

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
December 16, 2002 – Regular Meeting held on Monday at 7:30 P.M.**

Present:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Harold Danko
Ted Weniger
Linda Lanphear
Attorney: John C. Osborn
Building Inspector: Skip Bailey
Recording Secretary: Anne Hartsig

Chairperson Mitchell called the meeting to order at 7:30 PM.

PLANNING BOARD

1. Talbot's – 66 Monroe Avenue: continuation of Public Hearing of 6/24/02 – site plan approval

Present: Mark Bayer, ASLA – Landscape Architect

Proposed: to obtain site plan approval for an addition to the store

Discussion: Some minor revisions to the plan submitted on 11/18/02 have been made to better accommodate vehicular circulation. Mr. Bayer said the width of the drive aisles in the front parking lot have been increased and the curb radius on the eastern side of the Monroe Avenue entry has been changed from 10' to 15'. He presented a revised drawing labeled L-1. It was submitted and date stamped 12/16/02.

There were no additional comments from the public.

Public Hearing Closed: There being no public comment, Chairperson Mitchell closed the Public Hearing.

SEQR: Chairperson Mitchell and the Board reviewed Part 2 of the SEQR long form. A **motion** was made by **Chairperson Mitchell, seconded by Member Lanphear** to approve the determination of a Negative Declaration under the SEQR review process.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**

Motion: A **motion** was made by **Chairperson Mitchell, seconded by Member Weniger** to approve the final site plan submitted and labeled L2, L3, L4 and L5 which pages are date stamped 11/18/02 and to approve page L-1 submitted and date stamped 12/16/02.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**
This decision was filed in the Office of the Village Clerk on December 16, 2002.

ZONING BOARD

1. Eric Smith – Mindseye Communications – 34 State Street – renewal of 6-month zoning permit

Present: Eric Smith

Proposed: to request the renewal of a six-month zoning permit allowing the use and occupation of an advertising agency in this B-1 district where only retail use is permitted on the first floor.

The secretary read the legal notice that was published in the Brighton-Pittsford Post on November 13, 2002: *“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, November 25, 2002 at 7:30 P.M. to consider an application made by Robert Michaels, owner of 34 State Street and Eric Smith, tenant, for the renewal of a temporary six-month zoning permit to allow the use and occupation of an advertising agency, a use not permitted in this B 1 Retail Business District, at 34 State Street pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

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SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR 617.5 C, #15. No further review is necessary.

Discussion: The Board reminded the applicant that according to Code, this is the last time he could apply for this temporary permit. Mr. Smith stated that nothing would change in this upcoming six-month period including his sign. He said he would like to remain in the Village and is very happy with his present location.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. No comments were received in the Village Office. No one was present to speak for or against this application.

Public Hearing Closed: There being no one present to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

Motion: A motion was made by Member Weniger, seconded by Member Lanphear to approve the application for a third six-month zoning permit, which six-month time period began in November, 2002 with the following conditions:

1. sign must stay as allowed per Village Code
2. this temporary permit is limited to the sub-lessee, Mindseye Communications only.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**

This decision was filed in the Office of the Village Clerk on December 16, 2002.

2. Paul Coleman – 7 Durham Way – area variance to allow construction of an addition to a non-conforming structure

Present: Paul Coleman

Proposed: To legalize the side setback of an existing structure. The variance application is prompted by the owner's desire to construct an addition.

The secretary read the legal notice that was published in the Brighton-Pittsford Post on November 13, 2002: *“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, November 25, 2002 at 7:30 P.M. to consider an application made by Paul Coleman, owner of property located at 7 Durham Way, for an area variance to allow the construction of an addition to a non-conforming structure with a side setback of 8.9 feet where a side setback of 10 feet is required in this R-2 District pursuant to Chapter 210-12C of the Code of the Village of Pittsford.”*

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR 617.5 C, #12 & #13. No further review is necessary.

Discussion: Mr. Coleman explained that the original structure did not conform when it was originally built. The proposed addition will not change the set back that is in error. Building Inspector Bailey said the property should have had a variance at the time it was built in error.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. No comments were received in the Village Office. No one was present to speak for or against this application.

Public Hearing Closed: There being no one present to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

Continued Discussion: The Board reviewed the five criteria to consider for the issuance of an area variance. They determined that there would be no detriment to the health, safety and welfare of the community if the variance were granted.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Weniger to approve the application as submitted and date stamped October 29, 2002.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**

This decision was filed in the Office of the Village Clerk on December 16, 2002.

3. Steve Maddox – 8 Courtenay Circle – area variance to construct storage shed in side yard

Present: Steve Maddox

Proposed: To install a 7'x7' storage shed in the east side yard

The secretary read the legal notice that was published in the Brighton-Pittsford Post on November 13, 2002: *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on November 25, 2002 at 7:30 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Steven and Bonnie Maddox, owners of property located at 8 Courtenay Circle, for an area variance to allow the construction of a seven foot by seven foot storage*

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shed in the side yard where a shed is only permitted in the rear of this lot which is located in an R-1 District, pursuant to Chapter 210-9H, Zoning, of the Code of the Village of Pittsford.”

