

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on April
1st, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

April 1st, 2015
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN
JEANNE DALE
MORREY GOLDMAN
CHRISTINE CORRADO
ANDREA TOMPKINS WRIGHT

DAVID DOLLINGER, ESQ
Town Attorney

RICK DiSTEFANO
Secretary

NOT PRESENT:

CANDICE BAKER LEIT, ESQ.
JUDY SCHWARTZ

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 then call to
3 order the April, 2015 meeting of the Zoning Board of
4 Appeals.

5 Rick, was the meeting properly advertised?

6 MR. DiSTEFANO: Yes, Mr. Chairman. It was
7 advertised in the Brighton Pittsford Post of March 26,
8 2015.

9 MR. MIETZ: Will you please call the roll?

10 MR. DiSTEFANO: Please let the record show
11 that Ms. Schwartz and Ms. Baker Leit are not present.

12 MR. MIETZ: Okay. We're ready then.

13 Will you please read the first application?
14 4A-01-15 Application of Congregation Light of Israel,
15 owner of property located at 1675 Monroe Avenue, for a
16 Temporary and Revocable Use Permit pursuant to Section
17 219-4 to erect a tent and hold up to six (per year)
18 outdoor special events for the years 2015 and 2016. All
19 as described on application and plans on file.

20 MR. MIETZ: Good evening.

21 MS. BRUGG: Thank you very much, Mr.
22 Chairman, Members of the Board. My name is Betsy
23 Brugg. I'm an attorney with the firm Woods Oviatt
24 Gilman. And I'm here on this application together here
25 with Alan Brodsky, the synagogue president.

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2 The Board will note that relief in the form
3 of a temporary and revocable use permit was issued for
4 the same type of tent in September of 2013, a sort of
5 trial for the uses of the outside tent were permitted.

6 The synagogue is essentially proposing up to
7 six events a year for the next two years. It is
8 helpful for them to do this all at once because they
9 often don't have a lot of lead time. If they have an
10 out-of-town speaker or a guest or some type of
11 reception at the synagogue they want to be able to go
12 outside and put up the tent and use it.

13 They have a good relationship with their
14 neighbors. We don't foresee any issues with this. As
15 I mentioned before, the Board has granted this before.
16 We're asking for two years, up to six events per year.

17 Any questions?

18 MR. MIETZ: I don't know if you reviewed the
19 previous approval. There were a few conditions that
20 were on there.

21 Is there anything that needs to be any
22 different than --

23 MS. BRUGG: No, no problem.

24 MR. MIETZ: Any concerns that you have about
25 doing anything differently?

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2 MS. BRUGG: No, I discussed that with Mr.
3 Brodsky there and there are no issues with any of the
4 conditions.

5 MR. MIETZ: So the eleven o'clock end time,
6 the sound issues, the two days before and two days
7 after?

8 MS. BRUGG: It's all fine.

9 MR. MIETZ: Everything good?

10 MR. BRODSKY: Yeah, everything's fine.

11 MR. MIETZ: Okay. Any questions? Does
12 anybody have any issues?

13 MR. GOLDMAN: How many times during the last
14 period did you actually use the backyard?

15 MR. BRODSKY: I think we had three.

16 MR. GOLDMAN: Three.

17 MR. BRODSKY: But it's one of the situations
18 where we never exactly know is he coming to town, when
19 we'll need it. We do go into the fire marshals for a
20 permit each time.

21 MR. GOLDMAN: Okay. That was my next
22 question.

23 MR. BRODSKY: Yeah.

24 You answered it.

25 MS. TOMPKINS WRIGHT: How big is the tent?

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2 Is it the same tent for each event or do you use a
3 vendor?

4 MR. BRODSKY: We use a vendor.

5 MS. TOMPKINS WRIGHT: Okay.

6 MR. BRODSKY: We don't want to get involved
7 with the, you know, dismantling everything. So we just
8 take the space that we have and we just have the tent
9 erected. We put it up the day or two before because -
10 especially if the event is on a Saturday morning, we
11 have to put it up on a Friday and can't take it down
12 until Monday.

13 MS. DALE: If you have any reason to believe
14 that a particular event is going to be more popular and
15 have more of your congregation and have visitors
16 perhaps attend - if you have reason to believe there's
17 going to be a larger group of people there - what do
18 you do from a parking perspective with the small number
19 of spaces that you have today?

20 I saw on the notes that many people walk.

21 MR. BRODSKY: Yeah, many people walk. It
22 would be on the sabbath. But we have other events that
23 are not.

24 We have a relationship with our neighbors.
25 Bland Reality allows us to park there. M&T, when

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2 they're closed, if it's an evening event we park there.
3 People also park on the street on St. Regis.

4 So we have had events. We never had an issue
5 with parking except for when we first opened up, but we
6 resolved that fairly quickly.

7 MR. MIETZ: Okay. Very good.

8 And as far as the timing goes, I know you
9 asked for a two year period.

10 Based on where we're starting here in April,
11 that the fall of '16, what would be the latest in the
12 fall that you would probably consider a event? Like
13 October?

14 MR. BRODSKY: I think the last couple of
15 years the last event --

16 MS. BRUGG: Simchat Torah.

17 MR. BRODSKY: Yeah. It depends on when
18 Simchat Torah - which is a holiday - when that occurs,
19 because we've traditionally had a typical Jewish
20 Chinese lunch for Simchat Torah. And that's sort of
21 our closing type outside event. So it would be in most
22 likelihood the last event outside.

23 MR. MIETZ: Okay. And that's usually
24 October/November?

25 MR. BRODSKY: Around October.

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MS. BRUGG: Right.

MR. MIETZ: Again, just to pick an end date, I mean, we'll just say the end of November or whatever.

Okay. We can move on.

MS. BRUGG: Okay.

MR. MIETZ: All right. Any other questions?

Okay. Thank you very much.

MR. BRODSKY: Thank you.

MS. BRUGG: Thank you.

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

There being none, I thank you.

MS. BRUGG: Thank you.

MR. MIETZ: Let's go for the next application then.

4A-02-15 Application of Robert and Yvonne Wheeler, owners of property located at 140 Winslow Avenue, for an Area Variance from Section 207-2A to allow a front yard fence to be 6.5 ft. in height in lieu of the maximum 3.5 ft in height allowed by code. All as described on application and plans on file.

MR. WHEELER: Good evening. My name is Robert Wheeler. I reside at 140 Winslow. My wife Evon is here with me this evening.

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2 For those of you that were here last October
3 I was before the Board. We had purchased the adjacent
4 property at 126 Winslow. And we were looking to do a
5 resubdivision of that property, stripping off a portion
6 of the backyard and putting that on to our property.
7 That was approved by the Board in October and we've
8 gone through with that. And that's all filed with the
9 county.

10 What we are looking to do is to put a fence
11 along that lot line in the rear of 126 Winslow. But
12 that's a piece of property that once we've done all the
13 renovations we intend to sell that property and keep
14 and reside in the 140 Winslow property. So we would
15 like to put the fence up on the 140 Winslow side of
16 that property line.

17 We are looking to put up a backyard fence
18 which would be a maximum of six and a half feet tall.
19 But because of the position of the house structure on
20 the 140 Winslow property, which sits a little over a
21 hundred and sixty-seven feet from the front, pretty
22 much everything is front yard to us.

23 The reason that we are looking for the
24 variance is because the -- if an owner residing at 126
25 Winslow wanted to put up a fence in that same location

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2 on their side of the property line that falls within
3 code, but because we want to put it on our side of the
4 property line then the setbacks for the front of the
5 house go according to the structure at 140 Winslow. So
6 that is considered our front yard even though it's
7 substantially off to the side and substantially to the
8 rear of all the other properties in the neighborhood.

9 MR. MIETZ: Do you want to just for the
10 record describe the fence?

11 MR. WHEELER: The fence would be identical to
12 the fence that's currently behind the residence of 140
13 Winslow. It's the same style of fence. It's a very
14 open latus fence. We use it more or less just to
15 delineate where the property line is and as a backdrop
16 for are flower gardens. It's not a totally solid fence
17 or anything like that. It's a very open area.

18 MR. MIETZ: Okay. Any questions for
19 Mr. Wheeler?

20 MR. GOLDMAN: I have one.

21 MR. MIETZ: Go ahead.

22 MR. GOLDMAN: The mailbox for 134, what's
23 that all about?

24 MR. WHEELER: The property --

25 MR. GOLDMAN: It has nothing do two with

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2 this.

3 MR. WHEELER: No, it doesn't. The 140
4 Winslow property before we did the resubdivision was
5 previously two separate lots and there was another
6 house that was 134 Winslow back about where our
7 vegetable garden is. That house had structural issues.
8 We ended up after we bought that having it torn down
9 and we had those lots consolidated. We kept the
10 mailbox and put it deep in our woods as a momento.

11 MR. GOLDMAN: Yeah, it's very clever.

12 MR. WHEELER: Thank you.

13 MR. MIETZ: Okay.

14 MR. WHEELER: Any more great questions like
15 that?

16 MR. GOLDMAN: Compliments to your
17 landscaping.

18 MR. WHEELER: Thank you.

19 MR. MIETZ: I think you have the gardens in
20 the back too, right?

21 MR. WHEELER: Pardon?

22 MR. MIETZ: You have some gardens also in
23 there?

24 MR. WHEELER: Yeah.

25 MR. MIETZ: Okay. Very good.

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Any other questions?

