

**VILLAGE OF PITTSFORD**  
**PLANNING AND ZONING BOARD OF APPEALS**  
Special Meeting – May 8, 2017 at 6:00 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 6:30 pm.

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

**Conflict of Interest Disclosure:**

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.

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

**Present:** Jon Schick, Architect; Betsy Brugg, Woods, Oviatt & Gilman, LLC

**Discussion:** Chairperson Vlietstra stated that this is a continuation of an open public hearing for an application for site plan review for demolition of an existing house and construction of a new house at 44 Sutherland Street. At the last Planning Board meeting, held on April 17, 2017, board members reviewed the Part II portion of the SEQR form and identified areas that require further review to determine the environmental impacts of the project. Member Vlietstra explained that the order for the meeting will be that first, the applicant will be given an opportunity to comment or ask questions of Board members regarding the SEQR process. After that, the Board will deliberate in what will essentially be a workshop meeting, with no further comment from the applicants. He stated that the Board would not be voting on the application at this meeting; he will grant the applicant time to respond to the Board's deliberations at the next meeting. The public hearing will remain open to be continued at the next regular Planning Board meeting, which will be held on May 15, 2017. At that time, the applicants will be given an opportunity to address with the board any outstanding issues before the Board votes on SEQR.

Ms. Brugg stated that at the previous meeting, the Board requested further information about whether there are archeological resources on the site. She explained that she is working with an archeologist and will provide further information on this matter. She also noted that the Board had requested information on the impact of the air quality on the high school, located across from the site. She referenced a letter from Mary Ellen Holvey, CIH, dated May 5, 2017, that stated, "the residential demolition would not impact the surrounding air quality." Mr. Schick also referenced a memorandum from Don Frasier from the Monroe County Health Department, dated May 8, 2017, which stated that they reviewed the project through DRC and have no comments at this time. Ms. Brugg asked if any of the interested agencies had responded to the request that the Planning Board be named as lead agency for SEQR review. The Secretary responded that the Village had received no responses from interested agencies.

Chairperson Vlietstra explained that the Board has identified seven areas that require further review to determine the potential environmental impacts:

1. Surface water
2. Impacts on plants and animals
3. Impacts on aesthetic resources
4. Impact on historic resources
5. Impacts on human health
6. Consistency with community plans
7. Consistency with community character

He stated that Board members had reviewed the guidelines from the DEC on how to evaluate these issues. He further stated that some of the items are likely to be of more concern to the board than others.

Chairperson Vlietstra asked if anyone in the audience had any comments at this time.

There were no public comments from the audience. The public hearing will remain open.

Member Vlietstra stated that the Board will start the discussion with the project's impact on **historic resources**. The property is in an historic district, and the house is a contributing structure in the historic district. The proposal is to demolish the existing house and replace it with a new house. He stated that the architect for the proposal has spoken at length about the rationale for the design of the new house. Based on his comments, they are not replicating the existing structure, but building a new house that is inspired by various other historic properties in the region.

He reviewed the DEC guidelines for evaluating the environmental impact on historic resources. The Board agreed that the demolition of the house will have an impact on historical resources. He explained that Board members will need to determine whether the impact will be small or moderate to large. Reading from the DEC guidelines:

A small impact could occur if:

- There is no historic or archaeological resource on the site, but there may be a small impact to community character because of concerns over consistency with existing architectural and aesthetic resources.
- There are historic or archaeological resources on the site, but the project design is such that no disturbances or major changes to historic structures will occur. For example, the location where archaeological resources exist will be avoided, or the historic structure on the property will be maintained and restored.
- Minor disturbances to the resources will occur or minor changes to the aesthetic or scenic quality of the area but these do not destroy the historic resource or drastically change the character of the area.
- Work at a location that is locally designated and historic preservation permits are issued that indicate identified work as being in compliance with relevant local historic preservation code.

Moderate to large impacts may occur if:

- Historic structures are planned to be demolished or relocated as part of the development plan.

- An historic structure is to be remodeled in a way that destroys or damages its historic value.
- The project introduces an architectural design that is not consistent with an existing designated historic district and that is not consistent with the long-term vision the community has for its aesthetic character as identified in an adopted comprehensive plan.
- The project changes the character or view of important aesthetic resources.

Member Erwin stated that based on the DEC guidelines, the demolition of this house will have a moderate to large impact on the surrounding neighborhood. The house was designed by a well-known architect and is a very recognizable style home; it is a visual anchor of the entire block.

