

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting – May 15, 2017 at 7:00 PM

PRESENT:

Chairperson:	Justin Vlietstra
Members:	Jo Anne Shannon
	Jeffrey Bove
	Susan Lhota
	Heather Erwin
Building Insp:	Paul Alguire
Fire Marshal:	Kelly Cline
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; Bove - yes; Erwin – yes. *Motion carried.*

Conflict of Interest Disclosure:

Board members stated that there they had no conflicts of interest with any of the agenda items.

Chairperson Vlietstra stated that there is an open application for Chase bank. No representatives for the bank were in attendance.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to continue the public hearing for Chase Bank, 31 State Street, at the June 19, 2017 PZBA meeting.

Chairperson Vlietstra stated there is also an open public hearing for 44 Sutherland Street and the board will not

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

Impact Earth, 50 State Street ~ Temporary Zoning Permit

Present: Robert Putney, Impact Earth, Inc.

Discussion: Chairperson Vlietstra stated that this is a continuation of an open public hearing for a temporary zoning permit to allow the seasonal operation of a Farmers Market in the Village. Mr. Putney stated that because of the construction of the recreation center at 35 Lincoln Avenue, he has amended his previous application to propose a new location for the market at 50 State Street in Northfield Common. The proposal is to operate the market on Saturdays from June 1, 2017 to October 31, 2017, between the hours of 9 am and 1 pm, plus reasonable setup and take down time. He submitted a map of the site showing the location for the Market. He stated that there are 34 parking spaces for their use, and the handicap spaces will remain vacant. He stated that there will be between 14-24 vendors participating in the Market. The

vendors will unload and then park elsewhere on the site. The applicant will work with the Northfield Common merchants to assure that there is no interference with their businesses.

The Fire Marshal, Kelly Cline, informed the applicant that the fire lane and handicapped parking spots must remain clear at all times. Ms. Cline will inspect all of the food trucks and must be given advance notice of all food service and food trucks that will operate at the market. All food trucks must have a Rochester Fire Department inspection. The Village Building Inspector and Fire Marshal will be notified at least one week prior to operation at any special event that is expected to draw significantly higher attendance. She all needs all of the insurance documents from the Vendors. Tents shall be secured at all times with weights or other appropriate mechanisms. Tents are to be erected no earlier than 6am on Saturdays. All tents shall be removed at the conclusion of the Event, no later than 2PM. All tents and/or temporary structures shall comply with all applicable codes and shall be inspected by the Fire Marshal. Electric cords shall be routed and secured to prevent tripping hazards. Electric cords and wiring shall not be placed directly on the ground unless they are properly protected from physical damage and shall be placed so as not to cause a tripping hazard. Electric cord junctions shall be elevated or protected in such a way to prevent contact with water. All electric cords shall be attached to a ground fault protected receptacle. Care must be taken when routing extension cords from the buildings to tents so that they do not create a tripping hazard. Cooking apparatus and fuel tanks shall be at least 10ft from any tent.

Board members noted that the market promotes walkability, and that there is ample parking in other nearby areas of the Village for patrons of the market. The applicants will provide trash receptacles and will remove the receptacles at the end of the event. Member Vlietstra stated this will be an event held on private property. The Farmers market was previously held on Town of Pittsford owned land which subjected them to extensive conditions. He worked with the Fire Marshal and Building Inspector to document reasonable conditions for the event are they are included in the resolution. The conditions address public safety concerns. The Farmers Market is in a shopping plaza and the zoning law allows for numerous agriculture related activities, retail sales, supermarkets, etc. and the Farmers Market appears consistent with the intent of the zoning and is compatible with adjacent retail shops.

Mr. Putney stated that he hopes the market will attract additional business to merchants in Northfield Commons. He is trying to not compete with the local merchants, for example no one will be selling cupcakes since there is already a cupcake merchant in Northfield Commons.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the public hearing at this time. There was no one wishing to comment regarding this application.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to close the public hearing, as there was no one present wishing to comment on this application.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt Resolution 2017-4, granting a temporary zoning permit to allow the seasonal operation of a Farmers Market at 50 State Street, with the conditions as stated in the Resolution.

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

The decision was filed in the Office of the Village Clerk on May 15, 2017.

**Village of Pittsford
Zoning Board of Appeals**

RESOLUTION 2017-4 Decision on Temporary Zoning Permit

Project: Farmers Market Temporary Zoning Permit **Date:** 05-15-2017

Applicant Name: Robert Putney, Impact Earth
Address: 55 Dartford Rd Rochester, NY 14618

Action: Seasonal operation of a Farmers Market at 50 State St.

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

WHEREAS, the Village of Pittsford Zoning Board of Appeals (the “Board”) received an application from Robert Putney of Impact Earth, Inc. for a temporary zoning permit to allow the seasonal operation of a Farmers Market (the “Proposed Use” or “Event”) at 50 State St., 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, Site Plan Drawing, Certificate of Liability Insurance, 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:

This application involves a seasonal temporary permit and is therefore exempt from GML 239-m 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 within the Village's waterfront area but is a Type II action under SEQR and is not subject to a waterfront consistency review.

