

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on March
4th, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

March 4th, 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

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2 MR. MIETZ: I would like to call to order the
3 March session of the Brighton Zoning Board of Appeals.

4 Rick, was the meeting properly advertised?

5 MR. DiSTEFANO: Yes, Mr. Chairman. It was
6 advertised in the Brighton Pittsford Post of February
7 26, 2015.

8 MR. MIETZ: Okay. Please call the roll.

9 MR. DiSTEFANO: Please let the record show
10 all members are present.

11 MR. MIETZ: Okay. We do have the minutes
12 from the February meeting.

13 Are there any additions or corrections?

14 Ms. Schwartz?

15 MS. SCHWARTZ: I just found two little
16 things.

17 On page 31, lines 10 and 11, it's talking
18 about the square footage of the house.

19 And I didn't recall, was it 4,422 because
20 here it says forty-four twenty-two; was it that big?

21 MR. DiSTEFANO: Which house was -- which
22 application was this?

23 MS. SCHWARTZ: It was the one that had
24 expired on Indian Spring Lane.

25 MR. MIETZ: David Burrows' application.

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2 MS. SCHWARTZ: Was it that big? I mean Chad
3 must have gotten that, but --

4 MR. DiSTEFANO: I mean, yeah, it's a fairly
5 substantial house.

6 MS. SCHWARTZ: Okay. And then on page 32,
7 the very last line, 25, almost the last word should be
8 season, s-e-a-s-o-n.

9 And that's all I have. They were great.

10 MR. MIETZ: Anybody have anything else?

11 MS. TOMPKINS WRIGHT: On page 29, line 21, I
12 think that should be coordinated instead of
13 coordinator.

14 MR. MIETZ: Yes. Okay. Chad, thank you.

15 Any other additions?

16 Can I have a motion to accept the motions as
17 amended?

18 (Motion made by Mr. Goldman to approve the
19 February amended minutes.)

20 (Seconded by Ms. Baker Leit.)

21 (Upon roll call, motion to approve the
22 February amended minutes carries.)

23 MR. MIETZ: Okay. Do you want to read the
24 first application?

25 2A-03-15 Application of Lifetime Healthcare BCBS,

1
2 lessee, and MedAmerica Insurance Company of New York,
3 owner of property located at 70 Metro Park, for a Sign
4 Variance from Section 207-32B(1) to allow a sign on a
5 second building face where not allowed by code. All as
6 described on application and plans on file. TABLED AT
7 THE FEBRUARY 4, 2015 MEETING - PUBLIC HEARING REMAINS
8 OPEN

9 MR. MIETZ: Gentlemen?

10 MR. GARRIGAN: Good evening. I'm John
11 Garrigan, with Lifetime Healthcare Companies, along
12 with Mike Beadling. I think Mike was here before the
13 Board to talk about our sign. And I understand from
14 the letter of February 6th, that you're looking for a
15 complete understanding of why the variance is needed
16 and why the sign couldn't go on for code requirements,
17 and a photo-simulation of the existing and proposed
18 signs.

19 Are there any questions as to the first, why
20 the sign was needed?

21 We have two subsidiary companies occupying
22 the same building. Two separate and distinct
23 identities trying to maintain that identity - those
24 separate identities in the building. The signs -- we
25 proposed the location of the signs to identify to the

1
2 public which part of the building they were in.

3 We've come with different alternatives to
4 those layouts. We would like to show those to the
5 Board to see if they're acceptable.

6 MR. MIETZ: We've received something from
7 you. So you'll have to kind of walk us through --

8 MR. GARRIGAN: Okay.

9 MR. MIETZ: -- what we're looking at.

10 MR. GARRIGAN: In this booklet -- I apologize
11 for just walking this through. The very
12 first(indicating) is the dimensions of the sign that is
13 existing for MedAmerica and the proposed sign and size
14 of the Lifetime Benefits Solution sign.

15 MR. GOLDMAN: We don't have it.

16 MR. MIETZ: We don't have that one.

17 MR. DiSTEFANO: This one(indicating), the
18 first page.

19 MS. SCHWARTZ: No, we don't have it.

20 MR. DiSTEFANO: It did not get printed for
21 you guys?

22 Sorry.

23 MR. GARRIGAN: We have some extras.

24 MR. DiSTEFANO: Blame me for that one because
25 I didn't make the copy for it.

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2 MR. MIETZ: We can share.

3 MR. GARRIGAN: And they show, again, the
4 MedAmerica sign is the existing dimensions and the LBS
5 is the proposed sign. And what we did is we wanted to
6 make sure they were within the hundred and fifty square
7 feet maximum requirement.

