

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – February 27, 2017 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Jeffrey Bove
Susan Lhota
Heather Erwin

Recording Sec: Linda Habeeb
PZBA Attorney: Mindy L. Zoghlin, Esq.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to call the meeting to order at 7:00 pm.

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

Conflict of Interest Disclosure:

Chairperson Vlietstra asked the Board members if anyone had a conflict of interest with any meeting agenda items. Member Shannon disclosed that she is a member of the Board of Directors of Historic Pittsford, but stated that this would not affect any decisions regarding the 44 Sutherland Street application.

Charles Clottin, 10 North Main Street ~ Temporary Use Permit

Present: Charles Clottin, Harladay Hots, Inc.

The legal notice was published in the February 9, 2017 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 February 27, 2017 at 7:00 pm, to consider an application made by Charles Clottin, of Harladay Hots Inc., for a temporary zoning permit to allow the seasonal operation of a vending cart at 10 North Main Street, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: Chairperson Vlietstra stated that this is a public hearing for a temporary zoning permit to operate a vending cart in the lot located at 10 North Main Street. Mr. Clottin stated that the Town of Pittsford owns the lot, and he has received permission from them to operate his vending business on the lot, contingent on his being granted a temporary zoning permit from the Village. He stated that he has the required permits from the Monroe County Health Department. He noted that he has operated his business successfully for the past seven years, with a no problems. The operation this year is the same as last year.

Member Vlietstra pointed out that this is a commercial use in a residential district, but that it is temporary and this particular location is surrounded by offices, and the nearest residential houses are a good distance away and on the other side of the street. The hours and location make this use reasonable.

Member Vlietstra asked if any complaints have been received by this operation in previous years. The building inspector stated they have not received any complaints about this use.

The applicant stating that he will also operate the vending cart during special events, such as the Pittsford Regatta and the car show. The Village Building Inspector will be notified at least one week prior to operation at any special event.

Board members noted that Mr. Clotten's General Liability Insurance had expired, and he stated that he will renew it as soon as possible. He also stated that he will maintain Workers' Compensation Insurance or obtain a waiver from New York State.

Ms. Zoghlin stated that the proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15). The proposed action is a temporary activity that is exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994. The proposed action is in a waterfront area of the Village of Pittsford but is a Type II action under SEQRA so it is not subject to a local waterfront consistency review.

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

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

Motion: Member 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; Lhota - yes; Erwin - yes; Bove - yes. *Motion carried.*

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt Resolution 2017-1, granting a temporary zoning permit for the seasonal operation of a vending cart at 10 North Main Street, with the following conditions:

1. The vending cart may be operated from May 1, 2017 to October 31, 2017, Monday through Sunday between the hours of 10 am and 3 pm.
2. The vending cart may be operated during "special events" approved by the Village, which will include 30 minutes prior to the event and 30 minutes after the event for setup and cleanup of the area. The Village Building Inspector shall be notified at least 1 week prior to operation at any special event.
3. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.
4. The Fire Marshall shall determine that the food vending cart meets Fire Code regulations.
5. The applicant receives permission from the Town of Pittsford to operate the vending cart in the proposed location.

6. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders. A copy of the insurance policy shall be provided to the Village prior to operation.

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Erwin - yes; Bove - yes. Motion carried. The decision was filed in the Office of the Village Clerk on February 27, 2017.

**RESOLUTION 2017-1
Village of Pittsford Zoning
Board of Appeals**

At a regular meeting of the Village of Pittsford Zoning Board of Appeals held at the Village hall on the 27th day of February 2017 at 7:00 p.m. The meeting was called to order by Justin Vlietstra and upon roll being called, the following were present:

PRESENT: Justin Vlietstra
Jeffrey Bove
Heather Erwin
Susan Lhota
JoAnne Shannon

Kelly Cline, Building Inspector
Mindy L. Zoghlin, Esq., PZBA Attorney

The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

WHEREAS, the Village of Pittsford Zoning Board of Appeals received an application from Charles Clottin of Harladay Hots Inc. for a temporary zoning permit to allow the seasonal operation of a vending cart at 10 North Main Street pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application, Letter of Intent, Vending Permit from the Town of Pittsford, Certificate of Insurance Coverage under the NYS Disability Benefits Law, Certificate of Workers' Compensation Insurance Coverage, Monroe County Department of Health Permit, ZBA minutes from the applicant's 2016 application for a temporary zoning permit and, held a public hearing and received comments, and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15).

