

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS
AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on May 6th,
2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

May 6th, 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.

KENNETH GORDON, ESQ.
Town Attorney

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 May session of the Brighton Zoning Board of Appeals.

4 Rick, call the roll please.

5 MR. DiSTEFANO: Please let the record show
6 all members are present.

7 MR. MIETZ: Okay. Minutes?

8 MR. DiSTEFANO: Just for the record --

9 MR. MIETZ: Was the meeting properly
10 advertised Mr. DiStefano?

11 MR. DiSTEFANO: Yes, Mr. Chairman. It was
12 advertised in the Brighton Pittsford Post of April 28,
13 2015.

14 MR. MIETZ: Thank you, sir. Now, we're
15 legit.

16 MR. DiSTEFANO: Now, minutes.

17 MR. MIETZ: Okay. Minutes, we have two to
18 review.

19 MS. BAKER LEIT: Page 8 --

20 MR. DiSTEFANO: We're on March minutes?

21 MS. BAKER LEIT: Yes, March minutes.

22 MR. DiSTEFANO: Okay.

23 MS. BAKER LEIT: Page 8, Line 12, coroners
24 should be corners.

25 Also on page 16, line 19 and page 19, line

12, it's the same correction, just add a space between next and door.

MR. MIETZ: Okay. Judy?

MS. SCHWARTZ: On page 24, line 11 the first word should be of.

And on page 27 line 10, last word is coated, c-o-a-t-e-d.

And that's all I have.

MR. MIETZ: Anything else on March?

Can I have a motion?

(Motion made by Mr. Goldman to approve the amended March minutes.)

(Seconded by Ms. Schwartz.)

(Upon roll call, motion to approve the amended March Minutes carries.)

MR. MIETZ: How about April?

MS. CORRADO: I have one.

Page 5, line 25, I believe Bland Reality should be Blair Realty.

That's all I have.

MR. MIETZ: Anything else on April? Going once, twice?

(Motion made by Ms. Dale to approve the amended April minutes.)

(Seconded by Mr. Goldman.)

(Upon roll call, motion to approve the amended April minutes carries.)

MR. MIETZ: Okay. Thank you.

When you're ready please call the first application.

4A-07-15 Application of Thomas and Kara Masaschi, owners of property located at 3565 Elmwood Avenue, for 1) an Area Variance from Section 203-2.1B(3) to allow a detached garage to be 1,662 sf in size, after construction of a 672 sf addition, in lieu of the maximum 600 sf allowed by code; and 2) an Area Variance from Section 207-6A(1) to allow said garage addition to be 28 +/- ft. in height in lieu of the maximum 16 ft. in height allowed by code. All as described on application and plans on file. TABLED AT THE APRIL 1, 2015 MEETING - PUBLIC HEARING REMAINS OPEN

MR. LUSK: Good evening, ladies and gentlemen of the Board. Jerry Lusk from Nixon Peabody representing the Massaschi family. Also with me are the Massaschi family: Tom, Kara and Luke Massaschi, in support of the application.

If you recall On March 10th we applied for the two area variances that were described, and my

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2 colleague appeared before this Board on April 1st and
3 presented the application. During that meeting there
4 were several questions regarding the application.
5 Could we wake the garage addition a little bit smaller
6 and there were questions regarding the overall height.

7 Since that date we've gone back with the
8 project architect and the Massaschis. And as I've
9 indicated in my April 22nd, 2015 letter the Massaschis
10 have redesigned the garage addition, brought the width
11 of it in from twenty-four feet to twenty feet six
12 inches to reduce the overall size. And as a result of
13 that it will reduce the size of the addition by fifteen
14 percent.

15 The height, as we discussed at the last
16 meeting, is really proposed to be consistent with the
17 existing pre-existing non-conforming garage that is
18 there. And that shouldn't be reduced frankly given for
19 purposes of the architectural design to make it fit
20 with the existing home and garage.

21 Also enclosed with the redesigned garage
22 addition were a series of letters of support from the
23 closest neighbors, including from the O'Donnell family,
24 the Nelson family, the Chandler family - the Chandlers
25 are the adjacent closest neighbors, and the Joy-Wegman

1
2 family. All in support and showing no objection at all
3 to the size, scope or the proposed design, and saying
4 they're in full support of the project.

5 So I believe we've attempted to redesign.
6 Obviously, we can't reduce it too much more or you
7 wouldn't have a garage. But, again, we've made the
8 good faith effort to respond to the Board's questions
9 and comments.

10 Are there any questions from the Board?

11 MR. GOLDMAN: Those three letters that are
12 attached here you alluded that they were the neighbors.
13 If you had put the addresses on them it would have
14 helped a lot.

15 MR. LUSK: Okay. Tom, you obtained the
16 letters. These are the two closest adjacent neighbors?

17 MR. MASSASCHI: Yes, I personally obtained
18 the letters and I think underneath their signatures
19 there should be their address.

20 MR. GOLDMAN: There's none. There's a
21 signature that somebody wrote and put it on the names
22 below it, but there's no addresses here other --

23 MR. MASSASCHI: They're all the immediate
24 owners.

25 MR. GOLDMAN: -- than Ms. Wegman, who we've

1 had before us within the last few months.

2 MR. MASSASCHI: Chandler is the immediate
3 neighbor who is the setback most affected. And then
4 the Nelsons are the people directly behind the
5 property. We don't have anybody to the west and the
6 Wegmans and the O'Donnells are across Elmwood Avenue.
7 So those are the only two that would abut. There's
8 only two that would actually see the property.

9 MR. GOLDMAN: Thank you.

10 MS. TOMPKINS WRIGHT: We didn't get an
11 updated site plan.

12 So what's the square footage of the addition
13 now; is it, my math is five seventy-four?

14 MR. MASSASCHI: I didn't calculate that.

15 MR. LUSK: I know they reduced it by three
16 and a half feet. It's the same width. So --

17 MR. DiSTEFANO: It says in the letter
18 approximately a hundred square feet.

19 So can you for the record give us an
20 approximate size of what the addition is going to be?

21 MR. LUSK: It is twenty feet six inches wide
22 by twenty-eight feet deep.

23 MS. TOMPKINS WRIGHT: Right. I just want to
24 -- my math is five seventy-four.
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Is that --

MR. LUSK: I haven't calculated that with a calculator. So if you have --

MS. TOMPKINS WRIGHT: And what's the setback now?

MR. LUSK: It is increased three and a half feet from the original setback, which it's now ten feet.

MS. BAKER LEIT: I wasn't here last month. Did they address what utilities were going to be within the structure?

MR. LUSK: There will be electric utilities. It's going to be -- somebody asked whether it was going to be occupied - the upstairs. The answer is no. It's strictly for storage.

MS. SCHWARTZ: So just electric, no heating or water?

MR. MASSASCHI: It will be a heated garage with probably electric heat just for the storage control temperature.

MS. SCHWARTZ: But no water?

MR. MASSASCHI: No water.

MS. BAKER LEIT: And the structure that looks like a - there's something that looks like a fire

1
2 place.

3 Is that decorative?

4 MS. SCHWARTZ: The chimney?

5 MS. BAKER LEIT: Yeah.

6 MR. MASSASCHI: That's a pre-existing chimney
7 for the carriage house now.

8 MS. BAKER LEIT: Okay.

9 MR. DiSTEFANO: You have a couple of members
10 who weren't here last month. So they're just trying to
11 get themselves up to speed a little bit.

12 MR. MASSASCHI: Sure.

13 MS. TOMPKINS WRIGHT: We talked last month
14 about if this was consistent with the neighborhood,
15 that they were similar -- in your application
16 originally says that there were similar in size
17 accessory buildings in your neighborhood.

18 Can you give us examples?

19 I know a pool house was mentioned last month
20 we thought that was only a thousand square feet.

21 Are there are similarly sized accessory
22 buildings in the neighborhood that are over fifteen
23 hundred square feet or --

24 MR. MASSASCHI: I don't have the exact square
25 footage, but I know my immediate neighbors to the south

1
2 of me, the Nelsons, have a four-car carriage house
3 which is bigger than what I currently have. I don't
4 know the square footage, but they currently have a
5 detached four-car carriage house. And then my other
6 immediate neighbor, the Chandlers, have a two-car
7 attached garage and a three-car detached garage.

8 So I'm not really changing much within the
9 neighbors who coincide with each other. It's kind of
10 like estates that have large secondary buildings, I
11 guess.

12 MR. LUSK: I also site to the Country Club of
13 Rochester has a rather large accessory building right
14 on Elmwood Avenue that's right across the street,
15 that's used I think for their golf shop. But certainly
16 that's consistent from the detached clubhouse with the
17 neighborhood.

18 MR. MIETZ: Okay. I -- go ahead, Andrea.

19 MS. TOMPKINS WRIGHT: Oh, if you have a
20 question -- I have a lot of questions.

21 MR. MIETZ: No, go right ahead. Just keep
22 going.

23 MS. TOMPKINS WRIGHT: I noted that you
24 removed the two-car garage.

25 How many square feet was the two-car garage

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2 that -- it was a general size two -- four hundred
3 square feet is a general size two-car garage.

4 MR. MASSASCHI: It was actually a little bit
5 smaller because it was such an old house. You couldn't
6 get a larger vehicle today, get two of them into it
7 because they were so narrow and short. So I think
8 there was less than four hundred. There was like three
9 sixty - the existing garage we turned into living
10 space.

11 And the way the driveway was it was very
12 difficult to turn in because it was so narrow.

13 MR. MIETZ: Okay. Anything else?

14 MS. TOMPKINS WRIGHT: What about the -- you
15 mentioned the other garages.

16 What are the setbacks of your neighbors'
17 garages; are they ten feet from the property line?

18 Usually a structure that is fifteen hundred
19 square feet is a house with a much larger setback and
20 allowing for a larger height, you know.

21 So are these other structures that your
22 neighbors have so close to the property line?

23 MR. MASSASCHI: I can't speak with exact
24 figures. But I'm not sure what the town's setback
25 requirement is for a structure. I don't think it's

1
2 more than ten feet.

3 MS. TOMPKINS WRIGHT: For a garage. But
4 usually a garage isn't more than six hundred square
5 feet and it's only sixteen feet high. So it's kind of
6 hard to apply that setback to something that's kind of
7 characteristically different.

8 MR. LUSK: Well, I think that's part of the
9 issue, that the garages in this neighborhood are
10 significantly larger. So as Mr. Massaschi indicated
11 they're consistent with the same size as --

12 MS. TOMPKINS WRIGHT: The setbacks are
13 consistent as well?

14 MR. MASSASCHI: I know the neighbor to the
15 south of me doesn't have a setback issue. My neighbor
16 to the east, his is probably within ten or twelve feet
17 set back from his neighbor. They -- both those
18 neighbors have very large properties. So -- acres and
19 acres in front of them. We have a large front yard,
20 but a little narrower than theirs.

21 MS. TOMPKINS WRIGHT: And did you explore any
22 options?

23 Obviously, storage is the benefit that you're
24 looking for.

25 Did you explore any other ways to get storage

1
2 on your property without requiring a variance of this
3 size?

4 MR. LUSK: As we stated at the last meeting,
5 the design is primarily to make it architecturally
6 consistent with the existing carriage house.

7 The fact that it will be used for storage
8 we're making that point because there was a question
9 raised about whether it will be occupied. We're going
10 to have the space above the garage. We're going to
11 store stuff in it because the space exists. I don't
12 think the garage - the size of the garage was driven
13 for storage primarily.

14 MS. TOMPKINS WRIGHT: Right. But my thought
15 is the garage isn't the only way to add storage on the
16 property, if that's the benefit is additional storage
17 on the property.

18 Did you explore other options; addition to
19 the home, other storage structures on the property that
20 might give the same benefit without requiring the
21 variance?

22 MR. LUSK: Again, the purpose of the addition
23 is the garage. The upstairs storage was designed
24 simply for the architectural consistency, not for the
25 storage. So to say different that we're exploring

1
2 different places for storage, the purpose of the
3 addition is not for storage, it's for a garage.

4 MS. TOMPKINS WRIGHT: But a one-car garage is
5 normally like two hundred square feet, not six hundred
6 square feet.

7 So it's not just building a one-car garage,
8 right?

9 If you just wanted to add enough room for one
10 car you would only need two hundred square feet. This
11 is almost six.

12 MR. MASSASCHI: Architecturally it's got to
13 go with the existing structures. That's why the height
14 -- we're spending a little bit more money to make it
15 architecturally fit with what's there.

16 We could put a little stubby storage area on,
17 but I know my neighbors wouldn't be happy with it.
18 They've praised some of the stuff we've done to
19 architecturally tie in the house with the character,
20 the age. We could shrink it and make it look square
21 foot smaller, but it won't fit. The same with the
22 height. The height would -- I don't think I would do
23 it if I didn't have the height because it would just --
24 it wouldn't look right. It's not going to
25 architecturally or aesthetically look proper with

1
2 what's there.

3 MS. TOMPKINS WRIGHT: And I can speak for I
4 don't necessarily have a concern with the height. I
5 think that it should look architecturally similar to
6 what's already there. I'm just not sure if the benefit
7 that you're seeking if this is the best -- if this is
8 the only way that you can to do it or the best way to
9 do it.

10 MR. MASSASCHI: To answer your question,
11 there is no other place I could put it and have an
12 access to it. To the west of my property I would be
13 having the same issues with setbacks and you would have
14 to enter through the living room to get to the storage
15 space or any part of it. The front, obviously I can't
16 do it in the front of the house. And we have a pool in
17 the back.

18 MR. GOLDMAN: So what I'm hearing is the main
19 purpose of this garage is to store a car.

20 Is that what you're saying?

21 MR. MASSASCHI: A vehicle, my son's -- my son
22 has a garden in the back. We've got all of his tools
23 and equipment.

24 MR. GOLDMAN: Can you help me understand why
25 there's no doors front and back?

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MR. MASSASCHI: We --

MR. GOLDMAN: I'm a little confused by that.

MR. MASSASCHI: We didn't do the doors because of aesthetically how it looked - to look. We didn't want this large row of garage doors on the property. We like the arch that we saw in a magazine of a very similar colonial type house that we have with some stone work. And it makes it feel like it's a little bit more of a auxillary building versus just another wall of garage doors.

MR. GOLDMAN: Thank you.

MR. MASSASCHI: Sure.

MR. MIETZ: Okay. Any other questions?

Okay. Thank you very much.

MR. MASSASCHI: Thank you.

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

There being none, the public hearing is closed.

5A-01-15 Application of David Burrows, architect, and Katie Lambert, owner of property located at 80 Fairhill Drive, for an Area Variance from Section 205-2 to allow a front porch to extend 5 +/- ft. into the 40 ft. front setback required by code. All as described on

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2 application and plans on file.

3 MR. BURROWS: Hello. I'm David Burrows,
4 architect, and with me is Katie Lambert, the owner of
5 70 --

6 MS. LAMBERT: 80.

7 MR. BURROWS: 80, sorry. There's a mistake
8 in my address.

9 Katie would like to extend her existing front
10 porch. There's actually a protective overhang and a
11 simple concrete slab landing and concrete step.

12 Are the photographs with this application?

13 MR. DiSTEFANO: If you gave them to us there
14 would be.

15 MR. BURROWS: We've got photographs. If you
16 don't, I have one to pass around.

17 So she asked me to design a covered porch
18 that would extend a little bit further into the yard so
19 that her and her neighbors could use the space. And
20 the only way to really give a useful square footage for
21 a porch is to extend into the front property line - the
22 front setback by five feet.

23 The required setback is forty feet and we'll
24 be adding -- we'll be taking five feet from that. So
25 it will be a thirty-five foot front setback where a

1
2 forty foot setback is required.

3 The design of the porch is a continuation of
4 the existing low-pitched garage roof, and then we bring
5 that forward with the five feet from the face of the
6 garage to create a porch area of about roughly 10x14.
7 There will be balusters that are not required by code,
8 but are there for aesthetic reasons and a sense of
9 enclosure. And there will be two steps off the porch.

10 This was approved by the Architectural Review
11 Board last week with one condition; that the steps that
12 are on the west side be rotated so that they face the
13 south. So I will bring the revised drawing of that
14 over to you.

15 We're still not sure if we're not going to go
16 back before the Board because there is a tree that gets
17 in the way of that step and the Architectural Review
18 Board didn't pick up on that. So we're possibly going
19 back to them next month to see if they would approve
20 the previously submitted version with the step on the
21 west.

22 I'll let Katie talk about her reasons for
23 doing this and then I'll pass the drawings --

24 MR. DiSTEFANO: Just a quick question, Dave:
25 It's just a single step that would be moved to the

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south?

MR. BURROWS: Correct.

MR. MIETZ: The west one?

MS. LAMBERT: West.

MR. BURROWS: The west one will be moved to the south. So it is actually in the front setback.

MR. DiSTEFANO: Right.

MR. BURROWS: But it's --

MR. DiSTEFANO: But it's just one step lower than eighteen inches?

MR. BURROWS: Right, an eighteen inch high step by three feet wide.

So I will pass the photographs around and let Katie can describe the project.