8 The following page(indicating) is a display
9 of the MedAmerica sign on the building today, which is
10 on the east elevation. If you recall the building has
11 sort of a V-shaped entrance to the front of it, with
12 the two different fascias on it; one facing east and
13 one facing south.

14 And our original proposal on the next
15 page(indicating) shows the Lifetime Benefits Solution
16 on the south fascia. And I understand that is the one
17 that you asked for alternatives to.

18 The third page(indicating) just shows the two
19 signs on the building as we originally proposed. And I
20 believe then we have some other alternatives.

21 The first alternative that you see is quite
22 honestly the one we're not fond of. I don't think it
23 looks -- has the aesthetic appeal that we'd like the
24 two signs next to each other on the east fascia. And I
25 think there's another page where there's two signs on

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the south fascia. And --

MR. GOLDMAN: We're starting to --

MS. DALE: It's a little monotonous.

MR. GOLDMAN: Yeah. Are you referring to this one(indicating)?

MR. GARRIGAN: Yes.

MR. GOLDMAN: It's not in this book.

MR. GARRIGAN: Okay. My apologies. I thought we had sent everything over to you.

MR. GOLDMAN: All right.

MR. GARRIGAN: Regardless, that's not the preferred location. There is one sign - one drawing where the sign is by itself on the south fascia - east fascia, which would be parallel to the sign - the existing MedAmerica sign.

MR. MIETZ: That would be at this corner right here(indicating), correct?

MR. GARRIGAN: Yeah. Is that --

MR. DiSTEFANO: So that - the one he's showing there(indicating) would be here(indicating) on the building. So you would have MedAmerica(indicating) and then down on that(indicating).

MR. GARRIGAN: Isn't that --

MR. DiSTEFANO: Actually, MedAmerica would be

1
2 here(indicating) and Lifetime would be here
3 (indicating).

4 MR. GARRIGAN: I think if you look on the
5 last page in there --

6 MR. DiSTEFANO: Yeah, I was trying to get
7 them to where - to orient --

8 MS. BAKER LEIT: Right.

9 MR. GARRIGAN: The MedAmerica sign shows up
10 just a little bit on the right-hand side.

11 So what it does is it presents the signs in
12 parallel. They're not on coroners. So they're facing
13 the same direction on the face of the building, if you
14 will.

15 MR. GOLDMAN: What's your preferred?

16 MR. GARRIGAN: Our preferred would be the
17 original, but understanding that this would be our
18 preferred.

19 MR. GOLDMAN: Last time, the gentleman that
20 was here - forgive me, I forgot your name.

21 MR. GARRIGAN: Mike.

22 MR. GOLDMAN: Mike indicated to us that there
23 was only one entrance.

24 MR. GARRIGAN: That's correct.

25 MR. GOLDMAN: And you indicated that you

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2 originally had them separate to indicate what locations
3 within the building these different entities were.

4 MR. GARRIGAN: Yes.

5 MR. GOLDMAN: From my mind, you can only go
6 in one entrance.

7 So it really doesn't matter where the signs
8 are placed in relationship to where they are inside,
9 it's you only have one entrance; is that correct?

10 MR. GARRIGAN: There's one entrance to the
11 building, but the front of the building as it was
12 originally designed is a - it's a V-shaped entrance, if
13 you will. There's an east fascia and a south fascia
14 and we originally - the MedAmerica sign is here
15 (indicating). We originally proposed to put the LBS
16 sign here(indicating).

17 MR. GOLDMAN: Yes.

18 MR. GARRIGAN: Well, what we're now saying is
19 we put the LBS sign here(indicating). If I could on
20 the --

21 MR. GOLDMAN: That's your
22 original(indicating), right?

23 MR. GARRIGAN: That's our original proposal.
24 What we would like to do now is put this sign
25 here(indicating).

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MR. GOLDMAN: Okay.

MS. TOMPKINS WRIGHT: Just for clarification, that's only if we don't approve the V-shaped signage, correct.

MR. GARRIGAN: Correct.

MS. TOMPKINS WRIGHT: You would still prefer to have the perpendicular sign?

MR. GARRIGAN: Correct.

MR. DiSTEFANO: I don't think we would require them to get a variance if they took that last option because in essence it's the same building face, it's just one part of the building face is just set back a little bit more than the other building face. So that last one with the - that one there(indicating) with MedAmerica here(indicating) and this here(indicating) we probably wouldn't require it. And, again, that just doublechecks for footages, but I don't think this would require a variance at all.