The proposed new house has significantly different design elements from the existing structure. The replacement of the dark brick on the existing house with white clapboard creates a focal point that didn't exist before. This proposed new building does not keep the authenticity of the original structure.

Member Vlietstra pointed out that one of the reasons that this house is unique is that there are very few brick houses in the Village. He stated that he went around the federal historic district in the Village and identified approximately 12 brick houses in total. Member Lhota further stated that it is a recognizable style of house, and, in her opinion, demolition of this style of building is impactful to the whole block. The entire street is one of the most identifiable blocks in the Village. Member Shannon stated that the house was looked at as part of the designation of the Historic District. Member Vlietstra stated that it is important to note that as to the duration of this, it will be a permanent, not temporary, change. He also noted that if the project is approved the demolition will definitely occur. He stated that the proposed replacement for the house has substantial differences from the existing house. While the new house is similar in size to the existing house, there are substantial differences; for example, the materials, the windows, the dormers, and the rooflines are all different from the original house.

Chairperson Vlietstra stated that the consensus of the Board is that this project will have a large to very large impact on historic resources. The change will be permanent and is certain to happen if approved.

The Board next discussed the impact on **community character**. Member Vlietstra stated that the scale and location for the new structure are aspects used to define community character. Board members agreed that the scale and location of the new house is consistent with the existing building and other houses in the neighborhood. Member Lhota stated that the visual character of the Village is historic and has existed for a long time. The view will be significantly altered with the demolition and building of the new structure in a different style. She further explained that the new house will create an interruption in a block that has had a long history. The existing house should be replaced with a structure that is the same style as the existing house in order to maintain the historic character of the community.

Member Erwin stated publicly that there is a subjective element in judgments about design quality and people often disagree about what they like aesthetically. Such differences of opinion and matters of personal taste should not be allowed to obscure the fact that it is possible to arrive at opinions about design qualities that are based on objective criteria. There are many ways of doing this, but asking the following questions may help us.

These questions encompass both the quality of the proposed home itself and its quality as a contribution to the design of the neighborhood in which it is situated; in this case the Village of Pittsford, as well as to the site itself:

IMPORTANT VOCABULARY:

Unity, harmony, contrast, repetition (rhythm, pattern), variety (alternation), emphasis (dominance, focal point) proportion or scale, functionality, attraction, genuineness in media and/or form, proximity, color theory, de-cluttering or harmonization or organization of structures.

Ms. Erwin stated a long tradition in the Village of Pittsford is to retain architecturally significant homes, as well as the feel of the neighborhoods within the Village. If said home is built according to current site plans the emphasis and focal point will disturb the current rhythm and flow of streetscape as it exists today and has for decades.

A suggestion would be to change the plans to create an aesthetic closer to the original architectural style of current home. A darker color choice, as well as stone and/or other materials replicating current style would create a streetscape that would not feel damaged.

Regarding the exterior design Ms. Erwin relayed that the site plan is not consistent to original site. New construction should be consistent with the architectural styles of historic value in the applicable district as well as to the site itself. The latest site plan does not keep to the authenticity of original structures on site. This is clear regarding the appropriateness and authenticity of the proposed exterior design, arrangement, texture, materials and fenestration as they are not close to replicating and/or do not replicate the original structure.

The latest site plan does not keep to the authenticity of original structures on site and does not continue the goal in our Village regarding the relationship to structures of historic value and architectural style. The new homes' exterior façade regarding materials regarding color and texture become a focal point on Sutherland Street not contextual to Sutherland Street's historic value or the site's original historic value in and of itself.

The appropriateness and authenticity of the proposed exterior design, arrangement, texture or material and fenestration that is proposed does not replicate the original structure.

Regarding the relationship to the historic value and architectural style, the new home's exterior façade regarding color and texture become a focal point on Sutherland Street which is not contextual to Sutherland Street's historic value, as well as the patterning of the street as it was created in context.

Historic Design principles state under location and orientation that the Village's residential and commercial neighborhoods are characterized by regular setbacks and spacing that creates a sense of VISUAL UNITY. This site changes dramatically from the original architectural style (designated as historic) and was admitted to be a combination of other houses in the community to create a "suburban aesthetic" rather THAN A SPECIFIC historic ARCHITECTURAL STYLE AND AESTHETIC ESTABLISHED ON SITE ITSELF. The site plan observed did not demonstrate a positive and/or imaginative response to the aesthetic concerns that have been raised.

Board members agreed that demolition of the house will be a permanent change to the character of the street. The scale and location are consistent with the existing building.

