

**Village of Pittsford  
PLANNING AND ZONING BOARD OF APPEALS  
Regular Meeting – March 22, 2010 at 7:00 PM**

**PRESENT:**

Chairperson:	Remegia Mitchell
Members:	Sally Chamberlin
	Meg Rubiano
	George Wallace
	Lili Lanphear
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**

**Robert Michaels, 71 State Street – Area variance for porch**

**Present: Robert Michaels, Owner**

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

**The Secretary read the legal notice that was published in the February 11, 2010 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, March 22, 2010 at 7:00 pm, to consider an application made by Robert Michaels, owner of property located at 71 State Street, for an area variance to construct a front porch which will result in a front setback of 27.09 feet, where 30 feet is required, in the R-2 District, pursuant to Chapter 210-12B of the Code of the Village of Pittsford.”*

**Discussion:** The applicant stated that he is proposing adding a front porch to his house, located at 71 State Street. He stated that the permitted front setback of 30 feet does not leave adequate depth for the porch to be practical and still enable it to be used comfortably. He explained that the proposed change in setback will be consistent with the front setbacks of the surrounding houses.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing, and the following responses were received:

- ❖ **Art Pires, 70 State Street,** stated that he approves of the proposal, and stated that it would be an improvement to the neighborhood.
- ❖ **John Limbeck, 62 State Street,** sent an email message indicating his support for the project.

**Public Hearing Closed:** Chairperson Mitchell closed the public hearing at this time.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for an area variance for 71 State Street, as submitted.

**Vote:** Chamberlin – yes, Mitchell – yes, Lanphear – yes, Rubiano – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on March 22, 2010.

***Findings of Fact:***

- ◆ There are no undesirable changes that will be produced in the character of the neighborhood by granting this area variance.
- ◆ The variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- ◆ The benefit sought cannot be achieved by some feasible method other than an area variance.
- ◆ The requested variance is not substantial.
- ◆ The proposed porch will be no closer to the front lot line than other residences in this street.

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**Jack Sigrest, 11 Stonegate Lane – Area variances for addition**

**Present: Jack Sigrest, Architect**

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

**The Secretary read the legal notice that was published in the February 11, 2010 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, March 22, 2010 at 7:00 pm, to consider an application made by Jack Sigrist, for property located at 11 Stonegate Lane, for:*

1. *An area variance to expand a preexisting, nonconforming structure on a preexisting, nonconforming lot, said structure having a rear setback of 32 feet where 35 feet is required, and a front setback of 63 feet where 70 feet is required; and said lot having an average depth of 131.69 feet where 175 feet is required, pursuant to Chapter 210-6 of the Code of the Village of Pittsford: Nonconforming buildings, structures, lots, or uses.*
2. *An area variance to construct an addition with a rear setback of 19 feet where 35 feet is required in the R-1 District, pursuant to Chapter 210-9D of the Code of the Village of Pittsford: Dimensional requirements.*

**Discussion:** The applicant stated that he is proposing construction of an addition on the rear side of the existing residence, located at 11 Stonegate Lane. He explained that the proposed addition will be located at the rear of the garage, extending westward into the rear yard. He indicated that an existing rear porch will be removed to accommodate the addition. He presented documentation indicating the location and dimensions of the proposed addition.

Chairperson Mitchell noted that the proposed addition will not impact the neighbors' views or access. The Building Inspector stated that APRB approval is not required for this proposal, as the porch will not be visible from the public way.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for area variances for 11 Stonegate Lane, as submitted.

**Vote:** Chamberlin – yes, Mitchell – yes, Lanphear – yes, Rubiano – yes; Wallace – yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on March 22, 2010.

***Findings of Fact:***

- ◆ There are no undesirable changes that will be produced in the character of the neighborhood by granting these area variances.
- ◆ The variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- ◆ The benefit sought cannot be achieved by some feasible method other than area variances.
- ◆ The requested variances are not substantial.