MS. LAMBERT: So the project is meant to beautify a rather simple home. It's not a fancy house at all. It's kind of a starter home I would say. But right now the landing is the kind of landing you sit on, it's like a stoop. And we would like to have a porch so you could, you know, maybe put a little couch out and a little side chair and sit out and watch the kids play.

Our neighborhood is kind of a traditional neighborhood in that all the kids are outside playing

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2 all the time. My neighbor has said that our street is
3 great because everybody plays with everybody. It's
4 kind of like that with the adults too. So we would all
5 like to have a gathering spot. I grew up on a farm in
6 the middle of nowhere. One of the things that I love
7 about my neighborhood is being able to walk out that
8 door and, you know, being able to see both my neighbors
9 everywhere. It's really appealing to me. I'm looking
10 to beautify and enhance what we have in kind of a small
11 way in keeping with the existing structure.

12 MR. BURROWS: I just want to add a couple
13 more comments. I guess we -- because we may go back
14 before the Architectural Review Board we would like
15 approval whether the step is on the west or on the
16 south, and also to describe a little bit more about the
17 design.

18 It's intended to be very open. We didn't
19 want this to be a heavy, very conspicuous addition to
20 the house. We made it blend in as much as we could.
21 We made it light and open and hopefully it will feel
22 like part of the house and will improve it's appearance
23 also. Thanks.

24 MS. SCHWARTZ: I'm going to go back to the
25 tree in changing the step.

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2 So by moving this step where the ARB wants it
3 to be does that mean you're going to lose the tree,
4 that little tree to the left?

5 MS. LAMBERT: I want to go back and measure.
6 But you're right, the little tree to the left - if you
7 come down the steps you may either have to duck under a
8 branch, you know - you've got trees that are grown too.
9 It's a Japanese Maple. I'm going to have to take a
10 careful look to see if I now need to kind of swipe
11 around to --

12 MS. SCHWARTZ: But you're not going to have
13 to take it down?

14 MS. LAMBERT: Well, I don't know yet. We'll
15 have to figure out which -- I would love to have a west
16 opening and an east opening and then my current stones
17 that lead a path to my garden that the mailman takes
18 and that the kids take, that are stones from my
19 parents. I would like to continue those on the west
20 side as opposed to kind of looping around the front.
21 So we may go back.

22 But I don't want to take the tree out
23 necessarily. I would like to -- I'm trying to blend in
24 as opposed to redoing the entire front.

25 MS. SCHWARTZ: So tonight then you want us to

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2 judge it by having the steps east/west or east/south?

3 MS. LAMBERT: Both.

4 MR. DiSTEFANO: Both.

5 MR. MIETZ: We'll have to discuss it.

6 MR. BURROWS: A little more explanation. We
7 left the Architectural Review Board thinking that it
8 had been approved and didn't stick around for the
9 discussion, and during the discussion they came up with
10 this idea and based their approval on the condition
11 that we move the step to the south.

12 MS. LAMBERT: It may be fine. I really want
13 to go home and look at it now and see what -- would it
14 fit in? Do I have to move the tree? Can I just put
15 different pavers down? You know, I'm not a hundred
16 percent sure. Either west or south would work, really
17 it's just shifting a step from one side to the other.

18 MS. SCHWARTZ: Right.

19 MS. LAMBERT: If we could have the assurance
20 that --

21 MS. SCHWARTZ: Sure.

22 MS. LAMBERT: -- then we could take a look at
23 it from a structural perspective and not have to worry
24 about our approval.

25 MR. MIETZ: Okay. Any other questions?

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Okay. Thank you very much.

MS. LAMBERT: 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.

5A-02-15 Application of Andrea Rudolph, owner of property located at 222 Varinna Drive, for an Area Variance from Section 205-2 to allow a screened porch to extend 5.5 +/- ft. into the existing 26.67 ft. rear setback where a 40 ft. rear setback is required by code. All as described on application and plans on file.closed.

UNKNOWN: Since I --

MR. DiSTEFANO: Just state your name and address for the record?

UNKNOWN: Oh, I'm sorry.

MR. DiSTEFANO: Thanks.

MS. RUDOLPH: My name is Andrea Rudolph. My address is 222 Varinna Drive. And I'm requesting to add a porch on the back of my house.

Since I submitted my application I did get letters from my adjacent neighbors and neighbor across the street supporting my plan, and I also had my

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2 contractor take the plans that we used five years ago
3 when I remodeled my house. We had an architect and he
4 just roughly sketched out what the porch would look
5 like if anybody needed, you know, or wanted to see
6 that. But, you know, we won't have the architect
7 drawing until it's approved - the variance is approved.
8 I have this if anybody wants to see it.

9 MS. SCHWARTZ: Yes, please.

10 MS. RUDOLPH: You do want to see it, okay.

11 MR. DiSTEFANO: While you're doing that, just
12 for the record we have received letters of support from
13 neighbors at 223 Varinna Drive, 232 Varinna Drive, 215
14 Varinna Drive and 216 Varinna Drive.

15 MS. RUDOLPH: So I had my house remodeled
16 five years ago and at that time I made a nice patio on
17 the back of the house and I thought, okay, I'm all good
18 to go. However, there are so many bugs that every time
19 I go out there or have dinner nobody makes it to
20 dessert before they're running into the house. And
21 I've used, you know, organic and horrible pesticides
22 and nothing seems to keep these bugs away. And nobody
23 wants to come and sit out there.

24 And so I would like, you know -- I tried to
25 design the simplest porch with the least number of --

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2 you know, the smallest porch and have the same
3 contractor design it and build it so it would be
4 totally in keeping with the rest of the house.

5 MS. DALE: How high is the fence in the
6 backyard?

7 MS. RUDOLPH: Five feet -- I believe it's not
8 six feet. I believe five six.

9 In the back of the house or on the side?

10 The back I didn't do. So it's not my fence
11 so I don't know how high it is.

12 MS. DALE: Okay. I meant the back.

13 MS. RUDOLPH: Okay. That I don't know. It's
14 not my fence.

15 MR. DiSTEFANO: This is a totally screened
16 porch; there's no sliding on it, there's no solid walls
17 on, it's just an open screened porch?

18 MS. RUDOLPH: An open screened porch. There
19 will be siding on the eve part. And I may actually
20 have him put some siding on the bottom. We have a
21 totally --

22 MR. DiSTEFANO: About a knee high wall?

23 MS. RUDOLPH: Yeah. That would be the
24 maximum.

25 MS. TOMPKINS WRIGHT: How much screening does

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2 the -- you've got a tree line along the back.

3 How much screening does that provide to your
4 neighbors behind you?

5 MS. RUDOLPH: How much what?

6 MS. TOMPKINS WRIGHT: Screening, like how
7 much does it obstruct the view of your neighbors? I
8 mean --

9 MS. RUDOLPH: It don't think -- it doesn't
10 even come up as high as the garage - the top of the
11 garage.

12 MR. DiSTEFANO: No, the screening behind it -
13 the vegetation you have behind your house, how much --

14 MS. RUDOLPH: Oh.

15 MS. TOMPKINS WRIGHT: There's a tree line.

16 MS. RUDOLPH: Oh, directly behind?

17 MS. TOMPKINS WRIGHT: Right.

18 MS. RUDOLPH: Well, there's the fence and
19 then there's some - I can't even think of what kind of
20 great, big, huge bushes there are that somebody planted
21 back there.

22 MR. MIETZ: On the other side?

23 MS. RUDOLPH: Pardon?

24 MR. MIETZ: Is it on the other side of the
25 property?

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2 MS. RUDOLPH: It's -- well, I have
3 chain-linked fence.

4 MR. MIETZ: Right. I saw that.

5 MS. RUDOLPH: And then the neighbor who lived
6 there before me put these shrubs - I don't even know
7 what --

8 MR. MIETZ: Arborvitaes?

9 MS. RUDOLPH: Yeah. No, they're not
10 arborvitaes. They're flowering. I'm terrible, I don't
11 know what they are, but anyway they've gotten big. And
12 before he put that fence in he put those up first and
13 now they've grown a lot.

14 MS. BAKER LEIT: particularly how tall are
15 they, the vegetation?

16 MS. RUDOLPH: Is there anything that shows
17 how tall?

18 I guess they're above the fence actually.
19 It's above the fence that's there.

20 MS. BAKER LEIT: Six feet or seven feet.

21 MS. RUDOLPH: I apologize for that.

22 MS. SCHWARTZ: And basically this is going
23 over your existing patio that already --

24 MS. RUDOLPH: Right. The patio that I
25 already paid for right. It would be in the back of the

1
2 garage.

3 And if you're going to ask why I didn't put
4 it in the center space that wouldn't have required a
5 variance, it would have required all of the peaks and
6 the contractor said it was a disaster, you know, it
7 would be a nightmare to try to do it with the windows
8 and the electric. So this was a simple solution to it.
9 And it's basically right on that patio.

10 MS. SCHWARTZ: Okay.

11 MS. DALE: And the big tree that's right next
12 to that patio that will stay?

13 MS. RUDOLPH: Oh yeah. That gives me my
14 shade.

15 MR. MIETZ: You said that you were going to
16 keep it screened.

17 Is it going to have storm windows or
18 something for the winter time, or is it --

19 MS. RUDOLPH: We haven't decided --

20 MR. MIETZ: -- or leave it totally open?

21 MS. RUDOLPH: We haven't totally decided.
22 We're leaning on keeping it just screened, but we
23 decided we would talk at the end and decide if it was
24 worth it to have windows.

25 MS. BAKER LEIT: With this schematic I'm not

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sure where the entry is to the screened porch or how it
--

MS. RUDOLPH: The tree just off the patio --
do you have the picture?

MS. BAKER LEIT: Yeah, I have the picture.

MS. RUDOLPH: No, the picture -- I'm sorry,
the picture that I took from the back of the house?

MS. BAKER LEIT: These?

MS. RUDOLPH: Yeah.

MS. BAKER LEIT: Okay.

MS. RUDOLPH: So it's going to be right on
where the patio - mostly right on the patio and it's in
back of the garage.

MS. BAKER LEIT: Okay. So you're going to
enter from the side --

MS. RUDOLPH: Yeah.

MS. BAKER LEIT: -- and there'll just be a
door so --

MS. RUDOLPH: It will be directly from the
patio.

MS. BAKER LEIT: It will basically just kind
of abut the other structure?

MS. RUDOLPH: Pardon me?

MS. BAKER LEIT: It will just abut your

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garage sort of?

MS. RUDOLPH: Yeah, it will be attached to the garage.

MS. BAKER LEIT: Because we don't really - at this point we don't have any plans that actually show that.

MS. TOMPKINS WRIGHT: So the only access will be from outside?

MS. RUDOLPH: From outside, yes. I know. It was the least -- we're trying to do the smallest, least expensive porch that would work.

MS. CORRADO: Your neighbor at 216, has your neighbor seen this drawing?

MS. RUDOLPH: Yes.

MS. CORRADO: Your drawing here and since we only get the rear view, does your neighbor have a sense of how the massing will be along the side adjacent to their property?

MS. RUDOLPH: Yes. And they're fine, they just want me to invite them over.

MS. CORRADO: Okay. They did sign off on the letter here?

MS. RUDOLPH: Yeah.

MR. MIETZ: Okay. Any other questions?

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Thank you very much.

MS. RUDOLPH: All right. Thank you.

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

UNKNOWN: Hi.

MR. MIETZ: Good evening.

MS. MASI: I'm Barbara Masi. I'm at 263 Rhinecliff Drive. I'm the property owner directly behind 222 Varinna.

The property owner at 222 Varinna did not approach me and ask me about the screen porch which directly affects me. And the only reason I knew about it was because of a letter I received from the Zoning Board. So I have no information whatsoever on the structure of it other than the variance requesting information that was submitted through the building office. And from what I can see from that is only a 1991 plot plan with the structure and I would have to imagine what it might look like, how high it would be.

But nevertheless, I submitted a letter to the Board along with two photographs because if you really think about it two of the letters you received would be from neighbors who live across the street from this property and wouldn't even be able to see the screened

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2 porch. The two on the side could probably slightly see
3 it, but the person who could see - the property owner
4 who would be able to see one hundred percent of the
5 screen porch and who would be immediately affected
6 would be me.

7 So that's why I submitted two photographs to
8 show you that, you know, with the historical
9 vicissitudes of Brighton properties, you know, they're
10 all over the place, you know, things came and went over
11 the years. But nevertheless, I looked across
12 properties and this is of course is the most informal
13 summary of what you might imagine properties are
14 placed. It looks like about twenty-five feet from the
15 rear property line, plus or minus where you might find
16 properties except structures - except for the very old
17 garages which are often placed at the back.

18 So the thing I was thinking was there is
19 already a structure on this property that was an
20 addition put in a long time ago that's already at
21 26.67. From what you can see from the photographs
22 there is no foliage other than some very thin hedges -
23 by the way they're not arborvitaes, they're not lilacs
24 - very thin hedges that have been there forever, barely
25 alive in order to cover what's going on on the next

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2 property. And then to think that the screen house
3 would come in at -- and I realize again that it's only
4 5.5 feet that's being requested, but ultimately the
5 setback becomes about twenty-one feet from the rear
6 property line.

7 So all I'm asking is if there is somewhere
8 else where this screen house could be placed it would
9 be a lovely thing rather than granting an additional
10 variance which comes even closer to the property line,
11 because it really, you know, it's really all I see when
12 I look in the back. And I'm already going to have to
13 put in some additional bushes or something so it just
14 doesn't feel like it's, you know, every time I'm in my
15 backyard all I see is the neighbor's building.

16 So that's all I have to say. My property, I
17 should say by the way already does have a forty foot
18 setback. It's never been shrunken from that. So the
19 only reason there's any distance between the two
20 structures is because my setback is still forty. So it
21 seems a little unfair to me to keep allowing setbacks
22 to shrink as much as they are. And you know Brighton
23 with the tiny neighborhoods we have as little privacy
24 as it is. It would be so nice if the screen house
25 could at least be placed somewhere else on the property

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2 or at least remain within the setback that's currently
3 allowed at 26.7.

4 So that's it.

5 MR. MIETZ: Question: Is it really the
6 screening that's bothering you about this, the fact
7 that you're going to see this structure?

8 MS. MASI: Of course I could see --

9 MR. MIETZ: Living across --

10 MS. MASI: Living in 3D space of course I
11 know I will see it.

12 MR. MIETZ: Right.

13 MS. MASI: It's the, you know, the sense of
14 claustrophobia that you feel in the your backyard when
15 you're standing there and all you can really see right
16 over the fence -- and the fence in fact is six feet
17 tall -- and is the other structure is right over the
18 fence. And, you know, it's like standing in your side
19 yard. You know when you're in your side yard the
20 houses are already close together. You already have
21 kind of a claustrophobic feel. You don't really want
22 to have that feeling in your backyard. You know you
23 want to have a little bit even in a tiny Brighton yard
24 a sense that, you know, you're going to see at least
25 twenty-six feet of yard in the neighbor's yard as

1
2 opposed to forty feet, which is the town setback if you
3 really think about it.

4 MS. SCHWARTZ: What part of your house would
5 you say is directly behind this proposed screened
6 porch?

7 MS. MASI: My master bedroom, if you mean the
8 room that looks out into the yard.

9 MS. SCHWARTZ: Right. Or even the first
10 floor, what would be right --

11 MS. MASI: The kitchen.

12 MS. SCHWARTZ: And then the bedroom?

13 MS. MASI: Oh, the living room. The living
14 room and the kitchen would look out on to the backyard.

15 MS. SCHWARTZ: Okay.

16 MS. MASI: And then the bedroom upstairs.

17 MS. DALE: Is the rear view photo one that
18 you took from the second floor of your house?

19 MS. MASI: Yes. There's a deck up on the
20 second floor and outside the master bedroom. It's very
21 pretty.

22 So, yes, of course I fully understand that of
23 course when one goes outside in Brighton neighborhoods
24 one sees houses. That's reality of life in Brighton.

25 MS. DALE: That's why you see --

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2 MS. MASI: Right. And I love that about the
3 neighborhood. I love living in Brighton and walking
4 around and knowing all my neighbors.

5 But it's always when the town maintains some
6 minimum of grass and trees around, that property owners
7 have to maintain some amount of setback from being
8 encroached upon as you move through. And again, the
9 historical issues of where things are placed all over
10 Brighton, they're everywhere. Everybody's got things
11 all over the place.

12 I think it's for the Zoning Board of Appeals
13 to say where's the line for any given property owner.
14 You know, do we keep going past twenty-six and they
15 come and, you know -- do we keep going past and maybe
16 thirty?

17 You can keep going forever like -- I don't
18 know. You could just have an owner come back year
19 after year and continue to move that line and, you
20 know, like a scientist, you can eventually reach zero
21 if you keep doing that.

22 So, again, I fully understand that houses are
23 everywhere. But it just -- because there's no foliage
24 back there, you know, there's really just fence and the
25 houses and it really just makes it feel so much closer.

