

**Village of Pittsford**  
**PLANNING AND ZONING BOARD OF APPEALS**  
**Regular Meeting – June 28, 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 7:05 P.M.

**Zoning Board**

**Paul Zachman, 5 Elmbrook Drive ~ Area variance**

**Present:** Paul Zachman

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

**The Secretary read the legal notice that was published in the June 18, 2010 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Planning and Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, June 28, 2010 at 7:00 pm, to consider an application made by Paul Zachman, of Boardwalk Design, Inc., for James and Allison Huffman, owners of property located at 5 Elmbrook Drive, for an area variance to construct a porch with a front setback of 28.38 feet where 30 feet is required, pursuant to Chapter 210-12B of the Code of the Village of Pittsford.”*

**Discussion:** The applicant stated that the proposal is for construction of a front porch on the house located at 5 Elmbrook Drive. He stated that there is currently no porch on the house, and the existing concrete stoop will be removed. He submitted documentation indicating the dimensions of the proposed porch.

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

**Public Hearing Closed:** Chairperson Mitchell closed the public hearing at this time, as there was no one wishing to speak for or against this application.

**Motion:** Member Chamberlin made a motion, seconded by Chairperson Mitchell, to approve the application for an area variance, 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 June 28, 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 requested variance is self-created.

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**John Limbeck, 62 State Street ~ Area variance**

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

**The Secretary read the legal notice that was published in the June 18, 2010 edition of the Brighton Pittsford Post:** *“Please take notice that a public hearing will be held before the Village of Pittsford Planning and Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, June 28, 2010 at 7:00 pm, to consider an application made by John and Ann Limbeck, owner of property located at 62 State Street, for (1) An area variance to expand a nonconforming structure on a nonconforming lot in the R-2 zone, said structure having a front setback of 23.5 feet where a front setback of 30 feet is required; and said lot having an area of 10,419.6 feet where an area of 10,500 square feet is required, and having a lot width of 60 feet where a width of 70 feet is required, pursuant to Chapters 210-12B and 210-12E: Dimensional requirements, and Chapter 210-6: Nonconforming buildings, structures, lots or uses, of the Code of the Village of Pittsford; (2) Site plan approval for the construction of a residential detached garage where the total floor area exceeds 400 square feet or the structure exceeds one story pursuant to Village Code § 210-83B(16).”*

**Discussion:** The applicant was not present, but submitted a letter with his application, indicating that the proposal is for an addition in the rear of the house. The application stated that the addition will not affect the current setbacks on any side of the house. Most of the existing porch will be removed, with the exception of the western portion of the porch.

**Public Hearing Opened:** Chairperson Mitchell opened the public hearing at this time, and the following person spoke:

- **Art Pires, 70 State Street,** indicated his support for the application.

**Public Hearing Closed:** Chairperson Mitchell closed the public hearing for the Zoning Board application at this time.

**Motion:** Chairperson Mitchell made a motion, seconded by Member Lanphear, to approve the application for an area variance, 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 June 28, 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.

Board members next discussed the applicant's request to the Planning Board for site plan approval of the proposed detached garage, the total floor area of which exceeds 400 square feet. The Board expressed concerns with the size of the proposed garage, and with possible damage to a tree during construction. The public hearing for the Planning Board application will remain open until the applicant submits final plans for the garage.

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**St Louis Church, 21 Rand Place ~ Modification of special exception use permit for a religious building & site plan approval and lot line change**  
**Present: Sally Schrecker, Operations Manager; Brendan Bystrack, LaBella Associates.**

**SEQR:** Chairperson Mitchell stated that this is a Type I SEQR Action under SEQR § 617.4B(9).

**The Secretary read the legal notice that was published in the June 18, 2010 edition of the Brighton Pittsford Post:** *Please take notice that a public hearing will be held before the Village of Pittsford Planning and Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, June 28, 2010 at 7:00 pm, to consider an application made by St Louis Church of Pittsford for property located at 21 Rand Place, for (1) Site plan approval, pursuant to Village Code § 210-83B; (2) Change of lot line, pursuant to Village Code § 210-83B(3); and (3) Modification of special exception use permit for a religious building, pursuant to Village Code § 210-11B(1)(A).*

**Discussion:** The applicants stated that as a result of feedback from the Board and comments from the neighbors at the informational meeting in April, they have narrowed the scope of the proposal for changing the entrance to the St. Louis property and 21 Rand Place.

