

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – June 15, 2015 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jeff Bove
Heather Erwin
Susan Lhota (arrived 8:30PM)
Jo Anne Shannon
Alternate: Harold Danko

Attorney: Jeff Turner
Recording Sec: Linda Habeeb

Conflict of Interest Disclosure

The Village Board of Trustees has passed Local Law 15, which law requires disclosure of conflicts of interest or potential conflicts of interest prior to each meeting of boards with discretionary approval authority. Chairperson Vlietstra disclosed that one of the applicants is his neighbor on Boughton Avenue, but stated that this will have no impact on his decisions.

ZONING BOARD

Roger & Elizabeth Powers – Appeal of Building Inspector’s decision

Chairperson Vlietstra made a motion, seconded by Member Bove, to adjourn the hearing until the July 20, 2015 PZBA meeting.

Vote: Shannon - yes; Vlietstra – yes; Bove – yes; Erwin – yes; Danko - yes. Motion carried. The decision was filed in the Office of the Village Clerk on June 15, 2015.

Linda Williams, 22 Boughton Avenue ~ Area Variances

Present: Linda Williams, Homeowner

Discussion: The applicant explained that her house is located on a corner lot, and the property currently does not have a garage. The existing driveway is located on Jackson Park and is situated along the side entrance of the residence. She stated that she is proposing construction of a detached two-car garage to be located in the rear yard of the residence. The proposed garage will be located 10 feet from the rear of the house, set back 20 feet from the side property line along Jackson Park.

Chairperson Vlietstra explained that the Board granted two variances for this project at the previous PZBA meeting, and this proposal requires two additional area variances for relief from:

§210-5(A) to permit new construction in a nonconforming lot.
§210-76 to permit construction of a garage in the side yard.

He noted the property is on a corner lot and the location of the proposed garage is technically a side yard. The proposed garage location will increase the greenspace on the lot and is less intrusive than the alternatives. He then reviewed the findings from the approval granted at the May 18th meeting:

- The lot is a pre-existing, nonconforming lot.
- The setback for the garage is greater than the setback for the house.
- There are no undesirable changes that will be produced in the character of the neighborhood by approving this area variance.
- The proposed garage will be compatible with other residences in the neighborhood.
- The area variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- The benefit sought cannot be achieved by another feasible method.

He stated that an additional finding is that the garage will not create a further nonconformance on the lot.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to approve the application for two area variances, as submitted.

Vote: Shannon - yes; Vlietstra - yes; Bove - yes; Erwin - yes. Motion carried. The decision was filed in the Office of the Village Clerk on June 15, 2015.

Thomas Hartzell, 6 North Main Street ~ Temporary Permit

Present: Thomas Hartzell, Owner

The legal notice was published in the May 28, 2015 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 June 15, 2015 at 7:00 pm to consider an application made by Tom Hartzell, owner of property located at 6 North Main Street, for a Temporary Zoning Permit pursuant to Village Code 210-109 for the installation of a temporary structure at 6 North Main St."

Discussion: Mr. Hartzell explained that he is proposing installing a temporary storage unit and small office in the rear of 6 North Main Street during remodeling of the building. One of the units will be a small office with one employee, and one will be for storage. He indicated that he will not be conducting business in the units. He stated that the dimensions of the temporary structures will be 20' in height and 8' in width. He submitted a map of the property and indicated the location for the units.

Board members questioned the applicant about the parking situation during the construction. The applicant stated that there is adequate temporary parking for three vehicles on his property. The Board informed the applicant that the Fire Marshal will need to inspect and approve any cords and power lines that will run between the main building and the temporary offices. Mr. Hartzell was asked about the snow rating of the structures and he stated he believed they were rated for

snow. Chairperson Vlietstra asked if he would complete his renovations before the snow season; if not then more scrutiny of snow related issues is warranted. Mr. Harzell stated he expected renovations would start in late July and be completed in late September or October. He requested the Temporary Zoning permit run from July 1 to November 15 to allow flexibility for his remodeling schedule.