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2 So I would probably have to put in something,
3 you know, because it does, it starts to -- anytime I'm
4 going to sell my property someone is going to look at
5 that and, you know, they'll look and they'll, "Oh, look
6 how close that house is." You know, people do. That's
7 the kind of decisions they make when they look at a
8 property. You know, they'll go in the backyard and go,
9 "Oh, this doesn't feel very private."

10 So, you know, I could go on all night.

11 MS. CORRADO: Does this differ very
12 significantly from your feeling of your rear yard
13 neighbor using her rear yard say with just lawn
14 furniture out and making use of her backyard that way;
15 is there an impact in terms of sound or --

16 MS. MASI: No. I just think that the porch
17 -- you know, a porch is going to have a roof, it's
18 going to have a peak. So, you know, it's this - though
19 it's going to be screened - it's a permanent structure.
20 So permanent structures have to have a slanted roof,
21 you know. Again, I haven't seen the picture, you know,
22 but, you know, it will come up considerably above the
23 fence. So --

24 MS. CORRADO: So for you it's more of a
25 concern visually than the activity in a rear yard?

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2 MS. MASI: No. People can do whatever they
3 want in their yards. I've never had difficulty with
4 that. So, you know, we all have dogs back there. They
5 have a very good time.

6 MR. MIETZ: Okay.

7 MS. MASI: So that's never been the issue.

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

9 MS. MASI: Sure.

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

13 There being none, the public hearing is
14 closed.

15 5A-03-15 Application of The Country Club of Rochester,
16 owner of property located at 2935 East Avenue for Area
17 Variances from Section 203-2.1C(3)(a) to allow two (2)
18 trellis-style shade structures to be setback 91 ft. and
19 120 ft. from a lot line in lieu of the minimum 150 ft
20 required by code, and to allow a pool utility building
21 addition to be setback 91 ft. from a lot line in lieu
22 of the minimum 150 ft. required by code. All as
23 described on application and plans on file.

24 MR. TESTRO: Good evening. I'm Ryan Testro
25 from BME Associates. Tom Souse and Rick Garret are

1 here on behalf of this project, from CCR.

2
3 As mentioned previously, we are requesting
4 the area variances to allow a reduction to the required
5 building separation from a lot line of a private golf
6 course, which is a hundred fifty feet per the town
7 code.

8 The proposed CCR project includes the
9 demolition and removal of the existing pool and a
10 portion of the CCR clubhouse adjacent to it. In place,
11 a new pool and new a addition is proposed. Therefore,
12 the use in this area is to remain the same. Two
13 trellis-style shade structures with alternating canvas
14 and wood lattice coverings are proposed on a new pool
15 deck within the hundred and fifty foot setback. Photo
16 exhibits and the detail of the shade structures were
17 provided with the application.

18 The shade structures have been located in the
19 area on the pool deck which is anticipated to receive
20 the most amount of sun during the day. The northern
21 most shade structure is proposed to be ninety-one feet
22 from the property line, while the southern most shade
23 structure is proposed to be a hundred and twenty feet
24 from the property line.

25 The existing pool utility building is

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2 currently located within the hundred and fifty foot
3 setback and currently represents a pre-existing
4 non-conforming building setback of - it's approximately
5 a hundred and one feet from the property line.

6 A proposed hundred and seventy-five square
7 foot expansion to the existing pool utility building is
8 required to modernize the existing mechanicals to
9 support the new pool. Therefore, the required
10 expansion to the pool utility building will also be
11 within the hundred and fifty foot setback. The
12 expansion is also proposed to be ninety-one feet from
13 the property line, similar to the northern most shade
14 structure.

15 Both shade structures as well as the
16 expansion to the proposed utility building are to be
17 located behind the existing CCR maintenance building.

18 And as you can see on this sketch(indicating)
19 -- this is the site plan you received -- I highlighted
20 the property line for the golf course(indicating) as
21 well as the hundred and fifty foot setback, this is the
22 orange line(indicating). This green structure
23 here(indicating) highlighted in green represents the
24 existing maintenance building for CCR. And this is the
25 existing pool utility building(indicating).

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2 So the three buildings per se are requiring a
3 variance to be within the hundred and fifty foot
4 setback. This is the northern most shade
5 structure(indicating) and this is the expansion to the
6 existing pool utility building(indicating) and then
7 just south of that is the southern shade
8 structure(indicating). The maintenance building only
9 has a setback of twenty-eight feet from the property
10 line.

11 In the letter of intent we did provide the
12 five factors that this Board is required to consider
13 for this area variance request. And I also would like
14 to point out that the three closest properties to the
15 west are all over - they're at least three hundred and
16 eighty-five feet from the nearest proposed shade
17 structure on the pool area, three eighty-five and the
18 middle house is around four hundred and fifteen feet
19 away.

20 So with that being said, I would be happy to
21 answer any of your questions.

22 MR. MIETZ: Questions?

23 MS. BAKER LEIT: Looking on the plot and
24 there are a number of lots on Whitney Lane, and there's
25 one that's not numbered at all and that appears to be

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sort of that job.

Is that -- it looks like that's just wooded area.

MR. TESTRO: It's just the rear yard. The house is actually one of the houses that I counted. The back of the house is approximately three hundred and eighty-five feet away from the nearest proposed shade structure.

MS. BAKER LEIT: Okay.

MR. TESTRO: This area in the back part of the lot(indicating)is all wooded area.

MS. BAKER LEIT: And who owns that, it's not indicated on this plot?

MR. TESTRO: It's do not know the owner offhand.

MS. BAKER LEIT: It looks like it's completely landlocked?

MR. TESTRO: No, it's actually part of this parcel(indicating).

MS. BAKER LEIT: Oh, it's part of that parcel. It's not --

MR. TESTRO: It skips over that hill and --

MS. BAKER LEIT: Okay. Thanks.

MR. MIETZ: Are there any other questions

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2 about this?

3 Just for the use itself, the pool area, is
4 there an anticipation of greater use once this is done?

5 MR. TESTRO: No, strictly to support --

6 MR. MIETZ: Modernization?

7 MR. TESTRO: Yeah. Modernize the pool,
8 correct.

9 MR. MIETZ: All right. Very good.

10 Any other questions from anyone else?

11 Okay. Thank you very much.

12 MR. TESTRO: Thank you for your time.

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

15 There being none, this part of the public
16 hearing is closed.

17 5A-04-15 Application of New Monroe Real Estate, owner
18 of property located at 825 White Spruce Blvd., for an
19 Area Variance from Section 205-7 to allow for an
20 increase of impervious surface area from 73.9% of lot
21 coverage to 74.6% of lot coverage where a maximum 65%
22 impervious lot coverage is allowed by code. All as
23 described on application and plans on file.

24 MR. COX: Good evening. I'm Dave Cox with
25 Pascal Associates and also with me is Amy Lucitas from

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2 BSES. As mentioned, we're here for an area variance
3 for impervious lot coverage.

4 Just to give you a little bit of background,
5 BSES and then the neighboring property used to be Jack
6 Astor's. And then that building was kind of falling
7 apart - delapidated. So BSES purchased that, took down
8 that building and then did an expansion as part of that
9 and combined those two properties into one. They have
10 been up and running now. And what they found is with
11 the emergency services aspect of the veterinary is that
12 they really want to provide an area for people to bring
13 in their pets, to go and have a place of peace and
14 serenity to just enjoy, you know, if their pets, you
15 know, they don't know what's going on, if they're a
16 little distraught they can have place to get outside
17 and have a little more peace there.

18 So we're adding about twelve hundred square
19 feet of pervious pavers, but per the code pervious
20 pavers are still considered impervious. So that's why
21 we're here for the area variance. It represents going
22 from 73.9 to 74.6%. So it's small increase. The
23 variance will not create any undesirable change in the
24 character of the neighborhood or have any adverse
25 physical or environmental impacts on the environment.

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With that, I can answer any questions.

MS. DALE: So the fence that's up right now is going to be the one wall is going to stay and the other that faces the east end of that - closest to East Henrietta Road - that's going to be moved back?

MR. COX: Yeah. It's just going to be moved back a little bit, correct.

MS. DALE: So it's the thirty foot by forty foot memorial garden in the front of that.

The fenced in area is for dog walking?

MR. COX: Right.

MS. DALE: Okay. I couldn't tell from the plans - it's just going to be the look of trees and everything around the memorial garden?

MR. COX: Trees and shrubs.

MS. DALE: There's no little fence or anything there or --

MR. COX: No. There won't be a fence, but it will be more densely landscaped to prevent - or to create that contained environment I guess.

MS. DALE: Okay. So if you were outside of the memorial garden looking in you'll just see, you know, a bunch of different plantings at various heights; there's no sort of other screening to give

1
2 like a privacy feeling or --

3 MR. COX: No. Yeah, you will be able to see
4 in some areas. There will be different heights of the
5 shrubs and the plantings. Some areas you might have
6 higher where you won't be able to see in, but it won't
7 be a complete wall around it.

8 MS. DALE: Okay.

9 MR. MIETZ: Is there any plan or discussion
10 about any other kind of structure in that area?

11 MR. COX: No.

12 MR. MIETZ: Any thought - future thought - of
13 anything like that?

14 MR. COX: No. That is the future plan.

15 MS. DALE: Is the thought that pets would be
16 brought into this garden as well along with their
17 owners or is this -- the application said it would be
18 for the employees to use?

19 MR. COX: Well, it's for employees and also
20 customers. It's not -- no, it's not for pets. It's
21 more for customers as they're waiting for their
22 diagnosis or waiting for surgery or anything like that,
23 they have a place to go.

24 MS. CORRADO: So essentially an alternative
25 to sitting in the waiting room --

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MR. COX: Exactly.

MS. CORRADO: -- cooped up?

MR. COX: Exactly.

MR. MIETZ: What about - bringing the employee issue into it - are people going to be out there having lunch; is there going to be any place to sit and consume food outside or is it truly intended to be relaxation spot?

UNKNOWN: There would be -- it's intended to be --

MR. DiSTEFANO: Amy, can you come up and state your name for the record please?

MS. LUCITAS: Hi. I'm Amy Lucitas.

There is intended to be benches so people could sit here(indicating). This is a seated area(indicating) with a center circular structure, I guess. It is not intended for employees to sit out there. The last thing we want is debris out there, so we certainly would not have employees sitting out there eating.

The other thing in addition for waiting for diagnosis, there's - it's the emergency service, so a lot of pets pass away while they're there. So it's intended to be a place where they can go to collect

1
2 themselves before they have to return home.

3 MR. MIETZ: Okay.

4 MS. TOMPKINS WRIGHT: I have a quick
5 question?

6 MR. MIETZ: Sure.

7 MS. TOMPKINS WRIGHT: It looks like the
8 rendering that you've provided and the depiction on the
9 site plan were a little bit different.

10 Which one is correct?

11 Was there a --

12 MR. COX: The site plan is more accurate.
13 When they first did the rendering that was before they
14 were anticipating moving the fence over.

15 MS. TOMPKINS WRIGHT: Okay.

16 MR. COX: So they didn't update the rendering
17 once they realized they were going to shift the fence
18 over. It just tweaks it a little bit.

19 MS. TOMPKINS WRIGHT: So the site plan is
20 correct?

21 MR. COX: The site plan is correct, yes.

22 MS. DALE: So did the -- I think the plan
23 included putting in a new door so that there would be
24 two separate doors to exit the building to go to the
25 memorial garden?

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MR. COX: Yes.

MS. DALE: And part of the having the second door would be you wanted to have more of a walkway towards to get to the garden?

MR. COX: Yes.

MS. DALE: Can you talk a little about why you think the second door which then means you need more sidewalk - the one door is not --

MS. LUCITAS: The second door is actually for administrative offices. So New Monroe Real Estate owns property on Monroe Ave. We currently rent parking spaces down Monroe Ave. But with the development occurring on Monroe Ave. our administrative offices are actually moving to this building. So we're going to that -- there is square footage in there that is built out, but it's not been renovated inside. So we're building administrative offices. So we need a separate entrance for the administrative offices.

MS. DALE: So you want the people who aren't associated with the animal emergency hospital, you want those employees to be able to use the memorial garden?

MS. LUCITAS: Well, they need to get in and -- that is going to be their entrance in and out of --

MS. DALE: Oh, that's just separate from --

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2 MS. LUCITAS: Yeah. That's a separate
3 entrance in and out of the administrative offices.

4 The administrative offices are for that
5 animal hospital and the other thirteen animal hospitals
6 that are affiliated.

7 MS. DALE: Okay.

8 MS. LUCITAS: That's where my office --

9 MS. DALE: So it's not to give more access to
10 the garden, it's just a coincidence that you have a
11 separate door that needs more sidewalk that go to the
12 garden?

13 MS. LUCITAS: Correct.

14 MR. DiSTEFANO: Dave, for the record, can you
15 clarify that you're also adding impervious sidewalks to
16 the site also as part of this whole project?

17 MR. COX: Yes. There's a very small amount.
18 On the south side we're adding I think maybe three feet
19 of sidewalk just to connect into the existing. And
20 then on the northern side I think we're adding twelve
21 feet or something like that. So there's a --

22 MR. DiSTEFANO: And this will be regular
23 concrete sidewalk?

24 MR. COX: Regular concrete, correct.

25 MR. MIETZ: Okay. Any other questions about

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the --

MS. BAKER LEIT: There aren't going to be any remains in the memorial garden; are there?

MS. LUCITAS: No.

MS. BAKER LEIT: I just wanted to make sure.

MS. LUCITAS: No.

MR. MIETZ: It's not a resting garden.

MS. BAKER LEIT: That's a separate issue.

MR. MIETZ: Okay. Any other questions?

Thank you very much.

MR. COX: Thank you.

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

There being none, the public hearing is closed.

5A-05-15 Application of Frederick Edwin Customs, contractor, and Matt and Maureen Empie, owners of property located at 75 Council Rock Avenue, for an Area Variance from Section 205-2 to allow a front porch addition to extend 6.75 ft. into the existing 51.9 ft. front setback where a 60 ft. front setback is required by code. All as described on application and plans on file.

MR. GATORS: Hi, everybody. My name is Rick

1
2 Gators. I'm here to talk about 75 Council Rock Avenue.

3 What they're looking to do is replace an
4 existing porch. They are not going to be coming any
5 closer to the road than the existing footprint of the
6 porch now. All they're doing is changing the roof line
7 and expanding it in width by about three and a half
8 feet.

9 They are, obviously, out of compliance as
10 they sit right now. Obviously, it was probably put in
11 before the code was changed. So we're really not
12 looking to come any closer to the road.

13 On that note for whatever it's worth, the
14 closest porch - the closest house with a large porch on
15 it is actually thirty-seven feet from the road. It's
16 two houses down from their house. In which it's just a
17 gigantic porch that looks out of place. It's already
18 there so -- there are varying porch sizes and shapes,
19 different styles of homes on the road. Again, all the
20 houses right now they're -- the actual setbacks of the
21 homes are all out of compliance as it stands right now.
22 It's really quite a simple variance issue.

23 MR. DiSTEFANO: The house immediately to the
24 east --

25 MR. GATORS: Say that again?

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MR. DiSTEFANO: The house immediately to the east --

MR. GATORS: Yes.

MR. DiSTEFANO: Where's that porch in comparison to where this porch will be?

MR. GATORS: It's offset -- that porch is a little bit to the south. It's to the south end of that particular home. That porch actually is about forty feet from the road.

MR. DiSTEFANO: It would extend closer to the road than what you're proposing?

MR. GATORS: Their house across the street?

MR. DiSTEFANO: No, right to the east going towards East Avenue?

MR. GATORS: Oh, I'm sorry. Going towards East Avenue.

MR. DiSTEFANO: Right.

MR. GATORS: Their -- you're talking the home or the porch?

MR. DiSTEFANO: The porch itself.

MR. GATORS: That I'm proposing?

MR. DiSTEFANO: No, the porch on the house to the east --

MR. GATORS: I got you.

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2 MR. DiSTEFANO: Where is that in comparison
3 to the porch you're proposing?

4 MR. GATORS: That is closer to East Avenue.
5 That one, again, directly to the east would be across
6 the street.

7 MR. DiSTEFANO: But closer to East Avenue --

8 MR. GATORS: Correct.

9 MR. DiSTEFANO: -- going towards East Avenue.
10 It's not across the street.

11 MR. GATORS: I got what you're saying.
12 That's kind of northeast. I'm sorry.

13 That one is I want to say two feet closer to
14 the road than --

15 MR. DiSTEFANO: Than what you're proposing?

16 MR. GATORS: Yeah. I think I actually have
17 pictures of that particular porch. Now that we're on
18 the same page here.

19 MR. DiSTEFANO: Now we know which house we're
20 talking about.

21 MR. GATORS: Right. You guys don't put your
22 roads northeast, southwest around here, so they get
23 kind of --

24 Actually, I might not have a picture of that.

25 MR. DiSTEFANO: I think you might have this,

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right?

MR. GATORS: That's the porch that you're referring to. That's actually the one that's considerably closer to the road.

MR. DiSTEFANO: This is the one that's -- that's the house right next door, right?

MR. GATORS: That's their house.

MR. DiSTEFANO: That's the one I was referring to.