2. Monroe County Planning Review:

The proposed action is a temporary activity that is exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is in a waterfront area of the Village of Pittsford but is a Type II action under SEQRA so it is not subject to a local waterfront consistency review.

4. Upon issuance of this temporary zoning permit, the proposed use will comply with all regulations, requirements and applicable ordinances of the Village of Pittsford as applicable to the subject property.

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested temporary zoning permit on the health, safety and welfare of the neighborhood and community, and made the following findings:

- 1.** The proposed use is in the R-4 residential district which permits single family homes and professional offices. All adjacent properties and the properties across the street are used as professional or municipal offices. It is believed that every property currently in the R- 4 district is used as an office.
- 2.** The proposed use is not in harmony with the general purpose and intent of the Zoning Code for the R-4 district, but the chosen times, nature, intensity, and location of the use adequately limit adverse impacts on the surrounding neighborhood.
- 3.** The proposed use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use and possibility of screening or other protective measures.
- 4.** The proposed use will not create a hazard to health, safety or general welfare.
- 5.** The proposed use will not be detrimental to the flow of traffic in the vicinity.
- 6.** The proposed use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

NOW THEREFORE, IT IS RESOLVED that the application of Charles Clottin of Harladay Hots Inc. for a temporary zoning permit to allow the seasonal operation of a vending cart at 10 North Main Street pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford is hereby granted for the reasons stated above, subject to the following conditions:

7. The vending cart may be operated from May 1, 2017 to October 31, 2017, Monday through Sunday between the hours of 10 am and 3 pm.
8. The vending cart may be operated during "special events" approved by the Village, which will include 30 minutes prior to the event and 30 minutes after the event for setup and cleanup of the area. The Village Building Inspector shall be notified at least 1 week prior to operation at any special event.
9. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.
10. The Fire Marshall shall determine that the food vending cart meets Fire Code regulations.
11. The applicant receives permission from the Town of Pittsford to operate the vending cart in the proposed location.
12. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders. A copy of the insurance policy shall be provided to the Village prior to operation.

The question of the foregoing resolution was duly put to vote as follows:

The question of the foregoing resolution was duly put to vote as follows:

| | Yes |
|------------------|-----|
| Justin Vlietstra | x |
| Jeffrey Bove | x |
| Heather Erwin | x |

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|----------------|---|
| Susan Lhota | X |
| JoAnne Shannon | X |

Dated:

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**Phil Adams, 33 Rand Place ~ Area variance**

**Present:** Phil Adams, Contractor, JEC Construction

**The legal notice was published in the February 9, 2017 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 February 27, 2017 at 7:00 pm, to consider an application made by Phil Adams, of JEC Construction, as agent for homeowners, Karen Bertoldo and Mark Wilson, for an area variance for construction of an addition at the house located at 33 Rand Place, pursuant to Village Code § 210-5(C).”*

**Discussion:** Chairperson Vlietstra stated that this is an application for an area variance for construction of a rear addition on the house located at 33 Rand Place. The addition will add approximately 8 feet to the rear of the house to build a two-story addition. Chairperson Vlietstra asked the building inspector to clarify the zoning violation.

Ms. Kline stated that the front setback is currently 26-28ft to the porch and 30ft is required. The zoning code requires the property to be compliant with code if alterations are performed. Construction of an addition requires that the property either be made compliant with code or requires a variance from 210-5(C).

The applicant stated that there will be no alteration to the front setback. The front setback of the house is fewer than 30 feet, and is similar to adjacent houses on the street. The addition will allow the family more space without moving. The addition is being constructed to match the craftsman style of the existing house that was built in 1900. Chairperson Vlietstra stated that he believes the size of the house with the proposed addition complies with lot coverage requirements and is appropriate for the district.