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 B-4 business district and the building inspector determined that farmers markets are not a permitted use.
2. B-4 Zoning does permit the following similar uses:
 - a. "Agriculture or agricultural-related uses such as tours, petting zoos, gardens, etc., agricultural entertainment."
 - b. "Farm markets, produce stands, greenhouses, and processing of agricultural products."
 - c. "Supermarkets (groceries, meats and baked goods)."
 - d. "Restaurants and carry-out restaurant as permitted in § 210-74."
3. Special Events and Festivals have historically been held in the B-4 Business District.
4. The Proposed Use is similar to other permitted uses and fits with the general purpose and intent of the Zoning Code for the B-4 district.
5. The Proposed Use is in a private parking lot at 50 State St which is a commercial shopping plaza.
6. The propose use will not introduce substantial adverse impacts on the surrounding neighborhood, taking into account the temporary nature of the use.
7. The Proposed Use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
8. The Proposed Use will not create a hazard to health, safety or general welfare.
9. The Proposed Use will not be detrimental to the flow of traffic in the vicinity. The site is a private parking lot and will not block traffic on adjacent public roads.
10. Some parking spaces will be temporarily used that are normally allocated to other businesses at the site. However the Farmers Market will attract foot traffic from nearby pedestrians along the Erie Canal and other parking is available nearby and accessible via sidewalks.
11. 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 Robert Putney, of Impact Earth, Inc. for a temporary zoning permit to allow the seasonal operation of a Farmers Market at 50 State St. 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:

1. The farmers market may be operated on Saturdays from June 1, 2017 to October 31, 2017, between the hours of 8am and 1pm plus reasonable setup and take down time. The Building Inspector shall determine reasonable setup and take down time and may authorize, in writing, changes to the location or permitted hours of operation.
2. All trash and signage shall be removed by 3PM each Saturday. Appropriate trash receptacles shall be provided.
3. The Village Building Inspector and Fire Marshal shall be notified at least 1 week prior to operation at any special event that is expected to draw significantly higher attendance.
4. 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.
5. The Fire Marshal shall inspect the Farmers Market and shall inspect any food trucks. The Fire Marshal shall be given advance notice of all food service and food trucks that will operate at the Event. All food trucks must have a Rochester Fire Department inspection.
6. Village Code Enforcement Officials shall be allowed to conduct all necessary code inspections prior to, and during, the Event as necessary.
7. The fire lane, sidewalks, and drive aisles shall be kept clear at all times. Particular attention needs to be made at setup and takedown to keep the fire lane open and maintain a drive aisle.
8. Tents shall be secured at all times with weights or other appropriate mechanisms. Tents are to be erected no earlier than 6am on Saturdays. All tents shall be removed at the conclusion of the Event, no later than 2PM. All tents and/or temporary structures shall comply with all applicable codes and shall be inspected by the Fire Marshal.
9. Electric cords shall be routed and secured to prevent tripping hazards. Electric cords and wiring shall not be placed directly on the ground unless they are properly protected from physical damage and shall be placed so as not to cause a tripping hazard. Electric cords shall be elevated or protected in such a way to prevent contact with water. All electric cords shall be attached to a ground fault protected receptacle.
10. Cooking apparatus and fuel tanks shall be at least 10ft from any tent. If a cooking apparatus is used on-site there shall be a minimum 20 BC rated fire extinguisher and all required permits and inspections from Monroe County Health, Fire Marshal, and other applicable local or state agencies shall be maintained.
11. The applicant will inform the Village if they receive any complaints or requests regarding the Event.

12. The Applicant shall maintain a liability insurance policy of at least \$1,000,000 naming the Village of Pittsford as certificate holders. Additionally, the applicant shall provide the Village with copies of Certificates of Insurance for all vendors as follows: all food or beverage vendors shall provide a certificate indicating a minimum of \$1,000,000. All non-food/craft vendors shall provide a certificate indicating a minimum of \$300,000 coverage.
13. The applicant shall comply with the Town of Pittsford General Rules for Special Events, which is attached to this document.

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

Justin Vlietstra - Yes
Jeffrey Bove - Yes
Heather Erwin - Yes
Susan Lhota - Yes
JoAnne Shannon - Yes

Dated: May 15, 2017
Pittsford, New York

By order of the Village of Pittsford Zoning Board of Appeals

Justin Vlietstra, Chair

Laura Smith, 25 Rand Place ~ Site Plan Review

Present: Laura Smith, Homeowner; Andrew Hintenach, Architect

Discussion: The applicant is proposing a second-floor addition for the house located at 25 Rand Place. She stated that they are not proposing enlarging the existing footprint of the house. Chairperson Vlietstra explained that since the addition is over 400 sq. ft. in size, the applicant is required to come before the Planning Board for site plan approval. He stated that the Board will be reviewing the impact of the addition on adjacent neighbors, drainage on the site, and potential light spill onto neighboring properties. He asked the applicant how they will be altering drainage and whether they are adding any exterior lights.