MR. GATORS: Yup.

MR. DiSTEFANO: That's actually closer than what you're referring to.

MR. GATORS: I believe it's at least two feet closer to the road than the one we're looking at.

MR. MIETZ: Just for the record, can you just describe how out it's going to be enclosed on all three sides?

We have a have the drawing, but --

MR. GATORS: The porch is not going be enclosed. It's just going to have a railing - just a change of the roof line and a railing to kind of get it that porch feel so that they can sit out there and kind of have a little bit of privacy.

MR. MIETZ: What are you going to use to

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construct those railings?

MR. GATORS: Those railings are going to be vinyl. Azek is the brand.

MR. MIETZ: Okay.

MR. GATORS: It will be a white vinyl to match the existing trim work on the home.

MR. MIETZ: Okay.

MR. DiSTEFANO: And have you gone to the Architectural Review Board yet?

MR. GATORS: Yes.

MR. DiSTEFANO: And you've got approval from them?

MR. GATORS: Yes.

MR. MIETZ: Okay. Any other questions on this?

Okay. Thank you very much.

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

There being none, the public hearing is closed.

5A-06-15 Application of Rita's of Brighton, lessee, and Neu Lac De Ville Plaza, LLC, owners of property located at 1900 South Clinton Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to allow

1
2 a one day outdoor fund-raising event in the parking lot
3 of Tops Brighton Plaza. All as described on application
4 and plans on file.

5 MR. JAMES: Hi. My name is Todd James, owner
6 of Rita's Italian Ice.

7 Last year we had a fundraising event that
8 took over part of the parking lot. It went on for
9 about seven hours. This year we're looking to shorten
10 it to a four hour window span. We were able to raise
11 sixty-two thousand dollars last year. All for
12 childhood cancer research. And we would like to do it
13 again.

14 MR. MIETZ: Can you just state for the record
15 the hours that you're looking for?

16 MR. JAMES: It would be from noon to four.

17 MR. MIETZ: Okay. No other set up time or
18 anything else required?

19 MR. JAMES: Set up would be two hours prior,
20 so probably 10:00 a.m. until 6:00, but the actual event
21 would be from 12:00 to 4:00.

22 MR. MIETZ: Okay. Were there any issues last
23 year?

24 You had some experience - I know last year
25 was the first time that you did it as it related to

1
2 traffic flow, there was construction going on in the
3 plaza too.

4 MR. JAMES: Yeah.

5 MR. MIETZ: So that's pretty much resolved,
6 at least in the area you are.

7 MR. JAMES: Yeah.

8 MR. MIETZ: So was there any kinds of issues
9 or concerns you had or --

10 MR. JAMES: No issues. Everybody there was
11 happy and more on board for giving it a shot this year
12 and everyone is really looking forward to it.

13 MS. SCHWARTZ: Do you see this as a yearly
14 event?

15 MR. JAMES: I would like it to be.

16 MS. TOMPKINS WRIGHT: How is it fenced off?
17 I know last year you weren't quite sure what
18 you were going to do with a fence around it or --

19 MR. JAMES: We ended up putting in flagging
20 between cones and -- twelve cones.

21 MS. TOMPKINS WRIGHT: Is that what you intend
22 to do this year as well?

23 MR. JAMES: Yes.

24 MS. TOMPKINS WRIGHT: Okay.

25 MS. CORRADO: And if weather isn't

1
2 cooperative do you have a rain date?

3 Do you need a rain date?

4 MR. JAMES: No, we're going for broke.
5 Charity is charity, come out in the rain.

6 MR. MIETZ: Okay. And you presumably agree
7 to handle the sanitation issues and all that sort of
8 thing?

9 MR. JAMES: Yeah.

10 MR. MIETZ: As far as keeping the area
11 policed?

12 MR. JAMES: Yeah.

13 MR. MIETZ: Okay. Good. Any other
14 questions?

15 Thank you very much.

16 MR. JAMES: Thank you.

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

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

21 5A-10-15 Application of Application of Melanie
22 Wellington and Michael Marini, owners of property
23 located at 249 Penfield Road, for an Area Variance from
24 Section 207-16A(4) to allow a second driveway access
25 where only one driveway access is allowed by code.

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2 All as described on application and plans on file.

3 MS. WELLINGTON: Good evening. My name is
4 Melanie Wellington, I'm the owner of the property.
5 Also with me is my husband, Mike Marini, who is also
6 the owner of the property. Thank you very much for
7 considering our request tonight.

8 The request for permission for second
9 entrance to our property is motivated by safety. The
10 current entrance - the current driveway entrance opens
11 directly on to the corner of the intersection of South
12 Landing Road and Penfield Road, which is inconvenient
13 at best and unsafe during rush hour.

14 I would like to also before I go on to
15 apologize to the Board. The project had been started.
16 The proposed driveway actually has gravel on it right
17 now. The reason for not coming to you before that was
18 our contractor assured us that he had already obtained
19 all the proper permits and variances. And so we've
20 learned a big lesson and we won't do it again, and my
21 apologies for that.

22 Our current driveway is one of the really
23 wonderful features of our home. It was actually there
24 before South Landing Road was moved, so it has a lot of
25 historical features to it. And if you look at the site

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2 plan I don't know if you can fully appreciate it, but
3 what happens is the driveway enters off of a corner and
4 takes a right-hand turn. And as you do that what you
5 do is you drive through the woods. And what happens is
6 the woods on either side of that driveway make this
7 beautiful framework for a formal view of the entrance
8 to our house. It always feels a little like sanctuary
9 to me as I'm walking into these -- driving into the
10 woods. And that is one of the main reasons we would
11 like to keep that driveway. So I would just say that I
12 would love to preserve the beauty, history and
13 architecture that the current driveway adds to our
14 house, but substantially increase the safety by adding
15 the second entrance.

16 The plan is to add a section of driveway that
17 will be approximately be eighty feet long, that would
18 sort of duck out the side of the property onto South
19 Landing Road. This will allow entry and exit to the
20 property about eighty-eight feet - a little bit more
21 than that from the intersection. There's plenty of
22 space to make a turn on to South Landing if there's
23 passing cars. There is plenty of space to wait there
24 without worrying about being rear ended. There's no
25 worry -- everybody can tell what you're going to do.

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2 When we turn right into our driveway right now from
3 Penfield Road you have a right turn signal on, people
4 expect us to turn onto South Landing and when other
5 cars in the area see us turn into the driveway things
6 get very confusing. Even worse, many people block the
7 driveway while waiting at the stop sign there. So you
8 start the turn to turn into the driveway, but you can't
9 go any further because the driveway is blocked and that
10 ends up blocking the entire south side of Penfield Road
11 and South Landing. So as you can see it's a big
12 problem.

13 The code that we're asking for a variance
14 against is the code I'm sure you're very familiar with,
15 referring to second entrances. That there should be no
16 more than one access point to any one street, except
17 that additional entrance/exit driveways maybe provided
18 where it is determined by the controlling jurisdiction
19 that such is necessary to safeguard against hazards or
20 to avoid traffic congestion on the street. Obviously,
21 this is an issue that's come up before. So what we're
22 actually asking is that you -- this Board is the
23 controlling jurisdiction deem that a second entrance is
24 necessary, and if you do so deem then the second
25 entrance would fall within existing code. We're doing

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2 our best to keep this as consistent with the current
3 code as possible.

4 The planned extension of the driveway, like I
5 said, allows a sufficient setback from congestion to
6 make it much more safe. At that section of South
7 Landing Road there's not a curb. So that won't require
8 any curb cuts or modifications to South Landing Road.
9 The property, there's a very, very, very, very slight
10 hill, but it would be such that rain from the new
11 section of driveway would flow into our garden which
12 would be a fantastic reason for me to have a rain
13 garden. Not that that should be a reason for a
14 variance. The drainage is not going to be onto the
15 road.

16 The driveway - the new section of driveway
17 would be paved at the same length and same style as the
18 current driveway, which is also the style of driveways
19 in the area. And I have to say, as it's important with
20 my apologies, that there's already gravel in the new
21 driveway because we thought that the variance had
22 already been obtained. And that's actually allowed our
23 neighbors, our mail carrier, all the other people in
24 the area to see exactly what was plan is. My apologies
25 for that happening, but it has a nice advantage so our

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2 neighbors can see what's happening. And they're all
3 strongly in favor of the addition of the second
4 entrance. We've had neighbors stop as they're driving
5 past to say what a great idea they think it is.

6 In our application I've included a petition
7 from twelve of our nearby neighbor's signatures. So
8 many of which live across Penfield Road. They're
9 affected by our driveway as well because of the traffic
10 conditions on Penfield Road. And many of which are on
11 South Landing Road or near South Landing Road.

12 They're all also within about a half mile of
13 our house, about seventeen houses or more that already
14 have two entrances. So a second entrance would be very
15 consistent with the character of the neighborhood.

16 Finally, the two entrances would allow
17 service personnel, such as our mail carrier and heaven
18 forbid that the emergency personnel on site, to have
19 much better access to the property. And in fact, in
20 addition to our neighbors stopping us saying they think
21 it's a great idea, our mail carrier has already also
22 voiced his opinion that he thinks it makes it much
23 easier for him because he no longer has to pull in and
24 put the mail in the box and then back out onto the
25 intersection of South Landing Road and Penfield Road.

1
2 So any way, the only other thing that I would
3 actually keep in mind is our property is actually made
4 of two lots that are on the site plan that are relevant
5 to this driveway. There's actually a third lot that
6 used to -- it's a land-locked section that used to be
7 owned by the county. That is immediately east of our
8 property. That isn't really related to this section
9 because it's over by the railroad tracks. But we
10 actually have three lots. So I don't know if that is
11 of consideration to you, but the code being that one
12 entrance per lot -- I'm not trying to go make the
13 argument this entrance is to the other lot. They're
14 both to both lots. But what it does mean is that there
15 is no substantial increase to the density of driveways
16 in the area because we have those two lots already.
17 There's not an extra driveway already there that this
18 one will be nearby.

19 Thank you very much.

20 MR. MIETZ: Okay. Do we have questions?

21 It seems pretty straight forward.

22 Just for the record, how are you - if the
23 project is approved how will you finish that?

24 MS. WELLINGTON: It will be paved with
25 asphalt, the same texture and style as the existing

1
2 driveway and as the driveways in the neighborhood.

3 MR. MIETZ: Okay. There's no other
4 landscaping or any other improvements going on in that
5 area?

6 MS. WELLINGTON: No large structural
7 landscaping will happen.

8 MR. MIETZ: Anything else, I guess, that
9 would be relevant?

10 MS. WELLINGTON: It does go through a section
11 of the woods and anytime you sort of open up the woods
12 with a driveway like that it creates a verge. So we
13 would try to put verge plants such as low ferns and
14 that sort of thing there. There wouldn't be any view
15 obstruction, but we don't want weeds growing there.

16 MR. MIETZ: Right. Okay, very good.

17 Any questions?

18 Okay. Thank you very much.

19 MS. WELLINGTON: Thank you.

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

23 Yes, sir?

24 MR. LUDWIG: Jerry Ludwig, 2940 East Avenue,
25 Brighton.

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2 Honorable Chair, Members of the Commision, I
3 would just like to come and voice my support for this.
4 Having tried to turn into this driveway at some point
5 and finding it extremely difficult. I think it's a
6 good idea for safety and Brighton will still exist if
7 you give this variance.

8 Thank you.

9 MR. MIETZ: Okay, Jerry. Thanks.

10 Yes, sir?

11 UNKNOWN: I would also like to speak.

12 MR. MIETZ: Yes.

13 UNKNOWN: My name is Brian --

14 MR. MIETZ: Come on up.

15 MR. PYE: My name is Brian Pye. I live at
16 225 Penfield Road, directly across South Landing from
17 Mike and Melanie.

18 My wife and I are in full support with what
19 they're doing. A lot - from what Melanie was saying
20 about the safety issues -- we moved into our house
21 about seventeen years ago and we've always been
22 concerned about their driveway stopping right there at
23 the intersection and then cars turning, and sometimes
24 there is a traffic jam where somebody is trying to turn
25 in - whether the homeowner or somebody else - it kind

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2 of blocks traffic.

3 The one thing that Melanie didn't hit upon,
4 which I think is really relevant, is school bus stops.
5 So we have a son in fifth grade - or fourth grade and I
6 think your daughter is now in kindergarten, so they're
7 not quite into the whole school bus stop. Having the
8 school bus stop right there, it's a single stop for
9 both houses because their driveway is pretty much
10 directly across from ours.

11 And from a, you know, a neighbor that sees
12 the house, you know, what they've done, my wife and I
13 we're completely supportive of this idea, one hundred
14 percent.

15 And I do hope you do plant a few little
16 flowers. It would be nice, but we could live without
17 that.

18 But we are very supportive. I just wanted to
19 come down and express that for you guys.

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

21 MR. PYE: Thank you.

22 MR. MIETZ: Yes, sir?

23 UNKNOWN: I wasn't able to sign the petition
24 that they sent around that day.

25 MR. MIETZ: Okay.

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2 MR. TRIPPE: My same is Jerry Trippe and my
3 wife is Jill. We live at 14 Landing Road South.

4 You've heard all the safety stuff. I think
5 it looks aesthetically pleasing. When you turn onto
6 the road you see the stone face of the house and it
7 just looks very pretty. I think it brings the value up
8 of the neighborhood. It looks really cool. You get to
9 see the woods and the full depth of the woods too
10 through that view and the house is very nice looking.

11 Thank you.

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

13 Is there anyone else that would like to
14 speak?

15 There being none, the Public Hearing is
16 closed.

17 MR. DiSTEFANO: Would you like to take seven
18 and eight together?

19 MR. MIETZ: Sure.

20 5A-07-15 Application of Pittsford Animal Hospital,
21 P.C., lessee, and New Monroe Real Estate, owner of
22 property located at 825 White Spruce Blvd. for a Sign
23 Variance from Section 207-32 to allow for a free
24 standing sign where not permitted by code. All as
25 described on application and plans on file.

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2 5A-08-15 Application of Pittsford Animal Hospital,
3 P.C., lessee, and New Monroe Real Estate, owner of
4 property located at 825 White Spruce Blvd. for a Sign
5 Variance from Section 207-32B to allow for business
6 identification signage on two building faces where
7 business identification signage on only one building
8 face is allowed by code. All as described on
9 application and plans on file.

10 MR. SNOW: Hello. My name is Tony Snow, with
11 Gupp Signs. And I'm here on behalf of Pittsford Animal
12 Hospital to try and explain our plan for the revised
13 signage on the property.

14 As you're all aware they expanded and added
15 an addition to the facility. There is an existing sign
16 on the building currently, but for years it has been
17 somewhat inadequate as far as people being able to
18 locate the facility. There is no direct access off of
19 the main thoroughfare that it resides on. It's on
20 White Spruce Boulevard Lane. So visibility is a
21 crucial factor in what their plan is. Basically we
22 just revamped and came up with a sign plan that's going
23 to be effective for the property for all the public to
24 be able to utilize the services that they offer.

25 First, the free standing sign out by the road

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2 and the intersection - obviously the code does not
3 allow for one. So that's what we're addressing
4 initially. It's a fairly minimal effort in resolving
5 the visibility problem. Alternatives would be moving
6 the building, which isn't feasible, or other access
7 points to the building. So really it just seems like
8 the most logical standpoint of visibility to put a sign
9 there. There's also many other signs similar to it
10 right up along the strip for other office buildings
11 that occupy or are on East Henrietta Road.

12 Size location on the site map, we've pretty
13 much situated it in the most practical, inobtrusive
14 space available based on the location of the parking
15 lot and the setbacks from the sidewalk, the setbacks
16 from the intersection. And there's going to be some
17 landscaping around it too. So it's going to be a very
18 attractive, non-obtrusive addition to the environment
19 and it will greatly reduce the confusion and difficulty
20 people have expressed in being able to find the
21 facility.

22 The other variance that we're applying for is
23 for two building face signs. The reason we feel the
24 need for that is the way the building is situated you
25 see the building sign out front if you drive down White

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2 Spruce Boulevard - if you come from the back side you
3 have no idea what that building is until you come out
4 approaching East Henrietta Road. So a sign on the
5 building face - south face identifying the building
6 would be an ideal situation. The sign on the front of
7 the building facing East Henrietta Road doesn't really
8 accomplish much in gaining people's -- finding - people
9 finding the location. So that seems to be a more
10 suitable place to put the building identification sign.

11 The second sign they're applying for is
12 related to a whole second entity in the facility.
13 They've got the education center, which really you
14 don't want people entering the animal hospital to
15 attend training and educational courses that they offer
16 there. So identifying that on the west side of the
17 building just seems like a very obvious solution to
18 that.

19 The sign that's currently on the building
20 would obviously be removed completely. That was a
21 ninety square foot sign. We pretty much came up with
22 if you total the three signs we're proposing they total
23 ninety-one square feet. So all and all it's not a
24 great impact that's detrimental to the neighborhood in
25 that sense. So we just think it's a logical process

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2 and format for guiding people to the point and places
3 that they want to go to or need to go to.

