

Village of Pittsford  
**PLANNING AND ZONING BOARD OF APPEALS**  
Regular Meeting – July 22, 2013 at 7:00 PM

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Meg Rubiano George Wallace (absent) Jill Crooker (absent) Joe Maxey
Attorney:	Jeff Turner
Building Inspector:	John Limbeck (absent)
Recording Secretary:	Linda Habeeb

Chairperson Mitchell called the meeting to order at 7:00 P.M.

**Daniel O'Connor, 17 Courtenay Circle ~ Addition**

**Present:** Bruce Steele, Contractor

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #12 & 13. No further review required.

**The Secretary read the legal notice that was published in the July 4, 2013 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, July 15, 2013 at 6:00 pm, to consider an application made by Daniel O’Connor, owner of property located at 17 Courtenay Circle, for an area variance to expand a nonconforming structure on a nonconforming lot in the R-1 Zone; said structure having a side setback of 15 feet where a side setback of 14 feet is required, pursuant to Village Code § 210-9C.”*

**Discussion:** The applicant is proposing construction of an attached two-car garage and conversion of the existing two-car garage into an entryway/hall and two rooms. The applicant stated that the two-car, side-loading garage will be converted to a two-car, front-loading garage. The proposal requires a variance from the Zoning Board for the southeast corner of the garage construction that will extend approximately one square foot beyond the 15-foot side setback requirement. Chairperson Mitchell stated that the proposal is for expansion of a nonconforming structure on a nonconforming lot. Board members noted that there are many houses in the surrounding area with smaller setbacks than the one being requested by the applicant.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to close the public hearing, as there was no one wishing to speak for or against this application.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for an area variance for 17 Courtenay Circle, as submitted.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on July 22, 2013.

**Findings of Fact:**

1. This is a pre-existing, non-conforming structure and lot.
2. The lot is wedge-shaped and the structure has a deep setback from the street due to the curve of the property at the road side.
3. The proposed 2-car garage is consistent with other residences in this neighborhood.
4. The requested setback variance is minimal. Some lots in this neighborhood are in the R-2 district which has a 10' side setback. This lot is in the R-3 district which has a 15' setback.
5. There are no undesirable changes that will be produced in the character of the neighborhood by approving this area variance.
6. The proposed structure will be compatible with other residences in the neighborhood.
7. The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
5. The benefit sought cannot be achieved by some feasible method.

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**Kevin Morgan, 7 Austin Park ~ Addition**

**Present:** Kevin Morgan, Homeowner

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #12 & 13. No further review required.

**The Secretary read the legal notice that was published in the July 11, 2013 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, July 22, 2013 at 7:00 pm, to consider an application made by Kevin Morgan, owner of property located at 7 Austin Park, for an area variance to expand a nonconforming structure on a nonconforming lot.”*

**Discussion:** The applicant is proposing construction of a 6' x 13' two-story addition to the east side of the rear of the house located at 7 Austin Park. Chairperson Mitchell stated that the proposal is for expansion of a nonconforming structure on a nonconforming lot. Board members noted that the proposed addition does not adversely impact the lot coverage.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.**

- ❖ **Molly Fien, 9 Austin Park,** stated her concern with the height of the proposed addition. Mr. Turner explained that the Planning Board will not consider the

issue of height unless the proposed addition is over 400 square feet, which this is not.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to close the public hearing, as there was no one else wishing to speak for or against this application.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to approve the application for an area variance for 7 Austin Park, as submitted.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on July 22, 2013.

**Findings of Fact:**

1. This is a pre-existing, non-conforming structure and lot.
2. The proposed addition does not encroach any further into the side setback than the existing structure.
3. There are no undesirable changes that will be produced in the character of the neighborhood by approving this area variance.
4. The proposed structure will be compatible with other residences in the neighborhood.
5. The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The benefit sought cannot be achieved by another feasible method.

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**Buffalo Bills, Inc., Sutherland High School, Temporary Zoning Permit**

**The Secretary read the legal notice that was published in the July 16, 2011 edition of the Brighton Pittsford Post:** *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals, on Monday July 22, 2013 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Buffalo Bills, Inc., for a temporary zoning permit to use the Sutherland High School parking lot for vehicle parking for attendees of the Buffalo Bills training camp during the 2013 season, which will be July 28 through August 21, 2013.”*

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c).