Ms. Schrecker stated that in response to the feedback on paving and the concurrent loss of tree rows, they have reworked the proposal in these ways:

- Withdrawn the proposal to create defined angled parking spots at the rear lot line of the house; now proposing leaving the current parking pattern in place and the tree row intact.
- Withdrawn the sidewalk from the east side of Reddington Hall, which was for the public access to the playground, and by withdrawing it, eliminated one of the reasons to impact the tree row.
- Removed the proposal for the second set of angled parking at the south end of the Elementary Building, to avoid widening the approach as viewed from the street.
- Narrowed the existing driveway that is currently three lanes wide, at a width of 30 feet, to two lanes wide at 22 feet, from the point of the public sidewalk back to the 30-foot setback from the sidewalk.

- Removed 220 square feet of existing pavement at the area closest to the street and provided an enlarged landscaping area there.
- Removed 205 square feet of existing pavement at the south end of the Elementary Building.
- Added a 5-foot planting bed across the south end of the Elementary Building to narrow and soften the approach into the campus.
- Configured an 8.5 foot planting bed for the east/west tree row parallel to the driveway, preserving all trees but one.
- Enlisted an arborist to mediate existing damage to trees in the tree row and preserve them as long as possible.
- Provided for the screening at the east end of the angled parking to be hemlock trees that will both screen the cars, light, and sound and provide a more aesthetically pleasing setting.
- Provided for screening of the angled parking from the south/southeast by a new fence in combination with tree planting.

In response to the feedback on the residential lot, they have reworked the proposal to:

- Retain the existing garage in its current location.
- Maintain the rear lot line and tree line.
- Reduce the proposed transfer from the north side of the house parcel, to the campus parcel, to 16-17 feet, rather than the originally proposed 38 feet.
- Configure the house lot at 103.89 feet frontage, such that it will remain as the widest lot on the west side of Rand Place.
- Configure the house parcel so that it will have an overall lot size of 14,383 square feet, making the parcel nearly 4,000 square feet above the minimum lot size of 10,500 square feet, and well above the size of most other Village lots and above the standard for Village lots.

In response to ongoing feedback about the process and presence of school buses unloading students at the school, the applicants stated that they have done the following:

- Met with Village officials, both prior to the April Planning Board meeting and subsequent to that meeting, concerning methods to change the unloading process.
- Sought the professional opinion of the Pittsford Central School's Transportation Department with respect to the feasibility of unloading at other points on the campus.
- Met with Deputy Mayor Galli and the Transportation Safety Officer for Pittsford Schools for an onsite evaluation of alternative unloading points.
- Appeared at a public hearing of the Village Board of Trustees to express St. Louis' support and cooperation with the Trustees' proposal to reinstitute both parking and standing restrictions in front of the school on school days.
- Agreed with the Village request to have sheriff deputies present during the parents/drivers' re-education process when school reopens in September.
- Agreed to redirect school staff who have previously chosen to park in that block to relocate their vehicles.
- Agreed to educate and reinforce with parents the required drop-off locations.

In response to concerns expressed about the proposed placement of new air-conditioning condensers on the ground level at the east side of Reddington Hall, they have redesigned the system requirements so that the units can be roof-mounted on the western side of Reddington Hall.

Ms. Schrecker stated that they are seeking approval for a design that addresses the two serious concerns to public safety that currently exist at the entrance to St. Louis Church off of Rand Place. The two safety situations are as follows:

1. Line of sight to public sidewalk: Currently, when vehicles exit the St. Louis driveway, drivers have a good line of sight to the left (north) and can see pedestrians on the public walkway. However, the line of sight to the right (south) side is entirely blocked by the cars parked in the two parking spots that face the street and by the brick wall that extends right up to the public sidewalk. Drivers cannot see oncoming pedestrians, bicycles, scooters, etc.

Proposed solution: Relocate these two parking spots and remove the brick wall. This proposal brings all parking and fencing back to the 30' setback line of the house at 21 Rand Place and that of other houses on the block. Please note that no parking is added. The two existing spaces facing the street and the existing space where the new crosswalk will connect to Reddington Hall are relocated into the row of angled parking spaces.

2. Pedestrian walkway: Currently, pedestrians entering or leaving the St. Louis property walk in the driveway, commingled with vehicles that are entering or leaving. Such common use of the driveway by vehicular traffic and pedestrians presents grave danger to the pedestrians. It is dangerous during off-activity times, because pedestrians are not being cautious about cars, and drivers are not expecting pedestrians.