4 I guess that's in a nutshell.

5 Any questions?

6 MS. SCHWARTZ: I would like to go to your
7 first --

8 MR. SNOW: The free standing sign?

9 MS. SCHWARTZ: The free standing monument,
10 yeah. If you --

11 MR. DiSTEFANO: Why don't we just handle
12 everything under the free standing right now, so all
13 questions will be for the free standing. And then --

14 MR. MIETZ: Yes, go ahead. And then we'll --
15 let's finish --

16 MR. DiSTEFANO: If everybody could just do
17 free standing right now so that we're not bouncing back
18 and forth.

19 MS. SCHWARTZ: To me this is an important
20 element because you talked about lighting being around.

21 MR. SNOW: Uhm-hum.

22 MS. SCHWARTZ: And I did notice that the
23 design of the light that you chose does have some
24 shielding around it.

25 MR. SNOW: Correct.

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2 MS. SCHWARTZ: However, I find these to be
3 really dangerous because they're always hitting you in
4 the face when you're driving at night because they're
5 facing a sign which is head-on as you're driving in
6 both directions.

7 Would you ever consider a goose lamp, I guess
8 it is, on the top?

9 I know you have your little logo, but that
10 circle spot would be perfect and faces right down on
11 the sign, rather than out in the driver's eyes?

12 MR. SNOW: Well, there's going to be some
13 landscaping around which will help hide those light
14 fixtures completely. And they are pretty well focused.
15 If you look at the spec sheet, the beam width at the
16 distance that they will be placed is narrowly, if less
17 than the width that the proposed sign would be. So
18 again, they're a minimal glare as well as the setback
19 from the road which is thirty-three feet off of the
20 curb, which is a pretty substantial setback. It's not
21 like it's right near the sidewalk or anything. It's
22 twenty-one feet off the sidewalk, which is --

23 MS. SCHWARTZ: And it's centered on the sign?

24 MR. SNOW: Yeah.

25 MS. SCHWARTZ: It's not out more than --

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MR. SNOW: It's directed at the sign.

MS. SCHWARTZ: But here's your
sign(indicating).

And it's going to be in the middle, not on
either end?

MR. SNOW: Yes.

MS. SCHWARTZ: Okay.

MR. SNOW: So from any side you approach you
can't see the spotlight on the opposite side because
the sign would be blocking it.

MS. SCHWARTZ: It will be in enough?

MR. SNOW: Yes.

MS. BAKER LEIT: And what are the hours at
that -- this is the emergency --

MR. SNOW: They're open twenty-four hours.

MS. BAKER LEIT: Twenty-four hours. So --

MR. SNOW: That's the main appeal is people
are there at 2:00 a.m. in the morning in heated
emergency type situations, if you will.

MS. BAKER LEIT: Right.

MR. SNOW: So if you have a pet you could
understand.

MS. BAKER LEIT: Obviously, people who are
trying to find this location --

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MR. SNOW: Yes.

MS. BAKER LEIT: -- a lot of them are probably overwrought and --

MR. SNOW: Yes.

MS. BAKER LEIT: -- they need that signage.

MR. SNOW: Yeah. And the sign on the building just doesn't do it, especially with the addition because theres's that projected canopy that now from either direction it hides the sign somewhat until your right on it, which usually if you're heading north you're past it already.

MS. TOMPKINS WRIGHT: So the sign will be lit twenty-four hours a day?

MR. SNOW: The external -- no. Well, yeah.

MS. TOMPKINS WRIGHT: Not during the day, I mean --

MR. SNOW: There will be a timer - an electronic eye. When it's dark out it will be on.

MS. TOMPKINS WRIGHT: Okay.

Have you gotten Architectural Review Board approval yet or have you applied yet?

MR. SNOW: Yes. They had two recommendations. They wanted proof of the name of the entity because that's what the sign says. We have

1
2 that. And they suggested maybe removing the ring
3 around the logo. And that was it.

4 MS. TOMPKINS WRIGHT: Okay.

5 MR. MIETZ: Was there any thought to the
6 address?

7 MR. SNOW: Well, if you look on those glass
8 panes, and they're on the canopy, the address is up
9 there. And on the south side of the building on the
10 eastern corner there's some black aluminum letters,
11 numbers 825. So there is an address number on the
12 building, but then when you put 825 it doesn't tell a
13 whole lot. Then you start occupying more space with
14 White Spruce Boulevard and then the name of the
15 occupant and then, you know, in a frantic moment you
16 might know animal emergency services more than White
17 Spruce Boulevard. So I think the content of the sign
18 would be more important than the actual numbered
19 addresses. That's what people are looking for.

20 MR. MIETZ: Okay.

21 MR. DiSTEFANO: Can just ask one question?

22 MR. MIETZ: Yes.

23 MR. DiSTEFANO: You don't feel or think that
24 this free standing sign might add a little confusion
25 only because there is no entrance to the facility by

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this free standing sign?

MR. SNOW: Well --

MR. DiSTEFANO: I mean you either have to make the left down White Spruce, know you're making a left down White Spruce, or you have to go well past the sign and make a left almost down by the hotel before you can come back around and into this facility.

MR. SNOW: Well, it's --

MR. DiSTEFANO: So I'm just curious, what's the thinking that this sign might actually add some confusion to someone coming in there because where do I turn?

MR. SNOW: Well, the same argument could be held for the sign on the building, but it's further beyond your opportunity to turn left. So it certainly would reduce any confusion in that standpoint because they can't see the building sign until they're past the intersection really. If they're --

MR. DiSTEFANO: And I guess my follow-up question would be: Is there a better place for the sign?

MR. SNOW: If you look at the site plan we can't really encroach over south. A couple reasons are the Southview Commons sign would be obstructing more

1
2 view of that area. I've driven out there and stayed at
3 the traffic light northbound and this location you can
4 see unobstructed from the Southview Commons sign. Any
5 further south you move it you can't go closer to the
6 road. So you're just starting to tuck it behind the
7 Southview Commons sign which stands eight feet tall and
8 ten feet wide. It's just a big wall there.

9 And we don't want to move it further north
10 because then it's further away from the intersection
11 and closer --

12 MR. DiSTEFANO: But it is closer to the
13 entrance if you move it further north, right?

14 MR. SNOW: Well, there's also the
15 right-of-way lane that we're really close to. We're
16 probably within eight or ten feet of that to the south.
17 So if there's a little wiggle room it's only two or
18 three feet.

19 MR. DiSTEFANO: Well, I'm saying going north
20 on East Henrietta Road towards the entrance where --

21 MR. SNOW: Near the old restaurant?

22 MR. DiSTEFANO: Yeah.

23 MR. SNOW: You can't turn left there.

24 MR. DiSTEFANO: Yeah, but there is a left
25 further down.

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MR. SNOW: You have to --

MR. DiSTEFANO: Maybe there's the median there that doesn't allow you to make the left.

MR. SNOW: I think you have to go all the way to Crittenden to turn left.

MR. DiSTEFANO: Yeah, you might have to --

MR. SNOW: You make either a u-turn there or you --

MR. DiSTEFANO: -- with the reconstruction you might have to go all the way to Crittenden.

MR. SNOW: So it really seems like the most practical location for it, taking into account the utilities and the right-of-ways and the setbacks.

MR. MIETZ: Okay. Any other questions?

Okay. Thank you very much.

MR. SNOW: Thanks. Now part two, the building signs.

MR. MIETZ: Yes. Questions on the letters on the side of the building?

MS. CORRADO: Yes, actually. You explained about the number on the veterinary specialist or emergency services sign on the facade.

Would it make sense to have the number there?

MR. SNOW: Well, that's -- those numbers, I

1
2 mentioned earlier, there is an 825 there. They're
3 actually going to put a doorway to the left of this, I
4 think. So we would remove that 825. We could put it
5 somewhere else that might. It's just ten inches tall,
6 cast aluminum letters. It can be replaced on the
7 building anywhere. Potentially over on that spotlight
8 over on the corner, just right of the proposed wall
9 sign.

10 MS. TOMPKINS WRIGHT: You mentioned any
11 current signs on the building are being removed.

12 The only two signs on the building are the
13 two that you applied for?

14 MR. SNOW: Correct, yes.

15 MR. DiSTEFANO: And for clarification, those
16 signs would be on the southwest corner and the
17 northwest corner of the building, correct?

18 MR. SNOW: Correct.

19 MS. BAKER LEIT: So each of these signs will
20 be closer to the actual entrances for the different
21 activities of these two entities?

22 MR. SNOW: Yeah. Obviously, the education
23 center is very close proximity to the entrance for that
24 access. The entrance for the animal hospital is really
25 right around the corner, but because you access the

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2 parking lot along that strip identifying the building
3 in that location and bypassing it towards that end of
4 the building just seemed like a drawing feature and
5 nature of where to put it.

6 MS. TOMPKINS WRIGHT: And just so it's clear
7 on the record, right now on the building there's
8 approximately ninety square feet of signage.

9 MR. SNOW: There is.

10 MS. TOMPKINS WRIGHT: And with the free
11 standing sign and both building signs it will be about
12 ninety-three?

13 MR. SNOW: Ninety-one.

14 MS. TOMPKINS WRIGHT: Ninety-one?

15 MR. SNOW: Yeah. The current sign is 6x15,
16 which is ninety square feet, twenty-eight square feet
17 for the animal hospital building sign and twenty-one
18 square feet for the educational center sign and
19 forty-two square feet for the free standing sign.

20 MR. MIETZ: Okay. Any other questions about
21 the building signage?

22 Okay thank. You very much.

23 MR. SNOW: Okay.

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

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

4 5A-09-15 Application of S.E. Baker & Co., agent, and
5 Brighton Corners, LLC, owner of property located at
6 1900 Monroe Avenue, for a Use Variance from Section
7 203-9 to allow a bank with drive-thru teller to be
8 located in a RLB - Residential District where not
9 permitted by code. All as described on application and
10 plans on file.

11 MR. ESSLER: Good evening, Board members. My
12 name is Karl Essler. I'm an attorney with Bond,
13 Schoeneck and King. I represent the applicant on this
14 use variance application. I have a number of folks
15 with me here tonight including the owners of the Twelve
16 Corners Plaza, Brett Devotora(phonetic) and Anthony
17 Racanelli(phonetic), they're here; and the manager, Stu
18 Baker; and one of his assistants, Butch Patrone; also
19 Kevin Bruckner, our appraiser; and Paul Silvestri, who
20 represents the tenant, Five Star Bank. I will do
21 everything in my power to make sure as few of those
22 people speak tonight as humanly possible, since I know
23 it's been a long evening for you.

24 The nature of this application is kind of --
25 I'll try to be as brief as I can. I hope you have all

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2 seen the application. The nature of this application
3 is for seeking a use variance for a portion of the
4 Twelve Corners Plaza building and a portion of the
5 parking lot property at Twelve Corners Plaza to permit
6 what amounts to the re-institution of a long standing
7 use of that portion of the building as a branch bank
8 with a drive-thru teller for Five Star Bank, on a
9 portion of the building and property that somehow is
10 zoned RLB instead of BF1.

11 Just to give you, again, the background of
12 this - the history of this in the plaza as you know has
13 been in place for many, many, many years. Expanded
14 over time, improved and so on and so forth. But
15 there's been a branch bank within this property since
16 way, way back to 1942. And there was originally a
17 drive-thru window approved in 1966. And that all
18 continued for a long, long time.

19 And then HSBC occupied the premises and they
20 also had a drive-thru window seen what that looks like
21 present(indicating). And unfortunately eventually they
22 sold out to First National Bank sometime at the end of
23 2013. And the expectation of the owner and the manager
24 was that this would be maintained as exactly the same
25 operation as it had. And somehow First National Bank

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2 essentially stopped doing, if you will, on-site banking
3 business. And by the time -- but they stayed in until
4 the end of their lease. And my client tried to get
5 them to continue the full banking they were supposed to
6 be doing. Was unable to get them to do so. And then
7 once they moved out at the end of the lease my client
8 has been trying very, very hard to find a substitute
9 tenant to replace this bank space.

10 And now has a potential for a tenant in Five
11 Star Bank. But the problem is - at least as the town
12 staff has interpreted it, and I don't think we have a
13 humongous argument with it - is that because the actual
14 use of the property as a branch bank ceased for over a
15 year we ran into the in a sense the lapse of the
16 non-conforming use that was available for that property
17 under town code section 225-13D.

18 Just to give you a real quick idea of what is
19 so strange about this whole situation; as you can see
20 this is a picture of the proposed site(indicating).
21 This is the existing building(indicating). But the
22 zoning line between BF1 and RLB runs right through
23 here(indicating), right through the building. And that
24 was apparently a Town Board decision some years ago to
25 place that line a standard five hundred foot or so

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2 distance from the street lines. But the end result was
3 - so we have this strange situation where we're part of
4 the building that now because of this lapse in time we
5 can't put anything in there commercial without a use
6 variance. We can only do things that are allowed RLB
7 district. So that's how we lost the non-conforming
8 status and why we're here.

9 And again, essentially we're only looking to
10 use this use variance to restore what we consider a
11 long standing, sixty-some odd year use which I believe
12 we will be able to demonstrate first of all that no RLB
13 use would be able to produce any reasonable return and
14 that this will not have a significant impact whatsoever
15 on the neighborhood.

16 Just to give you an idea on a couple of
17 things -- all these photos are in your package by the
18 way and all of you have seen them and these drawings
19 here(indicating). This is the current view of what was
20 the bank(indicating). And what's being proposed we
21 think is actually going to make this - if the Board
22 approves - a much more attractive site and building.

23 What we're going to do -- what Five Star is
24 proposing to do - and you see it down here(indicating)
25 and here as well(indicating) - is get rid of this

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2 drive-thru window and overhang. By the way, this is
3 now a board wall(indicating) and turn it into a very
4 nice, solid, attractive brick wall on both sides
5 here(indicating). And then all that there's going to
6 be essentially is this - you can see it in both these
7 pictures here(indicating) - what we call a -- I'm
8 trying to think of the term now -- a video teller.
9 Where there's just a small screen, a person inside
10 talks to whoever the customer is -- and by the way, I'm
11 told that the sound is just like two people talking in
12 the parking lot, there'll be no screaming and yelling
13 through this device -- and people would conduct their
14 transactions.

15 We also note that there's been a redesign
16 here(indicating) of what has been previously the
17 location, the drive up to the window. We pushed this
18 teller back to the rear end of the building.
19 Essentially back into this area here(indicating)
20 instead of up here(indicating) so that we can actually
21 cue as many as eight or nine cars of traffic at one
22 time for this teller. And add some very nice
23 landscaping here(indicating) that would shield that
24 whole operation.

25 And if you look at the traffic report that we

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2 have submitted on this, Five Star's experience is that
3 -- and by the way, usually at these video tellers
4 there's a maximum of twelve to fifteen cars per hour,
5 so we have stacking for eight or nine vehicles at a
6 time. So we don't think there's any issue with that.
7 The hours of the video teller are going to be limited
8 to the bank hours, which are Monday through Wednesday
9 9:00 to 5:00, Thursday through Friday 9:00 to 6:00 and
10 Saturday 9:00 to 1:00. So again, we're not talking
11 about that video teller having any sort of nighttime
12 sort of issue whatsoever with bothering anyone in the
13 neighborhood.

14 The ATM, by the way, that Five Star is
15 proposing would be inside the front entrance of the
16 building, not outside. So again, there wouldn't be
17 people standing outside at night. They'll have to go
18 inside and use their cards and do whatever if that's
19 what happens.

20 We've gone over the use variance standards I
21 think very completely in our materials. I'll discuss
22 them very quickly.

23 First of all, one of the main ones is the
24 lack of reasonable return. And I just want to turn it
25 over very briefly to Kevin Bruckner over here to just

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2 give you a very brief summary in what he has found in
3 that regard. And you can ask him any questions that
4 you have about the financial return issue here.

5 Thank you.

6 MR. BRUCKNER: Thanks Karl. Good evening.
7 My name is Kevin Bruckner. I'm principal of the real
8 estate appraisal and consulting firm Bruckner, Tillett
9 and Rossi here in Rochester, New York. I was asked to
10 prepare the financial analysis or "dollar and cents"
11 analysis for the use variance here.

12 I know all of you have a copy of my report.
13 Basically I went through and analyzed all the uses,
14 whether they're permitted or conditional uses, to
15 determine whether or not they generate a reasonable
16 return.

17 The calculations in my report show that any
18 quasi residential use actually generates a negative
19 return on investment. And any general commercial or
20 non-retail use actually generates a return of less than
21 one percent. So it's my conclusion that none of the
22 permitted or conditional uses generate a reasonable
23 return. And when you really look at the uses none of
24 them really make sense any way.

25 Any questions?

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MR. MIETZ: Thank you.

MR. GORDON: Thank you Kevin.

MR. BRUCKNER: Do you want me to answer my questions now or would you like me to --

MR. MIETZ: Related to this piece?

MR. BRUCKNER: The financial piece.

MR. MIETZ: Yes, now please.

MR. GORDON: Mr. Bruckner, looking at your report I see that you concluded that if the former HSBC space is de-converted to retail space the rate of return would be about 8.3 percent.

