: Well, we have been. We have been
14 doing it throughout the years. We've been maintaining
15 it. And now this year we have a number of things we
16 want to do, but we kind of have this in the middle of
17 the way saying which way is the town going to go.

18 So we plan on doing it this month before
19 school starts because some things we don't do during
20 the school year. And so we're planning on doing it
21 this month and getting to it. So it is on the schedule
22 to do for this month.

23 And this winter - honestly, this winter put a
24 beating on -- I don't know about your homes and stuff,
25 but this was a rough winter. This was a very rough

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2 winter and so our building felt that and our facilities
3 felt that and my home felt that. So it was a rough
4 winter. So the building feels the winter, but we'll
5 fix - we'll repair it. I mean we'll take care of it
6 like we have. We have been taking care of it.

7 I understand there is certain appeal
8 standards that some may have different from others. I
9 understand that. But the building works for us. It's
10 not a brand new building. I would love to have a brand
11 new building. That would be great, but it is what we
12 have and we feel that we can keep it well enough and
13 looking sharp to function.

14 Is it going to look like a brand new
15 building?

16 I can't make it look like a brand new
17 building, but I believe we could make it look clean,
18 presentable, fix anything that's broken and paint and
19 make sure that everything is working, repairs -- we do
20 have a number of repairs and largely from the winter.
21 The winter took a beating on us.

22 MS. CORRADO: But this goes back to the
23 wisdom of further investing your hard gained money in
24 your community into a building that does not have the
25 quality of material in it and quality of construction

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2 that should last over time. So the building is
3 intentionally not as strong, not intended to make it
4 through winter regularly or any reinvesting year after
5 year in a substandard building -- is that wise for --

6 MR. ESSLER: In our view, it was wiser than
7 1.2 million dollars, which frankly the church just
8 doesn't have.

9 MR. EDLIN: Correct. And we wouldn't term it
10 as substandard. We understand that some may, but we
11 don't term it as that. We feel that building has
12 worked well for us, it served well for us and so we
13 like that building. We need that building. That
14 building helps us fulfill our mission. Our kids like
15 that building. Our parents, our families like the
16 building. So just keeping it up - we'll make sure it
17 keeps up.

18 We realize the cost. We realize nothing
19 beats new. But at this point -- I realize and I hear
20 what Rick said and I realize in twenty years we're
21 going to really think through - it will be less than
22 twenty to think through what our next steps will be.
23 Obviously it's not going to last beyond twenty/thirty
24 years, so we'll have to have other plans. But we'll
25 probably be in a different position by that point.

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2 This is just the position we happen to be in at this
3 point. And we have school starting in a few weeks, so
4 we want to make sure that we're ready to go.

5 MS. TOMPKINS WRIGHT: You mentioned the ARB,
6 they approved the exterior as a permanent structure?

7 MR. ESSLER: Yes.

8 MS. TOMPKINS WRIGHT: As a permanent
9 structure?

10 MR. ESSLER: Yes, with those, you know --

11 MS. TOMPKINS WRIGHT: Yeah.

12 MR. ESSLER: -- with what we proposed for
13 maintenance and repair, they approved it.

14 Which may be why I didn't do a good enough
15 job at the original hearing in perhaps making it clear
16 what Pastor Steve has made clear tonight about the long
17 term intention.

18 MS. TOMPKINS WRIGHT: Yeah.

19 MR. MIETZ: Okay. Any other questions?

20 MR. GOLDMAN: I have something a little
21 different.

22 I drove down Winton Road today and I saw
23 there's some work being done where you had the bonfires
24 and stuff.

25 Are you planning doing something else there

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this summer?

MR. EDLIN: No. Somebody went into our property. Somebody is doing work there. This is Pastor Eric Johnson. That's not us just so, you know, I don't know --

MR. JOHNSON: They're doing some roadwork somewhere in the town and they were looking for a place to park their equipment. And they wanted to use our property on Elmwood - to use our parking lot - and we told them they couldn't do it, to come see the town. And they came to see the town and the town I guess allowed them to use town property. And they mistaken our property for town property.

MR. ESSLER: There is a town park adjacent to our property there on Westfall.