So if we were to deny it they could do this without any - without the Board doing any action on it. But I don't think that's ultimately what they want.

MR. GARRIGAN: Right. We like the signs as we originally proposed, but that's our preferred alternative then.

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2 MS. TOMPKINS WRIGHT: And the inside - the
3 interior of the building is clearly delineated into two
4 spaces; is it almost left and right, or --

5 MR. GARRIGAN: Yes. The MedAmerica staff on
6 this side and Lifetime Benefit staff on this side.

7 MR. GOLDMAN: Clearly there's signage inside
8 to indicate that to a newbie coming into the building?

9 MR. GARRIGAN: Well, there's a reception desk
10 and behind the reception desk there's internal signage,
11 yes.

12 MR. GOLDMAN: Yeah.

13 MR. MIETZ: And this was the extent of
14 options that you looked at?

15 MR. GARRIGAN: Other than two options where
16 we have both signs on the same fascia, we would have to
17 put them on the south fascia. We would have to move
18 the MedAmerica sign down, mount a new sign next to it.
19 That was the other - those were the other options.

20 MR. GOLDMAN: And just help me understand,
21 just for my own clarification. When I went in there to
22 look at it I came in from east Henrietta Road, but if I
23 came down from the other way I would have no idea what
24 that building is until I passed it.

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MR. GARRIGAN: Yeah. If you came from --

MR. MIETZ: Metro Park.

MR. GOLDMAN: Metro Park, coming off of --

MR. MIETZ: Going east.

MR. GARRIGAN: If the building was on your left you wouldn't see it until you got to the front of it.

MR. GOLDMAN: Until I got past it.

MR. GARRIGAN: Right. But once you did and you saw our signs you would know exactly where.

MR. GOLDMAN: Yeah, I could look in my rearview mirror and see it.

I'm just trying to understand what --

MR. BEADLING: Well, it would be even more challenging if we were to put it in the second option because you would have to get even further past it to see it. That's why we're --

MR. DiSTEFANO: The second option being both of them on the south?

MR. GARRIGAN: No, the preferred option would be on the --

MR. BEADLING: Right. I'm saying the second option.

MR. DiSTEFANO: The preferred option you say

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2 would be more difficult than what currently is
3 happening there because it's the Lifetime is further
4 down?

5 MR. GARRIGAN: Right.

6 MR. MIETZ: Okay. Any other questions of
7 these gentleman?

8 Okay. Thank you.

9 MR. GARRIGAN: Thank you for your time.

10 MR. MIETZ: Is there anyone in the audience
11 that would like to comment on this application?

12 There being none the public hearing is
13 closed.

14 Let's move on to the next application
15 3A-01-15 Application of 1465 Monroe Avenue Associates,
16 LLC, owner of property located at 1465 Monroe Avenue,
17 for an Area Variance from Section 205-12 to allow for
18 30 onsite parking spaces in lieu of the minimum 43
19 parking spaces (after occupation of a yoga studio)
20 required by code. All as described on application and
21 plans on file.

22 MS. ROSEN: Rachel Rosen, with Norry
23 Management Corporation.

24 We are looking at bringing a yoga studio in
25 the space that was formally being occupied by

1
2 Jacqueline's Bridal. It's been gone for over a year
3 now.

4 A yoga studio operates very similarly to a
5 health club in that their hours are kind of inverse to
6 the hours of regular businesses, so that while the
7 parking requirements are -- assuming that everybody is
8 there at the same time.

9 The yoga studio anticipates having most of
10 their classes before 8:30 in the morning and after
11 5:00. They do anticipate when they're up and running
12 and fully, you know, accepted in the community that
13 they might be running a noon-time class on a daily
14 basis, but they expect that will be maxed out at ten to
15 twelve people. Just -- and I think that's not an
16 unreasonable expectation if you look at health clubs;
17 JCCs, Ys all around the city, the noon classes are not
18 the classes that have thirty people in them. They're
19 the classes that have ten. So it's not that likely
20 that it would really max at more than that. And they
21 expect perhaps doing some private classes or small
22 classes during the day, but that would not have any
23 impact on of the parking at all because that would be
24 an instructor and maybe one-on-one or two or three or
25 four people, but not a regular scheduled class that's

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2 open to whoever's a member or participates in the yoga
3 studio.

4 So we did a parking study which I provided to
5 you. And I hope that my color coding was easy to
6 follow. But I would just like to walk you through what
7 our thought process was.