Ms. Zoghlin stated that the proposed action is a minor temporary use of land having negligible or no permanent impact on the environment, and therefore is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(15). The proposed action is a temporary activity that is exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994. The proposed action is in a waterfront area of the Village of Pittsford but is a Type II action under SEQRA so it is not subject to a local waterfront consistency review.

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

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

**Motion:** Member 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 Lhota, to adopt Resolution 2017-2, granting an area variance for construction of an addition, as amended.

**RESOLUTION 2017-2**  
**Village of Pittsford Zoning Board of Appeals**

**RESOLUTION – DECISION ON AREA VARIANCE**

**Project:** 33 Rand Addition **Date:** 2-27-2017

**Applicant Name:** Phil Adams, JEC Construction  
**Address:** 3713 Rush Mendon Rd  
Honeoye Falls, NY 14472

**Action:** Area Variance for construction of ~300sq rear addition  
at 33 Rand Place.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on February 27, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, the following were present:

PRESENT: Justin Vlietstra  
Jeffrey Bove  
Heather Erwin  
Susan Lhota  
JoAnne Shannon

Kelly Cline, Building Inspector  
Mindy L. Zoghlin, Esq., PZBA Attorney

The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Lhota, to wit:

**WHEREAS**, the Village of Pittsford Zoning Board of Appeals has received an application from The above-named applicant for an Area Variance of Sections **§210-5.C** of the Zoning Law of the Village of Pittsford to permit construction of an addition to the rear of a house with an existing non-conforming front setback and;

**WHEREAS**, The Board makes the following findings regarding review requirements for this action:

**1. State Environmental Quality Review (SEQR):**

The Board’s review is for area variance for a single family home and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(13).

**2. Monroe County Planning Review:**

The Board's review is for an area variance that is exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

**3. Waterfront Consistency Review:**

The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.

**WHEREAS**, the Board has received and reviewed an application, held a public hearing, and received comments thereat; and

**WHEREAS**, after review, the Board has weighed the effects of the requested variance on the health, safety, welfare of the neighborhood and community and made the following findings:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

The existing front setback is similar to adjacent houses and the applicant does not propose any alteration to the front setback. The size and style of the house and addition are compatible with neighboring properties.

- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because:

Moving the structure to comply with the front setback requirements is cost prohibitive and not reasonable for a structure having setbacks consistent with neighboring homes. The family needs more space and does not want to move. An addition cannot be built without a variance.

- C. The requested variance **is not** substantial in that:

The construction will not alter the front setback and will not alter the existing nonconformity. The existing setback nonconformity is small: 30 feet is the required setback and the actual setback is approximately 26-28ft. The nonconformity of 2-4ft is not substantial.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

The home with the proposed addition will maintain the character of the existing house and is compatible with neighboring homes. The size of the house with the addition complies with lot coverage requirements and is appropriate for the district.

E. The alleged difficulty **is not** self-created because:

The non-conforming front setback predates the zoning code and has not been altered by the current owners. The desire for expansion of the house with an addition is a self-created difficulty but that does not preclude granting of an area variance.

F. The Variance **is** the minimum necessary to provide relief because:

No change to the front setback is proposed.

G. The following additional findings are noted:

The house was built circa 1900, and the front setback of the house does not comply with the 30ft front setback required in the R2 zoning district. The applicant plans to add approximately 8ft to the rear of the house to build an approximately 300 sq.ft. 2-story addition. This proposed addition will not alter the front setback and the existing non-conformance predates zoning code.

**NOW THEREFORE IT IS RESOLVED** by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above.

The question of the foregoing resolution was duly put to vote as follows:

|                  | <b>Yes</b> | <b>No</b>                | <b>Abstain</b>           |
|------------------|------------|--------------------------|--------------------------|
| Justin Vlietstra | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Lhota      | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Jeffrey Bove     | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| Heather Erwin    | X          | <input type="checkbox"/> | <input type="checkbox"/> |
| JoAnne Shannon   | X          | <input type="checkbox"/> | <input type="checkbox"/> |

**Dated:** February 27, 2017.

By order of the Zoning Board of Appeals of the Village of Pittsford

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Chairperson,  
Zoning Board of Appeals

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Chase Bank, 31 State Street ~ Parking lot and façade restoration

Discussion: Chairperson Vlietstra stated that the application for parking lot alterations and paving at 31 State Street is incomplete, and the applicant is not present.