Ms. Smith stated they will not be adding any exterior lights. Mr. Hintenach stated that the project will not increase the runoff since the building footprint will be unchanged; there are no concerns with the drainage. The building inspector stated he will review details of downspouts during the Building Permit process. Member Vlietstra stated that he visited the property and there is a reasonable distance between the house and the neighbors and the ground is relatively flat; he saw no drainage concerns. The Build Inspector, Mr. Alguire, stated he visited the property and does not have any drainage concerns.

The applicant stated that the materials for the addition, all-wood clapboards, wood shakes, window and trim detail, will match the house. Ms. Smith stated she loves old houses and wouldn't want anything out of character with the original house. Mr. Hintenach stated the architecture will be consistent with the front of the house. Board members noted that the rear of the house is minimally visible from the public way. Board

members also noted that the proposed architectural drawings will improve the appearance of the rear of the house by making more closely match the design of the front.

Member Vlietstra asked if they will change the landscaping. The applicant responded that landscaping is already present on the site and their plans should not significantly alter it. Member Vlietstra stated that if there will be an air conditioner in view he would like to see a shrub planted in front of it so it's less visible. Ms. Smith stated the air conditioner is in the rear and generally hidden from view.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to enter attorney-client session at this time.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to exit attorney-client session.

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

Chairperson Vlietstra stated that the Board will be making some modifications to the draft resolutions. He stated that the findings will include the facts that the proposal will not change the general appearance of the front of the house, the landscaping, the grade, or the drainage. The new addition is compatible in architectural style and materials with the existing house. The rear portion of the house will be consistent with the proportions of the front of the house. The new addition is in the same historical context as the existing house, and maintains the community character of the house. The addition is minimally visible from the public way.

The Building Inspector stated that he believes the submitted application has adequate information for the Board to use to make a determination.

Motion: Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt revised Resolution 2017-5, granting site plan approval for construction of an addition at 25 Rand Place, with the conditions as stated in the Resolution.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Bove - yes; Erwin – yes. Motion carried.
The decision was filed in the Office of the Village Clerk on May 15, 2017.

**VILLAGE OF PITTSFORD
PLANNING BOARD**

RESOLUTION 2017-5 DECISION ON SITE PLAN

Project: 25 Rand Pl Addition Date: 5-15-2017

Applicant Name: Laura Smith
Address: 15 East Jefferson Rd
Pittsford, NY 14534

Action: ~500sqft addition to the second floor of a single family
home at 25 Rand Pl.

At a meeting of the Planning Board of the Village of Pittsford (the "Board") duly convened on May 15, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534,

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 Planning Board (the "Board") received and reviewed an application from the above mentioned applicant for the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

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

4. State Environmental Quality Review (SEQR):
 - a. The proposed action **is** a Type II action pursuant to 6 NYCRR 617.5(c).9; no further review is required. The Board reviewed potential impacts of the Action and adds the following findings that indicate no substantial adverse environmental impacts are likely and an environmental review will not contribute meaningful information to a decision on Site Plans:
 - i. The house is a contributing structure in the Village of Pittsford Historic District. The existing materials and four-square architecture are indicative of the period of construction in approximately 1918.
 - ii. There will be no changes to the front of the house.
 - iii. Changes to the rear of the house use materials that match the materials on the front: wood clapboards, wood shakes, window and trim details.
 - iv. The architectural style of the addition is designed to closely match the front of the house so it will be compatible with the existing home and be compatible with community character.
 - v. The modifications to the rear of the house will make its architecture more compatible with the design of the front of the house.
 - vi. The size of the proposed addition is small and there is limited visibility from the street and sidewalk.
 - vii. The Action will not change the grade of the property.
 - viii. The Action will not change the footprint or foundation of the structure.
 - ix. The Action will not alter drainage.
 - x. The property is already landscaped and no changes to landscaping are proposed.
5. Monroe County Planning Review:
 - a. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on May 12, 2017 Monroe County Planning responded to the 239-m referral with no recommendations.
6. Waterfront Consistency Review:
 - a. The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.

7. The proposed action **Does Not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **Is Not** required.

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

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.
2. The Building Inspector has determined that the action does not create any zoning violations. No changes to the footprint of the building will be made so setbacks and lot coverage are unchanged.
3. Drainage **is** reasonably addressed by the applicant because no substantial change to drainage is proposed. The impervious area of the site is unchanged by the addition as work is only being done to the second floor of the structure. The Building Inspector visited the site and reported to the Board that existing and proposed drainage plans are adequate.
4. No new light fixtures are proposed so the Action **will not** introduce light trespass onto adjacent properties. The property is residential so public safety concerns are not relevant to the lighting plan.
5. The site **is** suitably landscaped because the property is already landscaped and the Action does not propose any changes to landscaping.
6. The proposed addition is minimally visible from the street and its design will make the rear of the house more architecturally compatible with the neighborhood by using materials and design that closely match the front of the house.
7. The Fire Marshal reviewed the plans and had no recommendations to the Board.