8 We took a full month and we checked parking,
9 counted the number of cars that are actually in the lot
10 at 8:00 a.m, 11:00 a.m., 2:00 p.m. and 5:00 p.m., on
11 Fridays it was usually 4:00 because our office closes
12 is at 4:00. So on the left half of the
13 diagram(indicating) - the blue and green line - the
14 left side is the 1465 Monroe Avenue, that's that whole
15 property. We have thirty spaces. Obviously at 8:00
16 a.m. in the morning it's not an issue. So even if they
17 were running a full class and ended at 8:30 it wouldn't
18 have any impact on parking for us or our tenants.

19 At 11:00 a.m. -- the blue column(indicating)
20 shows the number of cars we counted each day and in a
21 lot. The green column(indicating) is our total number
22 of spots minus the number of cars. So it shows what's
23 available. And if you look at that column we never did
24 below -- well, we never had twelve. We never did below
25 fifteen I think. Fifteen is our smallest - lowest

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2 number of cars spaces available. 11:00 a.m. tends to
3 be little busier at our office than noon because
4 there's two or three people gone from our office. So
5 we picked 11:00 just thinking it would be maybe a
6 little more tighter and would give us a better feel for
7 what's happening.

8 We did the same thing again at 2:00 p.m. but
9 I don't think that will really impact the yoga studio
10 or the hair salon that's there or our office because
11 they're not really planning a large class at that time.
12 And, again, the excess spaces range from, you know,
13 twenty-seven to ten is the lowest number.

14 I don't know what happened on January 29th.
15 There was so many people in the parking lot. It really
16 seems to be an aberration, but it's a good indication
17 of, you know, there are aberrations.

18 Then we also had spoken with Northwest
19 Savings Bank, which is the bank nextdoor to us because
20 we did notice that there never seems to be anybody
21 parked there except for their own employees. Banking
22 has changed a lot. Most of it is private and online
23 now. And they are willing to share or allow us to use
24 some of their excess parking if this is approved. And
25 we've provided a letter indicating that we would work

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2 out the details once we've had an approval. So what we
3 did for their space is we took their maximum number of
4 employees, which is five on the largest shift that they
5 run, and then we counted another four for customers
6 because I wasn't able to -- Rick wasn't able to tell me
7 and then they did not know themselves what their
8 requirement was. They just knew they were fine and
9 that they've never had a problem before with parking.
10 So we assume that they were always using nine spaces --
11 and then counted out, you know took the survey, took a
12 look at what's going on and did the exact same thing.
13 And, again, there's always space available at their
14 lot. And if we work something out with them we would
15 most likely use it for our own employees so that it
16 doesn't have people tracing across property lines and
17 so on.

18 I don't know if there are any questions.

19 MR. MIETZ: Can you just talk a little bit
20 about the operator of this yoga studio; what is their
21 experience, to make us feel better about the
22 credibility of their estimates?

23 MS. ROSEN: They - she's been working with
24 yoga instructors and looking around for quite a while
25 to set something up. I believe that she works in a

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2 yoga club that runs a yoga place now. She has
3 experience.

4 She's now bringing in a group of instructors
5 that would operate as contractors to her. So, you
6 know, they would book a time -- and these are people
7 that all have followings in other places, but want a
8 different setting, you know, don't want to be teaching
9 at the Y or the JCC or at Midtown or wherever it is
10 that they are. They would like something a little bit
11 more intimate and something that is more focused on
12 just yoga or yoga and related type of, you know,
13 exercises.

14 MS. TOMPKINS WRIGHT: What type of signage do
15 you anticipate directing people who are going to be
16 parking there; to park at the bank or --

17 MS. ROSEN: Well, as I said, we really
18 anticipate that our employees -- our space by code
19 requires ten parking spaces, but we don't have ten
20 employees to begin with. We only have seven and one of
21 them is the maintenance guy who's not in the office
22 ninety percent of the time. And one of our other
23 employees is a part-timer as well. So we would
24 probably shift our own parking nextdoor for at least
25 Tuesday through Friday because Monday the salon is

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2 closed. So that would free up our own parking so that
3 the yoga studio would use the parking on our site. And
4 that would minimize confusion about where people are
5 going. It would minimize the use of -- you know,
6 somebody slipping or tripping or something like that.
7 Because if we take our ten -- if we move ourselves
8 across they certainly can use all those spaces.

9 And so I don't know that we would necessarily
10 direct them. We would also ask the yoga instructors,
11 you know, that if that became an issue that they would
12 park nextdoor. Because, again, that would be less of
13 an issue for -- they're not coming late to a class.
14 They're out front and do what everybody else does at a
15 job.