MS. TOMPKINS WRIGHT: Where is the existing -- you said it's identical, but where is that portion of the fence that is already connected?

MR. WHEELER: It's on the east side, behind the house at 140 Winslow. So it's the same style of fence.

I do have some photos of that particular fence.

MS. TOMPKINS WRIGHT: So --

MR. DiSTEFANO: Maybe he could -- do you want him to kind of point it out?

MS. TOMPKINS WRIGHT: Yeah, I'm sorry. What part is being constructed?

MR. WHEELER: This is the existing fence(indicating).

MS. TOMPKINS WRIGHT: This one(indicating). Okay. I thought you were pointing -- got it.

MR. GOLDMAN: I pointed to this(indicating).

MR. WHEELER: This is where we want it(indicating).

MS. TOMPKINS WRIGHT: Got it. Thanks.

MR. MIETZ: Questions?

Great. Thanks, Mr. Wheeler.

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

4 If not, the public hearing is closed.
5 4A-03-15 Application of Corwin and Lisa Marsh, owners
6 of property located at 398 Cromwell Drive, for an Area
7 Variance from Sections 203-2.1B(3) and 203-16A(4) to
8 allow a detached garage to be 800 sf in size, after
9 construction of a 400 +/- sf addition, in lieu of the
10 maximum 600 sf allowed by code. All as described on
11 application and plans on file.

12 MR. MARSH: Good evening. I've got --

13 MR. DiSTEFANO: Corwin, will you just
14 mention -- state your name and address for the record
15 please?

16 MR. MARSH: Corwin Marsh and this is my wife
17 Lisa. We live at 398 Cromwell Drive.

18 I have a truncated version of our
19 presentation with four letters from neighbors who
20 have - who we have shared the drawings with.

21 Could we pass those out?

22 Right off the bat I want to make a correction
23 to the drawing. My architect -- there's an error. It
24 says it's fifteen foot eight. That's actually an
25 inside diameter - an inside dimension. It's actually

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2 sixteen foot four.

3 While most homes in my neighborhood are
4 between 1/5 or 1/8 of an acre we have 1.3 acres and
5 it's a heavily wooded area. We love it. It requires
6 quite a few tools to actually work it. Actually, I
7 also tend to be the tool donator for the neighborhood.

8 So -- I am a writer. The other work that I
9 do is as a carpenter. And I've run out of space. I
10 would like to have a -- I would like to double the size
11 of my garage.

12 My neighbors -- as you look at the map there
13 you could see that my biggest neighbor is CSX, the
14 railroad. And in my packet that I handed out there are
15 four letters from my four nearest neighbors that I've
16 shared the plans with.

17 There's a photo you can see that as you --
18 from my driveway you would be able to see this whole
19 addition from that portion, but if you stand in front
20 of my house the addition would begin to disappear.

21 Is there a precedent for this in the
22 neighborhood? I have a neighbor who lives four houses
23 down on Hillsboro who has a nine hundred square foot
24 garage. So this larger garage would allow me to put my
25 cars away in the winter and also continue with a

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portion of my livelihood.

Any questions?

MR. MIETZ: Can you describe what is going to be - what utilities, et cetera, are going to be in the garage?

MR. MARSH: Yes. I will run two twenty for my power tools and I would have gas to heat a furnace so that my tools don't rust, keep the wood stable.

MR. MIETZ: Okay. What about on the water and sanitary side?

MR. MARSH: There would be no water, sanitary out. The requirement for that would be prohibitive.

MR. MIETZ: Okay. Very good.

MR. GOLDMAN: The outside would look and resemble the current house?

MR. MARSH: It would resemble it. I'd like to step it up a notch. That garage was actually supposed to be demolished years ago when they were widening 490 and it was dragged there. And it doesn't exactly match the style of the house now. I would like to update it and make it a little more American Craftsman style.

MR. MIETZ: You know, like color and roofing and that sort of thing?

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2 MR. MARSH: That would match. That would
3 correspond.

4 MR. DiSTEFANO: So the elevation drawing that
5 you submitted with the packet is pretty much what you
6 want, correct?

7 MR. MARSH: Yes.

8 MS. TOMPKINS WRIGHT: That would have to go
9 in front of the Architectural Review Board?

10 MR. DiSTEFANO: No.

11 MS. TOMPKINS WRIGHT: They don't?

12 MR. DiSTEFANO: Detached garages do not need
13 review by the Architectural Review Board.

14 MS. CORRADO: I have a question about your
15 woodworking.

16 MR. MARSH: Yes.

17 MS. CORRADO: It looks like the garage is
18 pretty far set back from your home and your neighbors.

19 But how much noise will come from your
20 woodworking and do you anticipate working late into the
21 night?

22 MR. MARSH: As you can see the train runs
23 right by there and I will be much quieter than the
24 train.

25 MS. CORRADO: You'll time the planer and --

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MR. MARSH: You know about planers. Yes.

MS. CORRADO: And your neighbors are aware that you intend to do woodworking there?

MR. MARSH: Yes. In fact, last night I was out in my driveway. I had the planer out in my driveway because I don't have the room. It was for another neighbor's project.

MS. DALE: It might be quieter if you do it inside the garage.

MR. MARSH: Yes, it would.

MR. MIETZ: All right. Any other questions?

Okay.

MR. MARSH: Thank you very much.

MR. MIETZ: Thank you.

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

There are none. We can move on. The public hearing is closed.

4A-04-15 Application of J. Fiorie and Company, agent, and M&F, LLC, owner of property located at 2740 Monroe Avenue, for a Sign Variance from Section 207-32A(4) to allow for two for sale / lease signs where a maximum one for sale / lease sign is allowed by code. All as described on application and plans on file.

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2 MS. BRUGG: Thank you very much. For the
3 record I'm Betsy Brugg. I am an attorney with the firm
4 Woods Oviatt Gilman. I'm here for J. Fiorie and
5 Company.

6 The request is for a variance for a second
7 sign. I don't have a full size plan, but hopefully you
8 saw the plan that's enclosed in the materials. This is
9 a real estate brokerage advertising sign for space for
10 lease in the Daniele property.

11 So this is really one code -- you know, under
12 the interpretation of the code this a snow-plow sign,
13 so it's shaped like a V. If this were a back-to-back
14 two-sided single sign it would not require a variance.
15 The square footage, the height, the dimensions of the
16 sign are acceptable. It is merely the fact that it is
17 a snow-plow sign shape that has now made it technically
18 two signs that requires a variance.

19 The code would allow for this property which
20 has, I believe, four, six, eight - over eight hundred
21 feet of frontage. We actually per code could have up
22 to thirty-two square feet of signage on a two-sided
23 sign on the Mario's parcel. We could have a second
24 twenty-one square foot sign on the Clover Lanes parcel.
25 And a third sign on the Mamasan's parcel. But that is

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2 really not efficient.

3 So what we're proposing is really just this
4 one structure. It will be located to the right of the
5 vehicles exiting the driveway, so that it will not
6 obstruct anyone's view.

7 The Architectural Review Board did take a
8 look at this last week. I don't know if you have their
9 comments, but they essentially recommended approval.
10 There is a sign permit application that's also been
11 submitted. They had two conditions that they wanted
12 looked at. One is that the applicant shall ensure that
13 the proposed sign meets New York State DOT
14 requirements. It does comply with DOT regulations with
15 respect to signage and approximated expressway.

16 I actually prepared a letter and am prepared
17 to submit that. I don't know if the Board wants that,
18 but I went ahead and addressed the two conditions of
19 the ARB. And a I have a copy of the regulations that I
20 could submit as well.

21 The second condition is that the applicant
22 shall verify that the sign provides a safe viewshed for
23 exiting traffic. And we've also -- I'll hand that out
24 to you. What we did is our engineers went ahead
25 prepared a drawing with the viewshed shown. I think

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2 it's fairly obvious, but we were asked to have that
3 documented for you. We did evaluate that and made sure
4 there was no obstruction to vehicles exiting the
5 property.

6 So what I'll do is -- Rick, would you like a
7 copy just for you or give everyone a copy?

8 MR. DiSTEFANO: Do you guys want to see this?

9 MS. BRUGG: I do have copies if everyone
10 would like.

11 MR. DiSTEFANO: If you've got them you might
12 as well hand them out.

13 MS. BRUGG: It's okay. I just wanted to make
14 sure we covered the comments in case the ARB comments
15 came to the floor.

16 So basically those are the two issues that
17 the ARB had to make sure that we were in compliance.

18 So the sign, as I said, in respect to the
19 size, the dimensions, the height those are permitted.
20 It is essentially the fact that it's been split into
21 two for better visibility on Monroe Avenue.

22 That brings us to the Board. We have
23 addressed the area variance standards in the
24 application. Again, as the Board knows you're looking
25 to the benefit of the applicant as compared to the

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2 detriment to the health, safety and welfare of the
3 community for granting the variance. I think that it's
4 a win win for everybody.