MR. JOHNSON: So that's how they ended up there. So the equipment that you see --

MR. GOLDMAN: It looks like they're improving the entrance and --

MR. JOHNSON: Yeah, great.

MR. ESSLER: We wish. We can only wish. There are religious functions going on there during the summer.

MR. GOLDMAN: Thank you.

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2 MR. MIETZ: All right. Do we have any other
3 questions?

4 MR. ESSLER: Thank you very much for the
5 opportunity.

6 MR. EDLIN: We appreciate it.

7 MR. MIETZ: Is there anyone in the audience
8 who would like to speak regarding this application?

9 There being none, the reopened public hearing
10 is closed.

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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

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on August
5th, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

August 5th, 2015
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN
CHRISTINE CORRADO
JEANNE DALE
JUDY SCHWARTZ
MORREY GOLDMAN
ANDREA TOMPKINS WRIGHT
CANDICE BAKER LEIT, ESQ.

DAVID DOLLINGER, ESQ.
Town Attorney

RICK DiSTEFANO
Secretary

(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 7A-02-15

3 7A-02-15 Application of Faith Temple, owner of
4 property located at 1876 Elmwood Avenue, for an Area
5 Variance from Sections 203-2C(1)(a) and 203-9B(1) to
6 allow for a permanent structure, after conversion from
7 a temporary structure, to be located 23 ft. from a side
8 lot line in lieu of the minimum 100 ft. required by
9 code. All as described on application and plans on
10 file. TABLED AT THE JULY 1, 2015 MEETING.

11 Motion made by Ms. Corrado to approve
12 Application 7A-02-15.

13 **FINDINGS OF FACT:**

14 1. The requested variance is the minimum variance
15 possible considering the long-term status of the
16 modular unit that is placed on the property through
17 extensions of the temporary variances requested since
18 2003 and thereafter.

19 2. The applicant has been making extensive efforts to
20 move the entire complex to another site, however these
21 efforts have not come to fruition. Furthermore, any
22 effort to move the modular structure to a location on
23 the current site which meets the required one hundred
24 foot side setback would involve enormous expense and
25 could negatively affect the structural integrity of the

1
2 building.

3 3. No unacceptable change to the character of the
4 neighborhood or nearby properties is expected with the
5 approval of this variance. In fact, with the proposed
6 cosmetic improvements and repairs as described in
7 application and testimony the property will be
8 improved.

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

12 **CONDITIONS:**

13 1. This variance will apply only to the structure that
14 was described in the application and testimony, in
15 particular it will not apply to additional structures
16 considered in the future that are not included in the
17 present application.

18 2. All repairs and cosmetic improvements to the
19 structure as described in testimony and application and
20 approved by the Architectural Review Board must be
21 completed.

22 3. Additional screening and ornamental landscaping
23 shall be planted as proposed in application and
24 testimony and additional foundation plantings shall be
25 installed to create an appearance of a permanent

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structure.

4. All necessary building permits shall be obtained.

(Seconded by Ms. Tompkins Wright.)

(Mr. Goldman, yes; Ms. Schwartz, yes; Ms. Dale, yes; Mr. Mietz, yes; Ms. Baker Leit, yes; Ms. Tompkins Wright, yes; Ms. Corrado, yes.)

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

1
2 APPLICATION 8A-01-15

3 8A-01-15 Application of Timothy and Cathy
4 Woodlock owners of property located at 486 Grosvenor
5 Road, for Area Variances from Section 205-2 to allow a
6 deck to extend 16 ft. into the 46 ft. rear setback
7 where a 60 ft. rear setback is required by code, and to
8 extend 3.5 ft. into the 15.7 ft. side setback where a
9 16 ft. side setback is required by code. All as
10 described on application and plans on file.

11 Motion made by Mr. Mietz to approve
12 Application 8A-01-15.

13 **FINDINGS OF FACT:**

14 1. While the variance appears significant, it has
15 minimal effect on the adjacent neighbors.

16 2. Any structure at the rear of the house would
17 encroach into the rear setback, as the house is
18 approximately forty-five feet from the rear property
19 line.

