

**Village of Pittsford**  
**PLANNING And ZONING BOARD OF APPEALS**  
**May 24, 2004 – Regular Meeting held on Monday at 7:00 P.M.**

**PRESENT:**

Chairperson: Remegia Mitchell  
Members: Sally Chamberlin  
Ted Weniger  
Linda Lanphear  
Tom Dannhauser

Attorney: Jeff Turner  
Recording Secretary: Linda Habeeb  
Building Inspector: Skip Bailey

Chairperson Mitchell called the meeting to order at 7:00 P.M.

**Zoning Board**

**1. David Graf (Laurens) – 4 N. Main St. – area variance for sign**

**Present: David Graf**

**Proposed:** Area variance to erect a building-mounted sign

**The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 12, 2004:** *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday May 24, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by David Graf, tenant of property located at 4 North Main Street, which lot is located in a B-1A Special Historic Business District, for the following variance: An area variance to erect a second building-mounted sign measuring 2 square feet on a multiple commercial building, where only one building-mounted sign is permitted in the B-1A Special Historic Business District, pursuant to Chapter 168-7B(1): Commercial signs, of the Code of the Village of Pittsford.*

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

**Discussion:** The applicant is requesting approval for a second sign for the purpose of directing clientele to the proper entrance door of the building. The applicant’s business is on the second floor of the building, it is currently unmarked, and it cannot be accessed through the retail business space on the lower floor. The proposed sign is approximately 12” x 24” in size, and would be placed on the right side of the door that faces State Street. The primary sign faces the four corners on the angled face of the building. The building is an irregular shape, and signs are not visible from both Main and State Streets. A business in a building which faces two streets is allowed two signs by Village Code. This applicant prefers to have one sign at the center angled façade, plus a small directional sign. The Board discussed where future tenants in the building would be able to place signs, and stated that the downstairs tenant should be allowed similar

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signage: one sign on the lower portion of the building on the principal elevation, and one sign for the entrance.

**Public Hearing Opened:** Chairperson Mitchell opened the Public Hearing. The following person spoke:

**Bob Michaels** – 71 State St. (Owner of the building) spoke in support of the use of the sign for directing customers to the business, and suggested other possible areas on the building where future tenants would be able to place signs.

**Public Hearing Closed:** Chairperson Mitchell closed the Public Hearing.

**Motion:** Member Lanphear made a motion, seconded by Chairperson Mitchell, to grant an area variance to erect a second building-mounted sign at 4 North Main Street, which measurement is not to exceed two square feet and which purpose is to identify access to the second-story business.

**Vote:** Dannhauser – yes; Lanphear – yes; Mitchell – yes; Chamberlin – yes; Weniger-yes.

**Motion carried. This decision was filed in the Office of the Village Clerk on May 24, 2004.**

**Findings of Fact:**

- (1) Board is allowing one single sign for the business instead of one sign per building frontage;
- (2) Business has one single entrance which is currently unmarked;
- (3) That entrance was next to a window for the downstairs establishment and therefore needed distinction.

**2. Robert Michaels – 71 State St. – area variance for addition**

**Present:** Robert Michaels

**Proposed:** An area variance to build an addition

**SEQR:** Type II Action 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 12, 2004:** *Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday May 24, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Robert Michaels, owner of property located at 71 State Street, which lot is located in an R-2 Residential District, for the following variances: an area variance to expand a structure on a pre-existing nonconforming lot, said lot having a width at the street of 60 feet where a width of 70 feet is required in the R-2 Residential District, pursuant to Chapter 210-6D: Nonconforming buildings, structures, lots or uses, of the Code of the Village of Pittsford, and an area variance to construct an addition having a side setback varying from 8.64 feet to 6.91 feet, where a side setback of 10 feet is required in the R-2 Residential District, pursuant to Chapter 210-12C: Dimensional requirements, of the Code of the Village of Pittsford.*

**Discussion:** The applicant requests approval to build an attached storage area. The Village Code requires a 10 foot side setback, and the plans propose side setbacks ranging from 7 feet to 8 ½ feet. The applicant stated that rather than building a detached, free-standing structure, he is proposing an attached storage area. The addition would be on a private drive, and he presented a drawing signed by 7 neighbors in the surrounding area in support of his proposal. This is a unique situation in that the addition will be used for storage only. The Board finds this

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preferable to the construction of a detached building, which would be allowed by the Village Code.