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

Vote: Shannon - yes; Vlietstra – yes; Bove – yes; Erwin – yes. Motion carried.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to approve the application for a temporary zoning permit for the installation of two 8ft x 20ft temporary storage/office units from July 1, 2015 to November 15, 2015, with the condition that the Fire Marshal and the Building Inspector will review his plans and issue any required permits.

Vote: Shannon - yes; Vlietstra – yes; Bove – yes; Erwin – yes. Motion carried. The decision was filed in the Office of the Village Clerk on June 15, 2015.

Findings of Fact:

- There will be no safety or parking issues with this proposal.
- The applicant will work with the Building Inspector and Fire Marshal to assure that electrical cords and installation is compliant with all relevant Codes.

PLANNING BOARD

Linda Williams, 22 Boughton Avenue

Present: Linda Williams, Homeowner

The legal notice was published in the May 28, 2015 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 June 15, 2015 at 7:00 pm to consider an application made by Linda Williams, owner of property located at 22 Boughton Avenue, for Planning Board approval for the construction of a residential driveway where a new curb cut is proposed, pursuant to Village Code § 210-83 (17).”

Discussion: The applicant stated that a new curb cut will be required on Jackson Park. She explained that the asphalt driveway will not exceed 20 feet in width, and the area coverage of the driveway/walkway/patio is 9 percent, within the allowable 12 percent. Drainage of the new garage will be accomplished via standard downspouts.

Chairperson Vlietstra stated that the applicant’s yard is pitched away from the street, so there will be no drainage towards the street. The yard is also lower compared to the surrounding neighbors. It was also pointed out that the Board of Trustees will need to grant a permit for the curb cut.

It was stated that the driveway will be on Jackson Park where there is no lawn area between the sidewalk and the street. The driveway apron would be a part of the sidewalk which could present issues for the sidewalk snow plow.

The applicant stated that there are other houses with driveways on Jackson Park that have the same driveway apron and sidewalk issues and they do not cause any problems.

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

Vote: Shannon - yes; Vlietstra - yes; Bove - yes; Erwin - yes. Motion carried.

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

Vote: Shannon - yes; Vlietstra - yes; Bove - yes; Erwin - yes. Motion carried.

SEQR

The applicant and the Board reviewed and completed the SEQR Short Environmental Assessment Form for an Unlisted Action.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, stating that the proposal will not have a significant environmental impact on the Village.

Vote: Shannon - yes; Vlietstra - yes; Bove - yes; Erwin - yes. Motion carried. The decision was filed in the Office of the Village Clerk on June 15, 2015.

Motion: Chairperson Vlietstra made a motion, seconded by Member Erwin, to approve the application for a curb cut, as proposed, with the following conditions: (1) the existing driveway and curb cut will be removed and replaced with a walking path not more than 5 feet in width; (2) the garage will be at least 20 feet from the side property line and at least 10 feet from the house; (3) the applicant will obtain all other required permits including permits from the APRB and Board of Trustees; and (4) the installed driveway will not direct stormwater towards the street.

Vote: Shannon - yes; Vlietstra - yes; Bove - yes; Erwin - yes. Motion carried. The decision was filed in the Office of the Village Clerk on June 15, 2015.

Findings of Fact:

- The proposed garage and driveway are in conformity with properties in the village.
- The curb cut, sidewalk, and driveway apron will be consistent with other properties on the street and will not present any new problems.
- The garage will be setback appropriately from the street.
- The applicant will obtain all other required permits.
- There are no drainage or snow plow problems on the site.

ATTORNEY/CLIENT SESSION

6/15/15 PZBA

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to enter into attorney/client privilege session at 8:15 pm.

Vote: Shannon - yes; Vlietstra – yes; Bove – yes; Erwin - yes. Motion carried.

Having taken no action, a **motion** was made by Member Erwin, seconded by Member Bove, to leave attorney/client privilege session at 10:45 PM.

Vote: Shannon - yes; Vlietstra – yes; Erwin – yes; Bove – yes; Lhota - yes. Motion carried.

Adjournment: There being no further business, Chairperson Vlietstra adjourned the meeting at 11:00 pm.

Linda Habeeb, Recording Secretary

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