NOW, THEREFORE, BE IT RESOLVED, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action's impacts on public health, safety, or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby **grant Preliminary Site Plan Approval** and **Final Site Plan Approval** of the site plan consisting of a survey dated March 1, 2017 and architectural drawings of exterior elevations dated 4-10-17 with the following conditions:

1. The Architectural and Preservation Review Board shall grant a certificate of approval for the action and all approved plans shall conform to the Final Site Plans.
2. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 1 year of the adoption date of this resolution.
3. The applicant shall submit final architectural drawings that are stamped by an architect and consistent with drawings dated 4-10-17.

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

Justin Vlietstra - Yes

Susan Lhota - Yes

Jeffrey Bove - Yes
Heather Erwin - Yes
JoAnne Shannon - Yes

Dated: May 15, 2017

By order of the Planning Board of the Village of Pittsford

Justin Vlietstra, Chair

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**Starbucks, 24 State Street ~ Area variance**

**Present:** Jerry Goldman, Woods, Oviatt, Gilman LLP

**Discussion:** Mr. Goldman explained that the Starbucks coffee shop that is currently located at 5 State Street will be relocating to 24 State Street, in the Library building. The company is proposing installing a building-mounted sign on the front of the building, an illuminated sign on the front window of the building, two awning signs on the front of the building, two awning signs on the west side of the building, and one illuminated sign in the rear of the building. The front building-mounted sign will be lighted with gooseneck lights. The proposed illuminated disk on the front window does not exceed 20 percent of the window, as required by Code. Mr. Goldman said that the store can control the brightness of the sign, and they can control the times the light is on, which will be only when the store is open. The proposed illuminated sign in the rear is at the handicap entrance. He stated that the total square footage of the signs is 30 sq. ft., which is within that allowed by Village Code for a single building mounted sign. He stated the application represents a significant reduction in the size of signs from what would normally be installed in other Starbucks. He stated that the reason for the proposed signage is for appropriate identification of the store.

Member Vlietstra asked the Building Inspector to clarify whether a building mounted sign is permissible on the rear of the building and whether signs can be placed in windows that are not internally lit. Mr. Alguire stated that one building mounted sign can be installed on the rear of the building per code and this sign can be illuminated with gooseneck lamps. One building mounted sign can be mounted on the front of the building per code and this can also be illuminated with gooseneck lamps. A sign can be placed in the window as long as it is unlit and complies with code size restrictions – it can cover no more than 20% of the area of the window. No signs are permitted on the side of the building per code.

Member Vlietstra asked the applicant if there are any physical attributes of the property that the Board should consider with this sign request; in particular if there is any problem mounting building mounted signs that are permitted by code. Mr. Goldman stated there will be no problem mounting building mounted signs. The signage needs to be visible from both vehicles and pedestrians. The building mounted sign in the front of the building is elevated well above the sidewalk so the window signs are more visible to pedestrians. The building is setback somewhat from the street and separated from other adjacent buildings. The signs on the side awnings will be visible from vehicles driving on State St, from vehicles in the municipal parking lot, and vehicles driving into the lot. It is important that customers coming to this location to use the Library be able to see signs for Starbucks. The rear entrance of the building is used by people entering for the library so it needs appropriate signage.

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

The following person spoke:

- ✓ **Ken Morrow**, Village Resident, stated that in order to maintain the Village character, lighted signs should be kept at a minimum. He prefers to not see internally illuminated signs.

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

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

Member Vlietstra noted that there is currently a Starbucks across the street that uses a building mounted sign illuminated with gooseneck lamps and an unlit sign in the window and asked why this will not work in the new location.

Mr. Goldman responded that Starbucks is changing signage they use in their shops and the application better represents their current preferences.

Member Vlietstra requested clarification as to whether a building mounted sign can be used in the rear and unlit window signs can be used. Mr. Goldman stated those options are possible but Starbucks is currently using internally lit window signs in other locations and they would like to use them here as well.

Regarding the applicant's proposal for an illuminated sign in the front window of the building, board members reviewed the five criteria for an area variance:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

Board members stated that internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. Internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize that the Village maintain its historic character, and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village. Internally illuminated signs do not generally exist elsewhere in the Village, and the few examples that may exist are believed to predate sign code.

- 2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than a variance.**

Board members determined that the benefits sought by the applicant **can be** achieved by other feasible methods because building-mounted signs and window signs that are not internally illuminated are permitted. The applicant stated concern for visibility of signage by pedestrians and vehicles and these two types of permitted signs provide adequate solutions for both concerns. Gooseneck lamps are commonly used throughout the Village to illuminate building-mounted signs to allow visibility at night while maintaining the historic character of buildings. The applicant is permitted to use gooseneck lamps to illuminate building-mounted signs to satisfy their need for

visibility at night. The applicant can additionally increase the size of the building-mounted sign above the front entrance to improve the visibility of signage. A Starbucks location across the street from the proposed location currently uses a building-mounted sign illuminated with gooseneck lamps and an unlit sign in the window.

**3. Whether the requested variance is substantial.**

The Board's view is that, since Village Code prohibits illuminated signs, requesting two such signs is substantial.

