

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
May 27, 2003 – Regular Meeting held on Tuesday 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. Matthew and Susan Wahl – 19 Golf Avenue – area variance to construct a rear addition

Present: Matthew Wahl

Proposed: to obtain an area variance to construct an addition on the rear of the structure.

Discussion: Mr. Wahl explained his proposal to the Board. He would like to expand the kitchen of his home using the space that is currently occupied by a deck which will be removed and not replaced. The addition will contain a cathedral ceiling and many windows. Board members said visibility of the addition would be limited from any street or public way and the APRB would review the application.

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

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 2003:

Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Tuesday, May 27, 2003 at 7:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Matthew and Susan Wahl for an area variance to construct a 10' x 25' addition to the rear of their home located at 19 Golf Avenue, which structure is located on a pre-existing non-conforming lot in an R-2 Residential District, said lot having an average depth of 100.9 feet where an average depth of 150 feet is required pursuant to Chapter 210-6D, of the Code of the Village of Pittsford: Extension of non-conforming buildings, structures, lots or uses.

The legal notice having been read, Chairperson Mitchell opened the Public Hearing. There being no one to speak for or against the application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made by Member Chamberlin, **seconded** by Member Danko to approve the application for an area variance to construct a 10' x 25' addition on the rear of the structure located at 19 Golf Avenue.

Review of Area Variance guidelines: the Board reviewed the rules governing the issuance of an area variance. They reached the following conclusions:

1. the variance will not cause an undesirable change in the character of the neighborhood
2. the benefit sought by the applicant cannot be achieved by another method
3. the variance request is not substantial
4. the variance will not have an adverse impact on the environment
5. the alleged difficulty may possibly be self-created.

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

The decision was filed in the office of the Village Clerk on May 27, 2003.

2. Susan Spector – 14 Stonegate Lane – area variance to construct an addition

Present: Scott Fiske – Pardi Partnership Architects

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Proposed: to construct a bedroom suite addition on the south side of the structure with the exterior to match the existing.

Discussion: Mr. Pardi explained the proposed addition to the Board.

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

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 2003: *Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Tuesday, May 27, 2003 at 7:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Susan Spector, owner of property located at 14 Stonegate Lane, for an area variance to construct a 17' by 15' addition to a non-conforming structure, said structure having a front setback of 46.2 feet where a front setback of 70 feet is required, and said lot having a depth of 138.97 feet where an average depth of 175 feet is required, pursuant to **Chapter 210-6D, Nonconforming buildings, structures, lots or uses. Extension.** of the Code of the Village of Pittsford.*

The legal notice having been read, Chairperson Mitchell opened the Public Hearing. There being no one to speak for or against the application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made **by Member Danko, seconded by Member Lanphear** to approve this application for an area variance as presented on the application submitted and date stamped May 7, 2003.

Review of Area Variance guidelines: the Board reviewed the rules governing the issuance of an area variance. They reached the following conclusions:

1. the variance will not cause an undesirable change in the character of the neighborhood
2. the benefit sought by the applicant could be achieved by another method but it would not effect the application
3. the variance request is not substantial
4. the variance will not have an adverse impact on the environment
5. the alleged difficulty is self-created

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

The decision was filed in the office of the Village Clerk on May 27, 2003.

3. Derek Cornelius – 76 North Main Street – area variance to install a fence

Present: Derek Cornelius

Proposed: to construct a 42" high fence 21 feet from the property line.

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

Discussion: Mr. Cornelius told the Board he is asking for a 6" variance to allow a fence of 42" rather than 36" high. He needs a fence of this height to keep his dog confined. He will retain the shrubs and lilacs that are existing. He said he was not able to find a fence with a height of 36". Board members reminded the applicant that APRB approval would be needed.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 2003: *Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Tuesday, May 27, 2003 at 7:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Derek Cornelius, owner of property located at 76 North Main Street, for an area variance to construct a fence 42 inches in height at a distance of 21 feet from the front property line, which is within the front setback of 30 feet in an R-2 Residential District, where a fence of 36 inches is permitted pursuant to Chapter 98-1A, Fences, of the Code of the Village of Pittsford.*

The legal notice having been read, Chairperson Mitchell opened the Public Hearing. There being no one to speak for or against the application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made **by Member Lanphear, seconded by Member Weniger** to deny the application for an area variance for a 42" high fence in a location where a 36" fence is the maximum allowed by the Code.

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

Findings of Fact

1. This variance is not substantial but it is self-created and the benefit sought can be accomplished with other feasible methods.
2. A three-foot fence is readily available according to the discussion at the APRB meeting of 6/2/03.
3. The Board does not wish to set a height precedent that is in violation of the Code.
4. There is no compelling reason to grant this variance.

