

Village of Pittsford
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – September 23, 2013 at 7:00 PM

PRESENT:

Chairperson:	Remegia Mitchell
Members:	Meg Rubiano
	George Wallace
	Jill Crooker
	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.

David Jewett, 44 N. Main Street ~ Temporary zoning permit

Present: David Jewett

The Secretary read the legal notice that was published in the September 13, 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 September 23, 2013 at 7:00 pm to consider an application made by David Jewett for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths in November and December of 2013, at property known as Pittsford Farms Dairy, owned by Charles Corby, and located at 44 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford."*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.15(c)(15).

Discussion: This is an application for a temporary zoning permit for the outside sale of Christmas trees and wreaths at the property known as Pittsford Farms Dairy, located at 44 North Main Street. The applicant stated that he has been granted the permit for a number of years, and he agrees to abide by the same conditions as were agreed to in past approvals. He stated that the sale of trees will be only on private property, no closer than 120 feet from the property line, and a temporary sign will not be placed in the public right of way. Chairperson Mitchell reviewed the conditions from a previous approval.

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

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

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.

One letter was sent to the Village Office in support of the application.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the application, as submitted, for a temporary zoning permit to allow the outside sale of Christmas trees and wreaths at the Pittsford Farms Dairy during the holiday season, with the following conditions:

1. The site shall be restored to its original appearance by January 1, 2013.
2. Preparation and sale shall be only on private property side yard no closer than 120 feet from all property lines.
3. Temporary signage shall not be placed in the public right of way.
4. No high-pressure sodium lighting shall be installed or maintained.

Vote: Rubiano – yes; Mitchell – yes; Crooker – yes; Maxey – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on September 23, 2013.

Gene Cardamone, 73 South Main Street ~ Fence

Present: Gene Cardamone, Homeowner

Discussion: Chairperson Mitchell stated that this is a continuation of an open public hearing for the installation of a fence, which requires a special exception use permit and a variance. Because of a misunderstanding as to what the previously issued building permit included, the fence was installed without having obtained the required approvals. 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.

Chairperson Mitchell stated that at the previous meeting, 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. The portion of the application regarding the fence was left open for the Board to consult experts to determine the appropriateness of the fence. The Board received comments from The Landmark Society, Historic Pittsford, and the Village of Pittsford APRB, which comments were reviewed by Board members and submitted into the record.

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

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

- ❖ Norma Fennel, a realtor with Mitchell Pierson, stated her approval of the fence, and commented that the house had been in serious disrepair prior to the current owners' renovations.
- ❖ Darryl Gronsky, co-owner of 73 South Main Street, stated that the house is one of the largest houses in the Village, and that the scale of the fence is appropriate for this stately house.

- ❖ Elizabeth Dodge, 77 South Main Street, stated that although she is pleased with the work that has been done on the house, the laws should have been applied equally to all properties within the Village. She further stated that the house is located in a highly visible area of the Village, and questioned whether the benefits expected from the fence justify allowing the variance.
- ❖ Marty Eggars, 44 Lincoln Avenue, stated that the fence does not meet Village Code, and is not appropriate for the era of the house. She further noted that the fence appears to be an institutional fence, which does not meet with the ambiance of the Village.
- ❖ Alyssa Plummer, 66 South Main Street, stated that the Board should examine the criteria for granting a variance for this fence, and she stated her opinion that the fence impacts the streetscape in a negative way. She also stated her concern with setting a precedent for other properties in the Village to install this type of fence.
- ❖ Joe O'Donnell stated that a variance is based on its own merits, so there would be no precedent set with granting a variance for the fence.

Paul Zachman, ARPB Chairperson, stated that the Architectural and Preservation Review Board felt that the size and scale of the house and the property as it is being developed takes on the feeling of an "Estate," and in that context, the fence contributes to that design philosophy. The "Estate" style of this fence is one that is visually inviting into the property, but functionally an effective deterrent to casual entry. This makes sense here given the expansive nature of the property and its close proximity to a busy South Main Street. Examples of stone columns, walls, and metal fencing and gates are present in the block that is South Main Street- West Jefferson Road- Sutherland Street - and Lincoln Avenue. The style of the fence and the choice of stone on the columns would not be characterized as inappropriate. Some of these types of improvements were added later and may not always have been consistent with the original period of the main structure, but, over time, have become historic.