MR. BRUCKNER: Yes, if it was converted to retail space.

MR. GORDON: Okay. So you want to use that, not a reasonable rate of return?

MR. BRUCKNER: Because a reasonable rate of return in the analysis - as I've indicated, I went through a whole bunch of rates of return - the reasonable rate of return on this plaza is 9.5 to 10.5 and the return that their actually getting now is thirteen percent. There's also some case law in there which says going back to 1996, which says the reasonable rate of return would be somewhere between twelve and fifteen percent. So although you may have

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2 some rates of return at the extreme end of the reign,
3 which is what you're talking about, we have to look at
4 it as a reasonable rate of return based upon the
5 market. And based upon the market a reasonable rate of
6 return would be nine and a half to ten and a half
7 percent.

8 MR. GORDON: So it's the owner's position
9 that the only reasonable rate of return is what the
10 rest of the plaza is now earning at about thirteen
11 percent?

12 Because that's how I read your conclusions in
13 your report; in order to achieve that thirteen percent
14 that the rest of the plaza is now getting, the space
15 needs to be reused as a bank with a drive-in teller.

16 MR. BRUCKNER: Yes, that's correct. That's
17 the conclusion of my report. That's to achieve the
18 thirteen percent that the owner is currently achieving.

19 MR. GORDON: What is the reasonable rate of
20 return - what would the rate of return be converting
21 this space to banking space without the drive-up
22 teller?

23 MR. BRUCKNER: I address that in my report,
24 and I don't know of any branch bank that operates
25 without a drive-thru teller. I mean, that is

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2 absolutely crucial to the operation of a branch bank.

3 MR. GORDON: I see a parenthetical comment
4 that says, "It has also been demonstrated that no other
5 retail use other than a branch bank use with a
6 drive-thru window (which is a requirement for any
7 branch bank use) would generate a rate of return
8 commencing with the current rate of return of the
9 overall plaza investment." But I don't see any
10 analysis in there that talks about the other banks that
11 have banking operations without a drive-thru teller or
12 without perhaps a video drive-thru teller, which I'm
13 certain there are other banks in Brighton that don't
14 have video or drive-thru tellers.

15 MR. BRUCKNER: I understand, but at least
16 they have drive-thru tellers. Banks want customers to
17 be able to drive through and do a quick transaction.
18 So I don't know of any bank in this community that
19 operates a branch bank that doesn't have a drive-thru -
20 a full-service branch bank without a drive-thru. I
21 don't know of any.

22 MR. GORDON: So do we have any figures then
23 on what the rate of return would be on the bank if it
24 was converted to a bank without a drive-thru?

25 Are you telling me the rate of return is

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zero?

MR. BRUCKNER: What I'm saying to you is you can not achieve that rental rate for a branch bank if you don't have a drive-thru teller.

MR. GORDON: Okay. So what would be the rate of return without the drive-thru teller?

MR. BRUCKNER: It would probably go back to the retail rate of return, which as I've said is less than what would be reasonable.

MR. BAKER: I would like to address that, if I may?

MR. BRUCKNER: Stu Baker.

MR. BAKER: No bank that I - or financial institution - that I've talked to or that I represented would want to even remotely approach that space without a drive-thru teller. I don't know how to be more clear about that. And we have data to support that. So it is vital for us to get a market rate and to market to financial institutions - banks - to have that ability to allow drive-thru banking, specifically Paul Silvestri can attest because we've been in negotiations and can talk more to that, but I wanted to intervene at that point.

MR. SILVESTRI: And again, Paul Silvestri

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2 representing Five Star Bank. And Five Star Bank would
3 not be interested in this location or any location that
4 would not include a drive-thru teller operation. All
5 its branches have drive-thru teller operations. And
6 again, we would have no interest in this location or
7 any other location unless we had one.

8 MS. BAKER LEIT: I just have a follow-up
9 question.

10 Then would you say that the bank's position
11 is that you need the drive-thru teller because without
12 the drive-thru teller customers would not use your
13 financial institution?

14 MR. SILVESTRI: To be competitive in this
15 market you need a drive-thru teller, that's correct.
16 And then -- that's correct.

17 MR. ESSLER: And I'll just wrap this up
18 Mr. Gordon. Even if it weren't a bank, we would still
19 need the use variance. And again, we tried to point
20 out that maintaining the consistency of what has been
21 here for forty, fifty some odd years probably makes the
22 most sense for this space in terms of not needing
23 extensive renovation. For example; I think one of the
24 things we did include in here is the fact if this
25 wasn't going to be a bank we would start out with over

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2 ten thousand dollars just to get the vault out of
3 there. So we have a lot of expense.

4 I understand your question, but it's a use
5 variance issue regardless. And as I now touch quickly
6 the other use variance issues I think our position is
7 that this is so inoffensive to the neighborhood that I
8 think Kevin Bruckner's comments are quite appropriate
9 about the reasonable return issue. But we also meet
10 all the other standards as well, such that I think the
11 Board would find this to be a very appropriate use.

12 MR. GORDON: Yeah, and don't take my
13 questions in the wrong way. I just found when I read
14 through your materials that there were some questions
15 that I had and I wanted to make sure that the Board had
16 all the information and that the record was as complete
17 as possible on those issues. I think you answered them
18 well.

19 MR. ESSLER: Again, we're here and we're
20 going to answer anybody's question. So no offense
21 taken whosoever.

22 In any event, beyond that reasonable return,
23 I'll just quickly sum up the rest of the items.

24 First of all: Is the variance the minimum
25 relief necessary?

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2 And again, I think when you say that we're
3 actually just going to put back in this space exactly
4 what was there before. There's a modest change in
5 what, you know, the outdoor teller is, it's a very
6 modest change. We need this much relief. We're not
7 talking about expanding the building. We're not
8 talking about changing the configuration of anything.
9 This is the minimum that we would have to have in order
10 to not get stuck with part of this building and parking
11 lot still stuck with a RLB zoning, which we could put
12 nothing. So we think that we meet that standard.

13 Talking about unique circumstances. I'm not
14 sure how much more unique this could be with a zoning
15 line that runs right down through the middle of a
16 building space. And again, I'm not faulting the town.
17 I understand the logic that went into that decision and
18 this plaza was obviously changed somewhat over time. I
19 think you would find it pretty hard not to find this
20 pretty unique in this area. I don't think you will
21 find to many other places in the Rochester area -
22 certainly not in Brighton - where commercial properties
23 like this are divided between commercial and
24 residential districts.

25 Is this a self-created hardship?

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2 Again, this is just one of those situations
3 where you had a bank in place. Client tried as hard as
4 he could to keep that bank operating. Tried as hard as
5 they could to get a new tenant. It didn't happen
6 within the one year period and, again, the hardship was
7 created by the zoning. Not by the activities of the
8 applicant - the owner of the plaza here.

9 And then, it's certainly not going to alter
10 the essential character of the neighborhood. It's
11 going to go back to being exactly what is was for many
12 many, many years. There will be no surprise in deed I
13 think we're improving things. I will point out again,
14 we have the much nicer appearing side of the
15 building(indicating). We're going to have some nice
16 landscaping to screen all of this(indicating). And
17 frankly, the nearest houses are way up over
18 here(indicating) and they are - there's an eight foot
19 board wooden fence that separates this property from
20 those houses up there. They're not going to see or
21 have any impact from this use whatsoever - this bank
22 use. So from that standpoint we believe there is going
23 be no - any negative impact whatsoever in getting this
24 space filled up again.

25 MS. CORRADO: You're addressing the traffic

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2 flow and enhancing, beautifying somewhat the parking
3 space there.

4 Is there any plan to do additional
5 enhancement to the parking beyond that space adjacent
6 to the bank to address further traffic flow issues in
7 that parking lot?

8 It's a busy lot and it has a lot cross
9 traffic and there is a lot of pedestrian activity in
10 there. This helps here, but I don't know if that will
11 further exacerbate the traffic flow.

12 MR. ESSLER: Actually, if you look at the
13 traffic report I think that tells a huge piece of what
14 the answer to your question is. That is the traffic
15 report - if you look at page 4, that has a table - it
16 shows that essentially the bank itself would only
17 generate during midday peak hours about twenty-four
18 trips that were dedicated solely to the bank, as
19 opposed to people coming in to use many different
20 services in the plaza. And in the p.m. peak hour there
21 would only be fifteen to sixteen vehicles that would be
22 devoted strictly to the bank, as opposed to otherwise
23 still coming into the premises anyway. So I think when
24 you look at those small numbers I think it's fairly
25 safe to assume and I think that Mr. Fronti concluded

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2 that there really was -- if you look at the next page
3 -- almost no change whatsoever in the intersection
4 conditions and whatnot surrounding this property from
5 putting this bank essentially back in here from what is
6 there now.

7 MS. CORRADO: So it's not going to get -- so
8 then traffic won't increase there.

9 I may need to clarify my questions then.

10 So this improves traffic flow in that area;
11 and improves - understanding drivers going through that
12 to my mind surprising circumstances of having traffic
13 coming on the opposite side; there's appropriate
14 signage being developed for that?

15 MR. ESSLER: Yes.

16 MS. CORRADO: Is there any potential for
17 further improvement or enhancement in the rest of the
18 lot or are there plans for that if you are already
19 going to be making things better immediately adjacent
20 to the bank?

21 MR. ESSLER: Actually, I'll leave it Stu to
22 comment on.

23 MR. BAKER: I think I have an idea of what
24 your trying to -- the life safety issue is very
25 imperative. And Mark Costage isn't here, he's on

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2 holiday I believe or at least I'm told he is, and Garth
3 has two other meetings this evening so he couldn't make
4 it. I will do the best to not to go too far in depth
5 on this, but we've had many informal meetings and life
6 safety is imperative because it is absolutely a busy
7 time frame especially during the lunch hour.

8 And so we've put walkways and signs and
9 according to this plan there's a -- you're asking if
10 parking has been adjusted. We've had a net gain or
11 loss of zero of spots. So we've -- I think that was
12 kind of what you were going toward.

13 MS. CORRADO: That's part of it, yes.

14 MR. ESSLER: And making sure that flow of
15 human beings and people walking, kids, bicycles -- I
16 can tell you I'm very conscious of that. I live it
17 every day. I live in Brighton. I get it. I have
18 three kids that go to it. And I'm sure people on this
19 Board have children or themselves go to it. So we were
20 very conscious before we even created this plan. I
21 think this is probably -- and Rick could probably
22 attest to this better than I, but I can remember we've
23 been through this for a while now -- our sixth, seventh
24 or eighth plan to do our previous presentation to
25 accommodate those concerns.

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I hope that answers your question.

MS. CORRADO: It starts to.

MR. ESSLER: We've got to get you a hundred percent. I'm not leaving here tonight. I've waited a long time and this is a lot of things.

So what can I answer to make it more clear for you?

MR. BAKER: If I could just add to this discussion. I was in attendance on the Planning Board meeting on this project and certainly that very issue came up. I will say that the owner had presented to the Planning Board at least five prior iterations of the design, showing different configurations, trying to work with the parking and walkways and curbs and plantings I think as well.

MR. SILVESTRI: Yes.

MR. BAKER: And plantings as well to try to make pedestrian and traffic safety and safe as possible. I know that's going to be an ongoing issue.

MR. ESSLER: That's a good point. This is not what we're putting here(indicating) just so you know. In the spring we're not going to -- it's not going to be blinded. It will be at the appropriate standards in the town lots and the heighth, et cetera

1
2 and green.

3 MR. BAKER: I believe there were some
4 requests that the Planning Board made in terms of
5 configuring some of those plantings and walkways as
6 well.

7 MR. ESSLER: Right. And this(indicating)
8 actually will now be converted to a walkway.

9 MR. BAKER: Versus the extended out --

10 MR. ESSLER: That's the drive-thru driveway.
11 So now you're going to have some extra safety for
12 pedestrians as they cross over and then they can walk
13 down the side of the bank building on a nice parking --

14 MR. DiSTEFANO: But, Christine, I think more
15 to your point the rest of the plaza, no. The
16 concentration is right here(indicating). The problem
17 they run into - and I don't want to speak for the
18 applicant - but sitting in a lot of meetings as this
19 Board knows there are parking variances on this
20 property. They can't afford to lose any parking
21 spaces.

22 MS. CORRADO: Right.

23 MR. DiSTEFANO: If they were to go in and try
24 to do a overall parking plan to try to mitigate some of
25 the crossing of vehicles they would be losing parking

1
2 spaces, and they would be back in front of us because
3 they would need variances because they were losing
4 parking spaces. I think they want to avoid that. It's
5 really going to be concentrated by the drive-thru.

6 MS. CORRADO: So you've got an improvement in
7 one --

8 MR. DiSTEFANO: Right.

9 MS. CORRADO: -- very narrowly scoped portion
10 of the lot portion of the lot.

11 MR. DiSTEFANO: Yes. Which could help the
12 flow of traffic throughout because they are taking away
13 two lanes of traffic that with the drive-thru you
14 actually had three lanes of traffic.

15 MS. CORRADO: Right.

16 MR. DiSTEFANO: Two going in one direction
17 and one going in the opposite direction which caused a
18 lot of headaches and griefs. And then you also had
19 cars that were pulling out into these three lanes of
20 traffic that are going in different directions. Now
21 these cars have to back out to a fourth lane which now
22 will only be a second lane, if that makes sense to you.

23 MS. CORRADO: On a whole this appears to be a
24 great improvement in terms of clarity and direction.

25 MR. BAKER: Very great question.

1
2 MR. ESSLER: Good question. I mean Costage
3 is one of the best in the business. We sat in my
4 conference room and went through a lot of different --
5 and the goal was immediate life safety, how do we
6 improve that in the plaza. And this plan on paper and
7 in theory accomplishes that.

8 MR. DiSTEFANO: I'm just at this point while
9 we're talking a little bit about traffic, I just want
10 to get on the record that this did go to Monroe County
11 for review. It went a number of months ago and then it
12 went to the Planning Board for the first time. At that
13 point in time the traffic study wasn't complete. So
14 the county did not get an opportunity to review the
15 traffic study. When we resubmitted again for the
16 variance, they got ahold of the traffic study, but have
17 not gotten comments back to us. I did get an email
18 from one of the county planners who said that she fully
19 expects that there will be comments from DOT. We have
20 not received those.

21 So it might be a little difficult for us make
22 a decision tonight without having those comments. And
23 I've talked to the applicant about this. They're aware
24 of that.

25 MR. ESSLER: I just wanted to make sure that

1
2 we had an opportunity if you weren't going to decide
3 anything tonight we would be able to respond to any DOT
4 comments. That would be our only request.

5 MS. CORRADO: And that actually leads to one
6 further question that I have about the comment in the
7 study regarding the traffic lanes, restriping on
8 Elmwood.

9 So this is where --

10 MR. DiSTEFANO: This is where the county
11 could have some comments about the traffic engineer
12 making some suggestions that maybe could be done as
13 Elmwood Avenue gets re-striped and repaved with that
14 left-hand turn onto Monroe Avenue for westbound
15 traffic, that something might be done with that lane to
16 get cars into a turning lane so they wouldn't block the
17 eastbound Elmwood Avenue traffic.

18 MR. ESSLER: For better or worse, we
19 unfortunately don't control that.

20 MS. CORRADO: Right.

21 MR. ESSLER: We suggested that it may be a
22 good idea.

23 MR. DiSTEFANO: But it could be something
24 that based on Monroe County's comments and then based
25 on what the Planning Board feels - deems - appropriate

1
2 and what this Board feels appropriate they may be - and
3 if DOT agrees - some restriping may be part of this
4 approval. We don't know that yet. It's too early to
5 speculate.

6 MS. CORRADO: All right, very helpful.

7 MS. SCHWARTZ: As far as traffic flow is
8 concerned, I envision most people would come in from
9 Elmwood, correct; so that they could go along the side
10 of the building?

11 MR. ESSLER: I think that's probably our
12 expectation.

13 MS. SCHWARTZ: And then I think you mentioned
14 something about the number of cars that could cue
15 there. I caught what I thought was something, but I
16 want to hear it again.

17 MR. ESSLER: Yeah, it's like eight or nine
18 cars that can cue in that line.

19 MS. SCHWARTZ: There's enough room?

20 MR. ESSLER: Yes, ma'am, at one time.

21 MS. SCHWARTZ: Without blocking any cars
22 coming --

23 MR. ESSLER: That's correct.

24 MS. SCHWARTZ: -- from the other stores,
25 wanting to exit on Town Road?

1
2 MR. ESSLER: That's correct. This is
3 all(indicating) one lane that cannot -- here's the
4 access lane down here(indicating) and here's where the
5 cueing starts, right(indicating). You can cue all the
6 way up to here(indicating) from here(indicating) to
7 here(indicating).