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.**

Board members stated the same concerns apply here to criteria 1, namely that internally illuminated signs are out of character with the community.

**5. Whether the alleged difficulty is self-created.**

The Board determined that the alleged difficulty is self-created because adequate alternative options exist for signage that are permitted by code, and the applicant's stated benefit from this internally illuminated signage is for corporate branding and consistency with sign designs used in other franchise locations. The previous Bruegger's Bagels shop at this location did not utilize internally illuminated signs.

**The following physical characteristics of the property are relevant to this variance request:**

The front of the building is not obscured from view by pedestrians or vehicles and there is no physical constraint preventing the use of window mounted or building-mounted signs that are permitted by Village Code.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to adopt Resolution 2017-6A, denying the proposal for installation of an illuminated sign on the front of the building located at 24 State Street.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Bove - yes; Erwin – yes. *Motion carried. This decision was filed in the office of the Village Clerk on May 15, 2017.*

Regarding the applicant's proposal to install one illuminated sign on the rear of the building where not permitted, board members reviewed the criteria for granting an area variance:

**1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

Board members stated that the requested variance **will** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. The Village of Pittsford is an urban historic district; internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize the Village maintain its historic character and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village.

Internally illuminated signs do not generally exist elsewhere in the Village, and the few examples that may exist are believed to predate sign code.

**2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than a variance.**

The Board determined that the benefits sought by the applicant **can be** achieved by some other feasible method because building-mounted signs and window signs that are not internally illuminated are permitted. The applicant stated concern for visibility of signage by pedestrians and vehicles and these two types of permitted signs provide adequate solutions for both concerns. Gooseneck lamps are commonly used throughout the Village to illuminate building mounted signs to allow visibility at night while maintaining the historic character of buildings. The applicant is permitted to use gooseneck lamps to illuminate building-mounted signs to satisfy their need for visibility at night.

**3. Whether the requested variance is substantial.**

Board members determined that the requested variance **is** substantial in that internally illuminated signs are not permitted in the Village.

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.**

Board members stated that the proposed variance **will** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. The Village of Pittsford is an urban historic district; internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize the Village maintain its historic character and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village. Internally illuminated signs do not generally exist elsewhere in the Village, and the few examples that may exist are believed to predate sign code.

**5. Whether the alleged difficulty is self-created.**

The Board determined that the alleged difficulty **is** self-created because adequate alternative options exist for signage that are permitted by code and the applicant's stated benefit from this internally illuminated signage is for corporate branding and consistency with sign designs used in other franchise locations. The previous Bruegger's Bagels shop at this location did not utilize internally illuminated signs.

**The following physical characteristics of the property are relevant to this variance request:**

The front of the building is not obscured from view by pedestrians or vehicles and there is

no physical constraint preventing the use of window mounted or building-mounted signs that are permitted by Village Code.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to adopt Resolution 2017-6A, denying the proposal for installation of an internally illuminated sign on the front of the building located at 24 State Street.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Bove - yes; Erwin – yes. *Motion carried. This decision was filed in the office of the Village Clerk on May 15, 2017.*

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to adopt Resolution 2017-6B, denying the proposal for installation of an internally illuminated sign on the rear of the building located at 24 State Street.

**Vote:** Shannon – yes; Vlietstra – yes; Lhota – yes; Bove - yes; Erwin – yes. *Motion carried. This decision was filed in the office of the Village Clerk on May 15, 2017.*

Regarding the applicant’s request for an area variance to install four awning signs, two on the front of the building and two on the west side of the building, where only one building-mounted sign is permitted, board members reviewed the criteria for granting an area variance:

**1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

Board members stated that the requested variance **will** create an undesirable change in the character of the neighborhood or detriment to nearby properties for the two awning signs on the front of the building in that a building-mounted sign and window signs are permitted, and the addition of the awning signs will introduce additional visual clutter. The Village of Pittsford is an urban historic district and the Village Design Standards and Zoning Code place restrictions on signage to maintain its historic character and eliminate visual clutter. Only one business is believed to have both an awning mounted sign and a building-mounted sign, and these signs are thought to predate sign code.

The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties for the two awning signs on the west side of the building in that there are no building-mounted signs on this side of the building and the small size of these signs will not introduce visual clutter. The side of the building is less prominent than the front and is visible from fewer vantage points. The Board feels the two awning signs to have a smaller visual impact than a building-mounted sign on the side of the building.

**2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than a variance.**

The benefits sought by the applicant **can be** achieved by some other feasible method for the two awning signs on the front of the building because building-mounted signs and window signs are permitted. The applicant stated concern for visibility of signage by pedestrians and vehicles and these two types of permitted signs provide adequate solutions for both concerns.

The benefits sought by the applicant **cannot** be achieved by some other feasible method for the two awning signs on the west side of the building because building-mounted signs are not permitted on this side of the building because it does not contain a public entrance. The applicant stated concern

for visibility from the side because the side of the building is visible as vehicles drive along the road and the entrance drive as they enter the municipal parking lot. The Board agrees that the nature of the building design and site layout make signage on the side of the building beneficial, and the awning signs are an acceptable solution without adding excessive visual clutter since there are no other signs on this side of the building.