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**Corn Hill Navigation – Temporary Permit**  
**Present:** Vicki Schmitt, Corn Hill Navigation

**SEQR:** Chairperson Mitchell stated that this is a Type II SEQR Action under SEQR § 617.5(c) #15. No further review required.

**The Secretary read the legal notice that was published in the February 11, 2010 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, on Monday, March 22, 2010 at 7:00 pm at the Village Hall, 21 North Main Street, Pittsford, NY, to consider an application made by Vicki Schmitt, of Corn Hill Navigation, for a temporary zoning permit to allow the seasonal operation of the vessel known as Sam Patch from the dock adjacent to Erie Canal Park on Schoen Place, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

**Discussion:** The applicant was not present, but had previously submitted an application and documentation requesting a temporary zoning permit for operation of the *Sam Patch*, a packet boat replication that has been operating from Schoen Place for the past several years. The application indicated that Corn Hill Navigation is a not-for-profit organization, with a long history of contributing to community development through education, awareness, and enjoyment.

Chairperson Mitchell stated that at the February 9<sup>th</sup> Board of Trustees' meeting, the applicant had been granted a non-municipal use permit to allow docking for the *Sam Patch* for the 2010 boating season, with the following conditions:

- Coordination of signage with Ted Collins to direct customers to parking areas;
- Landscaping around the ticket pavilion will be improved and maintained by Corn Hill Navigation personnel and ARC throughout the boating season, including elimination of weeds and litter;
- Village trash receptacles will not be used for trash, food waste, recycle waste, or other debris generated by the *Sam Patch* boating operation;
- Customers will be informed by phone regarding designated parking areas for *Sam Patch* tours, to avoid conflicts with merchants in the area;
- Trash and recycling waste will be removed from the site daily and will not be left overnight on Village or Canal Corporation property;
- Chains may not be used to moor the *Sam Patch* to Village-owned wooden bollards unless they are covered in some manner to protect the bollards;
- Provide the Village a copy of a Certificate of Insurance, naming the Village of Pittsford as additional insured, prior to docking the vessel.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing.

**Public Hearing Closed:** There being no one wishing to speak for or against this application, Chairperson Mitchell closed the public hearing.

The Building Inspector stated that he had heard no complaints or concerns from either residents or merchants.

**Motion:** A motion was made by Chairperson Mitchell, seconded by Member Lanphear, to approve a temporary zoning permit for Corn Hill Navigation for the 2010 boating season, as described in the application submitted, and with the conditions stated at the 2/9/10 Board of Trustee meeting.

**Vote:** Chamberlin – yes, Mitchell – yes, Lanphear – yes, Rubiano – yes; Wallace - yes. **Motion carried.** The decision was filed in the Office of the Village Clerk on March 22, 2010.

**Member Items:**

- ◆ The Building Inspector reported that the former funeral parlor, located at 21 Lincoln Avenue, is for sale, and is zoned as residential.
- ◆ Member Lanphear questioned the building inspector about the length of time that the dumpster at 19 Boughton Avenue has been in the front yard. Mr. Bailey stated that the work on the house is nearing completion, and the dumpster will be removed soon.
- ◆ Chairperson Mitchell commented that there are a number of window signs in the stores in the Main Street area. Mr. Bailey stated that the Board of Trustees is considering a possible change to the Village Code to address this issue.
- ◆ Member Wallace noted that there are a number of used cars parked in the Sutherland Auto parking lot. Mr. Bailey stated that fourteen cars are permitted to be in the lot at any one time.

- ◆ Member Lanphear noted that there is incorrect striping in the Starbucks parking lot. Mr. Bailey stated that the owner will correct the problem in the Spring.
- ◆ Board members noted that Schoen Place Auto is currently for sale.

**Minutes:**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the December 14, 2009 minutes, as drafted.

**Vote:** Chamberlin – yes; Mitchell – yes; Lanphear – abstain; Rubiano – yes; Wallace - abstain. ***Motion carried.***

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 8:00 pm.

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Linda Habeeb, Recording Secretary