The decision was filed in the Office of the Village Clerk on May 27, 2003.

4. Talbot's – 66 Monroe Avenue – area variances for signage

Present: Robert Barkstrom

Proposed: to obtain approval for various signs for the Talbot's clothing store

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

Discussion: Mr. Barkstrom presented all of the proposals for signs on the site. He explained to the Board that a freestanding monument sign was important in order for the store to be seen. They would like to place it perpendicular to Monroe Avenue. The sign will have the standard Talbot's logo on it and will be ground lit. It will have a roof shaped like the building. Member Weniger expressed concern about safety. The driveway intersection is a dangerous one with the railroad tracks, traffic coming up over the Monroe Avenue Bridge and the traffic that goes in and out of Village Green. He said the issue is that drivers are trying to see in many different directions and the size of the sign (8'x12') is taking away from the view at a critical place on Monroe Avenue.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 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 Tuesday, May 27, 2003 at 7:00 P.M. to consider an application made by Hall Sixty Six Associates, owners of a business known as Talbot's, located at 66 Monroe Avenue for the following area variances:*

1. *to erect a free-standing sign of approximately 74 square feet in a B-4 Canal Waterfront Business District, where free-standing signs are not permitted for a multiple commercial building, pursuant to Chapter 168-7B, Commercial Signs, of the Code of the Village of Pittsford*
2. *to erect a second building mounted sign of approximately 25 square feet on the rear elevation, in a B-4 Canal Waterfront Business District, where one building mounted sign is permitted on the front elevation only pursuant to Chapter 168-7B (2) Commercial signs, of the Code of the Village of Pittsford*
3.
 - a. *to erect 4 awning signs of approximately 1.5 square feet*
 - b. *to erect 1 directional sign of approximately 1.5 square feet*
 - c. *to erect 4 window signs of approximately 1 square foot,**all of these signs in excess of those permitted by Chapter 168-7F Additional allowable signage: commercial, of the Code of the Village of Pittsford.*

The legal notice having been read, Chairperson Mitchell opened the Public Hearing. There being no one to speak for or against the application, Chairperson Mitchell closed the Public Hearing.

Mr. Barkstrom asked if the matter could be tabled until next month so he could make a mock sign for the Board to view. Therefore, a **motion** was made by **Chairperson Mitchell, seconded by Member Chamberlin** to reopen the Public Hearing on Talbot's sign plan and to discuss the plan at the June 23rd meeting.

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

5. Richard Schenkel – 83 South Street – area variance to install a six-foot high fence

Present: Deanne Schenkel

Proposed: to install a fence 6' in height on a lot located on more than one street

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

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Discussion: Ms. Schenkel told the Board that she would like to replace a 6' high stockade fence that blew down. The purpose of the fence is to insure the safety of her children from the amount and speed of the traffic on South Street and Jefferson Road. In addition, the fence would also reduce the street noise in her opinion. It is Ms. Schenkel's intention to place the fence inside the existing trees and shrubs to soften the look of the fence. Some Board members stated that from the Village aesthetic point of view, an open space looks better, particularly since the property is located near a Village gateway. Board members decided that a three-foot fence would look more appealing and less fortress-like.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 2003: *Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Tuesday, May 27, 2003 at 7:00 PM at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Richard Schenkel, owner of property located at 83 South Street, for an area variance to install a fence six feet in height, varying from .4 feet to 3.4 feet from the property line, within the required front setback of 30 feet in an R-2 Residential District, on a lot located on more than one street, where a fence of three feet in height is permitted pursuant to Chapter 98-1A, Fences, of the Code of the Village of Pittsford.*

The legal notice having been read, Chairperson Mitchell opened the Public Hearing. There being no one to speak for or against the application, Chairperson Mitchell closed the Public Hearing.

A **motion** was made by **Member Weniger, seconded by Member Lanphear** to deny the application for a six-foot fence as requested with the suggested alternatives being a 36" fence within the 30' setback or plantings as identified by the Code.

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

Findings of Fact

1. An unfavorable precedent would be set if this variance were granted.
2. There are alternative screening solutions that do not require a variance.
3. The presence of a six-foot fence in this Village gateway location is excessive.

The decision was filed in the Office of the Village Clerk on May 27, 2003.

PLANNING BOARD

1. Pittsford Pub – 56 & 60 North Main – minor site plan for construction of a partial roof structure over patio area

Present: Brad Sluman

Proposed: to install a partial roof structure over the existing patio in order to utilize the patio in less than ideal weather conditions.