**3. Whether the requested variance is substantial.**

Board members determined that the requested variance for the two awning signs on the front of the building is substantial in that three signs are proposed where one sign is permitted. This is a 200% deviation from what is permitted by code.

The requested variance for the two awning signs on the west side of the building is **not** substantial in that the physical size of the signs is small, and there are no other signs on the side of the building.

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.**

Board members stated the same concerns apply here to criteria Number 1. The front awning signs introduce additional visual clutter because there is already a building mounted sign. Illuminated signs are out of character with the community. The awning signs on the west side are small and there is no other signage on the side of the building so the visual clutter concerns do not apply. The side mounted awning signs are not as prominently visible as the ones on the front.

**5. Whether the alleged difficulty is self-created.**

Board members determined that the alleged difficulty is self-created for the two awning signs on the front of the building because adequate alternative options exist for signage that is permitted by code and the quantity of signs desired was chosen by the applicant.

The alleged difficulty is **not** self-created for the two awning signs on the west side of the building because signs are not permitted on the side of the building by Village Code and the need for visibility from the side of the building is created by the physical design of the existing building and site layout.

**The following physical characteristics of the property are relevant to this variance request:**

The front of the building is not obscured from view by pedestrians or vehicles and there is no physical constraint preventing the use of window mounted or building-mounted signs that are permitted by Village Code. The building is separated from the adjacent building to the west by a prominent entrance drive to the municipal parking lot; the separation from other buildings and site layout create unique vantage points where the applicant will benefit from signage on the west side.

**Whether the variance is the smallest possible to provide relief:**

It is possible to have either one or two awning signs on the west side of the building but the symmetry of two awning signs is preferable aesthetically; a single awning sign on the west

side of the building would look out of place and create a focal point that the Board wants to avoid.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to adopt Resolution 2017-6C, denying the proposal for installation of two awning signs on the front of the building, and granting the area variance for installation of two awning signs on the west side of the building, for the reasons stated above.

**Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Bove - yes; Erwin – yes. Motion carried. This decision was filed in the office of the Village Clerk on May 15, 2017.**

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2017-6A DECISION ON AREA VARIANCE**

**Project: Starbucks Signage Date: 5-15-2017**

**Applicant Name:** David Shipe  
**Address:** 275 Grove Street, Suite 1-111  
Newton, MA 02466

**Action:** Installation of signage for Starbucks at 24 State Street:  
One illuminated sign in the front window

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on May 15, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

**WHEREAS**, The above named applicant has submitted an application for an Area Variances for installation of signage at 24 State Street:

1. An area variance to install one illuminated sign on the front of the building where not permitted, pursuant to sections **168-5(B)** of the Zoning Law of the Village of Pittsford;

**WHEREAS**, The Board received and reviewed an application from the above mentioned applicant for the above mentioned action; and

**WHEREAS**, The Board has held a public hearing, and received comments thereat; and

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

1. State Environmental Quality Review (SEQR):  
The Action involves maintenance and repair with no substantial changes to an existing structure and/or construction or expansion of a non-residential structure involving less than 4000 square feet of gross floor area and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(1) and/or 617.5(c)(7);
2. Monroe County Planning Review:



- a. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on May 12, 2017 Monroe County Planning responded to the 239-m referral;

3. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review;

**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** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:  
Internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. The Village of Pittsford is an urban historic district; internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize the Village maintain its historic character and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village. Internally illuminated signs do not generally exist elsewhere in the Village and the few examples that may exist are believed to predate sign code.
- B. The benefits sought by the applicant **can be** achieved by some other feasible method because:  
Building mounted signs and window signs that are not internally illuminated are permitted. The applicant stated concern for visibility of signage by pedestrians and vehicles and these two types of permitted signs provide adequate solutions for both concerns. Gooseneck lamps are commonly used throughout the Village to illuminate building mounted signs to allow visibility at night while maintaining the historic character of buildings. The applicant is permitted to use gooseneck lamps to illuminate building mounted signs to satisfy their need for visibility at night. The applicant can additionally increase the size of the building mounted sign above the front entrance to improve the visibility of signage. A Starbucks location across the street from the proposed location currently uses a building mounted sign illuminated with gooseneck lamps and an unlit sign in the window.
- C. The requested variance **is** substantial in that:  
Internally illuminated signs are not permitted in the Village.

- D. The proposed variance **will** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:  
Internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. The Village of Pittsford is an urban historic district; internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize the Village maintain its historic character and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village. Internally illuminated signs do not generally exist elsewhere in the Village and the few examples that may exist are believed to predate sign code.
- E. The alleged difficulty **is** self-created because:  
Adequate alternative options exist for signage that are permitted by code and the applicant's stated benefit from this internally illuminated signage is for corporate branding and consistency with sign designs used in other franchise locations. The previous Bruegger's Bagels shop at this location did not utilize internally illuminated signs.
- F. The following physical characteristics of the property are relevant to this variance request:  
The front of the building is not obscured from view by pedestrians or vehicles and there is no physical constraint preventing the use of window mounted or building mounted signs that are permitted by Village Code.