**Discussion:** The documentation submitted by the applicant indicates that the Buffalo Bills are proposing to utilize the Sutherland High School parking lot in the same manner that was approved by the Zoning Board in 2011. The Buffalo Bills will provide shuttle buses to transport patrons to and from the satellite parking lots and training camp. They anticipate that the Sutherland High School parking lot will be serviced by eight to twelve shuttle buses, with each bus running at staggered times, about fifteen minutes apart. There will be at least one parking attendant at the Sutherland High School parking lot during each day of the lot’s use. In addition, during each night practice, there will be an additional parking attendant working to help with the expected increase in attendance. The parking attendants will help direct traffic and ensure that the parking process goes smoothly. The Bills also provide public toilets at the Sutherland High School parking lot, which are emptied and cleaned on a daily basis by a company hired by the Bills.

The Building Inspector indicated that there were no problems or issues with this proposal in 2011.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to close the public hearing, as there was no one wishing to speak for or against this application.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.**

**Motion:** Member Rubiano made a motion, seconded by Chairperson Mitchell, to approve the application for a temporary permit, with the following conditions:

1. The return route of the buses will follow Main Street to Jefferson Road to Sutherland Street.
2. The public toilets will be located on the westernmost portion of the parking lot, farthest from the street.
3. The applicant will make an effort to modify the website and printed materials to direct traffic away from the residential area of Sutherland Street.
4. The applicant will provide signage to direct traffic to exit onto Jefferson Road.
5. The applicant will instruct the parking attendants to direct patrons to exit on Jefferson Road.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on July 22, 2013.

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**Jack Sigrist, 87 South Main Street ~ Addition**

**Present:** Jack Sigrist, Architect

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #12 & 13. No further review required.

**The Secretary read the legal notices that were published in the July 16, 2013 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, July 22, 2013 at 7:00 pm, to consider an application made by Jack Sigrist for property located at 87 South Main Street, for an area variance to expand a nonconforming structure on a nonconforming lot pursuant to Village Code § 210-15C.”*

*“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, July 22, 2013 at 7:00 pm, to consider an application made by Jack Sigrist for property located at 87 South Main Street, for approval for the construction of an addition where the total floor area exceeds 400 square feet, pursuant to Village Code § 210-83B(16).”*

**Discussion:** The applicant stated that the proposal is for construction of a first-floor mudroom addition, an expansion of a master bath over the new mudroom, relocation of a covered porch, expansion of the existing garage, and an expansion of the family room. The proposed addition will be two stories high and cover the area of the existing deck. The application is requesting: (1) a variance for a pre-existing, non-conforming, front lot line; (2) a variance for a pre-existing, non-conforming, front yard setback; (3) a variance to further extend pre-existing, non-conforming, side yard setbacks on both sides of the residence; and (4) Planning Board approval for the construction of an addition to a residential unit where the total floor area exceeds 400 square feet. The applicant presented several examples of other houses in the surrounding neighborhood with similar setbacks.

The Building Inspector determined that the existing driveway exceeds the Village Code maximum of 12% impervious coverage. Board members expressed concern with the proposal to increase the amount of impervious coverage. This portion of the application will remain open.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to open the public hearing.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. ***Motion carried.***

❖ **Joanne Minor**, South Main Street, requested to view the proposed plan.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to close the public hearing, as there was no one else wishing to speak for or against this application.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. ***Motion carried.***

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the application for area variances for construction of an addition, omitting approval the portion of the application for blacktop driveway coverage.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on July 22, 2013.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Maxey, to grant Planning Board approval for construction of an addition where the total floor area exceeds 400 square feet, as submitted.

**Vote:** Rubiano – yes; Mitchell – yes; Maxey – yes. ***Motion carried.*** The decision was filed in the Office of the Village Clerk on July 22, 2013.

***Findings of Fact:***

1. This is a pre-existing non-conforming structure and lot.
2. The proposed additions do not further encroach upon the existing side setbacks.
3. There are no undesirable changes that will be produced in the character of the neighborhood by approving this area variance.
4. The proposed structure will be compatible with other residences in the neighborhood.

5. The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The benefit sought cannot be achieved by some feasible method.

**Member Items:**

**Trustee Report:**

- ◆ Mr. Galli reported that Starbucks and The Village Bakery will be working on a plan to improve the parking situation in that area.
- ◆ There are ongoing conversations regarding the landscaping at Chase Bank.
- ◆ Tess and Carlos will not be renewing the lease at that location.

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 8:45 pm.

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Linda Habeeb, Recording Secretary