Chairperson Vlietstra stated that the public hearing will remain open, and he asked if anyone in attendance had a comment about the application.

Ken Morrow, of Sutherland Street, commented that he is concerned about light pollution from Chase Bank onto neighboring properties. Chairperson Vlietstra pointed out the State laws require bank's ATM machines to have a certain level of illumination near the ATM so lighting requirements differ from other businesses. However, they cannot have light spill onto adjacent properties. He stated that the property is adjacent to residential properties and just a few feet from residential structures. The Board has not received a lighting plan but light spillage will be reviewed when a plan is submitted.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to keep the public hearing open to be continued at the March 20, 2017 PZBA meeting.

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

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**David & Tina Mattia, 44 Sutherland Street ~ Site Plan**

**Present:** Ken Martin, Architect; Tina Mattia, Homeowner

**Discussion:** Chairperson Vlietstra stated that this is an application for site plan review for demolition of an existing house and construction of a new house at 44 Sutherland Street. Mr. Vlietstra explained that the Planning Board will be reviewing what impact the demolition and new construction will have on other surrounding properties. He is aware that the applicant has had a lengthy discussion with the APRB concerning mold in the house and the justification for demolition. He is not interested in further discussion of mold at this time; he is interested in the impacts of the action on the community and adjacent properties. He stated that the Board is interested in a general description of the proposal and some clarification of the differences between the proposed structure and the existing structure. The Planning Board has not received elevations or a list of materials used for the house, so some clarification of their plans will be helpful.

Architect, Ken Martin, stated that the proposed new house will be constructed in the same location as the existing house, and that the new house meets all setback requirements. The existing garage that was built in 1977 did not meet the front and side setbacks, and the new structure corrects these violations and is compliant with front and side setbacks. He stated that the footprint of the existing house is 2391 square feet, and the footprint of the proposed house is 2836 square feet; the living space of the existing house is approximately 3400 square feet, and the living space of the proposed new house is 3480 square feet. The existing house has a 2-car garage facing the street and the new house has a 3-car garage facing east toward the driveway; the APRB requested that the garage be located in this manner. He stated that the current house has brick on the front of the house and clapboard on the sides. The new house has shiplap siding and

board-and-batten siding. He explained that the applicants are proposing using durable alternative materials, such as siding made of Borel composite and Azek trim. Ms. Cline stated that these building materials have a high recycled content and the applicant is using a number of sustainable materials.

Mr. Martin stated that the plans that were submitted to the Planning Board have since changed and they will be submitting new, revised plans that remove the pergola, among other things.

Chairperson Vlietstra questioned Mr. Martin about the drainage. Mr. Martin explained that downspouts lead to a foundation drain that connects to the Village storm water sewer. Mr. Vlietstra asked if the drain line is new or if they are reusing the existing drain. Mr. Martin stated that he is not sure at this time as not all of those details have been worked out. The Building Inspector, Ms. Cline, recommended having the Village Engineer review the design to verify the drainage calculations and the size of the drain pipe.

Mr. Martin stated that retaining walls in the rear of the property drain to a splash block that is 12 feet from the property line and this stormwater will be contained to the site. Mr. Martin stated that they are proposing retaining walls because of the grade of the property; the walls will permit an appropriate pitch away from the house. He stated that the current house is not draining properly, and while he is not sure of the cause of the current drainage issues, he is confident that these retaining walls plus the rest of the stormwater system will function properly.

Mr. Vlietstra asked about the height of the retaining walls and how they are constructed. Mr. Martin stated the walls are dry laid stone. The wall on the north side is about 18 inches tall and 40-45ft long. The wall on the south side is 30 inches tall and about 36ft long. It is about 1.5 feet from the property line. Mr. Vlietstra asked how water is being channeled away from neighboring properties. Mr. Martin stated they have a drainage grate on the house side of the wall that collects the water and it is piped to the back yard. The Building Inspector, Ms. Cline, suggested the Village Engineer review this drainage system.

