

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – August 26, 2013 at 7:00 PM

PRESENT:

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

Chairperson Mitchell called the meeting to order at 7:05 P.M.

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 August 15, 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, August 26, 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 a modification of the previously approved application for an area variance for construction of a 6' x 13' two-story addition to the east side of the rear of the house located at 7 Austin Park. The applicant stated that he is proposing a 10' x 13' addition, which would extend the addition farther back on the lot. The side setback will not change. The Building Inspector stated that the tape location map shows that there is in excess of 64 feet from the existing house to the rear lot line.

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

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

- ❖ The Building Inspector reported that Molly Fien, of 9 Austin Park, called the Village Office to state that she had no concerns with the proposal.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, 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; Wallace - 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; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on August 26, 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.

St. Louis Church, 21 Rand Place ~ Area Variance

Present: Sally Schrecker, Operations Manager; Kayanne Gsellmeier, LaBella Associates

The Secretary read the legal notice that was published in the August 15, 2013 edition of the Brighton Pittsford Post: *Please take notice that a public hearing will be held before the Village of Pittsford Planning & Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, August 26, 2013 at 7:00 pm, to consider an application made St. Louis Church of Pittsford for property located at 21 Rand Place for approval of a lighting plan, pursuant to Village Code § 117-11 D."*

Discussion: The applicants submitted information regarding the height, lighting style, and wattage of the proposed lights. Chairperson Mitchell stated that as to the light fixtures, the Planning Board reviews the height and type of light, and the APRB reviews the light fixtures. The applicants are proposing installation of three lights, and they submitted three options for the type of lighting:

- Option 1 – Sternberg Omega Series Luminaire and Boston Series candy-cane pole at sidewalk and Kim SW1 Wall. Light to be at 10.5 AGL, with .5 to 2.0 footcandles at the property line. This light creates the farthest backspill onto the property and does not create a uniform light.
- (2) Sternberg EURO 250 LED with EU2WB bracket arm and 5800 Boston Series smooth straight pole at sidewalk and Kim SW1 Wall. Light to be at 10.5 AGL with .3 to 1.0 footcandles at the property line. The backspill is minimized, and the statistical uniformity factor is good.
- (3) Kim Era Bell LED with post top crook and 5800 Boston Series smooth straight pole at sidewalk and Kim SW1 Wall. Light to be 10.5 AGL with .2 to 1.0

footcandles at the property line. The light has the least amount of backspill, and the statistical uniformity is not good.

The applicants stated that the existing pole on the north side of the driveway will be removed and a new pole fixture placed on the south side. They also noted that the light will be shielded to direct light downward, and the lightbulb is minimally visible. Member Maxey questioned whether the light will be protected from damage from vehicles. Ms Schrecker stated that there is a curb and a planting bed that serve as buffers.

Chairperson Mitchell stated that this is a comprehensive review of the lighting of this portion of the property. It includes the existing light at the corner of the school building. She questioned the applicants as to the shut-off time for the existing light on the elementary building. Ms Schrecker stated that currently, the shut-off time for the light on the school building is 11:30 pm. Chairperson Mitchell stated that since most church programs end at approximately 9:30, a 10:00 pm shut-off time for the new pole lamps would seem sufficient to light the area for safety reasons. Mr. Wallace stated that the light should be similar to other lights in the area.

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

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

- ❖ Cyndi Wallace, of Rand Place, questioned the effect that the new lights will have on the residents. She then observed the submitted lumetric plans, acknowledging that light spill would be reduced by replacing the building mounted fixture.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, 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; Wallace - yes. **Motion carried.**

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the variance under Village Code § 117-11(c)(d), granting relief to the amount of footcandles at the property line, with the installation of Option #2, as described on the summary page submitted on 8/26/13, with the shut-off time for these pole fixtures to be 10:00 pm.

Vote: Rubiano – yes; Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on August 26, 2013.

Motion: Chairperson Mitchell made a motion, seconded by Member Maxey, to approve the variance under Village Code § 210-81(f) to allow for an average footcandle reading that is lower than Village Code allows for the walkway and parking area, with the shut-off time for the building-mounted light fixture to be 11:30 pm.

Findings of Fact:

- ◆ Installation of the sidewalk and lighting fixtures provide safe pedestrian access from the public street to the church and school property.

- ◆ The newly constructed sidewalk will have a setback ranging from 1'10" to 2'8" from the property line.
- ◆ Under Village Code § 117-11(c)(d), the maximum allowable light spillage at the property line is .2 footcandles.
- ◆ Based on professional opinions from the Village engineer and lighting consultant, .5 footcandles is appropriate for pedestrian safety for this location. The approved plan allows an average foot-candle illumination in the driveway of 0.6 fc and the average foot-candle illumination along the sidewalk to be 0.5 fc.
- ◆ Under Village Code § 210-81(f), a site with moderate traffic is required to have a minimum of 1.0 footcandles of illumination. It was determined that the site's proximity to residences and the anticipated hours of use are factors that should be considered in approving a reduction from this minimum standard.
- ◆ The existing building mounted light fixture caused excessive light spillage and glare to the street and other residences. Replacement of the building mounted fixture provides more focused lighting on the parking area and the driveway.