**NOW THEREFORE IT IS RESOLVED** by the Zoning Board of Appeals of the Village of Pittsford that the area variance request of **§168-5B** for an illuminated sign on the front of the building is hereby **denied** for the reasons stated above.

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

Justin Vlietstra - Yes  
Susan Lhota - Yes  
Jeffrey Bove - Yes  
Heather Erwin - Yes  
JoAnne Shannon - Yes

**Dated: May 15, 2017**

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

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Chairperson,  
Zoning Board of Appeals

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2017-6B DECISION ON AREA VARIANCE**

**Project: Starbucks Signage Date: 5-15-2017**

**Applicant Name:** David Shipe  
**Address:** 275 Grove Street, Suite 1-111  
Newton, MA 02466

**Action:** Installation of signage for Starbucks at 24 State Street:  
One illuminated sign in the rear window

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the "Board") duly convened on May 15, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

**WHEREAS**, The above named applicant has submitted an application for an Area Variance for installation of signage at 24 State Street:

1. An area variance to install one illuminated sign on the rear of the building where not permitted, pursuant to sections **168-5(B)** of the Zoning Law of the Village of Pittsford;

**WHEREAS**, The Board received and reviewed an application from the above mentioned applicant for the above mentioned action; and

**WHEREAS**, The Board has held a public hearing, and received comments thereat; and

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

1. State Environmental Quality Review (SEQR):  
The Action involves maintenance and repair with no substantial changes to an existing structure and/or construction or expansion of a non-residential structure involving less than 4000 square feet of gross floor area and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(1) and/or 617.5(c)(7);
2. Monroe County Planning Review:
  - b. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on May 12, 2017 Monroe County Planning responded to the 239-m referral;
3. Waterfront Consistency Review:  
The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review;

**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** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: Internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. The

Village of Pittsford is an urban historic district; internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize the Village maintain its historic character and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village. Internally illuminated signs do not generally exist elsewhere in the Village and the few examples that may exist are believed to predate sign code.

- B. The benefits sought by the applicant **can be** achieved by some other feasible method because:  
Building mounted signs and window signs that are not internally illuminated are permitted. The applicant stated concern for visibility of signage by pedestrians and vehicles and these two types of permitted signs provide adequate solutions for both concerns. Gooseneck lamps are commonly used throughout the Village to illuminate building mounted signs to allow visibility at night while maintaining the historic character of buildings. The applicant is permitted to use gooseneck lamps to illuminate building mounted signs to satisfy their need for visibility at night.
- C. The requested variance **is** substantial in that:  
Internally illuminated signs are not permitted in the Village.
- D. The proposed variance **will** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:  
Internally illuminated signs are prohibited in the Village of Pittsford and are inconsistent with community character. The Village of Pittsford is an urban historic district; internally lit signs are common in suburban districts, malls, shopping plazas that have substantially different character than the Village of Pittsford. The Village Design Standards, Zoning Code, and Comprehensive Plan emphasize the Village maintain its historic character and internally lit signs are incompatible with this character. Adding new internally illuminated signs will create a new focal point and visual distraction that detracts from the 19<sup>th</sup> and early 20<sup>th</sup> century architecture common throughout the Village. Internally illuminated signs do not generally exist elsewhere in the Village and the few examples that may exist are believed to predate sign code.
- E. The alleged difficulty **is** self-created because:  
Adequate alternative options exist for signage that are permitted by code and the applicant's stated benefit from this internally illuminated signage is for corporate branding and consistency with sign designs used in other franchise locations. The previous Bruegger's Bagels shop at this location did not utilize internally illuminated signs.
- F. The following physical characteristics of the property are relevant to this variance request:  
The front of the building is not obscured from view by pedestrians or vehicles and there is

no physical constraint preventing the use of window mounted or building mounted signs that are permitted by Village Code.

**NOW THEREFORE IT IS RESOLVED** by the Zoning Board of Appeals of the Village of Pittsford that the area variance request of **§168-5B** for an illuminated sign on the rear of the building is hereby **denied** for the reasons stated above.

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

- Justin Vlietstra - Yes
- Susan Lhota - Yes
- Jeffrey Bove - Yes
- Heather Erwin - Yes
- JoAnne Shannon - Yes

**Dated: May 15, 2017**

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

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Chairperson,  
Zoning Board of Appeals

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2017-6C DECISION ON AREA VARIANCE**

**Project Starbucks Signage Date: 5-15-2017**

**Applicant Name:** David Shipe  
**Address:** 275 Grove Street, Suite 1-111  
Newton, MA 02466

**Action:** Installation of signage for Starbucks at 24 State Street:  
One illuminated sign in the front window

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on May 15, 2017, at 7PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Erwin, to wit:

**WHEREAS**, The above named applicant has submitted an application for an Area Variances for installation of signage at 24 State Street:

1. An area variance to install five awning signs, three on the front of the building and two on the west side of the building, where only one building-mounted sign is permitted, pursuant to sections **168-7(B)(2)** of the Zoning Law of the Village of Pittsford; and

**WHEREAS**, The Board received and reviewed an application from the above mentioned applicant for the above mentioned action; and

**WHEREAS**, The Board has held a public hearing, and received comments thereat; and

**WHEREAS**, The applicant revised their application during the public hearing to install two awning signs on the front of the building and two awning signs on the west side of the building; and

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

1. State Environmental Quality Review (SEQR):

The Action involves maintenance and repair with no substantial changes to an existing structure and/or construction or expansion of a non-residential structure involving less than 4000 square feet of gross floor area and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(1) and/or 617.5(c)(7);

2. Monroe County Planning Review:

- c. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and on May 12, 2017 Monroe County Planning responded to the 239-m referral;

3. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review;

**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** create an undesirable change in the character of the neighborhood or detriment to nearby properties for the two awning signs on the front of the building in that: A building mounted sign and window signs are permitted and the addition of the awning signs will introduce additional visual clutter. The Village of Pittsford is an urban historic district and the Village Design Standards and Zoning Code place restrictions on signage to maintain its historic character and eliminate visual clutter. Only one business is believed to have both an awning mounted sign and a building mounted sign and these signs are thought to predate sign code.
- B. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties for the two awning signs on the west side of the building in that:  
There are no building mounted signs on this side of the building and the small size of these signs will not introduce visual clutter. The side of the building is less prominent than the front and is

visible from fewer vantage points. The Board feels the two awning signs to have a smaller visual impact than a building mounted sign on the side of the building.

- C. The benefits sought by the applicant **can be** achieved by some other feasible method for the two awning signs on the front of the building because:  
Building mounted signs and window signs are permitted. The applicant stated concern for visibility of signage by pedestrians and vehicles and these two types of permitted signs provide adequate solutions for both concerns.
- D. The benefits sought by the applicant **can not** achieved by some other feasible method for the two awning signs on the west side of the building because:  
Building mounted signs are not permitted on this side of the building because it does not contain a public entrance. The applicant stated concern for visibility from the side because the side of building is visible as vehicles drive along the road and the entrance drive as they enter the municipal parking lot. The Board agrees that the nature of the building design and site layout makes signage on the side of the building beneficial and the awning signs are an acceptable solution without adding excessive visual clutter since there are no other signs on this side of the building.
- E. The requested variance for the two awning signs on the front of the building **is** substantial in that:  
Three signs are proposed where one sign is permitted. This is a 200% deviation from what is permitted by code.
- F. The requested variance for the two awning signs on the west side of the building **is not** substantial in that:  
The physical size of the signs are small and there are no other signs on the side of the building.
- G. The proposed variance **will** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district for the two awning signs on the front of the building because:  
A building mounted sign and window signs are permitted and the addition of the awning signs will introduce additional visual clutter. The Village of Pittsford is an urban historic district and the Village Design Standards and Zoning Code place restrictions on signage to maintain its historic character and eliminate visual clutter. Only one business is believed to have both an awning mounted sign and a building mounted sign and these signs are thought to predate sign code.
- H. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district for the two awning signs on the west side of the building because:  
There are no building mounted signs on this side of the building and the small size of these signs will not introduce visual clutter. The side of the building is less prominent than the front and is visible from fewer vantage points. The Board feels the two awning signs to have a smaller visual impact than a building mounted sign on the side of the building.

- I. The alleged difficulty **is** self-created for the two awning signs on the front of the building because:  
Adequate alternative options exist for signage that is permitted by code and the quantity of signs desired was chosen by the applicant.
  
- J. The alleged difficulty **is not** self-created for the two awning signs on the west side of the building because:  
  
Signs are not permitted on the side of the building by Village Code and the need for visibility from the side of the building is created by the physical design of the existing building and site layout.
  
- K. The following physical characteristics of the property are relevant to this variance request:  
The front of the building is not obscured from view by pedestrians or vehicles and there is no physical constraint preventing the use of window mounted or building mounted signs that are permitted by Village Code. The building is separated from the adjacent building to the west by a prominent entrance drive to the municipal parking lot; the separation from other buildings and site layout create unique vantage points where the applicant will benefit from signage on the west side.

**NOW THEREFORE IT IS RESOLVED** by the Zoning Board of Appeals of the Village of Pittsford that the area variance request for relief from **168-7(B)(2)** for two awning signs on the front of the building is **denied** and the area variance request for relief from **168-7(B)(2)** for two awning signs on the west side of the building is hereby **granted** for the reasons stated above.

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

Justin Vlietstra - Yes  
Susan Lhota - Yes  
Jeffrey Bove - Yes  
Heather Erwin - Yes  
JoAnne Shannon - Yes

**Dated: May 15, 2017**

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

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Chairperson,  
Zoning Board of Appeals

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to set a Special Meeting to continue review of the 44 Sutherland Street application on Monday May 22, 2017, at 6:00 pm.



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

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Bove, to adjourn the meeting at 9:30 pm.

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