

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
April 28, 2003 – Regular Meeting held on Monday at 7:00 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 7:00 PM.

ZONING BOARD

1. William Tatay – 2 Rand Place – continuation of Public Hearing for Special Exception Use to allow a two family dwelling

Present: William Tatay

Proposed: to obtain a Special Exception Use to be able to use the house at 2 Rand Place as a two-family residence as was permitted at the time Mr. Tatay purchased the house.

Discussion: Chairperson Mitchell explained that this is a continuation of a Public Hearing from March 23, 2003 to allow time for the SEQR process to take place. Mr. Tatay stated again that the house was a certified two-family house at the time he purchased it. While he upgraded the home, it was not being used as a two-family home. As a result, the property lost its status as a pre-existing, non-conforming two-family home. He would like to reinstate what was already there. The home would be easier to sell if it could legally be used as a two-family home. Building Inspector Bailey said that the two-family status was not purposely abandoned. If Mr. Tatay had known he would lose that status, he would have rented the house during the renovations. Village records show that this was a legal two-family dwelling. Attorney Osborn said the only reason for this application is because there was a lapse in the use of this property as a two-family dwelling.

In general, Board members were in favor of granting the Special Exception Use because the house had been a two-family dwelling for as many as fifty years, there is adequate off street parking for four vehicles and the home has been well maintained.

The SEQR response from the Pittsford Fire Department requests that there be two exits from the second floor and that the required smoke detectors and carbon monoxide detectors be installed if the home is to be used as a two-family dwelling.

There being no further comment, Chairperson Mitchell closed the Public Hearing.

SEQR: The required thirty day time period to allow for a coordinated review of environmental issues from interested and involved agencies has expired. There being no objections, Chairperson Mitchell declared the Zoning Board of Appeals as the Lead Agency for the SEQR review of this application.

The Board reviewed Part 2 of the long form SEQR, Project Impacts and Their Magnitude. They determined that the project will not result in any significant impact on the environment. Therefore, Chairperson Mitchell made a Negative Declaration.

A **motion** was made by **Chairperson Mitchell, seconded by Member Weniger** to grant approval for this application for a Special Exception Use to allow 2 Rand Place to become a permitted two-family dwelling with the following conditions:

1. the Special Exception Use is permitted so long as this dwelling remains a two-family dwelling and is not converted to a single family dwelling,

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2. the Building Inspector must verify that the concerns of the Fire Department as stated in their letter of March 31, 2003, have been met.

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

Findings of Fact

1. There is a long history of satisfactory use as a two family dwelling.
2. The property has not been used as a single family dwelling for approximately fifty years.
3. This property has been certified on two occasions by the Village as a two-family dwelling.
4. The home has been upgraded and is in good condition.
5. Use as a two-family dwelling does not pose a nuisance to the neighbors. There are two off street parking places per unit.

3. Ted Miller – 5 Monroe Avenue – area variance for second sign

Present: Ted Miller, owner – *Here Comes the Sun*

Proposed: to obtain an area variance to erect a second sign on the entrance elevation of this commercial establishment.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on April 16, 2003: “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, April 28, 2003 at 7:00 P.M. to consider an application made by Ted Miller, owner of a business known as *Here Comes the Sun*, for an area variance to erect a second sign measuring 30 inches by 12 inches (2.5 square feet) on the entrance elevation of the commercial establishment located at 5 Monroe Avenue where one sign is permitted pursuant to Chapter 168-7B (1), Commercial Signs, of the Code of the Village of Pittsford.”

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

Discussion: Mr. Miller explained that he would like an additional sign either to the left of his door or on the west side of the building to help drivers and pedestrians identify his business. The doorway to his business is indented making it more difficult to see. The sign he proposed is 29” x 10” and would be a smaller, identical version of the sign that is currently on the front elevation. He told the Board there is a light over the door that would indirectly illuminate the sign. Mr. Miller said there were two signs when this building housed the liquor store.

