

**Village of Pittsford**  
**PLANNING and ZONING BOARD OF APPEALS**  
**Regular Meeting – May 23, 2007 at 7:00 P.M.**

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Tom Dannhauser
	Lili Lanphear
	Ted Weniger (absent)
Attorney:	John Osborn
Building Inspector:	Edward Bailey
Recording Secretary:	Linda Habeeb

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

**Zoning Board**

**1. Mario Arena, 26 Eastview Terrace ~ Area variance for an addition**  
**Present: Mario Arena**

**The Secretary read the legal notice that was published in the May 9, 2007 edition of the Brighton Pittsford Post:** *“An area variance to construct a rear addition, an expansion of a non-conforming structure on a non-conforming lot, said structure having a front setback of 25.7 feet where 30 feet is required, and a side setback of 2.7 feet where 10 feet is required; and said lot having an area of 8,125 square feet where 10,500 square feet is required, a lot width of 65 feet where 70 feet is required, and a lot depth of 124.98 feet where 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.”*

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #12 & 13.

**Discussion:** The applicant presented plans for a one-story rear addition for his house, located at 26 Eastview Terrace. He stated that the deck will be removed, and Board members informed the applicant that if he decides to re-install the deck, he will be required to return to the Board for approval. Chairperson Mitchell noted that the current request is within the setback requirements.

Chairperson Mitchell opened the Public Hearing, and the following people spoke:

- Jane Anderson, 25 Eastview Terrace, and Tim Galli, 34 Eastview Terrace both indicated their support for the applicant’s proposal.

Chairperson Mitchell closed the Public Hearing.

**Motion:** Member Chamberlin made a motion, seconded by Chairperson Mitchell, to approve the application for an area variance for a rear addition, as submitted, with the condition that the footprint will not exceed 12 feet from the existing rear wall of the house, and will measure no larger than 24.4 feet in width.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes. *Motion carried.*  
The decision was filed in the Office of the Village Clerk on May 23, 2007.

## **2. John Caselli, 15 East Jefferson Road ~ Area variance for an addition**

**Present: John Caselli**

**Scott Fiske, Pardi Partnerships Architects**

**The Secretary read the legal notice that was published in the May 9, 2007 edition of the Brighton Pittsford Post:** “An area variance to extend a non-conforming structure on a non-conforming lot, having a front setback of 27.24 feet where 30 feet is required; having a lot width of 53 feet where 70 feet is required; having a lot depth of 134.52 where 150 feet is required; and having a lot area of 7,129.56 square feet where 10,500 square feet is required, pursuant to Chapter 210-6D of the Code of the Village of Pittsford: Extensions of non-conforming uses.”

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #12 & 13.

**Discussion:** The applicant is proposing constructing a two-story addition on the rear of his house, located at 15 E. Jefferson Road. Mr. Fiske stated that he and the applicant had consulted with the Chairperson of the APRB, and as a result, the plan was modified to maintain the foursquare appearance of the house.

Chairperson Mitchell opened the Public Hearing, and the following person spoke:

- John Curran, 17 East Jefferson Road, reviewed the applicant’s plans, and stated that he had no objection to the proposal.

Chairperson Mitchell closed the Public Hearing.

**Motion:** Member Dannhauser made a motion, seconded by Member Lanphear, to approve the application for an area variance for a rear addition, as submitted.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes. *Motion carried.*  
The decision was filed in the Office of the Village Clerk on May 23, 2007.

## **3. Brad Sluman, 60 N. Main Street ~ Temporary zoning permit**

**Present: Brad Sluman**

**Discussion:** The applicant is requesting a temporary zoning permit to allow outdoor music on the front patio at the Pittsford Pub from 5 to 10 pm on Wednesday and Saturday nights, during the summer months. He stated that the music will be acoustical, background music that customers could enjoy while dining.