Mr. Zachman further stated that it is the opinion of all five members of the APRB that with modifications, the placement and scale of the fence is appropriate for its intended function to delineate a non-existent front yard/street frontage from an expansive open property with multiple structures. The existing front setback of the house in this case determines the location of this fence for its purpose. The APRB further noted that a 36" high fence may be more out of scale with the setting and intent. At an on-site special meeting with the applicant, the board suggested modifications to the existing fence that included: changing the stone veneer on the columns or at least adding additional mortar fill between the existing veneer to reduce the exposure and relief of the stone face, affecting an appearance closer to the foundation stone of the main house; replacing the existing thin stone caps on the columns with a stone or cast concrete cap that would be approximately 4" thick and would have an appropriate overhang; and modifying the utilitarian capped 4" metal line posts with a more ornamental treatment. In its findings, the APRB also noted the eclectic mix of properties, with large properties and small modest properties mixed together throughout much of the village. Incorporating this type of improvement into the renovation

of this large property adjacent to more modest neighboring structures is not out of character with historic development patterns in the village.

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

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

Chairperson Mitchell reviewed the issues for the Board’s discussion: (1) the variance for installation of a fence that is taller than the allowed 36” within the front setback of 70’ from the front property line, behind the front setback of the house; and (2) a Special Exception Use for installation of a non-wood fence. She stated that the Landmark Society submitted a letter, which basically supports the APRB findings. She also stated that Historic Pittsford has submitted a letter stating that the fence and stone posts are inappropriate for the residence and for the Village streetscape.

Chairperson Mitchell reviewed the criteria for granting an area variance. Board members discussed whether the fence has an undesirable effect on the character of the surrounding neighborhood. Member Maxey stated that Board members are required to review the fence as if it had not already been installed, and as if the application was before the Board as a proposal. Member Rubiano stated that if the fence were not installed, and the proposal to install a fence of this height was before the Board, the question would be whether the request is reasonable. Member Crooker stated that she would not have approved this fence if it had come before the Board prior to being built. Chairperson Mitchell and Member Wallace expressed their view that this is a unique property, and noted that the Landmark Society and the Village APRB had determined that the fence is not inappropriate for the house and setting.

Motion: Chairperson Mitchell made a motion, seconded by Member Wallace, to approve the area variance for a fence exceeding 3 feet in height and pillars in excess of 42 inches in height.

Vote: Rubiano – no; Mitchell – yes; Crooker – no; Maxey – no; Wallace - yes. **Motion denied.**

John Schultes, 41 North Main Street - Site plan

Present: John Schultes

The Secretary read the legal notice that was published in the September 13, 2013 edition of the Brighton Pittsford Post: *“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, September 23, 2013 at 7:00 pm, to consider an application made by John Schultes, for property located at 41 North Main Street, for site plan approval, pursuant to Village Code § 210-83B.”*

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

Discussion: The applicant stated that they are proposing renovations of the landscaping between the Del Monte Hotel and the canal path. The proposal is to remove the hedge and install new landscaping, four pillars, and low-voltage ground lighting. He stated that they are also proposing removing the existing fence.

Chairperson Mitchell stated that the applicant will need permits from the Canal Corporation for these renovations because of the proximity to the canal. Board members also requested that the plans be revised to include clearly marked boundaries and dimensions and the height of the bushes at maturity.

Chairperson Mitchell stated that the public hearing will remain open.

Chase Bank, 31 State Street - Site plan

The Secretary read the legal notice that was published in the September 13, 2013

edition of the Brighton Pittsford Post: *"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, September 23, 2013 at 7:00 pm, to consider an application made by JVS Exteriors Inc. for property located at 31 State Street, for site plan approval, pursuant to Village Code § 210-83B."*

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

Chairperson Mitchell stated that since the applicant is not present, this public hearing will remain open.

Information only:

Pittsford Canalside Properties, LLC, 75 Monroe Avenue, Site Plan

Present: Chris DiMarzo, Anthony DiMarzo, Peter Vars, BME Engineering

Discussion: Mr. Vars reviewed the revisions to the preliminary site plan that have been incorporated into the final site plan: the orientation of the restaurant; the sidewalk located past the restaurant parking lot entrance to run continuously across the parking lot and connect with the sidewalk along the frontage of the canal; grading details; the swimming pool to be located 6 feet above the canal-side walkway, to separate the two uses; stormwater management plan; utility plans; landscaping plans; street lighting plans; and Monroe Avenue traffic-calming plan. He also stated that they have submitted plans to the Department of Transportation, the Canal Corporation, the DEC & Corps of Engineers, and the Fire Marshal. The median on Monroe Avenue will be located to the east, it will be 250' long and 12' wide, and landscaped.

Chairperson Mitchell asked about the drive aisles between the buildings. Mr. Vars stated that the landscaping has been reoriented to reduce pavement and increase greenspace.

Chairperson Mitchell stated that the Board will schedule a special meeting to discuss these issues. Mr. DiMarzo stated that the project cannot progress until the Village certifies the final site plan as complete.

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

Linda Habeeb, Recording Secretary

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