5 Again, there is over eight hundred feet of
6 frontage for this entire development site. So the size
7 of the sign is really appropriate. The fact that it's
8 being consolidated into kind of one appropriate
9 structure, as opposed to multiple signs I think makes a
10 lot of sense. It's really less obstructive. It's
11 really less stuff along the road. The size of the sign
12 is really proportionally appropriate for the
13 development that is being advertised. The information
14 on there is useful. And I think, you know, that it's
15 beneficial to everyone.

16 Whether there will be an undesirable change
17 produced in the character of the neighborhood: We
18 don't believe the sign is going to produce any change
19 in the character of the neighborhood whatsoever.

20 Whether the benefit sought by the applicant
21 could be achieved by some other method: Again, this is
22 really the appropriate signage for this development
23 site. It's -- you know, it's a real estate advertising
24 sign. We could have multiple signs, but I think this
25 is a better option.

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2 Whether the variance is substantial: Again,
3 it's not. The variance is required simply because of
4 the shape of the sign. Had it been back to back, you
5 know, we wouldn't be here.

6 Whether there will be any adverse affect or
7 impact on the physical or environmental conditions of
8 the neighborhood: You know, it's an appropriate,
9 tasteful sign. It will be in good condition.

10 And whether the difficulty is self-created:
11 And we would argue that it is not self-created. It's
12 just kind of the nature of the sign that we're using.

13 MS. DALE: Do you have any sort of estimate
14 for how long the sign will be in place; I mean, is it
15 indefinite until --

16 MS. BRUGG: You know, that's a very good
17 question because I asked the same question. It's
18 really unknown.

19 The development that's being advertised is
20 not yet been an approved development site. So I -- you
21 know, until that development process is completed and
22 the space is leased out it's hard to say.

23 MR. DiSTEFANO: It could be years.

24 MS. BRUGG: It could be.

25 MS. DALE: All right. Is it made out of

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2 something -- maybe this is a silly question, but rain
3 and snow and it's got going to like --

4 MS. BRUGG: Yeah, it's the typical quality of
5 a commercial development sign. If it -- to be honest
6 with you, if the condition deteriorates in any way it
7 will just be replaced with a new one.

8 MS. DALE: Okay.

9 MS. BRUGG: And if for some reason it gets
10 buried under eight feet of snow like the snow we had
11 this winter, who knows.

12 MR. MIETZ: And to the best of your knowledge
13 at this point this is the only sign that would be
14 proposed?

15 MS. BRUGG: This is the only sign that's
16 being proposed.

17 MR. MIETZ: Okay. Any other questions from
18 anybody else?

19 Thank you very much.

20 MS. BRUGG: Thank you.

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

23 Okay. There being none, this public hearing
24 is closed.

25 4A-05-15 Application of Marie Kenton, Ketmar

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2 Development Corp., agent, and Chris O'Donnell and
3 Colleen Wegman, owners of property located at 1 Elm
4 Lane, for an Area Variance from Section 207-2B to allow
5 a rear yard fence, surrounding a tennis court, to be 10
6 ft. in height in lieu of the maximum 6.5 ft. in height
7 allowed by code. All as described on application and
8 plans on file.

9 MR. MONTALTO: Good evening. I'm Mike
10 Montalto with Costich Engineering. I'm here this
11 evening on behalf of Chris O'Donnell and Colleen Wegman
12 for an area variance for the property on 1 Elm Lane.
13 With me this evening is Dan Brock from our office and
14 Marie Kenton from Ketmar Development.

15 We are seeking an area variance from town
16 code section 207-2B to allow portions of the fence
17 surrounding the tennis court to be ten feet high, where
18 the code permits six and a half feet. The O'Donnells
19 are developing a regulation tennis court on their
20 property, approximately sixty feet by a hundred and
21 twenty feet, for their own personal recreation use.

22 I have with me reduced versions of the
23 graphics that are going up on the boards. So depending
24 on how folks' eyesight is it might be easier to see
25 from here.

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2 The front yard of -- it's a 5.4-acre parcel
3 that is zoned residential low intensity. The property
4 fronts Elmwood Avenue. So the front yard is
5 technically the portion that's towards Elmwood Avenue.
6 The tennis court in being developed in the rear yard
7 portion of the property.

8 We did meet with town staff when we were
9 first looking at the project to have a pre-application
10 workshop meeting. And there was a desire actually to
11 have placed the tennis court in technically what would
12 be the front yard, you know. And on the 5.4 acre site
13 that fit into the scheme of things well, but I think in
14 terms of discussion of town code and how the property
15 is used the client decided that they wanted to develop
16 the tennis court in the rear yard, only requiring the
17 variance for the height portion of the fence rather
18 than also potential location of the facility on the
19 property. That's the siting of the property.

20 The portions of the fence that we're talking
21 about are - we're not talking about the entire
22 perimeter of the tennis court, we are talking about the
23 portions of the fence that are on each end of the
24 tennis courts to allow basically twenty feet of what
25 returns on the sidelines of the tennis courts and at

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2 the backs of the courts to be the ten and a half feet.
3 The sidelines are going to be a four and a half foot
4 high fence. And as we go through the burden of proof
5 standards -- and the reason I bring that up is we tried
6 to minimize our variance request and, you know, so that
7 it has the least amount of impact associated with the
8 variance that we brought before you.

9 We did in our application go through the
10 burden of proof standards. I'll walk you through them
11 in abbreviated form, and if you have any questions I
12 could go back to them in further detail.

13 Whether or not the variance will have a
14 substantial change to the character of the neighborhood
15 or detrimentally affect surrounding properties: We do
16 not believe the variance request will result in a
17 change to the character of the neighborhood. It is
18 consistent with adjoining properties that do have
19 residential tennis courts within a half mile radius.
20 There are five other properties, four residential and
21 the Country Club of Rochester that has its tennis
22 courts as well. Within a quarter mile there are two
23 facilities. The property directly adjoining them is
24 one of them that has a tennis court as well and then
25 the Country Club of Rochester. And then the next

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2 quarter mile out there are two more on Elmwood and one
3 on Landing Road South. So I don't believe that that
4 will change the character of the neighborhood.
5 Properties in the area do have their own tennis courts.

6 Whether or not it can be solved in any other
7 method: We've minimized the impact relative to how
8 much fence we're looking at. We're looking at fencing
9 the area where, you know, the service returns or
10 whatever occur and where the errant balls tend to leave
11 the court. And a ten foot height is pretty much
12 standard relative to, you know, tennis court
13 installation. We did review with the tennis court
14 folks whether or not a lower fence - you know, an eight
15 foot fence rather than the ten - made sense and the
16 standard tends to be ten when you look at what the
17 bounce is and all the rest - the errant balls and --

18 How substantial is the request relative to
19 the code: We're asking for positions of the fence to
20 be six and a half feet, where the code requires ten.
21 Relative to the perimeter the tennis court has
22 approximately four hundred and twenty linear feet of
23 fenced perimeter. We're asking for, you know, about
24 two hundred and twenty approximately of that fence to
25 be allowed to the higher height.

1
2 Is the variance request the minimum
3 necessary: I believe there's kind of an overlap
4 relative to what we already discussed. We've looked at
5 which portions of the fence could be at the lower
6 heights, which are higher. We're incorporating a four
7 foot height down the sidelines and only ten foot at the
8 ends. And, again, we believe it's consistent with the
9 surrounding neighborhood property. It won't have a
10 negative effect on the neighborhood. You know, there
11 are other courts within the residential neighborhood
12 within a half file radius. So it's consistent with
13 that.

14 Is it self-created: It's self-created in
15 that, you know, they are looking to develop a tennis
16 court on their property. You know, the code was
17 already in place. So from that standpoint, you know,
18 it's not as much of -- that doesn't come into play as
19 much.

20 I believe at this point -- well, let me walk
21 you through -- what we've done is a couple things. We
22 also looked at -- we did a site-line analysis and these
23 are part of what's in the package. If you look at the
24 first page it shows you where, you know, the tennis
25 court is on the 5.4 acres. It's in the northeast

1
2 corner of the property, back in the rear yard. There
3 used to be a tennis court actually years ago back in
4 this general portion of this site. No trees are being
5 moved to construct the tennis court in this area. And
6 then you see the yellow lines over there because we did
7 some views. We went to the adjoining properties and
8 took site line photographs and took the three
9 dimensional model of what the tennis court is going to
10 look at and then rendered that.

11 And in the second page, what you see to the
12 Gates' property, you are going to see the site line
13 that occurs. What we did is we put in the drawing for
14 you a couple of reference marks. The red line in the
15 drawing represents where the six and a half foot code
16 requirement would be in terms of the height of the
17 fence and so you would get a relative understanding of
18 how that plays out. The blue line, you know,
19 represents the ten foot that's been, you know, modeled.
20 This is all existing vegetation that's here(indicating)
21 and none of this would be disturbed during the
22 construction of the tennis courts.