16 MR. MIETZ: So would it be fair to say that
17 your office is staffed by somewhere between one and six
18 people all day long, correct; I mean you guys --

19 MS. ROSEN: Yes.

20 MR. MIETZ: That's your home office, your
21 management --

22 MS. ROSEN: It's our home office, right.

23 We only have -- we have one empty space
24 technically. We could hire one full-time person, you
25 know, have a spot for them. But we don't really --

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that's the max we could go.

MR. MIETZ: Okay. I was going the opposite way.

MS. ROSEN: Yeah.

MR. MIETZ: In other words, there's somebody always there that could sort of monitor this situation?

MS. ROSEN: Right. During - between 8:00 and 5:00 Monday through Thursday and Fridays at 4:00, yes, there's always someone.

MR. MIETZ: In your office?

MS. ROSEN: In our office.

MR. MIETZ: And you are the owner of the building?

MS. ROSEN: Louis Norry is the owner of the building.

MR. MIETZ: Okay.

MS. ROSEN: So we would -- yes, somebody would always be there.

MR. MIETZ: Okay.

MS. TOMPKINS WRIGHT: I don't remember seeing somewhere, and it might have been that I missed it, but is there an anticipation how many students there's going to be in each class; I mean I've taken yoga classes where there's twenty-five students in the class

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2 that would take up - could potentially take up a lot
3 more spaces than --

4 MS. ROSEN: I think that the -- Rick and I
5 had worked on that in terms of what the code was and I
6 think it was in the low twenties. I think it was about
7 twenty. I actually have it in here, but I don't
8 remember the exact number.

9 Oh, I'm sorry, it's seventeen.

10 Based on the parking ratio of one to sixty,
11 which Rick gave me in terms of the studio itself, the
12 class is seventeen. And given how that space is, even
13 if she crammed them in I don't see more than twenty in
14 there.

15 But, again, her expectation, her instructors'
16 expectations and ours from what we see anecdotally in
17 health clubs is in the daytime class that you would run
18 you really wouldn't see more than the ten or twelve or
19 thirteen she anticipates. If she had a morning class,
20 a 7:00 a.m. class or a 6:00 p.m. class that had twenty
21 in it or twenty-one - they somehow managed to, you
22 know, get in - there's no issue with the parking then
23 because we're all gone. And the salon, you know, is
24 maybe one hairdresser is there, maybe two after 5:00.
25 Expect for maybe --

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2 MR. DOLLINGER: How many chairs are in the
3 salon?

4 MS. ROSEN: He has six, but he's never had
5 more than four people in the ten, eleven years.

6 MS. TOMPKINS WRIGHT: Rick, is almost any use
7 that they put in there going to run into a parking
8 issue?

9 MR. DiSTEFANO: No.

10 MS. ROSEN: No. A retail --

11 MR. DiSTEFANO: No, a retail use would not
12 require --

13 MS. ROSEN: Right. But we had retail for a
14 while and we don't have retail now. And we had some,
15 you know, door knocks for retail and it's not working.
16 This is the only really serious --

17 MR. DOLLINGER: Do you know if these spaces
18 are legal spaces?

19 We don't want to match the legal spaces.
20 That's a --

21 MR. DiSTEFANO: Well, what you have there is
22 you have a situation that these parking spaces have
23 kind of been laid out --

24 MS. ROSEN: But that --

25 MR. DiSTEFANO: -- forever and a day.

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MS. ROSEN: Right.

MR. DiSTEFANO: You know, whether or not they're a hundred percent legal --

MR. DOLLINGER: But there's only sixteen showing on this thing.

MS. ROSEN: No. That's a very old --

MS. TOMPKINS WRIGHT: I think there are four of these spaces.

MS. ROSEN: There are thirty. I've actually counted it a number of times. There are thirty spaces on the lot.

MR. DiSTEFANO: The studio area itself, does it have just one yoga area or is there multiple studios?

MS. ROSEN: No, it's one studio. What will happen -- I think you have this in your packets(indicating).

This used to be the main entrance(indicating) when it was the retail, that front entrance. That will be an emergency out only. All the yoga people - anybody coming to the class will come through the main entrance to the building and come in through the side door, where she'll have a waiting area and will be installing a bathroom there as well.