Member Vlietstra stated he agreed with member Erwin's comments about the change is architectural style. Some of the changes include:

- Change of material from brick to clapboard.
- The windows are currently wood casement windows with a lot of consistency. The proposed structure has a variety of styles and sizes of windows: casement, double hung, some with transoms, varying number of lites. Older houses commonly have one window height on first floor and shorter

windows on the second floor. The proposed design varies window heights, sizes, and styles and lacks consistency.

- Two types of dormers: shed dormers and gable dormers. The original house only had gable dormers visible from the front
- Varying rooflines. The proposed house has many different rooflines of varying height, which differs from the simple form of the current house.

He further stated that he doesn't think the new construction follows the norms and traditions for a building of the era of the original house. Member Erwin stated that the demolition of the original house would set a precedent in the historic district. The new house will permanently alter the visual character of the neighborhood. Member Vlietstra noted that the change from the brick is a concern because the brick reflects its era; the appearance and raw materials in brick change over time. There is value to the varying appearance of brick in buildings in the Village -- it captures the history of materials in use at the time of construction. Losing original materials is significant because they are not easily replaced. Member Lhota concurred, stating that it is almost impossible to match the brick in her 1920's house.

Chairperson Vlietstra read aloud the DEC Guidelines for classifying the magnitude of the impact:

A small impact could occur under one or more of these circumstances:

- The visual character of the area is changed in a minor way but is generally consistent in the design, placement, size, streetscape, intensity and architecture of the neighborhood or community.
- The balance between retail commercial uses and residential uses does not change in a significant way.
- The proposed project is a land use that is similar to others that can be found in the neighborhood or area.

A moderate to large impact could occur under one or more of these circumstances:

- The proposed project moderately or significantly changes the visual character of the area.
- The proposed project is of a larger scale than currently exists in the area.
- New building design, lot layout, streetscapes, or intensity of use are in sharp contrast to that which exists.
- The project introduces a land use that is inconsistent or in sharp contrast with surrounding land uses.
- The project introduces odors, lights, noise, or traffic to an area in a way that is different than currently exists.

Member Vlietstra stated that there would be a substantial change to the visual character of the area with the demolition and construction of the new house. The building design is in sharp contrast to what exists.

Board members determined that the demolition of the existing house and new construction will have a moderate to large impact on the community character, will be permanent, and is certain to occur if the application is approved.

Chairperson Vlietstra stated that the board would next discuss the impact of the project on **aesthetic resources**. According to the DEC guidelines, one question to ask is whether the project is visible from a designated scenic resource, and in this case, the house is visible from the designated historic district in the middle of the scenic Village of Pittsford. Most of the house at 44 Sutherland Street is visible from the historic district. Member Lhota said the house is the aesthetic resource.

Member Vlietstra asked Mr. Schick about the front setback to the street, and he stated that the setback is approximately 70 feet. Mr. Vlietstra noted that the house would be readily visible from the historic district. As to whether the visibility is seasonal, he stated that the house is clearly visible during all the seasons. Mr. Vlietstra also noted that because Sutherland High School is directly across from the site, the street is a well-traveled street. Member Erwin stated that to allow demolition and the proposed new construction of this house permanently changes the historic character of the area and sets a precedent for future demolitions.

Member Vlietstra read aloud the DEC's analysis guidelines for aesthetic resources:

Guidelines for analysis of impacts:

- Is the project site visible from a designated scenic resource?
- How much of the project site is visible?
- How much distance is there between the project and resource?
- Is the visibility of the project seasonal?
  - If so, is the project site visible at the same time of year that the public views the scenic or aesthetic resource?
- What general land uses exist between the project site and scenic resource?
  - Will the project site be in sharp contrast to those land uses?

He stated that in this case, the project will be visible, it is not screened by vegetation, it is not far from the street, and is in a well-traveled area. It is not in sharp contrast to existing land uses in the area, but is very visible, and it is a permanent change within an historic district.

He read aloud the DEC guidelines for classifying the magnitude of the impact:

Some examples of small impacts that might fall into this category are:

- The project will be partly visible, but it is not in sharp contrast with other existing land uses in the area.
- The project will be partly to mostly visible, but it is very far away from the scenic resource and is not in sharp contrast to existing land uses in the area.
- A limited portion of the project will be visible, but from very few publicly accessible locations.
- The project will be visible but vegetation or other factors, such as distance and topography, screen and soften the visibility of it.