23 And then the second site lines are from the
24 Bucci property. And you will see the yellow line
25 here(indicating) represents the down sideline, you

1
2 know, from the site line directly from their home, we
3 only have, you know, the four foot high site line
4 fence. So, you know, the higher fence doesn't come
5 into play in that view at all. And then the, you know,
6 this is we have the tennis courts and then we have the
7 other tennis courts which are on the Bucci's. This is,
8 you know, these folks here(indicating) they have their
9 own tennis court on the opposite side of their home.

10 And we also have a rendering that we did. In
11 the last image of the packet is the rendering so that
12 you kind of get a feel of how, you know, this all plays
13 together as we were talking about the higher heights.
14 You've got the twenty feet at the ends, where it's
15 ten feet high, where it's across the ends is ten feet,
16 returns, you know, down the sidelines you have the four
17 foot high fence, you know, and then back up to the ten
18 feet high.

19 So at this point I guess I would conclude my
20 form presentation and turn it over for any questions
21 that you might have.

22 MR. DiSTEFANO: In the -- just so to get the
23 bearings right, in the rendering that's the structure
24 of the house, correct?

25 MR. MONTALTO: That's their - yes.

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MR. DiSTEFANO: So you're taking it from --

MR. MONTALTO: Yes. This is from the
neighboring.

The problem with the site line is this site
line is a little -- this site line ignores, Rick --

MR. DiSTEFANO: The trees.

MR. MONTALTO: -- all these trees.

MR. DiSTEFANO: Okay.

MR. MONTALTO: Because if we tried to give
you the rendering from there you wouldn't be able to
see --

MR. DiSTEFANO: So could you point on the
overhead where this rendering is taken from?

MR. MONTALTO: This rendering would be from
about like this corner(indicating).

MR. DiSTEFANO: Okay.

MR. MONTALTO: If you're standing in this
corner(indicating) you would be in the trees.

MR. DiSTEFANO: Okay.

MR. MONTALTO: Looking down into the, you
know -- so you could get a little bit of perspective.

MR. DiSTEFANO: Thank you.

MR. MONTALTO: This is the same site
line(indicating) from, you know, brown, taking from

1
2 fifty millimeter camera lense heighth, you know, and
3 average eye heighth(indicating). So this is what the
4 neighbor would see. This, you know --

5 MR. DiSTEFANO: Right.

6 MR. MONTALTO: This(indicating) is up in the
7 trees and looking down so you could get a perspective
8 of how the one dimensional plan plays out.

9 MS. TOMPKINS WRIGHT: This application
10 requires Planning Board approval?

11 MR. DiSTEFANO: No, it doesn't.

12 MS. TOMPKINS WRIGHT: The screening of it, I
13 understand -- how many of the trees that you are doing
14 from the southwest, into the bottom left depiction, are
15 actually on the applicant's property?

16 MR. MONTALTO: They're all -- all this
17 vegetation is on the neighbor's. That's this tree line
18 here(indicating). That's all their tree screening.
19 This all their screening.

20 We're fifteen feet in from the property line.
21 We are developing it in a lawn area.

22 MS. TOMPKINS WRIGHT: I think the photo
23 depiction that I'm thinking of it's from the east view.
24 On the left, where there's twenty feet.

25 MR. MONTALTO: I'm not following you.

1
2 This(indicating) is what the Buccis are
3 looking at. This is the fifty millimeter view from
4 here(indicating) of what the Buccis would see.

5 MS. TOMPKINS WRIGHT: Okay.

6 MR. MONTALTO: This is, the
7 twenty-seven(indicating), this a wide-angle view. This
8 is also from the Bucci's property, from the east.
9 These two(indicating). These trees(indicating) that
10 you are seeing here is what you're seeing down this
11 line(indicating).

12 MS. DALE: And there's no restrictions on
13 heighth of lights?

14 MR. DiSTEFANO: No, we do not have any
15 residential light regulations.

16 MR. MIETZ: Other than containing them?

17 MR. DiSTEFANO: No, not even containing them.
18 Lights are an interesting and difficult topic to
19 regulate.

20 It really doesn't play into the request, but
21 can you explain the lights a little bit and what type
22 of lighting they're going to have, so the Board has a
23 better understanding?

24 MR. MONTALTO: Yes. They're a specific
25 lighting system developed for tennis court lighting.

1
2 They're a twenty foot height with a three foot arm so
3 that they put the light over the court. There a -- you
4 know, at this point I believe they're a metal alloy
5 fixture and they are only, you know, there for the
6 recreational, you know, use. It's not a -- it's for
7 the O'Donnell's personal use for the tennis court
8 standpoint. We did -- we would provide it on the set,
9 the detail or whatever, but it's a lighting fixture
10 that is specifically developed for tennis lighting.
11 It's a twenty foot high pole with a, you know, three
12 foot of overhang so that's pulling the light more over
13 the tennis court. It directs it to the court. You
14 know, with any outdoor activity that's sports related
15 making sure there's no shadows within the tennis court
16 so the ball doesn't get lost is what the tennis court
17 manufacturer, you know, recommend

18 MS. CORRADO: I'm curious, do these lights
19 have to be turned on manually or do they come on
20 automatically at dusk?

21 MR. MONTALTO: I'm not sure how they're going
22 to do --

23 UNKNOWN: Manual.

24 MR. MONTALTO: Manual.

25 MS. CORRADO: And do the O'Donnells

1
2 anticipate a lot of late night tennis?

3 MR. DiSTEFANO: You have to come up here and
4 introduce yourself.

5 MS. KENTON: Marie Kenton, Ketmar
6 development.

7 I can tell you that they don't live here in
8 the summer. They don't reside at this house in the
9 summer. So the limitation of nighttime use would
10 probably be a little bit in the fall and spring in
11 terms of tennis.

12 MR. GOLDMAN: And if we set a condition that
13 the lights should be off by some specific time,
14 ten/eleven o'clock --

15 MR. DiSTEFANO: I don't --

16 MR. GOLDMAN: You don't want to do that?

17 MR. DiSTEFANO: I don't think we can. The
18 problem that we run into, the conditions have to apply
19 to the fence. I mean I just wanted you guys to
20 understand that this court would be lit and this is
21 part of it.

22 MR. MIETZ: Right.

23 MR. DiSTEFANO: But it's difficult for us to
24 apply conditions that don't really apply to what the
25 variance request is, and the variance request is the

1
2 fence. It's not the location of -- if this tennis
3 court was in the front yard - which they originally had
4 thought about - then, yes, we could probably condition
5 lighting because we're talking about the location.

6 In this case the tennis court itself, if they
7 took the fencing out or they had six foot high fencing
8 around it they wouldn't be in front of us and they
9 could have their lights and everything. So we have to
10 be careful how we condition this application if we
11 condition it with anything.

12 MR. DOLLINGER: I mean you can make it a
13 green fence, but you can't --

14 MR. DiSTEFANO: Yeah, you can make it --

15 MS. TOMPKINS WRIGHT: There's screening --

16 MR. DiSTEFANO: -- a black fence, a green
17 fence.

18 I'm sorry?

19 MS. TOMPKINS WRIGHT: And screening for it.

20 MR. DiSTEFANO: You certainly could talk
21 about screening of the ten foot high fence, correct.

22 MS. TOMPKINS WRIGHT: With fifteen feet is
23 there even room to do additional screening?

24 MS. KENTON: I guess I would ask --

25 MR. MONTALTO: Yeah.

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MS. KENTON: -- if you've been to the site?
Because it's pretty dense right now.

MR. MONTALTO: We could screen it. You know, we looked at -- I guess, let's have a better discussion so, you know, where we would be planting additional screening because this(indicating) is to the Bucci's. I'm not sure why we would enhance this. When you look at, you know, to the Gates' property, anything we plant is not going to initially fall in the area that's probably above the six and a half feet to the ten foot range. We've got, you know, a substantial strand of evergreen here that as they continue to grow will continue to offer additional screening.

If conditioned to add screening, sure. You know, fifteen feet, yes, that's plenty from a root standpoint to add additional screening.

But, you know, we did look at it and I think that's one of the reasons why we went to, you know, the additional effort to really look at what the site line analysis was here to see, you know, how this, you know, played - you know, comes into play relative to the overall height.

You know, if you bring this across, you know, the six and a half feet is pretty much below and so any

1
2 new screening that we plant today won't provide any
3 initial buffering. You know, it will be longer term.
4 We kind of thought, you know, we've already got the
5 evergreens that have a head start on any of that. You
6 know, that was kind of our thinking. We did look at
7 that.

8 MR. DiSTEFANO: Maybe on that same vein, the
9 color of the fence do you find that -- and black vinyl
10 I suspect is what you're going with?

11 MR. MONTALTO: Yes, black vinyl chain-link
12 fence with no windscreen.

13 MR. DiSTEFANO: And that black vinyl works
14 better than a green vinyl or a brown vinyl or something
15 else?

16 MR. MONTALTO: We've been told that the black
17 vinyl stands out less all seasons. That the green
18 vinyl tends to stand out more you know, in the
19 wintertime.

20 MR. DOLLINGER: Yeah, that's true.

21 MR. MONTALTO: We actually kicked around the
22 same thought, did green make more sense. And we've
23 been told that it's not a natural green and it stands
24 out more than the black does.