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2 And then this section(indicating) will be the
3 yoga studio. It's actually bi-level because this
4 part(indicating) was added to the building many years
5 ago. It's up a step. And when it was Jacqueline's it
6 was a dressing area and a back office. But she is
7 going to have her studio function as one big open room
8 with two levels. Which she feels will allow her to,
9 you know, have a more advanced group or a beginners
10 group at the same time and be able to meet the needs
11 are her students.

12 But we didn't -- I guess she could put up a
13 temporary, you know, like a little screen if she wanted
14 to run two classes. But it would be very confusing to
15 the people in the class because they would hear two
16 different things going on.

17 I think it's more likely that one instructor
18 would be running across this space(indicating) with the
19 group. And I think it could actually work out very
20 well for her.

21 MR. MIETZ: Okay. Other questions?

22 Okay. Thank you.

23 MS. ROSEN: Thank you.

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

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2 There being none the public hearing is
3 closed.

4 When ever you're ready, Rick.
5 3A-02-15 Application of The Sisters of Mercy of
6 Rochester, owner of property located at 1437 Blossom
7 Road, for an Area Variance from Section 207-2 to allow
8 for a 10 ft. high fence (surrounding tennis courts) in
9 a rear yard in lieu of the maximum 6.5 ft. high fence
10 allowed by code. All as described on application and
11 plans on file.

12 MR. BRINGLEY: I do have a handout. So Let
13 me pass these out.

14 Good evening. My name is Bob Bringley, from
15 Marathon Engineering, office at 39 Cascade Drive in
16 Rochester, New York. With me tonight is Joanie Lucas,
17 who is representing Our Lady of Mercy School.

18 I handed out -- I'll give you a brief
19 overview of this project, but essentially we're here
20 requesting relief in the height of the fencing around
21 the tennis courts.

22 The typical fencing heighth is ten feet and
23 the code that's applicable to all districts requires
24 that the fence be no higher than six feet, six inches I
25 believe. So we're asking for relief from that

1
2 requirement.

3 The map that I handed out shows an aerial
4 view of the Our Lady of Mercy High School Campus. You
5 can see we've outlined a little area in red(indicating)
6 and that's the limits of the Brighton Historic
7 Preservation landmark. So the requirement was that we
8 were outside of that historic structure. You can also
9 see that at the top of the page(indicating) is the main
10 entry to the school, to the right of that or to the
11 east is a recreation field and then a detention pond
12 that was built when - if you look down further
13 south(indicating) - there was a new track and
14 all-weather surface field put in just adjacent to the
15 roadway and there's a ball field just to the west of
16 that and the proposed tennis court locations are
17 directly to the north of that. It's shown on this plan
18 right here(indicating).

19 So this is a blow - an aerial view of that
20 area(indicating). This is a blowup(indicating). It
21 shows the orientation of the courts themselves. We're
22 proposing to build four tennis courts right now.

23 Mercy does not have any tennis courts and
24 subsequently they have to travel for home meets. This
25 will give them the ability to enhance their tennis

1
2 program, and I think they have a strong one. And so
3 this will help this out. They're in the process of
4 fund raising to make this a reality. And the first
5 step is to grant a variance. From there we go to the
6 Conservation Board, Planning Board for site plan
7 approval.

8 So, again, if there is any questions on this
9 we would be more than happy to -- there will be a
10 ten-foot-high fence, which will be black vinyl coded
11 and it will have a wind screen on two sides, on the
12 north and on the west side. So it's -- that's a
13 requirement around the tennis courts.

14 So if there are any questions I would be more
15 than happy to answer those.

16 MR. GOLDMAN: There's a property line shown
17 which appears to be shown in an area that may or may
18 not be built for the Legacy.

19 Can you explain what the use of that property
20 is?

21 MR. BRINGLEY: Yeah, there's the property
22 line that's shown on this map in blue(indicating). So
23 this land right here(indicating) is all Legacy land and
24 it's under conservation easement. So we're located
25 roughly from the property line to the edge of that

1
2 corner(indicating) I think we set that back nine feet.
3 So the new tennis courts are completely on the Sister's
4 land and not on the Legacy land.

5 MR. GOLDMAN: I understand that. I was just
6 concerned about what may or may not be built just over
7 the property line.

8 When you say it's a conservation area --

9 MS. SCHWARTZ: Conservation easement.

10 MR. GOLDMAN: Conservation easement.

11 MR. BRINGLEY: Correct. When they did the
12 Legacy I think that whole northern portion was put into
13 conservation easement so nothing can be built there.