8 MS. TOMPKINS WRIGHT: And can you point out
9 where the video teller is as well?

10 MR. ESSLER: The video teller is up
11 here(indicating). That's what I tried to point out
12 earlier, it's toward the back of the building. So that
13 we pushed - compared to this(indicating) we pushed the
14 location of the teller back further to give us more
15 room to be able to stack cars. And again, what Five
16 Star has reported to us is they generally don't
17 anticipate no more at peak time than twelve to fifteen
18 vehicles in the teller lane per hour. So if you can
19 stack eight vehicles in there the odds are you're never
20 going to see that.

21 MR. DiSTEFANO: And to further that a little
22 bit, under the pre-existing non-conforming portion of
23 this property the existing drive-thru window was
24 substandard to our drive-thru standards that we have
25 today. So by them pushing that video teller machine to

1
2 the rear of the building they now meet our standards.
3 So if they were allowed to go in here without a use
4 variance they would not be in front of us for that
5 drive-thru lane because they meet the standards of the
6 drive-thru lane. I think it's a minimum of eighty feet
7 and they have that.

8 MS. SCHWARTZ: And if someone should come in
9 from Chelmsford is there room to come around and turn
10 and get over next to the building?

11 MR. ESSLER: Yeah, you can - you certainly
12 can get around the building.

13 MS. SCHWARTZ: Right, but without causing
14 problems with people coming in from Elmwood?

15 MR. ESSLER: Well --

16 MS. SCHWARTZ: It's tight now and I just
17 think --

18 MR. ESSLER: It is, there's no question. But
19 actually I drove in and out tonight before I came over
20 here from Chelmsford and I didn't have any problem. I
21 was there about six o'clock which is still a fairly
22 peak time and I was able to get around without much
23 difficulty.

24 MR. GORDON: I think Judy's question though
25 is: If a car anchors at the Chelmsford end of the lot,

1
2 drives along the back of the building and then wants to
3 make a u-turn into the video drive-thru lane; is there
4 room to do that without interfering with traffic
5 entering in from Elmwood Avenue?

6 MR. ESSLER: Let me qualify something, Judy.
7 You have a very good point. It's not eight to nine,
8 one time. It's five cars can cue. Which will never,
9 ever per our study get to at any time.

10 MR. BAKER: Yeah, we want to correct the
11 record on that.

12 I believe that - and, Rick, maybe you can
13 confirm this too - it's five cars that can stack in the
14 cue. I don't think it's eight.

15 MS. SCHWARTZ: That seems like an awfully
16 large number.

17 MR. BAKER: My apologies, I misspoke. But
18 also, as part of the study that was presented to the
19 Planning Board we looked at two of the busiest branches
20 in Monroe County and how many are in the cue during the
21 peak hours - the lunch and evening peak hours of those
22 branches - and there's never more than two in the cue
23 at any one time. So five meets the current standards
24 for the Town of Brighton, but it's also more than
25 sufficient given what we expect as far as the amount of

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traffic at any one time going through the cue.

MR. ESSLER: Plus, Judy, you're talking about essentially somebody coming down through here(indicating) and then through --

MS. BAKER LEIT: Right.

MR. MIETZ: It's a hard right around that angle --

MR. ESSLER: I think it's fair to call it a hard right and not a u-turn. I don't see where -- you have a nice -- can you see the curb shaping here(indicating)?

You've got some -- it's not a hard -- it's not straight down here. You've got enough room to allow --

MR. BAKER: What Costage engineers did as part of the looking at various designs --

MR. ESSLER: Turning radius.

MR. BAKER: They did look at turning radius. And that turning radius was sufficient to get in there.

MS. SCHWARTZ: That's part of it, but I'm also concerned - I think you're either missing it or whatever - you've got cars coming in from Elmwood, you've got cars exiting the plaza and everything is happening at the same entryway or driveway. You've got

1
2 three different kinds of operations, if you will, going
3 on --

4 MS. DALE: At one point this was a drive-thru
5 teller where it is right now.

6 MS. SCHWARTZ: Correct, but they changed the
7 traffic there again.

8 MS. DALE: I guess I'm thinking when it was
9 the drive-thru teller at that time this was managed --
10 I mean to me --

11 MR. BAKER: It was worse.

12 MS. DALE: To me this is better.

13 MR. BAKER: It was worse.

14 MS. DALE: Yeah, I'm thinking this is an
15 improvement.

16 MR. BAKER: I want to answer -- I know Judy's
17 question.

18 MS. DALE: And I know it's been --

19 MR. BAKER: I know what you're saying. Your
20 concern - and I don't want to go crazy on this, I'm
21 going to make it what I think that you're asking.

22 MS. SCHWARTZ: I'll let you know.

23 MR. BAKER: You're saying someone coming here
24 specifically for the bank use, they're going to go in
25 the cueing line or because of the way that we designed

1
2 it and will be emphasized more through painting and
3 striping and whatnot, and as you know there's a
4 do-not-enter this way here on this side(indicating).
5 So if someone is going to go in the cue, even if
6 there's two cars, there's room for three more. So
7 that's going to alleviate that. And there's a stop
8 sign.

9 We've modified this(indicating) to make this
10 -- you know we've changed this(indicating) around from
11 the back stacking parking, if you notice on that plan?

12 MS. SCHWARTZ: Right.

13 MR. BAKER: So now I -- where it could happen
14 -- I think it's extremely unlikely that Chelmsford is
15 going to get caught up. They're going to have a stop
16 here(indicating) they're going to see somebody going in
17 here(indicating) and someone in the cue. So I don't
18 think the congestion issue is going to be as intense as
19 you think. Yes, you have potential for three points of
20 entry, but I think because of the design and the
21 barriers and what we know - and I can't put it on paper
22 - the flow of the property, I don't think you're going
23 to have an issue.

24 MS. SCHWARTZ: And you don't see any problem
25 with people that are going be exiting let's say in

1
2 front of Subway or Eleventh Hour - coming out - will
3 they have a stop sign; probably not?

4 MR. BAKER: Well, we have -- no, they won't
5 have a stop sign. We don't have a yield sign. If it's
6 proposed, we can propose it.

7 I have to say - and again, this is a person
8 that lives there and that uses that plaza - most people
9 are pretty respectful. And you're right, it's tight,
10 to Christine's point there, but we all understand the
11 plaza and I think, you know, I'm not going to sit here,
12 you know -- I may have had in all my histories with
13 Mr. Cohen and my history with the plaza and Anthony and
14 Fred, I think I've had - and that have been reported to
15 me - I think I've recorded two fender benders. And
16 there are more people pulling out of parking spaces not
17 looking. And that happens at Marketplace, happens at
18 Eastview, happens on my street on Babcock. So I -- but
19 again, I understand what you're saying. And we feel
20 because of Costage's work and effort, traffic flow wise
21 - it's part of what he did to design this after the
22 five or six -- we only presented five, he must have
23 eight or nine plans - we feel in this is going to be
24 the best, least impactive.

25 Does that answer your question?

1
2 MS. SCHWARTZ: Yeah. And you feel that cars
3 are going to be able to exit onto Elmwood fairly easily
4 with this plan, and so on and so forth?

5 MR. BAKER: I think easier. I truly think
6 easier.

7 MR. GORDON: Having said that, I mean, your
8 traffic study does show there are occasions where the
9 entryway to the drive-thru will be blocked. During
10 your midday study you showed ten events where a single
11 car was blocking.

12 MR. BAKER: Right.

13 MR. GORDON: And there was also I think seven
14 events where the entrance or exit to Elmwood was
15 blocked over that study period.

16 MR. BAKER: Yes.

17 MR. GORDON: So is it going to be perfect,
18 knowing their traffic study --

19 MR. MIETZ: Right.

20 MR. GORDON: There will be times where there
21 will be blockage, but it is, you know --does it rise to
22 the level where you want to deny the variance because
23 of the impact to that traffic?

24 Perhaps it's improving a situation that's
25 already there or has existed there in the past. And

1
2 that's really more of a discussion for the Board.

3 MS. DALE: Do we know about how long the
4 after length of transaction time is for someone who is
5 using the electronic teller; like two minutes maybe,
6 like three minutes?

7 MR. BAKER: I wish Mitch was here. I could
8 find the answer out for you.

9 MS. DALE: I'm just curious.

10 MR. ESSLER: I go through ESL and I go
11 through the transaction thing. And once it gets to the
12 thing I'm in and out of there in two minutes.

13 MS. DALE: Yeah, and --

14 MR. ESSLER: And I can't imagine this is
15 going to be anything different. It's nematic, you take
16 something right over.

17 MS. DALE: I'm just saying it's helpful --

18 MR. BAKER: I think in the design of the
19 whole video teller in our lovely society is to speed up
20 the process --

21 MS. DALE: Yeah.

22 MR. BAKER: -- have us less inconvenienced --
23 you know, better inconvenienced as the consumer of the
24 bank - or the credit union, which ESL is.

25 And so I -- and again, I just want on the

1
2 macro-level to Christine's original questions, life
3 safety was imperative, flow was imperative and some of
4 the gentleman sitting here who are in-formals with us
5 know that was something that we took into great
6 consideration and we've gone to great cost and time and
7 effort because we want it better and it needs to be
8 better. This is a great opportunity to really take
9 that corner and make it more beautiful physically and
10 help the flow of traffic from the potential congestion
11 of our other retail tenant users. And I could tell you
12 our tenants are thrilled by it.

13 I apologize, I can't give you the answer to
14 the average time somebody might be at the teller. But
15 again, looking at the two other busiest branches
16 there's no more than - during peak hours there's no
17 more than two cars sitting in the cue waiting for the
18 next turn at the teller. So the likelihood for a
19 potential issue is next to none. Next to nothing and
20 we have room for five to be cued up.

21 MS. CORRADO: So not to belabor this too
22 tremendously, but as I'm looking at this further and
23 seeing the parking spaces that will be immediately
24 adjacent to Subway and Eleventh Hour --

25 MR. BAKER: Uhm-hum.

1
2 MS. CORRADO: -- you've got the car leaving
3 the teller - the video teller - that now needs to move
4 to the right. You've got traffic coming in to park in
5 those spaces that are up against the building.

6 Will there be any kind of arrows or signs or
7 anything to give those folks who are coming in to park
8 in those spaces the heads-up that they're coming up to
9 on-coming traffic?

10 MR. BAKER: If you measure this and you go to
11 the front(indicating) - envision yourself in front of
12 the plaza now going out the Eleventh Hour front door.
13 You know how we have the corner there where you stop
14 and you're not supposed to go. It's going to be the
15 same the story, watch the person backing out. You're
16 going to have to be conscious of that. So there's
17 nothing we could really -- I think - and again, I'm
18 just speaking off the cuff now - if we put in anything
19 - because we didn't study it - I think we would create
20 more of a problem than it would be than just allowing
21 people to be smart, defensive drivers.

22 MR. ESSLER: Plus it's not -- the actual
23 teller will not be producing any flow of the vehicles.

24 MR. BAKER: Right.

25 MR. ESSLER: It will be a vehicle and then

1
2 some short break and then a vehicle. As opposed to a
3 continuing flow of vehicles. So I think it does
4 actually help that situation.

5 MS. CORRADO: Very good. Thank you.

6 MR. ESSLER: Are you a hundred percent now
7 with your questions answered?

8 MS. CORRADO: I don't know. Give me three
9 more minutes, I might have some more.

10 MR. ESSLER: All right.

11 MS. CORRADO: No, that's good.

12 MR. MIETZ: Other questions?

13 On the video teller, do you know if the hours
14 of operation are the same as the bank itself?

15 MR. BAKER: Yes. Yes, I can give the
16 information --

17 MR. MIETZ: For the record, do you know what
18 it is?

19 MR. BAKER: Yup, and I think that's included
20 in the application.

21 MR. MIETZ: For the record, if you can --

22 MR. BAKER: I stated it earlier, Monday
23 through Wednesday 9:00 to 5:00, Thursday and Friday
24 9:00 to 6:00 and Saturday 9:00 to 1:00.

25 MR. MIETZ: So again, those hours match the

1
2 operation of the bank?

3 MR. BAKER: They match the hours of the bank
4 and the teller will not be open at other times.

5 MR. GOLDMAN: No ATM machine?

6 MR. BAKER: The ATM machine is located inside
7 is the front entrance of the bank building. Someone
8 would have to actually park and then get their card out
9 and slip it through the door and use the ATM inside.
10 So you're not even producing any sort of outside
11 commotion during the --

12 MR. ESSLER: To spend money with our other
13 tenants.

14 MS. SCHWARTZ: And it's twenty-four hours?

15 MR. BAKER: I assume it would be.

16 MR. ESSLER: Same as the previous operation
17 with HSBC and First Niagara Bank. Even previous to
18 that with that locked, mag-locked, coded like ESL is
19 down the road on Monroe, unless that changes for any
20 reason.

21 MR. BAKER: And again, it would be --

22 MR. ESSLER: But it's the same process.

23 MR. BAKER: I with it being inside, you're
24 not going to get any noise outside from people that are
25 inside using it

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2 MR. DiSTEFANO: Is there any additional
3 lighting that needs to be added to this drive-thru
4 facility for state banking regulations?

5 MR. BAKER: Not that we're aware of, no.

6 MR. DiSTEFANO: Okay.

7 MR. BAKER: And Costage has looked at all
8 that.

9 MR. DiSTEFANO: Okay.

10 MR. BAKER: There's still going to be some --

11 MR. DiSTEFANO: There's existing lighting
12 now.

13 MR. BAKER: Yeah.

14 MR. DiSTEFANO: But no additional lighting is
15 needed to meet banking regulations?

16 MR. ESSLER: If the ARB requires us to -- it
17 was goose necks, Judy, is what you were trying to
18 remember. In the theme in the back of the plaza which
19 was when we did the renovation - the initial renovation
20 - if it requires us to continue that theme, which is
21 the goal and objective of what we have an architect
22 working on, we would oblige obviously. Again, it's
23 very well lit.

24 MR. DiSTEFANO: That's an ARB issue at this
25 point.

1
2 MR. MIETZ: And the lighting regulations
3 really apply to the ATM.

4 MR. DiSTEFANO: I know they applied to the
5 ATM. I didn't know so much if they applied to the
6 drive-thru also.

7 MR. GORDON: But your video drive-thru is
8 only going to be operational during daytime hours
9 anyway.

10 MR. DiSTEFANO: Well, like, you know,
11 wintertime until six o'clock on Thursdays and Fridays.

12 MR. GORDON: Are you saying dim around here
13 in the evening?

14 Mr. Essler, I don't know if we gave you an
15 opportunity to complete your presentation?

16 MR. ESSLER: I pretty much did.

17 MR. GORDON: I know you've got papers
18 addressed self-created hardship. I didn't know if --

19 MR. ESSLER: I felt that I've addressed
20 everything.

21 Unless the Board has other questions?

22 MR. MIETZ: Are there any questions that any
23 of the Board members have?

24 MR. DiSTEFANO: Real quick for the record,
25 where are you with the Planning Board at this point in

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time?

MR. ESSLER: The Planning Board is actually waiting for the variance to be granted before they can take any further action. So that's where we are now.

MR. DiSTEFANO: Thank you.

MR. MIETZ: Okay. Any other questions?

Thank you very much.

MR. ESSLER: Thank you.

Do we have the understanding that we're off the table in terms of a decision tonight?

MR. DiSTEFANO: I'm sorry?

MR. ESSLER: Are we off the table tonight for a decision or not?

MR. DiSTEFANO: I think we'll discuss it, but I have a feeling that the Board is going to play it a little more on the safe side than --

MR. ESSLER: Yeah, I just wanted to make sure I have an opportunity to --

MR. DiSTEFANO: If we table it the public hearing will be left open.

MR. ESSLER: Right. I was just concerned that --

MR. DiSTEFANO: So if we have comments when we get the results back from DOT, you certainly can

1
2 address anything to the Board under it being open.

3 MR. ESSLER: Okay, great.

4 MR. MIETZ: Okay. Is there anyone in the
5 audience that would like to speak?

6 Yes?

7 MS. RIBLIT: I'm Susan Riblit. I live at 6
8 Chelmsford. So I live right across the parking lot in
9 the plaza. I know it's late so I'll try to be short.

10 Just remember that all of those - those of us
11 that live in this area are extremely aware of
12 everything that goes on in the parking of that plaza,
13 especially around lunch time. We certainly have had
14 problems with folks parking outside of the parking lot.

15 So this is an improvement over the earlier
16 version I've seen of the plans around this bank, but as
17 Christine kind of alluded to parking remains an issue.
18 I don't have any specific objections to this version of
19 this plan, but certainly going forward I hope you'll
20 remember us. We hear all the squealing, the horns,
21 we're the ones walking through because it's our
22 neighborhood and we're not going to drive down there.
23 So we still have a lot of concerns about the parking.

24 Thanks.

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

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Is there anyone else that would like to speak?

So do we want to close this now?

MR. GORDON: I suggest that you could leave the public hearing open and that way you can receive final comments from the county and give the owner an opportunity to --

MR. MIETZ: Usually we pick it up and a motion to table and leave it open.

MR. DiSTEFANO: We can reiterate from it.

MR. MIETZ: Okay, very good. I think we'll take a five minute break.