25 MR. MIETZ: Any more questions?

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Okay. Thank you.

MR. MONTALTO: 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.

4A-06-15 Application of John Cortese / 2400 West Henrietta Road LLC, owner of property located at 2400 West Henrietta Road, for an Area Variance from Section 205-7 to allow for an increase in impervious lot coverage from 77% to 87% where a maximum 65% impervious lot coverage is allowed by code. All as described on application and plans on file.

MR. AMERING: Good evening. Alex Amering with Costich Engineering. With me is Dave Ferris, one of the managers at Cortese. The application before you tonight is for an area variance for lot coverage.

A little quick history on the project: We started out the process, we met with town staff, we reviewed the code. Ultimately that's why we're here tonight for the variance. We went to the Conservation Board. And then two weeks ago we were also with the Planning Board, which was tabled in lieu of the variance that we're here for tonight.

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2 A little summary of the project itself: It's
3 approximately a .6 acre parking lot expansion off the
4 existing parking facilities at Cortese. All the
5 parking to the rear there is all for the inventory.
6 The allotment they get from their franchise.
7 Approximately .8 acres will be disturbed as part of the
8 project. And again, it will all be for inventory
9 vehicles once they get delivered and storing them.

10 None of the parking back there would be used
11 for public. It will all be gated off. There's
12 currently two access points to the property, one on
13 Crittenden and then the main access along West
14 Henrietta Road. It's important to note that this is
15 gated(indicating) and this is gated(indicating). And
16 again, there's no - there would be no public use for
17 the property back there.

18 I'll walk you through quickly just the burden
19 of proof standards for the project.

20 Will the variance have a negative effect on
21 the neighborhood: It won't. What you'll find it's
22 consistent with what you'll find along this section of
23 West Henrietta Road. The dealerships you'll see coming
24 down along this way(indicating) all actually have zero
25 setback. They are paved up to the property line. Here

1
2 we are conscientious of maintaining a buffer.

3 Can it be accomplished another way:

4 Ultimately it can and that's what John is doing today.
5 He currently uses other properties in the area, which
6 you'll find a lot of dealerships do that when they
7 can't keep their inventory on site. What we've found,
8 and I'm sure John would confirm it also, is it creates
9 additional trips to the site, safety concerns, vehicles
10 coming and going. Ultimately the safest option is for
11 him to be able to keep all of his own vehicles right on
12 his own property back there.

13 Is it the minimum to accommodate: Yes,
14 ultimately it is the minimum. If I asked John he would
15 probably want more pavement, but when we sat down and
16 met with him he said a hundred cars would bring him up
17 to what would meet his requirements from his allotment
18 from the franchise. Going through the planning process
19 is important to minimize, you know, the number of
20 variances. We went through looked at the parking
21 setbacks, the buffers required. We were ultimately
22 through design development people able to meet those
23 other minimum code requirements.

24 Will the variance have any adverse effect on
25 the environment: Quite honestly there will be

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2 environmental improvements as part of this, despite not
3 meeting the DEC requirements for SPDES permitting.
4 We're going through all the same steps with the town
5 engineer and provided stormwater which will treat the
6 runoff from the site.

7 Our in-house landscape architect actually
8 visited the site. We identified all the mature trees,
9 which are primarily out here(indicating) along the
10 Crittenden frontage. We will be proposing additional
11 trees which will compliment the more mature trees which
12 we'll be saving. You'll see there will be planting
13 beds throughout here(indicating) with some we call them
14 undulating land forms that will just break up the
15 streetscape and buffer. You won't be able to actually
16 see vehicles, you know, if you're on Crittenden Road.

17 Is the variance self-created: As you are
18 probably aware, the site is existing -- is pre-existing
19 non-conforming. We're already over the sixty-five
20 percent. If we came to you and wanted to have one
21 parking space we would be here presenting also for a
22 variance. So, yes, it has, but we went through the
23 steps of minimizing the impacts and while still meeting
24 Mr. Cortese's requirements.

25 I guess at this point I'll be happy to answer

1
2 any questions the Board may have and --

3 MR. MIETZ: A couple things.

4 One, there were some comments made in a
5 change in manufacturer's requirements for the allotment
6 of vehicles.

7 MR. AMERING: Yes.

8 MR. MIETZ: Can you talk to that a little bit
9 please?

10 MR. AMERING: Yeah. I'll start off. As
11 you're aware in recent years John has put a lot of
12 money into the dealership. He's been doing well. As
13 he does, you know, sells more vehicles the allotment he
14 gets for the next year is based on the sales from the
15 previous year. Obviously, to keep this trend going he
16 needs to be able to take the allotment -- is it once a
17 year?

18 UNKNOWN: It actually comes four times a
19 year.

20 MR. AMERING: Four times. But that's also,
21 again, through my understanding with John has been
22 reduced. You know, there's less times they can take
23 the vehicles and obviously if they pass that up, you
24 know, they're out of luck when they sell their
25 allotment.

1
2 MR. MIETZ: All right. And how about truck
3 traffic?

4 UNKNOWN: Minimal. There won't be any
5 traffic -- the existing --

6 MR. MIETZ: Could you just state your name?

7 THE WITNESS: Oh, I'm sorry. There won't be
8 any --

9 MR. MIETZ: What is your name, sir?

10 MR. FERRIS: My name is David Ferris. I'm
11 the director for Cortese.

12 MR. MIETZ: Okay.

13 MR. FERRIS: The traffic that is currently
14 being utilized - the way the vehicles are brought in
15 via the tractor trailers - is going to be continued.
16 Nothing is going to change.

17 To give you an idea, this gate that is on
18 this side currently(indicating) that has been locked
19 for quite a few years is not going to be opened. They
20 will continue to drop the vehicles off at the back of
21 the facility and then come back -- actually, they're
22 dropped off over here(indicating) the tractor trailer
23 pulls in here(indicating), backs up and then continues
24 to back out again. Nothing relative to new car
25 deliveries from the manufacturer is going to be

1
2 affected whatsoever by that.

3 MR. MIETZ: So in other words, what you're
4 saying is there really is no truck traffic entering or
5 exiting other than --

6 MR. FERRIS: Absolutely not.

7 MR. MIETZ: -- maybe a vehicle of itself for
8 some reason?

9 MR. FERRIS: Absolutely.

10 MR. MIETZ: Or an emergency exit or whatnot.
11 Okay. Very good.

12 Any other questions that anybody has?

13 One comment you made about the landscaping is
14 you were going to propose -- is there additional other
15 than what you have on the plan?

16 MR. AMERING: Nope. What we --

17 MR. MIETZ: Can you clarify that?

18 MR. AMERING: What we proposed is still
19 accurate at this point.

20 MR. MIETZ: Okay.

21 MR. AMERING: We met with the Conservation
22 Board and they asked us to look as a couple of
23 different species and we're happy to accommodate, you
24 know, their --

25 MR. MIETZ: So what's on the plan is accurate

1
2 as to what you proposed?

3 MR. AMERING: Yup.

4 MS. DALE: So you're basically replacing the
5 trees -- you're taking a number of trees down.

6 You're going to replace them in a different
7 location?

8 MR. AMERING: Yeah. What you'll see is there
9 are some gaps out on Crittenden Road(indicating).
10 We're going to fill in those gaps. And you'll see
11 there's also some mature trees right in the center
12 there(indicating). Save those and then build some
13 planting beds around it.

14 MS. CORRADO: So you're expanding the total
15 coverage considerably. You're addressing the runoff
16 and the impact. But the more we have surface coverage
17 the more we have heat accumulation in the area.

18 Was there any consideration given to building
19 in any greenery into the expanding of the lot?

20 MR. AMERING: What we found is being for
21 vehicle inventory storage is, you know, they're moving
22 vehicles around a lot. In a winter like this it's
23 quite the operation keeping the cars cleaned off and
24 you know, really they need to keep options open for
25 moving those vehicles. So we really focused our

1
2 efforts around saving the green space around the
3 exterior of the property. You know, in a situation
4 like this islands just really aren't practical for, you
5 know, their operations and all that.

6 So again, we tried to maximize our effort
7 around the, you know, buffering the property line.

8 MS. CORRADO: Thank you.

9 MR. DiSTEFANO: Just one question.

10 MR. AMERING: Yes?

11 MR. DiSTEFANO: So at this point in time with
12 this expansion this would alleviate the need for
13 off-site storage, or could there still possibly be that
14 need?

15 MR. FERRIS: At this point we feel that the
16 dealership has most likely come to a peak as far as
17 what are allotments are going to be. If it -- I
18 honestly can't see much more expansion. We would have
19 to -- a dealer would have to go out of business in the
20 Monroe County area for us to expand any further. We've
21 truly grown a lot and I just cannot see it happening
22 any further.

23 MR. DiSTEFANO: So we probably won't see you
24 back here to renew the temporary and revocable use
25 permit across the street at the Friendly's facility?

1
2 MR. FERRIS: That probably -- we would love
3 to not be parking across the street. Because to be
4 candid with you we have many clients that currently
5 want to go there and we tell them that they can't when
6 they're in the facility - our current facility. And we
7 have our lot attendants, if you may, go get the vehicle
8 for them. And we don't want to use that property, it's
9 just that simple. We really don't.