Mr. Vlietstra asked the applicant about the proposed lighting for the site. Mr. Martin showed the board the locations of light fixtures and stated the fixtures will each use a single 75W equivalent bulb. The Board noted that all fixtures are at least 21-25ft from the property line. Mr. Vlietstra said he believes these types of residential fixtures are compliant with code and asked the Building Inspector for comments. Ms. Cline stated that the new building code requires a certain amount of energy-efficient lighting, and there are other requirements for safety lights near exit doors. Those details will be reviewed when they apply for a building permit. Mr. Vlietstra said the wattage and distance from neighboring properties seems appropriate to limit light trespass to adjacent properties. He asked about electric service to the house. Mr. Martin stated that the electric utilities will be located below ground near the existing driveway. Mr. Vlietstra asked if that will require a transformer in the front yard. Mr. Martin stated he was not sure, and they will work with RG&E for electric service. Ms. Cline stated that she is unsure how this will be implemented and suggested review by the Village Engineer.

Mr. Vlietstra asked where air-conditioning units will be placed and how they are screened. Ms. Cline said that air-conditioning units have to be in the rear of the property, but that she does not believe code requires they be screened. Mr. Martin said it will be in the rear of the property but that they have not selected an exact location. Mr. Vlietstra requested that regardless of code requirements, the unit should be screened, so it is out of sight from adjacent properties. He asked if a fence or shrub could be installed as screening. Ms. Cline asked if there will be any other accessory structures. Mr. Martin said there will be no other accessory structures.

Mr. Vlietstra asked the building inspector if there are any public health concerns regarding demolition of the house since the house has a mold problem, may contain asbestos, and is located close to other houses

and across the street from a school. Ms. Cline stated that as part of the building permit review a demolition plan will be submitted to address these issues and there are many safety standards that must be followed. She is confident that demolition will be appropriately handled and does not see any public health concerns.

Member Erwin explained to the applicant that the existing house is a historically significant house located within a historic Village with a specific architectural style. She questioned whether the proposed new construction reflects the existing house that is being demolished. Mr. Martin stated that they have tried to maintain certain elements of the existing house in the proposal. It does not replicate the existing house, but is similar in scale and massing. He stated that the Village APRB requested that the existing garage be relocated to the rear of the property in the new plan. When designing the house, they incorporated architectural details inspired by other homes in the neighborhood.

Member Erwin asked about their design rationale, stating that the proposed style did not resemble the architectural style of the current home. Ms. Erwin asked what style, in Mr. Martin's opinion, the current plan represented, to which he stated that the style is "suburban." Member Erwin stated that the Village is not a suburb; it is reminiscent of a Village and/or urban district more than a suburban district. Ms. Erwin also stated that the aesthetics should not represent an amalgam of the street, but should be specific to the present architecture on site. The homeowner, Ms. Mattia, stated that the architectural style of the new house is a combination of various suburban-style homes found in the area.

Member Erwin stated that placing a contemporary suburban home in this location will not be in character with the neighborhood. Changes such as new materials will affect neighborhood character. The current house has dark brick and dark stained wood, which creates a low impact regarding contrast on Sutherland Street. A change to alternative building materials that are all white or light colored will change the character and create an emphasis on Sutherland Street that does not exist currently. She further stated that the existing house has a simple form that is quite different from contemporary suburban residential design. Mixing a variety of different architectural elements from different properties isn't representative of the era of the original house.

Mr. Martin stated that the lead architect, Mr. Schick, worked with the homeowner to design a house that met their client's needs while drawing upon suburban design characteristics they liked. The end design reflects characteristics of the existing house and other houses in the neighborhood. He further stated that the homeowners did not want the home to be out of place, which is why the design used elements of the current house and other houses in the neighborhood. While discussing the boundary lines of the site, Mr. Martin stated that the backyard was what their clients "fell in love with." Their goal was not to replicate the existing house but they do want it to fit; the lead architect, Mr. Schick, can better address these elements, but he could not attend tonight's meeting. They have been working with the APRB on the architectural design.

