

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting - February 28, 2005 at 7:00 P.M.

PRESENT:

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

Attorney: John Osborn
Bldg. Insp: Skip Bailey
Rec. Sec: Linda Habeeb

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

Zoning Board

1. Jackie Olivencia, 14 South Street ~ Addition
Present: Jackie Olivencia
Scott Alexander - architect

The Secretary read the legal notice that was published in the February 16th edition of the Brighton Pittsford Post: *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, February 28, 2005 at 7:00 P.M. to consider an appeal made by Jacqueline Olivencia, owner of property located at 14 South Street, for the following variances: (1) An area variance to expand a pre-existing non-conforming structure on a pre-existing non-conforming 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 to Chapter 210-6D: Extension of non-conforming structures, lots, or uses, of the Code of the Village of Pittsford; (2) An area variance to construct an addition to the rear of the structure resulting in a rear setback of 10 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.*

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 # 12. No further review is required.

Discussion: The applicants presented plans for a proposed addition for a master bedroom suite and bathroom in the rear of the property. The architect stated that they had attempted to follow the existing design of the house, matching the rooflines and windows, and to minimize the impact on the property as much as possible. They also presented a letter to the Board, which was signed by neighbors living in close proximity to the property, indicating their approval of the proposal. Board members expressed concerns about the size of the setback reduction request, and suggested that the applicants consider reducing

the size of the addition. The architect explained that the need to extend the existing rooflines has led to the shape of the new room. The Board noted that the house is unique in that it is situated sideways on the property, and that the area in the rear of the property could be considered as being on the side of the property. A garage addition is also being proposed. No variance is required for this. The Board noted that the applicants will have to appear before the Architectural and Preservation Review Board for approval of their proposal.

The Board stated that in order to maintain the historic character of the house, the proposed addition is a reasonable use for the lot.

Findings of Fact:

1. The front porch façade is important to the character of the house.
2. The orientation of the structure on the lot is unique in that the front porch and front door face the side lot rather than facing the street.
3. The rear setback may be considered as the side setback.
4. Historic characteristics on the side and rear of the structure can be preserved.
5. Area coverage is reasonable for the lot size.
6. Alternative expansion options would not allow the applicant to retain the character of the original structure.
7. There are no undesirable changes that will be produced in the character of the neighborhood by granting this variance.
8. The benefit sought by the applicant cannot be achieved by some method other than a variance.
9. The proposed variance will not have an adverse effect or impact on the environmental conditions of the neighborhood or district.

Motion: Chairperson Mitchell made a motion, seconded by Member Weniger, to approve the application, as submitted, conditioned on the applicant's receiving approval from the APRB.

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

Motion carried. The decision was filed in the Office of the Village Clerk on February 28, 2005.

2. Matthew Wahl, 19 Golf Avenue ~ Addition

Present: Matthew Wahl

The Secretary read the legal notice that was published in the February 16th edition of the Brighton Pittsford Post: *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, February 28, 2005 at 7:00 P.M. to consider an appeal made by Matthew Wahl, owner of property located at 19 Golf Avenue, for the following variances: (1) An area variance to construct a 10-foot by 20-foot addition on a pre-existing non-conforming lot in the 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 310-6D of the Code of the Village of Pittsford: Extension of non-conforming buildings, structures, lots or uses; (2) An area*

variance to construct an addition in the R-2 Residential District with a rear setback of 22.5 feet where a rear setback of 30 feet is required, pursuant to Chapter 210-12D of the Code of the Village of Pittsford: Dimensional requirements.

SEQR: Chairperson Mitchell stated that this is a Type II Action under SEQR 617.5 # 12. No further review is required.

Discussion: The applicant is proposing constructing a greenhouse containing a lap pool behind the garage in the rear of the property. He stated that the glass for the greenhouse will be a durable translucent material. The Board noted that the addition would not be visible from neighbors' residences.

Mr. Osborn stated, for the record, that he has performed legal work for the Wahl family, but that he did not believe there was a conflict of interest regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the application, as submitted.

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

Motion carried. The decision was filed in the Office of the Village Clerk on February 28, 2005.

Findings of Fact:

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

Planning Board

1. **Pittsford Flour Mill**, Schoen Place ~ Information Only
Present: Karen Kosten, Civil Engineer
Ed Summerhays, Land Surveyor
Michael Newcomb, owner
Al Longwell, developer