10 MR. MIETZ: Okay. Very good.

11 Any other questions?

12 Okay. Thank you very much.

13 MR. AMERING: Thank you.

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

16 There being none, the public hearing is
17 closed.

18 4A-07-15 Application of Thomas and Kara Masaschi,
19 owners of property located at 3565 Elmwood Avenue, for
20 1) an Area Variance from Section 203-2.1B(3) to allow a
21 detached garage to be 1,662 sf in size, after
22 construction of a 672 sf addition, in lieu of the
23 maximum 600 sf allowed by code; and 2) an Area Variance
24 from Section 207-6A(1) to allow said garage addition to
25 be 28 +/- ft. in height in lieu of the maximum 16 ft.

1
2 in height allowed by code. All as described on
3 application and plans on file.

4 MR. BRENNER: Good evening, Chairman Mietz,
5 Members of the Zoning Board of Appeals. Robert Brenner
6 here on behalf of the applicant Thomas and Kara
7 Masaschi, from the law firm Nixon Peabody.

8 We're here before you this evening in
9 connection with an application for a residential
10 detached garage at 3565 Elmwood Avenue. And there are
11 two area variances that we're seeking in connection
12 with the proposed expansion.

13 The first is an area variance from code
14 section 203-2.1B(3) which is the maximum square footage
15 requirement for detached garage dwellings in this
16 district. We are expanding an existing detached garage
17 that's nine hundred and ninety square feet by six
18 hundred and seventy-two square feet to a total proposed
19 square footage of one thousand six hundred and
20 sixty-two square feet.

21 The second area variance that we're here
22 before you this evening for is a height variance from
23 section 207-6A(1) of the town code, which relates to
24 height of the excessory structures in the town. We're
25 proposing a twenty-eight foot height of the garage

1 expansion where sixteen feet is permitted by code.

2
3 So what I thought I would do is I would take
4 you through each of the area variance requests and then
5 refer to the renderings that you have in your
6 application booklets together with the site plan that
7 was prepared by T.Y. Lin.

8 Just as a matter of housekeeping, I'd like to
9 go through our application booklet briefly. In tab A
10 behind the letter of intent you have copies of the
11 town's supplied application forms. Exhibit B, you have
12 our responses to the area variance standards under the
13 town law, and I will get to those later in my
14 presentation. Tab C, you have a short-form
15 environmental assessment form. Exhibit D, the site
16 plan that I eluded to. And Exhibit E, is a copy of the
17 architectural renderings of the proposed garage
18 addition.

19 So with respect to the maximum square footage
20 and the variance that we're seeking, I will just direct
21 your attention to that rendering that's behind the last
22 tab of the application booklet, and that's tab E. If
23 you look in the upper left-hand corner of that exhibit
24 - which you have an 11x17 copy of -- the proposed
25 expansion is to the far left. And what we're proposing

1
2 is a single-car garage expansion, expanding the
3 existing two-car detached garage. And the expansion is
4 really in connection with the removal of a two-car
5 attached garage from the existing residential structure
6 on that property back in 2007. And that was removed
7 due to deteriorated conditions and safety concerns that
8 the owner had in connection with that garage.

9 So what the owner of the garage is seeking to
10 do is recoup some of that space that was lost when that
11 attached garage was removed. And they really want to
12 consolidate the garage space on the property. So
13 that's why they were proposing an addition to the
14 existing detached garage rather than an expansion of
15 the single-family dwelling itself.

16 In addition to the single-car detached garage
17 expansion, you will also notice that we built in two
18 storage bays into that area. And those are accessed
19 from the existing garage space.

20 You'll note that there are no garage doors
21 proposed on the expansion. And the reason for that is
22 that the owner from an aesthetic perspective felt that
23 having a direct passthrough visible to the rear of the
24 site would be - would have some appeal to them. So
25 there are no garage doors proposed on the expansion

1
2 area. So the storage bays will be accessed, as I
3 mentioned, from the enclosed existing detached garage
4 space.

5 In addition, on the second floor of the
6 expansion area that will be heated storage space only.
7 And in speaking with the owner they would be amendable
8 to a condition imposed by this Board, should they
9 entertain approval, indicating that that space will not
10 be occupied by humans. It's for storage space only,
11 because I know town staff had some concerns about what
12 would be going on in that expansion area. And again,
13 it's just storage space and a condition to that end is
14 perfectly acceptable.

15 So in addition to the square footage variance
16 that we're seeking, I also alluded to the fact that we
17 need a height variance. And the reason for the height
18 variance is really from an architectural perspective.
19 When the owners and I worked with the architects on the
20 design here the architect had some concern about
21 matching the existing roof line. And they felt the
22 proposed height of the expansion area - which I note is
23 a few feet below the height of the existing detached
24 garage roof line - would really be something that from
25 an aesthetic perspective would be appropriate for the

1
2 proposed expansion. So that's the reason why the
3 height is proposed at twenty-eight feet instead of
4 sixteen which is permitted by code.

5 So with that being said, I would just refer
6 back to Exhibit B, which is compliance with the town's
7 area variance standards. I would rely on that exhibit
8 for purposes of compliance with each of the five
9 standards. And I would just note that on balance we
10 feel that the benefit to the applicant in granting both
11 area variances for the proposed garage expansion
12 outweighs any detriment to the community from a health,
13 safety and welfare standpoint.

14 I would be happy to answer any questions that
15 you have.

16 MS. DALE: I have a question.

17 MR. BRENNER: Sure.

18 MS. DALE: I'm sorry, I didn't really follow
19 the part about the new garage would not have a door for
20 the cars to exit?

21 MR. BRENNER: Yeah. So if you look at the
22 rendering, the arch area is the expansion area. So
23 that bay is the proposed expansion bay. There is no
24 door open on the front and that's open to the rear of
25 the property. So it's almost a cavernous area and

1
2 that's consistent -- that's desirable to the owner
3 because they feel it's consistent architecturally to
4 the existing structures on site and what they've
5 attempted to do with patios and things like that.

6 MS. DALE: So how does -- I mean, the picture
7 has a car here.

8 How would the car get out?

9 MR. MIETZ: Just a clear opening.

10 MR. BRENNER: It would back out.

11 MS. DALE: Oh.

12 MR. BRENNER: Yeah, it's just a clear
13 opening. There's no pass-through or circulation on the
14 site.

15 MS. DALE: So snow or whatever would get in
16 and --

17 MR. BRENNER: Yeah, and they would clear that
18 out.

19 MS. DALE: Okay. Sorry, I was --

20 MR. BRENNER: Oh, no. That's fine. It's
21 perfectly reasonable. I asked that question myself.

22 MS. TOMPKINS WRIGHT: Where the previous
23 two-car attached garage was, is it now - was it
24 resodded grass or is it still impervious coverage?

25 MR. BRENNER: So they built a small patio in

1
2 that area. And if you turn to tab D - the overall site
3 plan - I could point out where that garage space was.

4 So if you look I believe it would be to the
5 east side of the property - so if the T.Y. Lin is in
6 the upper right-hand corner it would be off to the left
7 where it says existing porch area. It's right along
8 the existing asphalt driveway.

9 MS. TOMPKINS WRIGHT: Okay.

10 MR. BRENNER: That's where it was removed.

11 MS. TOMPKINS WRIGHT: Is this to scale?

12 I mean the entire existing porch area was --

13 MR. BRENNER: No.

14 MS. TOMPKINS WRIGHT: Okay.

15 MR. BRENNER: So they removed the garage and
16 then they built a porch, which was only a portion of
17 what the garage space was.

18 MS. TOMPKINS WRIGHT: Okay. So there is a
19 portion of where the garage was that's just grass now,
20 or is it asphalt?

21 MR. BRENNER: Asphalt, correct.

22 MR. DiSTEFANO: So none of the living area
23 was expanded into the old garage area?

24 MR. BRENNER: No. Not to my knowledge, no.

25 MR. MIETZ: You spoke about heating that

1
2 area.

3 Is there any water or sanitary to this
4 addition?

5 MR. BRENNER: So there would be no water or
6 sanitary to the proposed addition. It would just be
7 heated space for storage only.

8 MR. MIETZ: Just heated and the electric and
9 then --

10 MR. BRENNER: Yup.

11 MS. TOMPKINS WRIGHT: Is the size of what
12 would be proposed garage in total consistent with other
13 garages both in height and size in the neighborhood, or
14 are there any other garages that -- I didn't go
15 snooping too much.

16 MR. BRENNER: Yeah, as far as the size of the
17 detached garage, there are other detached garages that
18 are large in this area. This home is in an area that
19 you probably know --

20 MS. TOMPKINS WRIGHT: Right.

21 MR. BRENNER: -- of town where they're large
22 homes. So this is consistent with those other homes.

23 What the Masaschis are attempting to do is to
24 regain some of the lost car bay area. Most of the
25 homes in that area have garages in excess of three-car

1
2 garages. So they're just looking to get back to the
3 level where they'd have the three car bays and some
4 additional storage area.

