

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting May 20, 2019 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Susan Lhota
Justin Leitgeb
Eli Bannister (absent)

Recording Sec: Linda Habeeb
PZBA Attorney: Mindy L. Zoghlin, Esq.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to open the workshop meeting at 6:30 pm.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. *Motion carried.*

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to close the workshop meeting and call the regular meeting to order at 7:00 pm.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. *Motion carried.*

Conflict of interest disclosure:

- None of the Board Members had a conflict of interest to disclose.

Pittsford Community Baseball, 44 North Main Street ~ Temporary Zoning Permit

Present: Jody Janson, Pittsford Community Baseball

The legal notice was published in the May 2, 2019 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 May 20, 2019 at 7:00 pm, to consider an application made by Pittsford Community Baseball for a temporary zoning permit to allow a fundraiser event at Pittsford Farms Dairy, located at 44 North Main Street, on June 23, 2019, from 12:00 to 5 pm, pursuant to Chapter 210-109, Temporary permits, of the Code of the Village of Pittsford.”*

Discussion: Mr. Janson stated that Pittsford Community Baseball is seeking a temporary permit to hold a fundraising event at Pittsford Farms Dairy, located at 44 North Main Street. He explained that the event will be held on Sunday June 23rd from 12 noon to approximately 5:00 pm at Pittsford Dairy, 44 N. Main St. The Sticky Lips Restaurant will cook and pack the dinners in Styrofoam for sale and pick up by the public. He stated that the proposed use has been a tradition in the Village for many years. The event will be conducted on private property in the lawn area on the lot and will not interfere with pedestrian safety. The Monroe County Health Department has issued the organization a temporary permit for the event. Sticky Lips BBQ is catering the event and will be doing the cooking and food handling and

they also have appropriate licenses. He stated that there will be a tent over the food, no electricity will be used, and all cooking will be done away from the tents. All trash and temporary signage will be removed from the property after the event.

Member Lhota stated a concern that the Styrofoam containers are not beneficial for the environment. Mr. Janson stated that they don't have control over the type of containers that the vendors use.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the public hearing at this time.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. Motion carried.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. Motion carried.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to adopt Resolution 2019-9, granting a temporary zoning permit for the Pittsford Community Baseball fundraising event to be held at Pittsford Farms Dairy.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. Motion carried.

VILLAGE OF PITTSFORD ZONING BOARD OF APPEALS

RESOLUTION 2019-9 DECISION ON TEMPORARY ZONING PERMIT

Project: Pittsford Community Baseball Fundraising Event at Pittsford Farms Dairy – Temporary Permit

Applicant Name: Charles Corby for Pittsford Community Baseball
Address: 44 N. Main St.
Pittsford, NY 14534

Action: Pittsford Community Baseball fundraiser BBQ dinner pick-up at Pittsford Farms Dairy on June 23rd 2019 between noon and 5:00 PM.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on May 20, 2019, at **7:00 PM** at Village Hall, 21 N. Main St, Pittsford, NY 14534,

The following resolution was offered by Board Member Vlietstra, who moved its adoption, and seconded by Board Member Lhota, to wit:

WHEREAS, The Board received an application from the above mentioned applicant for a temporary zoning permit to allow the fundraiser dinner pick-up event to be held at Pittsford Farms Dairy on June 23rd at 44 N. Main St. pursuant to §210-109, Temporary permits, of the Zoning Law of the Village of Pittsford; and

WHEREAS, the Board has received and reviewed an application, held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):
 - a. The proposed action is a minor temporary use of land having negligible or no permanent impact on the environment. This action is a Type II action that is not subject to SEQRA review pursuant to 6 NYCRR 617.5(c).21.
2. Monroe County Planning Review:
 - a. This application is for a temporary permit and exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.
3. Waterfront Consistency Review:
 - a. The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency Review.