Some examples of moderate to large impacts that might fall into this category are:

- The project will be visible and is in sharp contrast to surrounding land uses by virtue of its scale, dimension, color, or height.
- The project is not in sharp contrast to existing land uses in the area but is very visible.
- The project will obstruct or partially obstruct publicly accessible views of the scenic resource.
- The project is situated so that it changes the visual aspect of the scenic resource.

The Board agreed that based on these guidelines, the project falls within a moderate to large impact. The changes are permanent and are certain to happen if the project is approved.

The Board next discussed **consistency with community plans**. Member Vlietstra stated that historic preservation is deeply rooted in the community and is a large part of the identity of the Village. He further

noted that there are a number of historic preservation ordinances that apply in the Village, and demolishing the structure is not consistent with the core values of the community.

He referred to the Village's Comprehensive Plan and quoted a paragraph from section 1.2 that states:

**Principles for the Future: Maintain the Village's residential and historic character.**

The Village is fortunate to have retained a wealth of early nineteenth-century, late nineteenth-century, and early twentieth-century architecture. The Village's historic character is an outstanding resource, attracting both new residents and visitors, and must be maintained.

He stated that the goal is to maintain the Village's historic character and identity. Demolishing this structure and rebuilding the proposed structure is in contrast with the Village's Comprehensive Plan.

He also cited the Preservation Ordinance in the Village Code, **Village Code 210-57:**

**Village Code 210-57:**

Pursuant to the provisions of § 96-a and Article 5-K of the New York General Municipal Law, it is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of buildings, structures, places and sights of historic, architectural, cultural or aesthetic value is a public necessity and purpose in the Village of Pittsford.

Chairperson Vlietstra read aloud the DEC Guidelines for whether the project will have a small or moderate to large impact on the environment:

Some examples of small impacts that might fall into this category are:

- The project will be partly visible, but it is not in sharp contrast with other existing land uses in the area.
- The project will be partly to mostly visible, but it is very far away from the scenic resource and is not in sharp contrast to existing land uses in the area.
- A limited portion of the project will be visible, but from very few publicly accessible locations.
- The project will be visible but vegetation or other factors, such as distance and topography, screen and soften the visibility of it.

Some examples of moderate to large impacts that might fall into this category are:

- The project will be visible and is in sharp contrast to surrounding land uses by virtue of its scale, dimension, color, or height.
- The project is not in sharp contrast to existing land uses in the area but is very visible.
- The project will obstruct or partially obstruct publicly accessible views of the scenic resource.
- The project is situated so that it changes the visual aspect of the scenic resource.

Chairperson Vlietstra stated he believes the project does comply with regulations for size, location, setbacks, use, scale, but it does not comply with the preservation ordinances that are a core value of the community. Member Lhota agreed, she sees this as a very large impact.

Member Erwin again stated that this site changes dramatically from the original architectural style (designated as historic) and was admitted to be a combination of other houses in the community to create a "suburban aesthetic" rather than the original historic aesthetic established on the site itself. The site plan observed did not demonstrate a positive and/or imaginative response to the aesthetic concerns. The change will disturb the patterning of the streetscape. The materials and fenestration are in contrast to the original house. The existing house is a specific architectural style.

Board members determined that the project is not consistent with the Village's long-term plans, and that historic preservation is a core community plan for the Village. Therefore, the impact will be moderate to large, is permanent, and is certain to happen if approved.

The Board next discussed the impact on human health, and determined that based on the lack of concern by the Monroe county health department and additional information provided, the impact on human health will be minimal and of short duration. The magnitude will be none too small, the duration short, and will be temporary.

Member Vlietstra reviewed the impact on surface water. He stated that drainage concerns have been reviewed by the Village Engineer and the applicant addressed all concerns. The DEC Guidelines focus mainly on the impact on existing bodies of water: ponds, streams, lakes, etc. but there are no bodies of water on the site. Board members determined that no bodies of water would be impacted by this project so the magnitude of the action on surface water is none too small.

The Board discussed the impacts of the project on plants and animals. Member Vlietstra reviewed the DEC Guidelines for impacts on plants and animals, which focus on concern for rare or endangered species and habitat destruction for wildlife. The Board members determined that there will be minimal impact on wildlife habitat and there are no known endangered species in the area. He stated that a tree might be killed, but that impact falls under aesthetic resources. The Board concluded that the magnitude of the action on plants and animals is none too small.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to keep the public hearing open and continue deliberations at the next regular meeting, to be held on May 15, 2017.

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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 7:45 pm.

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

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Linda Habeeb, Recording Secretary