5 MS. TOMPKINS WRIGHT: Right. But I mean
6 sixteen hundred square feet is not just a three-car
7 garage.

8 MR. BRENNER: Uhm-hum.

9 MS. TOMPKINS WRIGHT: That's significantly
10 bigger than a three-car garage.

11 But you're saying there are not just
12 three-car garages, but sixteen hundred square feet --

13 MR. MIETZ: Structures you're saying?

14 MS. TOMPKINS WRIGHT: Right. It's consistent
15 with the neighborhood?

16 MR. BRENNER: Yeah. We feel this is
17 consistent with the neighborhood. The sixteen hundred
18 square foot is really just a function of the fact that
19 our proposed addition is six hundred and seventy-two
20 square feet to accommodate the other bay. But what
21 we're also up against the fact that we have a nine
22 hundred and ninety square foot pre-existing
23 non-conforming detached garage. So adding the six
24 hundred and seventy-two square feet to that to get the
25 additional bay and then the storage area that I alluded

1
2 to we feel is really the minimum square footage
3 necessary to accommodate the addition of that bay.

4 The function of the overall size is really a
5 function of the space that's already pre-existing
6 non-conforming that we're adding to.

7 MR. MIETZ: As far as the height issue is
8 concerned, I understand probably the comment that
9 you're trying to maintain the architectural piece of
10 it.

11 Is it also to support the need to do this
12 storage, is that --

13 MR. BRENNER: Yeah. It's for head room and
14 the ability to move things around that are upstairs.

15 From what I understand, the ceilings are
16 going to be vaulted. So in areas that have room will
17 already be diminished. So that twenty-eight feet is
18 really necessary to maintain some mobility upstairs to
19 move around and to match the existing roof line.

20 MR. MIETZ: Okay. Thank you very much.

21 MR. BRENNER: Thank you very much.

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

24 There being none, the public hearing is
25 closed.

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 April
1st, 2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

April 1st, 2015
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

DENNIS MIETZ, CHAIRMAN
JEANNE DALE
MORREY GOLDMAN
CHRISTINE CORRADO
ANDREA TOMPKINS WRIGHT

DAVID DOLLINGER, ESQ
Town Attorney

RICK DiSTEFANO
Secretary

NOT PRESENT:

CANDICE BAKER LEIT, ESQ.
JUDY SCHWARTZ

(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 4A-01-14

2 4A-01-15 Application of Congregation Light of
3 Israel, owner of property located at 1675 Monroe
4 Avenue, for a Temporary and Revocable Use Permit
5 pursuant to Section 219-4 to erect a tent and hold up
6 to six (per year) outdoor special events for the years
7 2015 and 2016. All as described on application and
8 plans on file.
9

10 Motion made by Mr. Mietz to approve
11 Application 4A-01-15.

12 **FINDINGS OF FACT:**

13 1. The variance is for a temporary and revocable use
14 permit to allow a tent to be erected on six occasions
15 during the year beginning April 1st, 2015 through
16 December 31st, 2016.

17 2. The property in question abuts a residential
18 neighborhood, but all of the events will occur mostly
19 during the day with no sound amplification and lighting
20 only within the tent itself.

21 3. The variance will not alter the character of the
22 neighborhood as there is a solid vegetation buffering
23 along the rear property.

24 4. The events will be a short duration and therefore
25 will not have a large impact on the surrounding

properties.

CONDITIONS:

1. The tent on all six occasions(per year) can only be set up two days prior and taken down no more than two days after.

2. There can be no sound amplification at the location.

3. Each event shall last no longer than two days.

4. All food preparation must be off site or within the synagogue.

5. The site must be cleared of all litter after the event.

6. If lighting is required it must only be inside the tent itself.

7. All events shall conclude by 11:00 p.m.

8. The variance applies only for the duration of April 1st, 2015 to December 31st, 2016.

9. All necessary fire marshal permits shall be obtained.

(Secoded by Ms. Tompkins Wright.)

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

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

1
2 APPLICATION 4A-02-15

3 4A-02-15 Application of Robert and Yvonne
4 Wheeler, owners of property located at 140 Winslow
5 Avenue, for an Area Variance from Section 207-2A to
6 allow a front yard fence to be 6.5 ft. in height in
7 lieu of the maximum 3.5 ft in height allowed by code.
8 All as described on application and plans on file.

9 Motion made by Ms. Dale to approve Application
10 4A-02-15.

11 **FINDINGS OF FACT:**

12 1. The approval of this variance will not alter the
13 essential character of the neighborhood.

14 2. The approval of this variance will not have a
15 negative impact on the surrounding properties and will
16 not produce an undesirable change or detriment to
17 nearby properties.

18 3. The requested area variance is not substantial
19 because it does not exceed the code fence height that
20 would be allowed on 126 Winslow's side of the property
21 line. It is not substantial due to the shape of the
22 lot and the depth of the front yard and this fence
23 would be permitted on the neighboring property.

24 4. The same type of fence exists elsewhere on the
25 property.

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CONDITIONS:

1. This variance applies only to the fence in the location and style as per plans submitted and testimony given.

2. All necessary building permits shall be obtained.

(Seconded by Mr. Goldman.)

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

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

1
2 APPLICATION 4A-03-15

3 4A-03-15 Application of Corwin and Lisa Marsh,
4 owners of property located at 398 Cromwell Drive, for
5 an Area Variance from Sections 203-2.1B(3) and
6 203-16A(4) to allow a detached garage to be 800 sf in
7 size, after construction of a 400 +/- sf addition, in
8 lieu of the maximum 600 sf allowed by code. All as
9 described on application and plans on file.

10 Motion made by Mr. Mietz to approve
11 Application 4A-03-15.

12 **FINDINGS OF FACT:**

13 1. The applicant has a need to place vehicles as well
14 as a hobby use in the garage area and the eight hundred
15 square foot size for the garage is the minimum
16 necessary to meet the applicant's needs.

17 2. The garage sits away from the road and the house
18 and backs up to railroad property and thus no negative
19 effect on the character of the neighborhood would be
20 expected from the addition of the two hundred square
21 feet over code for the structure.

22 3. Due to the size of the lot being in excess of one
23 acre, an eight hundred square foot garage is not
24 substantial and will have no negative impacts on the
25 neighborhood.

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CONDITIONS:

1. This variance shall apply only to the structure as described in plans submitted and testimony given.
2. All necessary building permits shall be obtained.
3. The exterior of the structure shall be harmonious with the existing house on the property.

(Seconded by Ms. Corrado.)

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

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

1 APPLICATION 4A-04-15

2 4A-04-15 Application of J. Fiorie and Company,
3 agent, and M&F, LLC, owner of property located at 2740
4 Monroe Avenue, for a Sign Variance from Section
5 207-32A(4) to allow for two for sale / lease signs
6 where a maximum one for sale / lease sign is allowed by
7 code. All as described on application and plans on
8 file.
9

10 Motion made by Ms. Corrado to approve
11 Application 4A-04-15.

12 **FINDINGS OF FACT:**

- 13 1. The proposed sign complies with DOT regulations.
14 2. The total square footage of the sign fits within
15 code for one or the three separate lots it applies to.
16 3. A single sign is actually less signage than
17 permissible by code on all three adjacent properties
18 comprising the single development sign.

19 **CONDITIONS:**

- 20 1. The sign will be located as per plans submitted and
21 testimony given.
22 2. The sign will be the only sale or lease sign
23 mounted in relation to this development.
24 3. The size shall be limited to that as shown in plans
25 submitted and per testimony given.

1
2 4. Shall satisfy the Architectural Review Board
3 conditions.

4 (Seconded by Ms. Dale.)

5 (Mr. Goldman, yes; Mr. Mietz, yes; Ms.
6 Tompkins Wright, yes; Ms. Dale, yes; Ms. Corrado, yes.)

7 (Upon roll call, motion to approve with
8 conditions carries.)
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2 APPLICATION 4A-05-15

3 4A-05-15 Application of Marie Kenton, Ketmar
4 Development Corp., agent, and Chris O'Donnell and
5 Colleen Wegman, owners of property located at 1 Elm
6 Lane, for an Area Variance from Section 207-2B to allow
7 a rear yard fence, surrounding a tennis court, to be 10
8 ft. in height in lieu of the maximum 6.5 ft. in height
9 allowed by code. All as described on application and
10 plans on file.

11 Motion made by Mr. Goldman to approve
12 Application 4A-05-15.

13 **FINDINGS OF FACT:**

- 14 1. The area where the new tennis courts will be is not
15 visible from any road.
16 2. The normal size fencing used for tennis courts is
17 ten feet in height.
18 3. No unacceptable change in the character of the
19 neighborhood is expected to result from the approval of
20 this variance.

21 **CONDITIONS:**

- 22 1. This variance applies to the tennis court fence as
23 shown on the plans submitted and by the testimony
24 provided to the Board at the meeting of April 1st,
25 2015.

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2. No wind screening shall be applied to the fence and shall remain as an open chain-link style.

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

(Seconded by Ms. Corrado.)