Proposed solution: Create a safe pathway for pedestrians that is separated from moving vehicles. We propose a sidewalk coming in from Rand Place to Reddington Hall and continuing to the main entrance of the Church. There is not enough space for the driveway, the existing parking, the tree line, and the sidewalk on the present campus portion of the property. In order to leave the existing tree row in place on the parcel line, we propose and request the Board's approval for adding the sidewalk on the south side of that tree line. Placing the sidewalk in such location involves ceding 16-17 feet area from the house parcel to the church campus and extending the Special Exception Use to the area moved to the Church campus.

In reviewing the Village's ordinance, they have identified two conditions that require Planning Board site plan approval, including the paragraphs:

**§210-83 B(3)** The changing of one or more lot lines on one or more lots.

(Rand Place lot line adjustments required for new sidewalk and parking and access modifications.)

**B(13)** Any use that requires a special permit or special exception use permit where any alteration to the site is proposed.

(With the modifications to the boundary lines, the portion of 21 Rand Place added to the church campus will require modification of the special exception use permit associated with the church.)

Ms. Schrecker also noted that they have withdrawn the proposal to remove the existing garage.

Chairperson Mitchell questioned the safety element of a sidewalk for children. Ms. Schrecker explained that the sidewalk is not meant for school children, but is intended to provide a pathway for pedestrians. Board members discussed the placement and width of the Rand Place sidewalk along the north perimeter line of the residence.

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

- **Jim Wallace, 30 Rand Place**, stated that he has concerns with removing greenspace, adding paving, adding the sidewalk, and removal of the brick wall, which reduces the noise and visual clutter.
- **Cindy Wallace, 30 Rand Place**, stated that the proposed added parking will cause safety concerns.
- **Collette Yon, 27 Rand Place**, stated that she does not support this proposal by St. Louis Church, and she has circulated two petitions in opposition. She stated that the proposal calls for too much pavement, and the house should remain as residential.
- **Robert Seidel, 38 Rand Place**, stated that there is no compelling reason for this application, that all features of safety can be accomplished in other creative ways. Parishioners can park at other locations in the Village.
- **Alison Huffman, 5 Elmbrook Drive**, stated that this proposal will increase the traffic in the area, which will make the area unsafe for children.
- **Jim Huffman, 5 Elmbrook Drive**, stated that they had moved to the area for the Village atmosphere, and that this proposal, if approved, would adversely affect that atmosphere.

Chairperson Mitchell stated that the current site plan is not complete, and she requested that the applicants add the missing elements and resubmit a completed plan. Also, the Board cannot make a decision until the SEQR process has been completed. She stated that the Board will hold a special meeting at the site to further review the proposal, and the application will remain open.

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### Planning Board

#### **Art Pires, 70 State Street, Use of green space**

**Discussion:** Mr. Pires stated that his house is located next to commercial property, and he is concerned with oversight of the development and use of the commercial property. He presented a map of the area and photographs showing the view of the commercial property from his home, with some suggestions for adding landscaping to the area. Chairperson Mitchell stated that there is currently no application before the Board regarding this property, but that the Village will notify Mr. Pires when an application from the owner of the property is received.

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#### **Pittsford Canalside Properties, LLC, 75 Monroe Avenue, Application for Special Permits for Multiple Dwelling Buildings and Restaurant**

**Present:** Paul Lytle, Facilitator; Frank Hagelberg, Attorney; Richard LaCroix, Barkstrom & LaCroix; Mark IV: Anthony and Chris DiMarzo, Donald Riley, Vice President Marketing & Development; Bryan Powers, Engineer

**Discussion:** Board members reviewed the standards for special permit application review in the R-5 zoning ordinance. The Board discussed such issues as: access to the site; compatibility with the visual character of the Village; whether the proposal will create a hazard to the general welfare; provision of amenities along the canal; density of the site; traffic generated by the site; and building design.

Board members determined that further input from experts in such areas as traffic, municipal planning, engineering, and preservation will be needed to adequately determine the appropriateness of the project.

**Member Items:**

**Minutes:**

**Motion:** Chairperson Mitchell made a motion, seconded by Member Rubiano, to approve the May 24, 2010 minutes, as drafted.

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

***Motion carried.***

**Adjournment:** There being no further business, Chairperson Mitchell adjourned the meeting at 11:00 pm.

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Linda Habeeb, Recording Secretary