**Public Hearing Opened:** Chairperson Mitchell opened the Public Hearing at this time. The following people spoke:

Art Pires - 70 State St. - Mr. Pires stated that he lives across the street from the applicant and the proposed addition would not negatively impact the character of the neighborhood.

**Public Hearing Closed:** Chairperson Mitchell closed the Public Hearing.

**Motion:** Member Weniger made a motion, seconded by Member Dannhauser, to grant the area variances for an addition, as drawn in the application, with the restriction that all additional space is used as storage only, and that this is considered the single accessory structure on the property, pursuant to Chapters 210-12h and 210-76 of the Code of the Village of Pittsford.

**Vote:** Dannhauser – yes; Lanphear – yes; Mitchell – yes; Chamberlin – yes; Weniger-yes.  
**Motion carried. This decision was filed in the Office of the Village Clerk on May 24, 2004.**

**Findings of Fact:**

- 1) There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
- 2) The requested variance is not substantial.
- 3) The proposed variance will not have an adverse effect or impact on the environmental conditions of the neighborhood or district.
- 4) No additional accessory structures are to be allowed on this property.
- 5) The alleged difficulty may be in part self-created, but because it was a pre-existing, nonconforming lot and structure, and the Board finds this solution preferable to a free-standing storage unit in the rear yard, this decision is acceptable.

**3. Jennifer Mack – 12 Maple St. - area variance to construct a deck**

**Present: Jennifer Mack**

**Proposed:** An area variance to construct a deck

**SEQR:** Type II Action under SEQR 617.5 # 10, 12 & 13. No further review is necessary.

**The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 12, 2004:** *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday May 24, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Jennifer Mack, owner of property located at 12 Maple Street, which lot is located in an R-2 Residential District, for the following variance: an area variance to construct a deck extending 15 feet from the rear of the existing structure, resulting in a rear setback of 19.59 feet where a rear setback of 30 feet is required in the R-2 Residential District, pursuant to Chapter 210-12D: Dimensional requirements, of the Code of the Village of Pittsford.”*

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**Discussion:** The applicant submitted a revised drawing with dimensions for a smaller deck. The applicant is seeking a variance to construct a deck on the rear northside of the house, measuring 12 feet in depth and approximately 2 ½ feet above ground, and ending 22.5 feet from the rear nearest lot line. There will be shrubbery and plantings around the bottom of the deck. The Board stated that because the deck would be visible from the street, the applicants would need approval from the Architectural and Preservation Review Board to construct the deck.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time. The following person spoke:

**Jacqueline Olivencia, 14 South St:** Neighbor of the applicant spoke in approval of the proposal.

**Public Hearing Closed:** Chairperson Mitchell closed the Public Hearing.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Weniger, to approve an area variance for 12 Maple Street to build a deck, the deck to extend no further than 12 feet from the rear of the house and no further than 12 feet from the main sidewall, with a rear setback of 22.5, as per revised plan submitted and date stamped May 24, 2004 at the Public Hearing.

**Vote:** Dannhauser – yes; Lanphear – yes; Mitchell – yes; Chamberlin – yes; Weniger -yes. **Motion carried. This decision was filed in the Office of the Village Clerk on May 24, 2004.**

### **Findings of Fact:**

- 1) There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
- 2) The benefit sought by the applicant cannot be achieved by some method other than a variance.
- 3) The requested variance is not substantial.
- 4) The proposed variance will not have an adverse effect or impact on the environmental conditions of the neighborhood or district.