Board members discussed a similar variance granted to the Pendleton Shop next door because that storefront is also set back in. Member Lanphear said Mr. Miller has not yet opened his business and therefore, cannot demonstrate hardship at this time. She suggested waiting to see how the business does with one sign before granting a variance for a second sign. Member Lanphear said there are many merchants on South Main Street who would like to have a second sign near their doorway. This issue could be addressed without a variance because the applicant is allowed one sign on the glass of his door and one sign on the window glass. She is concerned about setting a precedent if this application is approved. Member Weniger, respectfully disagreeing, said a precedent had already been set when this Board approved the second sign for the Pendleton Shop. He said that was the same exact situation. He said this application is different from those shops on South Main Street because the indentation of the doorway is on an angle whereby the façade faces West. Member Danko said the Monroe Avenue location is different from South Main Street because it can almost be considered as part of the entrance into the central business district. Cars are sometimes parked in front of this store blocking the view of the sign but benefiting pedestrians by causing traffic to slow down.

Chairperson Mitchell opened the Public Hearing. There were no comments received in the Village Office regarding this application. There being no one present to speak for or against this application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made by **Member Weniger, seconded by Member Danko** to approve this application for an area variance to permit a second sign, which will be 10” x 29” and which will be placed on the brick façade adjacent to the doorway, facing west, with the condition that no further signage is permitted.

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

Building Inspector's Report

The Building Inspector reported that there would be two Planning Board applications for May. The first will be for a patio in the back of what is currently known as Ciao. It will not be seen from the street. There are new owners of this building and some changes may be made to the restaurant. The patio will require minor site plan review.

Pittsford Pub will be the second application. While seating changes are not planned, the owners wish to cover the existing patio with a pergola type roof. This will also require minor site plan review.

Mr. Bailey told the Board that residents at 19 Golf Avenue and at 14 Stonegate Lane are planning additions. These are both non-conforming lots and will involve depth issues.

Member Items

Mr. Bailey discussed screening of **hot tubs** with Board members. He said that there are safety issues involved with hot tubs. He informed the Board that if the hot tub has a locking cover, it does not need to be fenced. However, it still needs to be approved and it still needs a building permit. Mr. Bailey will inspect a hot tub that has appeared at 17 Boughton Avenue.

Multi family dwellings: Because the Board received two applications in recent months asking to permit the conversion of single family homes to two-family dwellings and because there was a great deal of objection to this by residents, the Board discussed possible zoning code changes that would disallow the conversion of single family homes to multi-family dwellings. There was a consensus of the Board to draft a letter to the Board of Trustees asking them to consider revisions to the Code that would set up stringent criteria for multi-family dwellings allowing conversion from single family to multi-family by use variance only in the R-2, R-3, and R-4 zoning districts. Chairperson Mitchell will discuss this with the Comprehensive Plan Task Force Committee and will then draft a letter to the Trustees.

Incentive Zoning: Mayor Corby reported to the Board on some of the ideas that were presented at the Library Design Workshop that was recently held. At this point, the Town is planning to purchase the Ryan building to the east of the library and the Montana Mills building to the west. The historic house behind Montana Mills may be moved to #10 North Main Street, the lot that is currently empty. There is a hair salon doing business in that building, a business that would not be permitted if the building were moved to the North Main Street location. Therefore, Mayor Corby asked the Zoning Board to think about adding an Incentive Zoning clause to the Code which would permit this exception. Moving this building would be a positive benefit to the new library and an architectural improvement for North Main Street. It would also prevent the demolition of the historic home. Mayor Corby suggested a joint meeting with the Planning/Zoning Board and the Task Force Committee to discuss this idea. Chairperson Mitchell would then draft a letter to the Board of Trustees with recommendations about this issue. At this proposed joint meeting, changes to the sign code could also be discussed.

Minutes

March 24, 2003: A **motion** was made by **Chairperson Mitchell, seconded by Member Chamberlin** to approve these minutes as written.

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

Adjournment

There being no further business, the Chairperson Mitchell adjourned the meeting at 9:00 PM.

Anne Z. Hartsig, Recording Secretary