20 3. No negative effect on the character of the
21 neighborhood will result from the approval of this
22 variance since neighboring properties have similar
23 structures and the vegetation buffers the view of the
24 properties.

25 **CONDITIONS:**

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1. All necessary permits shall be obtained.

2. This variance applies only to the deck as described per testimony and plans submitted.

(Seconded by Ms. Baker Leit.)

(Mr. Goldman, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Ms. Corrado, yes; Ms. Baker Leit, yes; Mr. Mietz, yes.)

1
2 APPLICATION 8A-02-15

3 8A-02-15 Application of David Crowe, architect,
4 and Floyd and Sue Winslow, owners of property located
5 at 316 South Landing Road, for Area Variances from
6 Section 205-2 to allow a new house to be constructed
7 with a front setback of 30 ft. in lieu of the
8 minimum 60 ft. required by code, and a side (north)
9 setback of 6 ft. in lieu of the minimum 21.7 ft.
10 required by code. All as described on application and
11 plans on file.

12 Motion made by Ms. Schwartz to approve
13 Application 8A-02-15.

14 **FINDINGS OF FACT:**

- 15 1. The current home has been situated on this lot for
16 190 years, long before zoning regulations.
- 17 2. To mitigate the inadequate setbacks the side yard
18 setback will be increased by six feet and the front
19 yard setback will be increased by 8.9 feet on the west
20 property line.
- 21 3. The proposed location will minimize any
22 environmental impacts.
- 23 4. This location of the proposed home eliminates the
24 need to cut down well established trees in the front
25 yard and expansive rear yard which have immeasurably

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2 added to the character of the property.

3 5. Placing the proposed home in almost the same
4 location of the current home will not change the
5 character of the area or have an adverse affect on the
6 health and safety of the neighbors.

7 **CONDITIONS:**

8 1. This approval is only for the new home as presented
9 in testimony and written application.

10 2. All necessary planning and building approvals must
11 be obtained.

12 (Secoded by Ms. Corrado.)

13 (Ms. Baker Leit, yes; Mr. Mietz, yes; Ms.
14 Dale, yes; Ms. Tompkins Wright, yes; Mr. Goldman, yes;
15 Ms. Corrado, yes; Ms. Schwartz, yes.)

16 (Upon roll call, motion to approve with
17 conditions carries.)
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2 APPLICATION 8A-03-15

3 8A-03-15 Application of 2090 Clinton Ave South,
4 LLC, owner of property located at 2080 South Clinton
5 Avenue, for a Sign Variance from Section 207-32B to
6 allow for a free standing sign where not allowed by
7 code. All as described on application and plans
8 on file.

9 Motion made by Ms. Tompkins Wright to approve
10 Application 8A-03-15.

11 **FINDINGS OF FACT:**

12 1. The property previously contained a free standing
13 sign of similar size and in a similar location, and the
14 proposed free standing sign will replace the previous
15 signs. As such, the requested variance will not
16 produce an undesirable change in the character of the
17 neighborhood or detriment to nearby properties.

18 2. The location and orientation of the building as
19 well as the distance from Clinton Avenue makes building
20 signs alone less affective. And the benefit that the
21 applicant is seeking may increase visibility to
22 travelers on Clinton Avenue cannot be achieved readily
23 in any other manner without a variance for a free
24 standing sign.

25 3. The requested variance is not substantial in light

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2 that the sign will be similar in size and location as
3 the prior free standing sign.

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

7 **CONDITIONS:**

8 1. This variance will apply only to the free standing
9 sign as per plans submitted and testimony given.

10 2. All lights illuminating the sign shall be shielded
11 to avoid spillage to neighboring properties and the
12 road, and on timers so that lights will be turned off
13 no later than 10:00 p.m.

14 3. All approvals from the Planning Board and
15 Architectural Review Board as well as all necessary
16 permits shall be obtained prior to construction.

17 (Seconded by Mr. Goldman.)

18 (Ms. Corrado, yes; Ms. Baker Leit, yes; Mr.
19 Mietz, yes; Ms. Dale, yes; Ms. Schwartz, yes; Mr.
20 Goldman, yes; Ms. Tompkins Wright, yes.)