14 MR. GOLDMAN: Okay. Thank you.

15 MR. BRINGLEY: Sorry I miss understood your
16 question.

17 MR. GOLDMAN: I didn't understand it either.

18 MR. MIETZ: Any other questions about the
19 fence?

20 MR. BRINGLEY: Well, thank you very much.
21 Have a great evening.

22 MR. MIETZ: I don't think there's anybody
23 that would like to speak for this application either,
24 right?

25 We can close the public hearing.

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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 March
4th, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

March 4th, 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 APPLICATION 2A-03-15

2 2A-03-15 Application of Lifetime Healthcare
3 BCBS, lessee, and MedAmerica Insurance Company of New
4 York, owner of property located at 70 Metro Park, for a
5 Sign Variance from Section 207-32B(1) to allow a sign
6 on a second building face where not allowed by code.
7 All as described on application and plans on file.

8 TABLED AT THE FEBRUARY 4, 2015 MEETING - PUBLIC HEARING
9 REMAINS OPEN

10 Motion made by Ms. Baker Leit to approve
11 Application 2A-03-15.

12 **FINDINGS OF FACT:**

13 1. The requested variance for a sign on a second
14 building face is not substantial given that the
15 property itself in question is situated on Metro Park
16 which is an entirely commercial area.

17 2. No other alternative can alleviate the difficulty
18 in placing signage on an oddly-shaped building and
19 identifying two subsidiary companies in their newly
20 consolidated location. Placement of the two signs
21 perpendicular to one another will assist in funneling
22 potential visitors to the one entrance.

23 3. No unacceptable change in the character of the
24 neighborhood and no substantial detriment to nearby
25

properties will occur.

4. The alleged hardship is not self-created by the applicant given the odd shape of the building.

5. The health, welfare and safety of the community will not be adversely affected.

CONDITIONS:

1. This variance will only apply to the second sign(Lifetime Benefits Solution) as described in the application and testimony.

2. The total amount of both signs shall not exceed a hundred and fifty square feet.

3. All necessary Architectural Review Board approvals and Planning Board approvals shall be obtained.

(Seconded by Ms. Corrado.)

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

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

1
2 APPLICATION 3A-01-15

3 3A-01-15 Application of 1465 Monroe Avenue
4 Associates, LLC, owner of property located at 1465
5 Monroe Avenue, for an Area Variance from Section 205-12
6 to allow for 30 onsite parking spaces in lieu of the
7 minimum 43 parking spaces (after occupation of a
8 yoga studio) required by code. All as described on
9 application and plans on file.

10 Motion made by Ms. Corrado to approve
11 Application 3A-02-15.

12 **FINDINGS OF FACT:**

- 13 1. The required variance is not substantial because
14 the hours of operation and the peak use of the lot and
15 the applicant's business does not coincide with peak
16 use by the adjacent businesses on the same property.
- 17 2. The proposed sharing agreement of parking spaces is
18 a creative and neighborly solution, maximizing use of
19 the existing parking spaces.
- 20 3. No unacceptable change in the character of the
21 neighborhood and no substantial detriment to nearby
22 properties is expected to result. In fact, by not
23 requiring expansion of paved parking on the lot to meet
24 code number of spaces or denying the request for this
25 variance the neighborhood benefits with the addition of

a new business in an otherwise vacant space.

4. The hardship was not self-created.

5. The health, safety and welfare of the community will not be adversely affected.

CONDITIONS:

1. This variance is contingent upon the use of approximately one thousand fifty-five square feet of this property as a yoga studio.

2. Maximum class size shall not exceed twenty students.

3. The approval is contingent on maintenance of the shared parking agreement of thirteen spaces available at the adjacent property at 1441 Monroe Avenue.

4. All necessary approvals from the Town of Brighton shall be obtained.

(Seconded by Ms. Baker Leit.)

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

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

1
2 APPLICATION 3A-02-15

3 3A-02-15 Application of The Sisters of Mercy of
4 Rochester, owner of property located at 1437 Blossom
5 Road, for an Area Variance from Section 207-2 to allow
6 for a 10 ft. high fence (surrounding tennis courts) in
7 a rear yard in lieu of the maximum 6.5 ft. high fence
8 allowed by code. All as described on application and
9 plans on file.

10 Motion made by Mr. Goldman to approve
11 Application 3A-02-15.

12 **FINDINGS OF FACT:**

- 13 1. The area where the new tennis courts will be
14 located is not easily seen from the road.
15 2. The normal size fencing used on tennis courts is
16 ten feet in heighth.
17 3. No unacceptable change in the character of the
18 neighborhood is expected to result from the approval of
19 this variance.