WHEREAS, after review, the Board has weighed the effects of the requested permit on the health, safety, welfare of the neighborhood and community and made the following findings:

Findings:

1. The proposed use is in the B-2 retail business district, which requires business to be completely conducted indoors per §210-33.
2. Upon issuance of this temporary zoning permit, the proposed use will comply with all regulations, requirements and applicable ordinances of the Village of Pittsford as applicable to the subject property.
3. The proposed use does not fit with the general purpose and intent of the Zoning Code for the B-2 district but the duration is limited.
4. The proposed use is on a private lawn well away from the street and sidewalk and will not interfere with pedestrian safety.

5. The proposed use has been an annual tradition in the Village for many years without incident.
6. The proposed use will not tend to depreciate the value of adjacent property, taking into account the temporary nature of the use.
7. The proposed use will not create a hazard to health, safety or general welfare.
8. The proposed use will not be detrimental to the flow of traffic in the vicinity.
9. The proposed use will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

NOW, THEREFORE, IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this **Temporary Zoning Permit** is hereby **granted** for the reasons stated above, subject to the following conditions:

1. Food pickup will occur on June 23rd between the hours of 12:00 noon and 5:00 PM, and applicant should be provided with reasonable set-up and take-down time prior and subsequent to those hours.
2. Trash and signage shall be removed the day of the event.
3. Village Code Enforcement Officials shall be allowed to conduct all necessary code reviews and inspections related to the Action.
4. The ZBA reserves the right to revoke the temporary zoning permit if operation of the business creates traffic hazards or unsafe conditions for pedestrians, or if there are health, safety or welfare concerns that are communicated to the applicant and not resolved. If there is an emergency condition, the ZBA may revoke the permit and provide the applicant with a post-revocation hearing. If there is a non-emergency condition, the ZBA shall provide the applicant with notice and an opportunity to be heard on the revocation. The ZBA shall have sole discretion to determine whether a condition constitutes an emergency.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra - Yes

Susan Lhota - Yes

JoAnne Shannon - Yes

Justin Leitgeb - Yes

Dated: May 20, 2019

By order of the Zoning Board of Appeals of the Village of Pittsford

Thomas & Colleen Bell, 7 Jackson Park ~ Area variance

Present: Thomas & Colleen Bell

The legal notice was published in the May 2, 2019 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 May 20, 2019 at 7:00 pm, to consider an application made by Thomas Bell, owner of property located at 7 Jackson Park, for an area variance for modification of a garage setback, pursuant to Village Code §210-15.”*

Discussion: The applicants stated that the house at 7 Jackson Park has an attached garage on the south side of the property, and the southwest corner of the garage is currently approximately eight feet from the property line. The southern wall of the garage is not a straight line, but rather has a jog of approximately three feet. The proposal is to extend the southern wall of the garage along the southernmost line, thus eliminating the jog. Eliminating the jog will significantly improve the appearance and make it more compatible with village character. The expansion would bring the southwest corner of the garage to approximately five feet from the property line. Because the lot is narrow and has an angled southern property line, there is limited space with which to work as the floor plan is being modified in order to make it fully handicap accessible. By adding the additional space to the garage, the applicants will be able to shift the garage floor plan south and add three feet of living space in the house, utilizing it in the development of a handicap accessible floor plan.

There are two different property owners adjacent to their property to the south. There is a heavily treed area directly to the South that buffers the property from the adjacent property on Boughton Ave. The garage expansion will be at least 35ft from the nearest buildings on adjacent properties. Member Shannon asked the applicants if they are proposing any changes to the driveway. Mr. Bell stated that there will be a couple more feet of pavement on the left side. Member Vlietstra stated that the Code allows up to 20 feet for a two-car garage driveway. Member Vlietstra questioned the applicant about the drainage. The applicant explained that there is a gutter on the rear center of the garage and the water drains to the north. The water remains on the property and doesn't drain onto the neighbor's property. Mr. Vlietstra requested that when they design their additions they keep downspouts away from the property line so that stormwater stays on their property.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to open the public hearing at this time.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. Motion carried.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to close the public hearing at this time, as there was no one wishing to speak for or against this application.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. Motion carried.

The Board reviewed the criteria for an area variance. Member Vlietstra explained that the board needs to determine whether the benefit to the applicant outweighs the impact on the community. The applicant is not required to meet all 5 criteria.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to adopt Resolution 2019-10, granting an area variance for the property located at 7 Jackson Park.
Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. Motion carried.

**VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS**

RESOLUTION 2019-10 DECISION ON AREA VARIANCE

Project Area variance for property line setback

Date: 5-20-2019

Applicant Name: Thomas and Coleen Bell
Address: 7 Jackson Park

Action: Small infill addition to the southwest corner of the garage that will make the setback 5 feet to the property line (it is currently 8 feet) and the code requires 10 feet.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened May 20, 2019, at 7:00 PM at Village Hall, 21 N. Main St, Pittsford, NY 14534, The following resolution was offered by Board Member Justin Vlietstra, who moved its adoption, and seconded by Board Member Lhota, to wit:

WHEREAS, The above named applicant for an Area Variance of Sections **210-15** of the Zoning Law of the Village of Pittsford to permit a garage with a 5ft side setback when 10ft is required; and

WHEREAS, The Board received and reviewed an application from the above mentioned applicant for the above mentioned action; and

WHEREAS, The Board has held a public hearing, and received comments thereat; and

WHEREAS, The Board makes the following findings regarding review requirements for this action:

1. State Environmental Quality Review (SEQR):

The Board’s review is for area variance for a single family home and is a Type II action that is not subject to SEQRA Review pursuant to 6 NYCRR 617.5(c)(17).

2. Monroe County Planning Review:

The Board’s review is for an area variance that is exempt from Monroe County Planning review pursuant to General Municipal Law section 239-m and an Agreement between Monroe County and the Village of Pittsford dated January 11, 1994.

3. Waterfront Consistency Review:

The proposed action is a Type II action under SEQR so it is not subject to a Waterfront Consistency

Review.

WHEREAS, after review, the Board has weighed the effects of the requested variance on the health, safety, welfare of the neighborhood and community and made the following findings:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:
- The change in the southern wall of the garage will not increase the height of the structure at all, so neighbor views should remain the same.
 - The change in shape of the garage will bring the house more in line with the character and look of Pittsford Village. For this this reason, we feel that this change will bring a desirable change to the character of the neighborhood.
 - There are many other garages in Pittsford Village that are close to the property line.
- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because: The Front Lot line is 94.75ft wide, the rear lot line is 41.61ft wide. The lot size and shape makes alterations for handicap access and a larger garage infeasible without a variance.
- C. The requested variance **is not** substantial in that: A 5ft side setback is requested for an attached garage when a 10ft setback is required; however, detached garages permit a 3ft setback.
- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: Existing single family houses on adjacent properties are close to the road on Jackson Pk. or Boughton Ave. Structures on adjacent properties are at least 35ft from the area of the requested variance.
- E. The alleged difficulty **is** self-created but this alone does not preclude granting an area variance.
- F. The Variance **is** the minimum necessary to provide relief because: It will make a rectangular garage which is visually more appealing than the architectural design needed to comply with a smaller variance (larger setback).
- G. The following physical characteristics of the property are relevant to this variance request: The irregular lot shape makes it impractical to construct a garage that complies with setbacks.

NOW THEREFORE IT IS RESOLVED by the Zoning Board of Appeals of the Village of Pittsford that this area variance request is hereby **granted** for the reasons stated above.

The question of the foregoing resolution was duly put to vote as follows:

Justin Vlietstra - Yes
Susan Lhota - Yes
JoAnne Shannon - Yes
Justin Leitgeb - Yes

Dated: May 20, 2019

By order of the Zoning Board of Appeals of the Village of Pittsford
Chairperson, Zoning Board of Appeals

Member Items:

- Ms. Zoghlin read a letter that stated that the Planning Board received notice from PCP that they intended to commence litigation regarding the LWRP determination.
- Trustee Keating discussed the status of code updates, the recently adopted Village budget, and upcoming Trustee meeting agendas.

Minutes:

Motion: Member Vlietstra made a motion, seconded by Member Shannon, to approve the minutes from the April 15, 2019 and May 1, 2019 PZBA meetings.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - abstain. *Motion carried.*

Motion: Member Vlietstra made a motion, seconded by Member Lhota, to adjourn the meeting at 8:20 pm.

Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Leitgeb - yes. *Motion carried.*