21 (Upon roll call, motion to approve with
22 conditions carries.)
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2 APPLICATION 8A-04-15

3 8A-04-15 Application of Linden Knoll, LLC, owner
4 of property located at 81 Linden Avenue, for an Area
5 Variance from Section 205-18 to allow for front yard
6 parking to extend 11 ft. into the 20 ft. parking
7 setback required by code. All as described on
8 application and plans on file.

9 Motion made by Ms. Baker Leit to approve
10 Application 8A-04-15.

11 **FINDINGS OF FACT:**

- 12 1. While the proposed variance is substantial, the
13 necessity for the proposed front yard parking occurred
14 due to an exercise of eminent domain by New York State
15 during Route 441 reconstruction project.
- 16 2. There are no alternatives to alleviate the hardship
17 of inadequate parking and produce the desired result.
- 18 3. If approved there will be no change to the
19 character of the neighborhood and no detriment to
20 nearby properties. In fact, this will improve access
21 and parking to this senior living facility.
- 22 4. The alleged hardship was not self-created due to
23 the exercise of eminent domain by New York State.

24 **CONDITIONS:**

- 25 1. This variance is approved only for the parking lot

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2 as described in the application submitted and as
3 testified to during the hearing.

4 2. The applicant will add additional plantings to
5 further screen the parking lot from the road.

6 3. All necessary Town of Brighton permits and
7 approvals will be obtained including the Planning Board
8 and Conservation Board.

9 (Seconded by Ms. Schwartz.)

10 (Mr. Goldman, yes; Ms. Tompkins Wright, yes;
11 Ms. Dale, yes; Mr. Mietz, yes; Ms. Corrado, yes; Ms.
12 Schwartz, yes; Ms. Baker Leit, yes.)

13 (Upon roll call, motion to approve with
14 conditions carries.)
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2 APPLICATION 8A-05-15

3 8A-05-15 Application of Deacon Peter Bushunow,
4 agent, and Holy Ascension of Christ Orthodox Church,
5 owner of property located at 626 North Landing Road,
6 for an extension of a variance (8A-08-14) pursuant to
7 Section 219-5F, allowing for the construction of a
8 front addition. All as described on application and
9 plans on file.

10 Motion made by Ms. to approve Application
11 8A-05-15.

12 **FINDINGS OF FACT:**

13 1. Based on the findings of fact and conditions form
14 8A-08-14.

15 **CONDITIONS:**

16 1. All previous conditions shall apply.

17 (Seconded by Ms. Tompkins Wright.)

18 (Ms. Corrado, yes; Mr. Goldman, yes; Ms.
19 Schwartz, yes; Mr. Mietz, yes; Ms. Baker Leit, yes; Ms.
20 Tompkins Wright, yes; Ms. Dale, yes.)

21 (Upon roll call, motion to approve with
22 conditions carries.)
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2 APPLICATION 8A-06-15

3 8A-06-15 Application of Dave Pastore / Upstate
4 Roofing and Painting, owner of property locate at 1300
5 Brighton Henrietta Town Line Road, for an Area Variance
6 from Sections 205-8 and 207-6B(3) to allow a 1,600 sf
7 accessory structure to be constructed with a 19.8 ft.
8 side setback in lieu of the minimum 50 ft. side setback
9 required by code. All as described on application and
10 plans on file.

11 Motion made by Mr. Goldman to approve
12 Application 8A-06-15.

13 **FINDINGS OF FACT:**

- 14 1. The location of the structure is well hidden from
15 the street.
16 2. The structure will be constructed of material that
17 restricts the confines from being seen by the west
18 side.
19 3. No unacceptable change in the character of the
20 neighborhood will occur.

21 **CONDITIONS:**

- 22 1. The structure shall be constructed as per plans
23 submitted to the Board at the meeting of August 5th,
24 2015.
25 2. All necessary approvals and building permits from

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the Town of Brighton shall be obtained.

(Seconded by Ms. Tompkins Wright.)

(Ms. Corrado, yes; Ms. Baker Leit, yes; Mr. Mietz, yes; Ms. Dale, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes; Mr. Goldman, yes.)