Gene Cardamone, 73 South Main Street ~

Present: Gene Cardamone, 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 August 15, 2013

edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning & Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, August 26, 2013 at 7:00 pm, to consider an application made Gene Cardamone for property located at 73 South Main Street for area variances for: (1) A fence in excess of three feet in height, located closer to the street line than allowed in an R-1 Zoning District (seventy-feet) pursuant to Village Code § 98-1; (2) A fence in excess of four-feet in height that is not made of wood; and (3) A residential driveway where the existing curb cut is altered or a new curb cut is proposed, pursuant to Village Code § 210-83-17.”*

Discussion: Mr. Cardamone stated that he has invested considerable time and expense in renovating the house and two barns located at 73 South Main Street. He further explained that because of a misunderstanding as to what the previously issued building permit for the work included, work was completed on the property without having obtained the required approvals. Part of the project included placing several sections of wrought-iron fencing between four stone columns, moving the driveway, and installing stockade fencing along the southern property border. He stated that he obtained a permit from the Department of Transportation for the relocation of the driveway.

Chairperson Mitchell stated that the Board will be reviewing two issues: the fence, which requires a special exception use permit and a variance, and the relocation of the driveway. The front setback requirement is a pre-existing, non-conforming, situation as the front plane of the house is only several feet from the Village sidewalk. The wrought-iron fence sections between the stone columns are approximately 44 inches in height and are mounted approximately 6 inches off the ground. The formerly existing driveway, that was removed, was immediately adjacent to the driveway of the house to the north and would have been

inappropriate to continue. Board members discussed the appropriateness of installing a non-wood fence, in excess of three feet in height, located closer to the street line than is allowed in the R-1 Zoning District.

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

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

- ❖ Darryl Gronsky stated that he is part owner of the property, and that he had received many positive comments from the public about the work that has been done on the house.
- ❖ Elizabeth Dodge, 77 South Main Street, stated that although she is pleased with the work that has been done, she is concerned that the work was done without the proper approvals from the Village. She stated that the Village should apply standards equally to all properties. She also stated that she approves of the relocation of the driveway.
- ❖ Chris Linares, 69A South Main Street, stated that there are other properties in the area of the house with columns that match the columns that were installed. He further stated that the fences and columns enhance the integrity of the structure, and that the Board should consider granting all variances requested.
- ❖ Alyssa Plummer, 66 South Main Street, commended the owners for the renovations. She stated that the columns alter the streetscape and character of the neighborhood.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to close the public hearing at this time.

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

Chairperson Mitchell stated that the portion of the application regarding the fence will be left open for the Board to consult experts to determine the appropriateness of the fence.

Motion: Member Rubiano made a motion, seconded by Chairperson Mitchell, to approve construction of a residential driveway where the curb cut was altered and a new curb cut is proposed, per the site plan submitted.

Vote: Rubiano – yes; Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on August 26, 2013.

Jack Sigrist, 87 South Main Street ~ Addition

Present: Jack Sigrist, Architect

Discussion: This is a continuation of an open public hearing for a driveway that exceeds the Village Code maximum of 12% impervious coverage. Board members had expressed concern with the proposal to increase the amount of impervious coverage. The applicant presented a revised proposal that would reduce the driveway from the existing 1980 sq. ft.

to 1976 sq. ft. of lot coverage – a reduction of four square feet. This revision would remove asphalt that is currently abutting the foundation of the residential structure and will provide a turning apron to the rear of the structure. The turning apron will enable the resident to access Main Street safely.

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

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

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the application for realignment of the driveway, 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.

Building Inspector Report:

- The Building Inspector will send copies of the draft Village sign code revisions to all board members.

Trustee Report:

Mr. Galli reported that:

- ◆ The Canal Corporation has issued a stop-work order for the embankment at 75 Monroe Avenue.
- ◆ The Village, Town, and School formed a collaborative committee to investigate more effectively working together. Details can be seen on the Village website.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 9:30 pm.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the 6/24/13 meeting minutes, as drafted.

Vote: Mitchell – yes; Maxey – yes; Wallace - yes. **Motion carried.**

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the 7/10/13 meeting minutes, as revised.

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

Motion: Chairperson Mitchell made a motion, seconded by Member Maxey, to approve the 7/22/13 meeting minutes, as revised.

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

Linda Habeeb, Recording Secretary