20 **CONDITIONS:**

- 21 1. This variance applies only to the tennis courts as
22 shown on the plans submitted and in testimony provided
23 to the Board at the meeting of March 4th, 2015.
24 2. All other necessary approvals and permits from the
25 Town of Brighton shall be obtained.

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(Seconded by Ms. Schwartz.)

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

1	accepted [1] 14/12 accurate [2] 30/8 38/8 across [3] 17/16 19/8 24/18 action [1] 10/21 actually [6] 7/25 15/9 21/7 23/10 24/3 24/19 added [1] 24/4 addition [1] 34/25 additions [2] 2/13 3/15 adjacent [3] 26/14 34/16 35/14 advanced [1] 24/9 adversely [2] 33/6 35/5 advertised [2] 2/4 2/6 aerial [2] 26/3 26/19 aesthetic [1] 6/23 affected [2] 33/6 35/5 after [4] 13/19 14/10 21/24 34/7 again [8] 6/3 10/18 16/8 16/12 17/13 19/12 21/15 27/8 ago [1] 24/5 agreement [2] 34/17 35/13 all [23] 2/10 3/9 4/5 7/11 10/19 13/20 14/17 14/23 18/7 19/8 19/18 21/23 23/21 25/10 25/23 26/14 27/23 32/8 33/13 34/8 35/15 36/8 36/24 all-weather [1] 26/14 alleged [1] 33/3 alleviate [1] 32/18 allow [8] 4/4 13/17 16/23 24/8 25/7 32/6 34/6 36/5 allowed [4] 4/5 25/10 32/7 36/8 almost [3] 3/7 11/4 22/6 along [1] 4/11 also [3] 16/18 19/10 26/8 alternative [3] 6/21 10/25 32/18 alternatives [3] 5/3 6/17 6/20 always [5] 17/10 17/13 20/7 20/10 20/19 amended [3] 3/17 3/19 3/22 amount [1] 33/11 ANDREA [2] 1/11 31/11 anecdotally [1] 21/16 another [3] 6/25 17/5 32/22 answer [1] 27/15 anticipate [3] 14/11 18/15 18/18 anticipates [2] 14/9 21/19 anticipation [1] 20/23 any [14] 2/13 3/15 4/19 10/21 10/21 13/6 14/22 15/18 17/18 22/6 26/23 27/8 27/14 28/18 anybody [4] 3/10 16/20 23/22 28/22 anyone [2] 13/10 24/24 anything [1] 3/10 apologies [1] 7/9 apologize [1] 5/10 appeal [1] 6/23 APPEALS [3] 1/2 2/3 31/2 appears [1] 27/17 applicable [1] 25/23 applicant [2] 31/19 33/4 applicant's [1] 34/15 application [26] 2/22 2/25 3/24 3/25 4/6 13/11 13/14 13/15 13/20 24/25 25/5 25/10 28/23 32/2 32/3 32/8 32/12 33/10 34/2 34/3 34/9 34/11 36/2 36/3 36/8 36/11 applies [1] 36/21 apply [1] 33/8 approval [4] 17/2 27/7 35/12 36/18 approvals [4] 33/13 33/14 35/15 36/24 approve [9] 3/18 3/21 10/4 32/11 33/19 34/10 35/21 36/10 37/6 approved [1] 16/24 approximately [3] 1/3 31/3 35/8	Architectural [1] 33/13 are [28] 2/10 2/13 4/19 7/5 9/8 9/8 13/24 14/5 14/7 14/17 15/9 16/17 16/23 17/18 18/6 18/10 18/15 19/4 20/13 22/2 22/18 23/8 23/10 23/11 24/11 26/16 27/14 28/3 area [14] 13/17 23/13 23/14 23/24 24/6 25/7 26/5 26/20 27/17 28/8 32/17 34/5 36/5 36/13 around [4] 14/17 17/24 25/20 27/13 as [19] 3/16 4/5 4/19 6/19 9/11 10/23 13/20 18/5 18/17 18/23 23/25 24/7 25/10 32/8 33/9 34/8 35/9 36/8 36/21 ask [1] 19/10 asked [1] 6/17 asking [1] 25/25 assist [1] 32/22 Associates [2] 13/15 34/4 assume [1] 17/10 assuming [1] 14/7 Attorney [2] 1/13 31/13 audience [2] 13/10 24/24 available [4] 15/23 16/2 17/13 35/13 AVENUE [10] 1/2 1/5 13/15 13/16 15/14 31/2 31/5 34/3 34/5 35/14
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