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR 617.5 C, #10 & #12. No further review is necessary.

Discussion: Mr. Maddox explained that he has a pie shaped lot, which does not allow for a reasonable back yard installation. The shed would be a visual problem for neighbors if it were placed in the back yard. In addition, the back yard is extensively landscaped. There is an existing privacy fence on the side of the house, which would screen the shed if it were installed in the side yard. The shed will sit on gravel, is not an addition to the house, is free standing and can be removed in the event that emergency vehicle access to the rear yard is required.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. No comments were received in the Village Office. No one was present to speak for or against this application.

Public Hearing Closed: There being no one present to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

Continued Discussion: The Board reviewed the five criteria to consider for the issuance of an area variance. They determined that the benefit sought by the applicant could be achieved by a method other than a variance and that this difficulty was self-created. However, these were not deemed to be significantly negative factors.

Motion: A motion was made by Chairperson Mitchell, seconded by Member Chamberlin to approve the application submitted and date stamped November 1, 2002 with the condition that there shall be no slab, footer or permanent foundation.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**

This decision was filed in the Office of the Village Clerk on December 16, 2002.

Findings of Fact

1. The shed will be placed close to the building and will be perceived as part of the building but can be moved.
2. The alternative of placing the shed in the back yard is less desirable than placing it in the side yard.
3. There is a privacy fence in place so the shed will be less visible from the street.
4. The lot is pie shaped with extensive landscaping in the rear yard.
5. The shed will be farther from the neighbor's lot line in this location than it would have been if it were placed in the rear yard due to the pie shape of the lot.

4. Brian Trott – 29 East Jefferson Road – area variance to construct an addition to a structure on a non-conforming lot

Present: Brian Trott

Proposed: To construct an addition to the west elevation of the existing house.

The secretary read the legal notice that was published in the Brighton-Pittsford Post on December 4, 2002: *“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, December 16, 2002 at 7:30 P.M. to consider an application made by Brian and Michelle Trott, owners of property located at 29 East Jefferson Road, for an area variance to allow the construction of an addition on a non-conforming lot in this R-2 District, said lot having a depth varying from 144.58 feet to 136.66 feet where an average lot depth of 150 feet is required pursuant to Chapter 210- 6D of the Code of the Village of Pittsford”*

SEQR: Chairperson Mitchell stated this is a Type II Action under SEQR 617.5 C, #12 & #13. No further review is necessary.

Discussion: Mr. Trott said the reason he has come before the Board is because his existing lot does not have the required depth for the R-2 District of 150 feet. This would be true with or without the proposed addition.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing. No one was present to speak for or against this application. A letter was received in the Village Office from neighbor Sandra Lovell, 21 Eastview Terrace. Ms. Lovell had no objections to the addition and felt it would enhance the property.

Public Hearing Closed: There being no one present to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

Continued Discussion: Board members had no issues regarding this application. They reviewed the five criteria to consider for the issuance of an area variance and determined that there would be no detriment to the health, safety and welfare of the community if the variance were granted.

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Motion: A motion was made by Member Weniger, seconded by Chairperson Mitchell to approve the application submitted and date stamped December 5, 2002 for an area variance to build an addition to a structure located on a non-conforming lot noting that the extension of the driveway shown on the plan was not reviewed as part of this application.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**
This decision was filed in the Office of the Village Clerk on December 16, 2002.

5. Scott & Jennifer Latshaw – 49 Monroe Avenue – clarification on fence approval (see 10/28/02 minutes)

At a meeting held on October 28, 2002 Mr. and Mrs. Latshaw were granted approval for a fence with the condition that it be 50% open. For the approved six-foot sections, they are proposing that the bottom half of the fence be solid for privacy purposes. The top would be picket style. Board members reviewed the sketch submitted 12/16/02 and agreed with the Building Inspector's determination that the lower portion of the six-foot sections of the fence may be solid.

BUILDING INSPECTOR'S REPORT

Mr. Bailey asked the Board to review the first draft of the proposed RV law and submit comments to him. Trustee Maddox would like to have received feedback by the January Board of Trustees meeting.

Mr. Bailey reported that the former Charter One bank building is up for lease. Until it is leased, the owner is required to do basic maintenance of the property. Wendy's Corporation is considering purchasing the Pittsford Pub complex.

A discussion took place regarding a change to the zoning of the area known as Plum Lane from B-1 to B-4 Canal Waterfront Business. Board members determined a zoning change might allow for varied uses that would be more in keeping with the goals of the Comprehensive Plan. The issue will be placed on the agenda for a meeting in February 2003.

2003 SCHEDULE

The Board decided that the meetings in 2003 would begin at 7 PM rather than 7:30 PM. The agenda order will be the same.

MINUTES

October 18, 2002 – A motion was made by Chairperson Mitchell, seconded by Member Chamberlin to approve these minutes as written.

Vote: Mitchell – yes, Weniger – yes, Danko – yes, Chamberlin – yes, Lanphear – yes. **Motion carried.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:35 PM.

Anne Z. Hartsig, Recording Secretary