SEQR: Chairperson Mitchell stated this is a Type II Acton under SEQR 617.5 #7. No further review is necessary.

Discussion: Mr. Sluman said he would like to convert the existing patio to an area with a roof and open sides. He said it is difficult to arrange for staff to man the patio area when you don't know what the weather will be. He intends to have fans and lights. The outdoor bar would remain. There are no plans for sidewalls or heater units. The existing fence and shrubs will remain. One maple tree in the center of the yard would need to be removed. Board members said the covered patio would give a feeling of a large mass, however, they noted that the actual structure would be reviewed by the APRB. The intensity of use is an issue but the request is to put a roof over what has already been approved. Chairperson Mitchell verified that the seating on the patio is a part of the total count of seats for Code purposes. She would like to see what the original approvals are for the patio. The Secretary will research the minutes to obtain this information.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 2003: *Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Tuesday, May 27, 2003 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application for minor site plan approval, to permit the construction of a partial roof structure over the existing patio area on the Main Street elevation of the building currently known as Pittsford Pub,*

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located at 56 & 60 North Main Street, pursuant to Article XVII, Chapter 210-83, Site Plan Approval, of the Code of the Village of Pittsford.

The legal notice having been read, Chairperson Mitchell opened the Public Hearing.

A letter from Charles and Carol Corby dated May 4, 2003 was reviewed. Five issues that remain unresolved from the time of the original site plan approval were identified. In addition, a letter was received from Richard Dennison expressing his concerns about the application.

Chairperson Mitchell stated that the Public Hearing would remain open and the issue will be tabled because the applicant indicated he is not yet scheduled for the APRB and due to the warm weather season, he did not plan to proceed until the autumn.

2. Ciao Restaurant – 56 & 60 North Main Street – minor site plan approval for the construction of a seasonal patio

Present: Charles Fitzsimmons and Douglas Weins

Proposed: to construct a seasonal patio area on the northeast side of the building currently known as “Ciao” Restaurant.

SEQR: Chairperson Mitchell stated this is a Type II Acton under SEQR 617.5 #7. No further review is necessary.

Discussion: Mr. Fitzsimmons explained to the Board that Ciao is being remodeled and will reopen as Jojo. In order to offer outside seating, they would like to add a patio area at the back of the building where there is currently a rock garden. It would be approximately 10’x38’, will be made of patio stone, and will be fenced on two sides with a 4’ stockade fence to block the view of the parking area. There will not be a cover or awning. It will be strictly a “sunny day” place. The question was raised as to the seating configuration in the interior. The applicant stated there would be 5 seats at the bar area to be used only as a holding area. The Building Inspector said there would be no change in the parking requirements because Jojo will have less seating than Ciao.

Mr. Weins said he is aware of the issues that have not been enforced surrounding the previous site plan (those addressed in the 5/4/03 letter to the Board from Charles and Carol Corby) and he intends to work with the Powers and the Corbys to rectify those issues. He said the dumpsters would be moved to a new location. He said the berm might be moved.

Board members agreed that all conditions of the original site plan must be met before site plan approval could be given and a new, complete site plan must be submitted.

The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 14, 2003: *Please take notice that a Public Hearing will be held before the Village of Pittsford Planning Board on Tuesday, May 27, 2003 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application for minor site plan approval, for the construction of a seasonal patio area on the North East elevation of the building currently known as Ciao Restaurant, located at 56 & 60 North Main Street, pursuant to Article XVII, Chapter 210-83, Site Plan Approval, of the Code of the Village of Pittsford.*

The legal notice having been read, Chairperson Mitchell opened the Public Hearing.

Roger Powers – 91 Golf Ave.: Mr. Powers said he has some of the same concerns that the Corby family has regarding noise and lights. He agrees that now is the time to address the past concerns.

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

A **motion** was made **by Chairperson Mitchell, seconded by Member Chamberlin** to approve the preliminary site plan in order to allow the applicant to proceed with the construction of an outdoor patio at Jojo with the following conditions:

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1. the applicant must meet the requirements that were not met in the original site plan
2. all those issues listed on the Corby letter dated May 4, 2003 must be corrected
3. the placement and screening of the dumpsters must be addressed
4. additional trees must be planted on the berm
5. wheel stops must be placed at the curb in front of the patio
6. a complete site plan, including the Pittsford Pub property showing the patio roof must be submitted and approved before a C of O is issued.

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

MINUTES

April 28, 2003: A **motion** was made **by Chairperson Mitchell, seconded by Member Weniger** 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, Chairperson Mitchell adjourned the meeting at 10:25 PM.

Anne Z. Hartsig, Recording Secretary