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

1 APPLICATION 4A-06-15

2 4A-06-15 Application of John Cortese / 2400
3 West Henrietta Road LLC, owner of property located at
4 2400 West Henrietta Road, for an Area Variance from
5 Section 205-7 to allow for an increase in impervious
6 lot coverage from 77% to 87% where a maximum 65%
7 impervious lot coverage is allowed by code. All as
8 described on application and plans on file.
9

10 Motion made by Mr. Mietz to approve Application
11 4A-06-15.

12 **FINDINGS OF FACT:**

- 13 1. The desire to expand the parking relates to the
14 manufacturer of the vehicles change in the deliveries
15 to the owner.
- 16 2. This problem has been temporarily alleviated by the
17 sublease of property on the west side of the property,
18 which has temporarily aided this situation.
- 19 3. The parcel is currently a non-conforming use. And
20 while the variance is substantial, no other
21 configuration can meet the parking requirements and
22 layout required by the owner to store the vehicles on
23 site.
- 24 4. No negative impact on the character of the
25 neighborhood is likely from this expansion since the

lot is at the rear of the commercial operation along West Henrietta Road and abuts a common use to the south in an undeveloped area.

4. Additional landscape screening will help to enclose the lot on the north and east elevations and provide screening and enhance the streetscape along Crittenden Road.

CONDITIONS:

1. This variance shall apply only to the parking lot expansion per plans submitted and testimony given.

2. The landscaping as shown on plans submitted shall be installed as required by the Conservation Board and the Planning Boars.

3. All necessary Planning Board approvals shall be obtained.

(Seconded by Ms. Tompkins Wright.)

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

1
2 APPLICATION 4A-07-15

3 4A-07-15 Application of Thomas and Kara
4 Masaschi, owners of property located at 3565 Elmwood
5 Avenue, for 1) an Area Variance from Section
6 203-2.1B(3) to allow a detached garage to be 1,662 sf
7 in size, after construction of a 672 sf addition, in
8 lieu of the maximum 600 sf allowed by code; and 2) an
9 Area Variance from Section 207-6A(1) to allow said
10 garage addition to be 28 +/- ft. in height in lieu of
11 the maximum 16 ft. in height allowed by code. All as
12 described on application and plans on file.

13 Motion made by Ms. Tompkins Wright to table
14 Application 4A-07-15 and keep the public hearing open
15 for additional information: 1. For a better
16 understanding of the necessity of the size, and
17 evidence that it can't be achieved by other means; 2.
18 For verification of other structures in the area that
19 are similar in size and height which is in keeping with
20 the character of the neighborhood.

21 (Seconded by Mr. Goldman.)

22 (Ms. Corrado, yes; Mr. Mietz, yes; Ms. Dale,
23 yes; Mr. Goldman, yes; Ms. Tompkins Wright, yes.)

24 (Upon roll call, motion to table and keep the
25 public hearing open 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

		27/8 39/8 39/16 42/21 43/24 46/6 51/12
'16 [1] 6/11	5	against [1] 56/21
.	5.4 [2] 24/12 27/25	agent [4] 16/20 23/2 66/4 68/4
.6 [1] 39/3	5.4-acre [1] 24/2	ago [3] 14/19 28/3 38/23
.8 [1] 39/7	6	ahead [3] 9/21 18/18 18/24
1	6.5 [4] 7/20 23/6 62/6 68/8	aided [1] 70/18
1,662 [2] 47/21 72/6	600 [4] 12/10 47/23 64/8 72/8	Alan [1] 2/25
1.3 [1] 13/4	65 [2] 38/12 70/7	Alex [1] 38/15
1/5 [1] 13/4	672 [2] 47/22 72/7	all [54] 2/18 3/8 4/8 7/7 7/21 8/8 8/12 9/8
1/8 [1] 13/4	6A [3] 47/24 48/23 72/9	9/23 12/10 16/12 16/24 21/25 23/7 26/17
10 [2] 23/5 68/7	7	28/20 29/5 29/12 30/8 31/16 31/16 31/18
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11x17 [1] 49/24	7:15 [2] 1/3 59/3	39/24 40/11 41/4 41/8 43/2 46/5 48/2
126 [4] 8/4 8/11 8/24 62/20	8	60/8 60/18 61/4 61/10 61/12 61/16 61/19
134 [2] 9/22 10/6	800 [2] 12/8 64/6	62/8 63/6 64/8 65/5 66/8 66/17 68/9 69/4
14 [1] 60/2	87 [2] 38/12 70/7	70/8 71/15 72/11
140 [10] 7/18 7/24 8/14 8/15 8/20 9/5	A	alleviate [1] 46/12
9/12 10/3 11/7 62/4	abbreviated [1] 25/11	alleviated [1] 70/16
14020 [2] 1/25 59/25	ability [1] 57/14	allotment [6] 39/6 40/17 42/5 42/13
14618 [2] 1/5 59/5	able [7] 3/11 13/18 30/11 40/11 40/22	42/16 42/25
15 [27] 2/14 7/17 12/5 16/20 22/25 38/8	41/15 42/16	allotments [1] 46/17
47/18 60/3 60/11 62/2 62/3 62/10 64/2	about [21] 3/24 9/23 10/6 14/10 15/14	allow [19] 7/19 12/8 13/24 16/23 17/19
64/3 64/11 66/2 66/3 66/11 68/2 68/3	16/2 24/21 24/21 24/22 26/23 29/13	23/4 23/16 24/24 38/11 47/20 47/24
68/12 70/2 70/3 70/11 72/2 72/3 72/14	30/16 35/4 35/5 35/21 43/2 44/13 51/11	60/14 62/6 64/6 66/6 68/6 70/6 72/6 72/9
16 [2] 47/25 72/11	51/20 52/19 54/25	allowed [16] 7/21 12/10 16/24 23/7
1675 [2] 2/15 60/4	above [3] 36/11 58/6 73/6	26/25 38/13 47/23 48/2 62/7 62/20 64/8
16A [2] 12/7 64/6	above-entitled [2] 58/6 73/6	66/7 68/9 70/8 72/8 72/11
1st [7] 1/3 1/4 59/3 59/4 60/15 61/18	Absolutely [2] 44/6 44/9	allows [1] 5/25
68/24	abuts [2] 60/17 71/3	alloy [1] 33/4
2	acceptable [2] 17/16 51/14	alluded [2] 51/16 56/25
2.1B [5] 12/7 47/20 48/14 64/5 72/6	access [2] 39/12 39/13	almost [1] 52/25
2007 [1] 50/6	accessed [2] 50/18 51/2	along [10] 8/11 20/11 39/13 39/22 39/24
2013 [1] 3/4	accommodate [4] 40/13 44/23 56/20	41/9 54/7 60/23 71/2 71/7
2015 [11] 1/3 1/4 2/3 2/8 2/18 59/3 59/4	57/3	already [7] 11/5 27/4 27/17 37/4 41/19
60/8 60/15 61/18 68/25	accomplished [1] 40/3	57/5 57/17
2016 [4] 2/18 60/8 60/16 61/18	according [1] 9/5	also [19] 6/3 10/22 13/7 13/25 18/10
203-16A [2] 12/7 64/6	accumulation [1] 45/17	18/23 24/18 27/22 29/10 32/8 38/23 40/8
203-2.1B [5] 12/7 47/20 48/14 64/5 72/6	accurate [4] 44/19 44/25 58/8 73/8	41/21 42/20 45/11 50/17 51/16 56/21
205-7 [2] 38/11 70/6	achieved [2] 20/21 72/17	57/11
207-2A [2] 7/19 62/5	acre [5] 13/4 24/2 24/12 39/3 64/23	alter [2] 60/21 62/12
207-2B [3] 23/4 23/16 68/6	acres [3] 13/4 27/25 39/7	am [3] 13/8 17/3 18/16
207-32A [2] 16/22 66/6	across [4] 29/15 36/24 46/25 47/3	amendable [1] 51/7
207-6A [3] 47/24 48/23 72/9	activity [1] 33/14	America [1] 14/22
21 [2] 1/25 59/25	actually [18] 4/14 12/24 12/25 13/6 13/6	Amering [1] 38/15
219-4 [2] 2/17 60/6	14/18 17/21 18/16 24/10 28/3 31/15	amount [1] 25/7
2300 [4] 1/2 1/5 59/2 59/5	37/21 39/24 41/7 41/15 42/18 43/21	amplification [2] 60/19 61/7
2400 [4] 38/8 38/9 70/3 70/5	66/16	analysis [2] 27/22 36/21
26 [1] 2/7	add [2] 36/15 36/17	ANDREA [2] 1/10 59/10
2740 [2] 16/21 66/4	adding [2] 56/23 57/6	angle [1] 32/7
28 [2] 47/25 72/10	addition [18] 12/9 13/19 13/20 47/22	another [3] 10/5 16/8 40/3
2A [2] 7/19 62/5	47/24 49/18 50/13 50/16 51/5 51/15 55/4	answer [2] 41/25 52/14
2B [3] 23/4 23/16 68/6	55/6 56/19 57/3 64/7 64/20 72/7 72/10	answered [1] 4/24
3	additional [12] 35/23 36/6 36/14 36/17	anticipate [2] 15/20 34/2
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