* * *

2 REPORTER CERTIFICATE

3
4 I, Chad L. Smith, do hereby certify that I did
5 report in stenotype machine shorthand the proceedings
6 held in the above-entitled matter;

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

11
12 Dated

13 At Rochester, New York
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17 Chad L. Smith
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2 PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS
3 AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW YORK on May 6th,
2015, COMMENCING AT APPROXIMATELY 7:15 P.M.

4 May 6th, 2015
5 Brighton Town Hall
2300 Elmwood Avenue
6 Rochester, New York 14618

7
8 PRESENT:

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

13 KENNETH GORDON
14 Town Attorney

15 DAVID DOLLINGER, ESQ.
16 Town Attorney

17 RICK DiSTEFANO
Secretary

18
19 (The Board having considered the information presented
20 by the Applicant in each of the following cases and
having completed the required review pursuant to SEQRA,
21 the following decisions were made:)

22
23
24 Reported by: CHAD L. SMITH, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
25 21 Woodcrest Drive
Batavia, New York 14020

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. TABLED AT
13 THE APRIL 1, 2015 MEETING - PUBLIC HEARING REMAINS OPEN

14 Motion made by Mr. Mietz to approve
15 Application 4A-07-15.

16 **FINDINGS OF FACT:**

17 1. The requested variance is not substantial in light
18 of the fact that the additional square footage
19 requested only replaces the area lost when the
20 applicant removed a similarly sized attached garage due
21 to safety concerns. And the size of the addition is
22 necessary to be consistent architecturally with the
23 existing garage.

24 2. The requested variance will produce a garage that
25 is similar to other garages in the neighborhood and

2 aesthetically appropriate for the house it serves and,
3 thus, it will not alter the character of the
4 neighborhood in any way.

5 3. The proposed addition will also blend well with the
6 residents on the property and the current existing
7 portion of the attached garage.

8 4. There is no alternative that could achieve the
9 desired result without a required variance.

10 5. There is no anticipated adverse affect of the
11 physical or environmental conditions of the area.

12 **CONDITIONS:**

13 1. The variance only applies to the addition as
14 described in the plans submitted and in testimony
15 given, in particular will apply only to the revised
16 garage addition of 574 square feet.

17 2. The exterior structure shall be harmonious with the
18 original portion of the garage on the property.

19 3. There will be no habitable space in the proposed
20 garage area and only electricity will be added to the
21 building.

22 4. All necessary building permits shall be obtained.

23 (Seconded by Ms. Corrado.)

24 (Mr. Goldman, no; Ms. Schwartz, no; Ms.
25 Tompkins Wright, no; Ms. Dale, yes; Ms. Baker Leit,

2 yes; Ms. Corrado, yes; Mr. Mietz, yes.)

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

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2 APPLICATION 5A-01-15

3 5A-01-15 Application of David Burrows,
4 architect, and Katie Lambert, owner of property
5 located at 80 Fairhill Drive, for an Area Variance from
6 Section 205-2 to allow a front porch to extend 5 +/-
7 ft. into the 40 ft. front setback required by code. All
8 as described on application and plans on file.

9 Motion made by Ms. Schwartz to approve
10 Application 5A-01-15.

11 **FINDINGS OF FACT:**

12 1. The requested variance for a front porch to extend
13 five feet into the required forty foot front setback is
14 minimal and will still be set back more than the
15 neighboring property.

16 2. This variance will enhance the character of the
17 house and will give more definition to the front
18 entrance.

19 3. The requested five foot variance is necessary to
20 make the front porch usable space and also align with
21 the walkway.

22 4. The health, welfare and safety of the area will not
23 be adversely affected by this variance.

24 **CONDITIONS:**

25 1. This variance only applies to the five foot front

2 porch extension into the forty foot required front
3 setback as presented in the application and in
4 testimony presented or as modified by the Architectural
5 Review Board in regarding the steps.

6 2. All necessary Architectural Review Board approvals
7 shall obtained.

8 (Seconded by Ms. Baker Leit.)

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

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

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2 APPLICATION 5A-02-15

3 5A-02-15 Application of Andrea Rudolph, owner of
4 property located at 222 Varinna Drive, for an Area
5 Variance from Section 205-2 to allow a screened porch
6 to extend 5.5 +/- ft. into the existing 26.67 ft. rear
7 setback where a 40 ft. rear setback is required by
8 code. All as described on application and plans on
9 file.

10 Motion made by Ms. Baker Leit to approve
11 Application 5A-02-15.

12 **FINDINGS OF FACT:**

13 1. The proposed variance is not substantial because
14 the applicant is only requesting an additional five
15 feet into the existing 26.67 foot rear setback where a
16 forty foot setback is required by code.

17 2. Other alternatives, such as placing a screened
18 porch to the side of the garage to alleviate the
19 alleged hardship and produce the desired result are not
20 available to the applicant as a result of the roof
21 lines and mature trees that would make this alternative
22 not feasible.

23 3. If approved, no unacceptable change to the
24 character of the neighborhood would occur because this
25 minimally sized screened seasonal room is consistent

2 with the setbacks that occur on other neighboring
3 properties, most of which have substandard lot sizes.

4 4. If approved, no substantial detriment to nearby
5 properties will likely occur given that there is a six
6 foot privacy fence and hedges at the rear of the
7 property to afford privacy to neighbors.

8 5. The alleged hardship is not self-created as the
9 small lot size was pre-existing.

10 **CONDITIONS:**

11 1. The variance will apply only to the screened porch
12 addition as described in the application and in
13 testimony presented.

14 2. All necessary building permits shall be obtained.

15 (Seconded by Ms. Schwartz.)

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

19 (Upon roll call, motion to approve with
20 conditions carries.)
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2 APPLICATION 5A-03-15

3 5A-03-15 Application of The Country Club of
4 Rochester, owner of property located at 2935 East
5 Avenue for Area Variances from Section 203-2.1C(3)(a)
6 to allow two (2) trellis-style shade structures to be
7 setback 91 ft. and 120 ft. from a lot line in lieu of
8 the minimum 150 ft required by code, and to allow a
9 pool utility building addition to be setback 91 ft.
10 form a lot line in lieu of the minimum 150 ft. required
11 by code. All as described on application and plans on
12 file.

13 Motion made by Ms. Corrado to approve
14 Application 5A-03-15.

15 **FINDINGS OF FACT:**

16 1. The requested variance is not substantial, as the
17 request is minimal and in kind because the shade
18 structures are not closed per se, it's described in the
19 application to present minimal visual massing.

20 Additionally, the pool utility building and shade
21 structures are located beyond the pre-existing
22 non-conforming setbacks of the existing buildings.

23 2. No unacceptable change to the character of the
24 neighborhood and no substantial detriment to nearby
25 properties is expected to result from this approval

2 because they're in essence a replacement of existing
3 structures and an upgrade in facilities.

4 3. The alleged hardship was not self-created by the
5 applicant.

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

9 **CONDITIONS:**

10 1. This variance applies only to the structures as
11 described in the application and in testimony
12 presented.

13 2. All necessary Planning Board approvals shall be
14 obtained.

15 3. All necessary building permits shall be obtained.

16 (Seconded by Ms. Schwartz.)

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

20 (Upon roll call, motion to approve with
21 conditions carries.)
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2 APPLICATION 5A-04-15

3 5A-04-15 Application of New Monroe Real Estate,
4 owner of property located at 825 White Spruce Blvd.,
5 for an Area Variance from Section 205-7 to allow for an
6 increase of impervious surface area from 73.9% of lot
7 coverage to 74.6% of lot coverage where a maximum 65%
8 impervious lot coverage is allowed by code. All as
9 described on application and plans on file.

10 Motion made by Ms. Dale to approve
11 Application 5A-04-15.

12 **FINDINGS OF FACT:**

13 1. Approval of the variance will not have a negative
14 impact on the surrounding properties. Actually, the
15 new plantings and trees should have a positive impact
16 on the environment and the character.

17 2. The requested variance is not substantial as it
18 only reduces the green space by less than 1%, from
19 26.1% to 25.4%.

20 3. The memorial portion of the project will be
21 pervious pavers.

22 **CONDITIONS:**

23 1. The variance applies only to the addition of
24 sidewalks and pervious pavers per the plans submitted
25 and the testimony given, specifically it must be

2 permeable pavers going in the memorial garden.

3 2. All necessary permits from the Town of Brighton
4 shall be obtained.

5 (Seconded by Ms. Baker Leit.)

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

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

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2 APPLICATION 5A-05-15

3 5A-05-15 Application of Frederick Edwin Customs,
4 contractor, and Matt and Maureen Empie, owners of
5 property located at 75 Council Rock Avenue, for an Area
6 Variance from Section 205-2 to allow a front porch
7 addition to extend 6.75 ft. into the existing 51.9 ft.
8 front setback where a 60 ft. front setback is required
9 by code. All as described on application and plans on
10 file.

11 Motion made by Mr. Goldman to approve
12 Application 5A-05-15.

13 **FINDINGS OF FACT:**

- 14 1. The new porch will not protrude further into the
15 front setback than the one it's replacing.
16 2. The front porch extension was less intrusive than
17 the setbacks of the neighboring properties.
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. The porch shall be constructed as per plans
23 submitted to the Board at the meeting of May 6th, 2015.
24 2. The porch shall remain an open porch.
25 3. All necessary Architectural Review Board approvals

2 and building permits from the Town of Brighton shall be
3 obtained.

4 (Seconded by Ms. Schwartz.)

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

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

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2 APPLICATION 5A-06-15

3 5A-06-15 Application of Rita's of Brighton,
4 lessee, and Neu Lac De Ville Plaza, LLC, owners
5 of property located at 1900 South Clinton Avenue, for a
6 Temporary and Revocable
7 Use Permit pursuant to Section 219-4 to allow a one day
8 outdoor fund-raising event
9 in the parking lot of Tops Brighton Plaza. All as
10 described on application and plans
11 on file.

12 Motion made by Mr. Mietz to approve
13 Application 5A-06-15.

14 **FINDINGS OF FACT:**

15 1. Rita's of Brighton seeks to hold a one day outdoor
16 fundraiser event, rain or shine, in the parking lot of
17 Tops Brighton Plaza on June 27th, 2015 from noon to
18 4:00 p.m. The event will be a benefit for Alex's
19 Lemonade Stand.

20 2. The requested one day permit is the minimum needed
21 to hold this event.

22 3. The event will cause no detrimental impact on the
23 surrounding commercial uses.

24 **CONDITIONS:**

25 1. The applicant shall provide safety barriers around

2 the event area to minimize any conflict between this
3 event and the plaza traffic.

4 2. All garbage and refuse will be properly disposed of
5 during and after the event.

6 3. The event shall be only as described in the
7 application submitted and testimony given.

8 4. Liability insurance will be obtained by the
9 applicant for the day of the event.

10 (Seconded by Ms. Schwartz.)

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

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

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2 APPLICATION 5A-07-15

3 5A-07-10 Application of Pittsford Animal
4 Hospital, P.C., lessee, and New Monroe Real Estate,
5 owner of property located at 825 White Spruce Blvd. for
6 a Sign Variance from Section 207-32 to allow for a free
7 standing sign where not permitted by code. All as
8 described on application and plans on file.

9 Motion made by Ms. Tompkins Wright to approve
10 Application 5A-07-15.

11 **FINDINGS OF FACT:**

12 1. The requested variance for a free standing monument
13 sign is not substantial given that the property in
14 question is situated along East Henrietta Road, which
15 is a commercial area.

16 2. Several nearby properties have similar free
17 standing signs along East Henrietta Road. As such, the
18 requested variance will not produce an undesirable
19 change in the character of the neighborhood or a
20 detriment to nearby properties.

21 3. The building is set back a hundred feet from the
22 street line and obscured by several trees. The
23 emergency nature of the regional twenty-four hour
24 veterinary clinic, which draws from a large area, would
25 be beneficial to customers needing such services. As

2 such, this hardship was not self-created and there is
3 no more desirable alternative by which the applicant
4 could obtain adequate visibility.

5 4. There is no evidence that the granting of the
6 proposed variance will have any substantial adverse
7 affect or impact on the physical or environmental
8 conditions in the area.

9 **CONDITIONS:**

10 1. This variance will only apply to the free standing
11 monument sign and the location as described in the
12 application and in testimony.

13 2. The total square footage of the free standing
14 monument sign shall not exceed forty-two square feet.

15 3. Lighting shall be limited to shadowbox fixtures as
16 proposed and which shall only illuminate the faces of
17 the sign.

18 4. All necessary Architectural Review Board and
19 Planning Board approvals shall be obtained.

20 (Seconded by Ms. Corrado.)

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

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

2 APPLICATION 5A-08-15

3 5A-08-15 Application of Pittsford Animal
4 Hospital, P.C., lessee, and New Monroe Real Estate,
5 owner of property located at 825 White Spruce Blvd. for
6 a Sign Variance from Section 207-32B to allow for
7 business identification signage on two building faces
8 where business identification signage on only one
9 building face is allowed by code. All as described on
10 application and plans on file.

11 Motion made by Ms. Tompkins Wright to approve
12 Application 5A-08-15.

13 **FINDINGS OF FACT:**

- 14 1. The requested variance for business identification
15 signage on two building faces is not substantial given
16 that the property in question is situated on White
17 Spruce Boulevard, which is an entirely commercial area.
- 18 2. No other alternative can alleviate the difficulties
19 of identifying the entrance and locations of two
20 separate identities housed in the same building, which
21 are the Lincoln Center for Veterinary Education and the
22 animal hospital.
- 23 3. No unacceptable change in the character of the
24 neighborhood and no substantial detriment to nearby
25 properties will occur.

2 4. The alleged hardship is not self-created by the
3 applicant given the irregularly shaped building.

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

6 **CONDITIONS:**

7 1. This variance will only apply to the signs as
8 described in the application and in testimony.

9 2. The total amount of the two signs shall not exceed
10 fifty-one square feet.

11 3. The previous sign on the front face of the building
12 shall be removed.

13 4. All necessary Architectural Review Board and
14 Planning Board approvals shall be obtained.

15 (Secoded by Mr. Goldman.)

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

19 (Upon roll call, motion to approve with
20 conditions carries.)
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2 APPLICATION 5A-09-15

3 5A-09-15 Application of S.E. Baker & Co., agent,
4 and Brighton Corners, LLC, owner of property located at
5 1900 Monroe Avenue, for a Use Variance from Section
6 203-9 to allow a bank with drive-thru teller to be
7 located in a RLB - Residential District where not
8 permitted by code. All as described on application and
9 plans on file.

10 Town Attorney Kenneth Gordon sat in for
11 Application 5A-09-15.

12 Motion made by Ms. Corrado to table
13 Application 5A-09-15 pending receipt of comment from
14 DOT regarding the traffic impact. The public hearing
15 shall remain open.

16 (Seconded by Ms. Schwartz.)

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

20 (Upon roll call, motion to table and leave the
21 public hearing open carries.)

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2 APPLICATION 5A-10-15

3 5A-10-15 Application of Application of Melanie
4 Wellington and Michael Marini, owners of property
5 located at 249 Penfield Road, for an Area Variance from
6 Section 207-16A(4) to allow a second driveway access
7 where only one driveway access is allowed by code.
8 All as described on application and plans on file.

9 Motion made by Ms. Schwartz to approve
10 Application 5A-10-15.

11 **FINDINGS OF FACT:**

12 1. The existing driveway exits presents a hazardous
13 for the homeowner and anyone coming to the property.
14 To enter the driveway one must immediately enter the
15 existing driveway while turning into from Penfield
16 Road.

17 2. It is virtually impossible to enter the driveway if
18 cars are cued on South Landing waiting to turn either
19 left or right onto Penfield Road. This scenario causes
20 the car turning right into South Landing to extend into
21 Penfield Road, as the access to the driveway is very
22 close to the corner of Penfield Road and South Landing.

23 3. A second driveway access further down the property
24 on South Landing will creates a safer alternative
25 access point for those entering the property.

2 4. The parcel is over two acres in size, thus
3 providing an adequate distance between the two access
4 points on South Landing.

5 5. The requested variance will not have an adverse
6 impact on the area, not change the character in any
7 way.

8 6. The second access will facilitate the entry for
9 emergency vehicles to reach the property.

10 7. The second access is proposed to be eighty-eight
11 feet from the current driveway, so this rather long
12 distance will create a much safer traffic situation.

13 **CONDITIONS:**

14 1. This variance applies only to a second driveway
15 access to the property as presented in testimony and
16 written application.

17 2. All necessary highway permits shall be obtained.

18 (Secoded by Ms. Baker Leit.)

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

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

-	27 [1] 3/7 27th [1] 140/17	18/22 20/7 20/16 22/24 25/22 31/12 31/13 31/23 32/14 33/5 34/6 35/3 36/2 43/2 44/18 46/10 47/5 49/7 50/25 52/2 52/7 53/9 54/20 57/9 61/20 61/24 64/12 64/13 67/20 67/21 67/22 73/20 80/22 82/11 82/20 85/19 88/11 89/4 90/12 91/3 91/10 92/10 93/18 95/9 96/7 96/8 96/13 98/17 104/9 104/23 105/6 105/11 106/14 108/21 110/3 115/3 123/23
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