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

1
2 APPLICATION 8A-07-15

3 8A-07-10 Application of The Country Club of
4 Rochester, owner of property located at 2935 East
5 Avenue, for a Temporary and Revocable Use Permit
6 pursuant to Section 219-4 to allow for a mobile
7 structure/trailer, used as a fitness facility, to be
8 placed on site. All as described on application and
9 plans on file.

10 Motion made by Mr. Mietz to approve
11 Application 8A-07-15.

12 **FINDINGS OF FACT:**

13 1. The structure as described will be temporary in
14 nature to support the existing activities during
15 reconstruction of the main building.

16 2. This permit shall support construction which is
17 contemplated to begin September 2015 and to be
18 completed at the end of March 2016.

19 3. No negative effect on the character of the
20 neighborhood will be caused by the temporary structure
21 due to its temporary nature.

22 **CONDITIONS:**

23 1. This variance applies only to the structure as
24 described in testimony given and plans submitted.

25 2. This permit shall be applicable from August 5th,

2015 to April 15, 2016, when the structure shall be removed and any disturbance be restored.

3. There shall be no signage facing Elmwood and no additional exterior lighting shall be added.

(Seconded by Ms. Corrado.)

(Ms. Baker Leit, yes; Mr. Goldman, yes; Ms. Schwartz, yes; Ms. Tompkins Wright, yes; Ms. Dale, yes; Ms. Corrado, yes; Mr. Mietz, yes.)

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

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2 APPLICATION 8A-08-15

3 8A-08-15 Application of Columbia-Wegman Brighton
4 LLC, owner of property located at 1350 Westfall Road,
5 for an Area Variance from Section 207-31 to allow for a
6 free standing sign where not allowed by code. All as
7 described on application and plans on file.

8 Motion made by Ms. Schwartz to approve
9 Application 8A-08-15.

10 **FINDINGS OF FACT:**

11 1. The sign sits back quite a bit from the road and is
12 screened by vegetation as one approaches from either
13 direction.

14 2. By rotating the current sign and making it double
15 sided it would add a safety factor because it would be
16 more visible for drivers coming from both directions,
17 eliminating the possible need to back up or from
18 turning around.

19 3. There will be no negative effect on the character
20 of the area.

21 **CONDITIONS:**

22 1. This request for a sign to be rotated ninety
23 degrees and to become double sided pertains only to the
24 testimony presented and the written application.

25 2. All necessary Planning Board and Architectural

Review Board approvals shall be obtained.

3. A maximum of one light per side shall be permitted for the sign and all other requirements of the incentive zoning approval in regards to signage shall be met.

(Seconded by Ms. Corrado.)

(Ms. Dale, yes; Ms. Tompkins Wright, yes; Mr. Goldman, yes; Mr. Mietz, yes; Ms. Baker Leit, yes; Ms. Corrado, yes; Ms. Schwartz, yes.)

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

1
2 APPLICATION 8A-09-15

3 8A-09-15 Application of Brian Geary, owner of
4 property located at 193 Avon Road (Tax ID#133.13-3-22),
5 for extension of an area variance (7A-07-14) pursuant
6 to Section 219-5F, allowing for the construction of a
7 new home with 26% lot coverage. All as described on
8 application and plans on file.

9 Motion made by Ms. Tompkins Wright to approve
10 Application 8A-09-15.

11 **FINDINGS OF FACT:**

12 1. Based on the findings of fact listed in the
13 previous approval for Application 7A-07-14 and upon the
14 conditions listed in Application 7A-07-14.

15 **CONDITIONS:**

16 1. All previous conditions still apply.

17 (Seconded by Ms. Baker Leit.)

18 (Ms. Corrado, yes; Mr. Mietz, yes; Ms. Dale,
19 yes; Ms. Schwartz, yes; Mr. Goldman, yes; Ms. Baker
20 Leit, yes; Ms. Tompkins Wright.)
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2 APPLICATION 8A-10-15

3 8A-10-15 Application of Columbia-Wegman LLC,
4 owner of property located at 1350 Westfall Road, for an
5 Area Variance from Section 207-2B to allow a rear yard
6 fence to be 8.5ft. in height in lieu of the maximum 6.5
7 ft. in height allowed by code. All as described on
8 application and plans on file.