At the April Zoning Board meeting, Chairperson Mitchell informed the applicant that there currently is an outstanding violation for lighting in the rear of the property, and that the Board has a policy of not approving applications that have outstanding violations. The applicant stated that he has been in contact with a lighting engineer and is currently attempting to address the violation.

The applicant presented a lighting plan for the Board to review. Board members had some questions and concerns with the plan as presented. They questioned whether the height of the pole and the fixture were within Village Code requirements, and whether a base will be built around the existing pole. Chairperson Mitchell advised the applicant that the proposed light fixtures should be partially shielded to provide downcast light, to avoid direct light into the surrounding residential properties. The Building Inspector will determine if APRB approval is required for the light fixture.

Board members reviewed the Village noise ordinance: "It shall be unlawful and in violation of this chapter to create and/or suffer, permit and/or allow the creation of any unreasonably loud, disturbing or unnecessary noise in the village. Noise of such character, intensity or duration as to endanger the public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited."

Chairperson Mitchell closed the Public Hearing.

**Motion:** Member Lanphear made a motion, seconded by Member Dannhauser, to grant the applicant's request for a temporary zoning permit to allow outdoor music on the front patio at the Pittsford Pub from 5 to 10 pm on Wednesday and Saturday nights from June 1 through September 25, 2007, subject to the following conditions:

- The lighting in the rear of the property will be brought into compliance with Village Code requirements within 45 days of May 23, 2007;
- The lighting plan is subject to the Building Inspector's approval;
- The music will comply with Village Code noise level restrictions; and
- The music will be background music, not primary entertainment, as stated by the applicant.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes. *Motion carried.*  
The decision was filed in the Office of the Village Clerk on May 23, 2007.

**Other Issues:**

- Mrs. Donahue, 24 Church Street, expressed concern that the fence in the ESL parking lot ends too far back from the sidewalk on the Church Street side of the property. She also stated her concerns with the curve of the curb at the Church Street exit driveway. She stated that she is generally satisfied with the landscaping in the area, but that she would like to see some screening between the trees.

Chairperson Mitchell explained that the fence ends at the front setback of the house, in order to avoid creating a sense of a "barrier." And she further stated that the ESL has agreed to alter the curve of the curbing at the exit driveway. . She stated her opinion that the plantings are an

improvement to the site, and that she would be reluctant to suggest any type of additional screening.

- Mrs. Donahue asked the Board how to resolve a problem of people walking and driving across her property from the adjacent State Street driveway, which is next to ESL. Board members advised her to meet with the code enforcement officer and Mayor to find a solution, such as installing a fence on her rear property line.
- Janet Reynolds, 35 Church Street, stated that vehicles are entering the ESL parking lot at the exit-only entrance on Church Street, in spite of the sign that prohibits it. She reported that ESL employees were not informed that they should not be entering the parking lot from Church Street.
- Ms. Riley, 26 Church Street, stated that the exit-only sign is routinely disregarded by drivers, and Mr. Riley questioned the Board as to the reason that the Village is appealing the ESL court decision, instead of supporting the residents.

Chairperson Mitchell pointed out that the bank is a permitted use for the property. And Mr. Osborn stated that the Planning & Zoning Board's decision regarding ESL was the correct decision, and that the Village Board of Trustees joined in an appeal to show support for the P/Z Board's decision.

Other concerns mentioned:

- The dumpsters and garbage containers are occupying three parking spaces.
- The dumpsters in parking lot should be screened.
- There is a dangerously low-hanging wire – approximately 10 feet off the ground.
- The turning radius exiting the parking lot is difficult for large vehicles.

Chairperson Mitchell stated that she will compose a list of the residents' concerns and forward to the appropriate people.

**Member Items:**

**Minutes:** Chairperson Mitchell made a motion, seconded by Member Dannhauser, to approve the April 23, 2007 minutes, as amended.

**Vote:** Dannhauser – yes; Chamberlin – yes; Mitchell – yes; Lanphear – yes. ***Motion carried.***

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

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Linda Habeeb, Recording Secretary