Discussion: The applicants stated that they were presenting an overview of their plan, and were requesting the Board's input regarding the proposed plan. The applicant stated that with the development of the Flour Mill, there will be changes to property lines of the surrounding properties. She reviewed the structures that are proposed to be demolished: the warehouse, the bridge, the silos, the loading dock, the office addition of the Flour Mill, and the shed outbuilding to the

grain elevator. Chairperson Mitchell stated that the SEQR process would need to be completed before demolition can take place. The applicant stated that the proposed plan included a one-way ingress on the West side of the development with a one-way exit onto Schoen Place. She further stated that they are proposing 106 parking spaces, which exceeds the Code's requirement of 92 parking spaces. The applicants also stated that they will be requesting variances to reduce the size of the parking spaces and the drive aisles. A freestanding ATM for a bank is also proposed. The applicants propose installation of a fence around the parking area to contain the parking for the Flour Mill and grain elevator. Chairperson Mitchell stated that the lack of access across the properties was a major concern of the Board, which was previously expressed to the applicants when this proposal was initially presented to the Board. Board members further expressed concerns about the volume of traffic that would be generated by the project. Mr. Bailey stated that through the SEQR review process, the Department of Transportation will study the traffic in the area. The applicants indicated that they will submit complete lighting and landscaping plans to the Board.

It was suggested that it may be useful to hold a Village-sponsored work session with the owners of the Schoen Place properties and the Village Boards to reach solutions to some of these concerns.

Chairperson Mitchell summarized the issues that would require further review:

1. SEQR Review
2. Landscaping plan
3. Lighting plan
4. Fence: Cross-access
5. Grading and drainage
6. Sidewalks
7. ATM
8. Emergency vehicle access

Member Items:

Chairperson Mitchell made a **motion, seconded by Member Weniger**, to close the public hearings for Pittsford Pub, Sutherland Gas Station, and 45 Schoen Place, which had been left open from meetings that occurred in 2004. Each of these applicants was notified of the Board's intention to close the public hearing, and was allowed time to respond.

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

Motion carried. The decision was filed in the Office of the Village Clerk on February 28, 2005.

Chairperson Mitchell listed the public hearings that remain open:

1. Jef Mason, 45 Schoen Place: Clarification of kinds and sizes of landscaping, and details about spacing of the bollards in the parking lot.

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2. Great Northern Pizza Kitchens, Landscaping of southeast corner, and lighting.
3. Towpath Bike Shop: Landscaping for front of the building and east property line

Building Inspector's Report:

1. Boughton Driveway: There is a court order to remove the driveway
2. JoJo's: Agreed to complete site plan by 5/15/05 - It was noted that they are cordoning off areas of the parking lot for valet parking on Friday and Saturday nights
3. Great Northern Pizza: Agreed to complete site plan and lighting plan
4. Sean Adams: The fence is down
5. Canal Lamp Inn: Board members raised concerns as to whether the owner was staying at the Inn, as was a requirement in the Special Use Permit and State law.
6. J.Q. Public is going out of business

Mr. Bailey requested that Board members specify what types of issues should be included in his report. The Board listed examples of the types of matters to be included in the building inspector's report:

1. New businesses and changes of use
2. Report on unresolved issues in open applications
3. Violations
4. Preview of upcoming applications
5. Special use permits

Chairperson Mitchell discussed SEQR Review regarding demolitions, and stated that according to the DEC and SHPO, segmentation - allowing one part of a project to proceed knowing that another part is dependent on it - could lead to a hardship claim. She further stated that SEQR review should be done before demolitions occur.

It was suggested that demolitions and adjacency to the canal be added to the short form. Chairperson Mitchell went on to discuss Type II SEQR (no further review) as it relates to the house at 10 Lincoln Avenue, and stated that this proposal was not "rebuilding in kind" because (1) it does not look the same; (2) it is not made of the same materials; and (3) it is not covering the same area.

It was suggested that demolition under SEQR should have joint boards as lead agencies.

Mayor Corby discussed the 11.3 acre parcel of land in the Northwest quadrant of the Village which is adjacent to property recently purchased by the Town. He requested input from the Board as to what land uses would be desirable for the Village. Board members expressed a strong preference for residential use for the area, and referenced the Comprehensive Master Plan's recommendations for development of this land. The Board stated that residential development would improve the Village tax base. Board members expressed concerns about access to the canal and the traffic impact on the residential area around Grove Street if the Town should develop their parcels into a public park or Town recreation center. Board members also expressed concerns about protection of the wetlands.

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Mayor Corby also discussed the Monoco property. The Board expressed the view that commercial development in that area would create high trip generations at a heavily trafficked section of Monroe Avenue. Board members voiced concerns about negative impacts on the Central Business District and stated that residential development is compatible with the Comprehensive Master Plan.

Member Dannhauser returned the Pontillo's Pizza coupon to the Village, as he has a policy of not accepting gifts. It was noted that the legal limit of gift value that a public official may accept is \$75.00.

Minutes:

January 24, 2004

Motion: Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the minutes as drafted.

Vote: Mitchell - yes, Chamberlin - yes, Dannhauser - yes, Lanphear - yes; Weniger - yes.

Motion carried.

Adjournment: There being no further business, Chairperson Mitchell adjourned the meeting at 10:00 PM.

Linda Habeeb, Recording Secretary