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

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

- **Ken Morrow, of 48 Sutherland Street**, stated that the previous owner had no problems with drainage at this site. He also commented that the current plan should strive to keep light from spilling onto neighboring properties. He stated that he was concerned about landscaping, the house was a custom-built house constructed just after the war and a lot of trees were planned and planted. He has 100ft tall pine trees on his property and does not want to see all of the trees cut down or killed. He also pointed out that he is concerned about the alternative materials used for

the siding and trim. There is a lack of knowledge and experience regarding the alternative materials proposed and they may be later found to be problematic. Mr. Morrow submitted a letter for the Board's consideration.

Mr. Vlietstra thanked Mr. Morrow for his comments and letter. Ms. Mattia asked if she can obtain a copy of the letter. Mr. Vlietstra stated it will be in the file and she can stop by the Village office and request a copy. Historic Pittsford also submitted a letter addressed to the APRB that was additionally submitted to the Planning Board. That letter is also on file if she wants to request a copy. Ms. Mattia inquired about the Historic Pittsford letter. Mr. Vlietstra briefly summarized the letter: Historic Pittsford is against demolition but if it is permitted then they hope the Village boards will work hard to ensure the new structure is compatible with the historic neighborhood.

Mr. Vlietstra asked the applicants if they have a plan to protect trees from damage during construction. He noted that the trees on Mr. Morrow's property are just a few feet from the property line. The proposed retaining wall is in the same area and 1.5ft from the property line. Mr. Martin stated that they have not developed a plan to protect trees from damage. Mr. Vlietstra asked if the grade is being changed around the retention wall near these trees. Mr. Martin stated the house side of the retaining wall will have the grade changed, but Mr. Morrow's side of the wall will not. Mr. Vlietstra said he believes this matter should be reviewed by a landscape architect to come up with an appropriate plan to ensure that trees on Mr. Morrow's property are not harmed by construction activities.

Ms. Cline asked about steps to control erosion and how land will be covered before it can be seeded. Mr. Martin stated that they have a temporary fence that will be installed around the construction area to contain topsoil. Where the grade is steep, they plan to use tiers of hay bales to provide a solid barrier to catch topsoil and prevent erosion. The yard will eventually be seeded with grass after final grading.

Mr. Vlietstra said he has some questions for the Board's attorney.

**Motion:** Member Vlietstra made a motion, seconded by Member Bove, to enter attorney-client session at 8:25 pm.

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

**Motion:** Member Vlietstra made a motion, seconded by Member Lhota, to exit attorney-client session at 8:40 pm.

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

Member Vlietstra asked their attorney to summarize some of the next procedural steps with the application.

Ms. Zoghlin stated that there are a number of issues that need to be addressed with this application, such as SEQR review, response from County Planning, and Village Engineer review of the drainage. The Board is lacking information and did not receive the most recent site plans, elevations, and other design details. When the Board receives more information regarding these issues, a determination will be made about the SEQR classification. She does not believe the board has enough information to classify the SEQR action at this time.

The applicant, Tina Mattia, stated that the APRB's attorney, Jeff Turner, spoke with the DEC and the DEC stated it is a Type 2 action under SEQR. Ms. Zoghlin stated that the DEC does not classify the action, the Board does.

Chairperson Vlietstra thanked the applicant for explaining their application. He summarized some of his notes for matters that need additional review: engineering review of drainage and utilities, review of impacts on trees close to the property line, review the design of the retaining wall, the issues mentioned by their attorney, and the need to get a complete set of plans.

Chairperson Vlietstra asked Board members if they wanted to retain a landscape architect. Board members discussed consultants and concurred that it makes sense to retain an engineer and landscape architect. Mr. Vlietstra said the applicants will need to provide a check for an escrow account to cover this expense.

**Motion:** Member Vlietstra made a motion, seconded by Member Bove, to leave the public hearing open to be continued at the March 20, 2017 PZBA meeting.

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

**Motion:** Member Vlietstra made a motion, seconded by Member Shannon, to approve the January 23, 2017 minutes, as revised.

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

**Motion:** Member Shannon made a motion, seconded by Member Bove, to adjourn the meeting at 9:00 pm.

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

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Linda Habeeb, Recording Secretary