

Village of Pittsford
PLANNING and ZONING BOARD OF APPEALS
Regular Meeting – January 26, 2009 at 7:00 P.M.

PRESENT:

Chairperson: Remegia Mitchell
Members: Sally Chamberlin
Lili Lanphear
Meg Rubiano

Attorney: John Osborn
Building Inspector: Edward Bailey
Recording Secretary: Linda Habeeb

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

PLANNING BOARD

◆ **Newcomb Properties, 6-8 and 10 Lincoln Ave ~ Change of lot line**

The Secretary read the legal notice that was published in the January 14, 2009 edition of the Brighton Pittsford Post: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, January 26, 2009 at 7:00 P.M. to consider an application made by Newcomb Properties, LLC, as agent for Gene Cardamone, for a change of lot line at the properties located at 6-8 and 10 Lincoln Avenue, pursuant to Chapter 210-83 “Site Plan Review.”*

SEQR: Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c). No further review required.

Discussion: The applicant stated that he is proposing changing the property lot line at 6-8 and 10 Lincoln Avenue to facilitate moving the existing house at 10 Lincoln Avenue to a new location within the lot. Mr. Newcomb, the current owner of the house, stated that the sale of the house is contingent on the house being moved, and 10 feet of the property on the east side being divided off from 10 Lincoln Avenue and allocated to the property at 6-8 Lincoln Avenue. There is no on-street parking allowed along this section of Lincoln Avenue, and a new driveway will be installed within the 10-foot property allocation, said driveway to service the residents at 6-8 Lincoln Avenue. He stated that the Zoning Board had previously granted the variances required for the renovation and relocation of the house at 10 Lincoln Avenue, and that the new location of the house will match the front setbacks of the other homes on the street.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing, as there were no public comments regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the application for change of property lot line between 6-8 and 10 Lincoln Avenue, with the condition that the house at 10 Lincoln Avenue be moved within one year.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on January 27, 2009.

ZONING BOARD

◆ **Dave Gross, Woodcrafter Construction, Inc. 25 Boughton Avenue ~ Request for temporary zoning permit**

Discussion: The applicant stated that in December 2008, he purchased the house at 25 Boughton Avenue, which was in serious disrepair. He stated that he consulted the Chairman of the APRB, Paul Zachman, who advised him to demolish the existing rear addition and build a new addition, deeper than the original structure, but narrower than the house. The new addition is 84-89 square feet larger than the footprint of the original addition. He was granted approval from the APRB to proceed with this renovation project, but was not aware that the house is a pre-existing, non-conforming property, which requires a variance from the Zoning Board. He proceeded with the project, until he was issued a Stop Work Order from the Building Inspector, informing him that he would be required to apply for a variance from the Zoning Board prior to continuing work on the addition. He stated that he is requesting a temporary permit from the Zoning Board to continue working on the addition, until he can formally apply for the variance at the February Zoning Board meeting.

Board members explained that the majority of the houses in the Village are pre-existing, non-conforming houses or lots, which require variances according to Village Code. Chairperson Mitchell questioned the Building Inspector as to whether variances were required for the proposed garage or the shed, and he stated that they were not required. When questioned about the location of the driveway, the applicant stated that he had obtained an easement from the neighbor allowing it to partly cross over to their property. He stated that a copy of this easement has been filed with Monroe County and a copy was provided to the Village.

The Building Inspector stated that the applicant originally submitted plans for an addition which would not increase the square footage of the house. He stated that the plan was changed to a larger footprint, thus creating the need for this variance.

Public Hearing Opened: Chairperson Mitchell opened the Public Hearing at this time, and the following people spoke.

Ross Sherwood, 23 Boughton Avenue, and Frank Galusha, 24 Boughton Avenue, expressed their support for the project.

Public Hearing Closed: Chairperson Mitchell closed the Public Hearing, as there were no other public comments regarding this application.

Motion: Chairperson Mitchell made a motion, seconded by Member Rubiano, to grant a temporary permit for Woodcrafter Construction, Inc., which shall expire on April 1, 2009, to allow continued construction on the house located at 25 Boughton Avenue.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on January 26, 2009.

Findings of Fact:

1. The Zoning Board of Appeals has jurisdiction of the zoning process at this property by reason of the owner's application for a variance and request for a temporary permit.
2. The variance requested is because the residential structure has a front setback less than that required by Village Code and requires a public hearing.
3. The residential structure is a pre-existing, non-conforming structure.
4. The area variance requested appears to meet the statutory area variance standards.
5. This front setback deficiency appears to affect multiple residential structures on Boughton Avenue.
6. The addition to the structure was commenced after the issuance of a building permit. The construction is 10% completed, the footings and foundation are 75% completed, and the interior of the house is exposed.
7. The addition does not affect or increase the front setback non-conformity.
8. The next scheduled meeting to consider the variance and allow for public hearing publication is February 23, 2009.
9. The demolition and design of the addition was approved by the APRB at a public meeting held on January 5, 2009.
10. The request for a temporary permit is reasonable and fair and will be in the best interests of the Village of Pittsford.
11. This request appears to meet the criteria for granting of an area variance.

◆ **Michael Newcomb, Jr. ~ Preliminary plans for 57 North Main Street**

Discussion: Mr. Newcomb presented preliminary plans for renovation of the former gas station on Schoen Place. He stated that the existing two-story addition will be removed, and a one-story addition added. He said that the area will be used as retail space. He noted that variances for aisle width and parking will be required, and he stated that he will submit an application for the next PZBA meeting.

He also discussed signage proposals for the gas station at 57 North Main Street. His proposal is for two signs, the square footage of which will be within the code limit for one sign.

Member Items:

Board members discussed the application procedure, and ways to improve the process. It was suggested that all applicants should be required to apply to the PZBA prior to appearing before the APRB. It was noted that the Village's multi-board procedure is often confusing to applicants and that we need to identify ways to communicate the steps and requirements to individuals when they begin the application process.

The Building Inspector explained that plans often change after an applicant makes the initial contact with the office. Sometimes the original application doesn't require PZBA approval, but alterations to a plan create new levels of review. In these cases, it can be difficult to assess the order in which an applicant will appear at the various boards.

Minutes:

Motion: Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the October 13, 2008 minutes, as amended.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on December 15, 2008.

Motion: Chairperson Mitchell made a motion, seconded by Member Chamberlin, to approve the October 27, 2008 minutes, as drafted.

Vote: Chamberlin – yes; Mitchell – yes; Lanphear – yes; Rubiano – yes. *Motion carried.* The decision was filed in the Office of the Village Clerk on December 15, 2008.

Adjournment: Chairperson Mitchell adjourned the meeting at 8:30 pm.

Linda Habeeb, Recording Secretary