### **4. Jacqueline Olivencia – 14 South St. – area variance for addition**

**Present:** Jacqueline Olivencia

**Proposed:** An area variance for addition

**The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 12, 2004:** *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday May 24, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Jacqueline Olivencia, owner of property located at 14 South Street, which lot is located in an R-3 Residential District, for the following variances: an area variance to expand a pre-existing non-conforming structure on a pre-existing nonconforming lot, said structure having a side setback varying from 9.10 feet to 9.40 feet where a side setback of 10 feet is required, and said lot having a depth varying from 94.97 feet to 104.61 feet where a depth of 120 feet is required in the R-3 Residential District, pursuant*

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*to Chapter 210-6D: Extension of non-conforming structures, lots, or uses, of the Code of the Village of Pittsford; and an area variance to construct an addition, measuring 16 feet by 31 feet, to the rear of the structure resulting in a rear setback of 22.1 feet where a rear setback of 25 feet is required in the R-3 Residential District, pursuant to Chapter 210-15D of the Code of the Village of Pittsford.”*

**Discussion:** The applicants were unclear as to setback requirements. Supporting documentation contained an error in the tape location map. It was recommended that the applicants consult with John Bero of Historic Pittsford. The Board requested that the applicant meet with the Building Inspector to produce a corrected site plan on a tape location map. If a corrected tape location map is necessary, a surveyor should be hired. The Board explained that since they were actually requesting a different setback from what was advertised, they would need to re-publish their request for a variance.

The application was withdrawn.

**5. Jeffrey Mason – (Northfield Common Associates) – 45 Schoen Pl. - area variance to erect signs**

**Present: Jeffrey Mason**

**Proposed:** An area variance to erect signs

**SEQR:** Type II Action under SEQR 617.5 # 15. No further review is necessary.

**The Secretary read the legal notice that was published in the Brighton-Pittsford Post on May 12, 2004:** *“Please take notice that a Public Hearing will be held before the Village of Pittsford Zoning Board of Appeals on Monday May 24, 2004 at 7:00 P.M. at the Pittsford Village Hall, 21 North Main Street, Pittsford, NY to consider an application made by Jeffrey Mason, owner of property located at 45 Schoen Place, for the following variance: an area variance to erect 4 signs that project from the elevations of the building, where projecting signs are prohibited, pursuant to Chapter 168-5D: General regulations for signs, of the Code of the Village of Pittsford.”*

**Discussion:** The applicant proposed adding 4 signs that project from the building. Two signs would be on each elevation: 2 facing Northfield Common and 2 facing Schoen Place. There was discussion about what constituted the term “projecting” for purposes of what is allowable projections for signs. It was determined that any elevation out from a flat space is considered a “projection.” The Board stated that the proposed signs detracted from the appearance of the building. Signage designs and shapes had not been discussed with individual new tenants. The criteria for allowing the signs would be that there were no alternatives to mounting the signs in this way. The Board felt that this was not the case, and discussed possible alternatives, such as changing the shape of the signs, lowering the signs on the building, or attaching the signs to the fascia board.

**Public Hearing Opened:** Chairperson Mitchell opened the Public Hearing at this time. The following persons spoke:

- 1) Art Pires, a neighbor of Mr. Mason, spoke in support of the signs.

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- 2) Roger Powers spoke, indicating the need to make business locations visible from the street.

The Board decided to leave open the public hearing so that the applicant can create alternative designs for the signs.

**Planning Board**

**1. JoJo's – 56 & 60 N. Main St. – site plan – continuation**

A new site plan was submitted. The Board discussed the fact that there were only two trees on this plan, while the previous plan had three trees. Members expressed concerns about the expanse of asphalt. The Board agreed to have an engineer, Scott Harter, review the drainage plans and report to the Board.

**Member Items:**

Mayor Corby presented the Monoco Oil preliminary site plans.

**Building Inspector's Report:**

Boughton Ave driveway issue - The Building Inspector indicated that this issue is being appealed by the resident.

Great Northern Pizza Kitchen – Used cement instead of plantings in front area of the business. The approved site plan required landscaping on Main Street.

**Minutes: April 26, 2004**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the April 26, 2004 minutes.

**Vote:** Lanphear – yes; Mitchell – yes; Chamberlin – yes; Weniger-yes. ***Motion carried. This decision was filed in the Office of the Village Clerk on April 26, 2004.***

**ADJOURNMENT:**

**There being no further business, Chairperson Mitchell adjourned the meeting at 9:30.**

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**Linda Habeeb, Recording Secretary**