9 Motion made by Ms. Baker Leit to approve
10 Application 8A-10-15.

11 **FINDINGS OF FACT:**

12 1. While the proposed variance is substantial, adding
13 two feet of trellis to the existing six foot fence is
14 necessary for the safety and well being security of the
15 elderly residents.

16 2. There is no alternative to alleviate the difficulty
17 of increased security for seniors requiring care and
18 produce the desired effect of giving seniors the
19 freedom to enjoy their wander garden, which is a safe
20 enclosed outdoor area.

21 3. If approved, there will be no change in the
22 character of the neighborhood as the eight foot fence
23 will not be visible from the street or to any
24 neighboring residential properties. It will only be
25 visible to the next door church and to the park land to

1
2 the rear.

3 4. There will be no detriment to nearby properties.

4 5. The alleged hardship was not self created, but
5 instead it's a function of the difficulty inherent
6 providing safe housing for seniors with Alzheimer's.

7 **CONDITIONS:**

8 1. The variance approved is only for the eight foot
9 fence described in the application submitted and in
10 testimony given.

11 2. All necessary building permits shall be obtained.

12 (Secoded by Mr. Goldman.)

13 (Ms. Tompkins Wright, yes; Ms. Schwartz, yes;
14 Mr. Mietz, yes; Ms. Corrado, yes; Ms. Dale, yes; Mr.
15 Goldman, yes; Ms. Baker Leit.)

16 (Upon roll call, motion to approve with
17 conditions carries.)
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2 APPLICATION 8A-11-15

3 8A-11-15 Application of the Baptist Temple,
4 owner of property located at 1101 Clover Street,
5 for a Sign Variance from Section 207-31B to allow for
6 three (3) identification signs (two free standing
7 identification signs currently exist) where only one
8 identification sign is allowed by code. All as
9 described on application and plans on file.

10 Motion made by Ms. Tompkins Wright to table
11 Application 8A-11-15 and leave the public hearing open
12 in request for more information about the tenants, the
13 use of the building and the relationship between the
14 name on the sign and the business entities operating in
15 the building.

16 (Seconded by Ms. Baker Leit.)

17 (Mr. Goldman, yes; Ms. Schwartz, yes; Ms.
18 Dale, yes; Mr. Mietz, yes; Ms. Corrado, yes; Ms. Baker
19 Leit, yes; Ms. Tompkins Wright, yes.)

20 (Upon roll call, motion to table and leave
21 the public hearing open carries.)
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2 APPLICATION 8A-12-15

3 8A-12-15 Application of Dean Faklaris, agent,
4 and the University of Rochester, owner of property
5 located at 5901 Lac de Ville Blvd., for a Sign Variance
6 from Section 207-32B to allow for a free standing
7 business identification sign where not allowed by
8 code. All as described on application and plans on
9 file.

10 Motion made by Mr. Mietz to approve
11 Application 8A-12-15.

12 **CONDITION:**

- 13 1. The physical location and orientation of the
14 property as it relates to the street makes it more
15 difficult for visitors to find this property with only
16 the existing signage on the canopy.
17 2. The proposed sign is the minimum size required to
18 give proper identification to this location.
19 3. Because of the nature of the use of this property
20 both the address and the name of the use is beneficial.

21 **CONDITIONS:**

- 22 1. The variance applies only to the sign in size and
23 location as per plans submitted and testimony given.
24 2. All necessary Planning Board and Architectural
25 Review Board approvals shall be obtained.

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3. The sign shall not be illuminated.

4. The address of the property shall be included within the confines of the sign as per plans proposed.

(Seconded by Ms. Baker Leit.)

(Mr. Goldman, no; Ms. Schwartz, no; Ms. Tompkins Wright, yes; Ms. Dale, yes; Ms. Corrado, yes; Ms. Baker Leit, yes; Mr. Mietz, 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

	219-5F [4] 38/10 64/9 132/7 139/6 22 [2] 64/7 139/4	8A-10-15 [4] 67/2 140/2 140/3 140/10 8A-11-15 [4] 71/18 142/2 142/3 142/11 8A-12-15 [4] 79/11 143/2 143/3 143/11
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