

**VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS**
Regular Meeting June 17, 2019 at 7:00 PM

PRESENT:

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

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

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:

- Board members had no conflicts of interests to disclose.

James Peacock, 8 North Main Street ~ Area variance for a free-standing sign

Present: James Peacock, Premier Sign Systems

Discussion: Chairperson Vlietstra stated that this is an application for an area variance for installation of a free-standing sign at 8 North Main Street. He explained that the Zoning Code does not permit free-standing signs in the residential district. The Code allows a one square foot building-mounted sign. He further stated that the decision will be based on the five criteria for granting an area variance. He provided the applicant with a copy of the criteria. The main issue is whether the benefit to the applicant outweighs the impact on the community.

The applicant stated that the business is a relatively new business to the area. They determined that there is not an acceptable area of the building on which to install a building-mounted sign. The free-standing sign is proposed in order to provide greater visibility for the business. The business is new to the area and Pittsford is a good location for an office. Since they do not have much name recognition locally it is important to have good signage so that potential customers know they have local offices. He further stated that a post and panel sign would allow for greater visibility. He pointed out that there are other similar sign in the area. Member Lhota requested that the applicant provide examples of other similar signs in the area. She also asked if the business owners have

considered modifying their logo to better fit on the building. Mounting the sign would be easier if the sign were square or a portrait orientation; the wide and short sign is challenging to mount because there is not a lot of horizontal room next to the front door or between the windows on the 2nd floor.

The applicant stated they are working with the company's trademarked logo for the sign design and that logo is approved for use all across the country. The sign is short and wide and a substantially different layout is not feasible.

Chairperson Vlietstra stated that the code sections that are relevant in this situation is §168-9 and §210-17.A.(3) and showed the code to the applicant.

§210-17.A.(3) Permitted uses in a R-4 district:

The maintenance of offices for administrative, professional or executive uses but not including retail sales, manufacturing or servicing of merchandise upon the premises, and further, not including any principal use permitted in any business or industrial district for these office uses. There shall be no display of goods and advertising other than professional nameplates, as provided in Chapter 168, Signs. Any new structure constructed in this district for the uses provided for herein shall be a residential styled building, the architecture of which is to be approved, prior to the issuance of a permit, by the Architectural Review Board. Existing structures shall retain their residential character except as changes shall be approved by the Architectural Review Board. The primary entrance for uses permitted by this section shall be in the front of the building, and walkways shall be oriented to the main street.

§ 168-9 Signs permitted in any R-4 District.

One nameplate per use shall be permitted but shall require a permit as herein provided. The square footage of said nameplate shall not exceed one square foot. Said nameplate shall be used only for identification of a profession or business conducted on the premises. Such nameplate shall be attached flat to a wall or structure. If more than one nameplate shall be attached to the structure, all such nameplates shall be located in a group. The individual components comprising the group shall be compatible with one another in style, materials, color and lettering.

Mr. Vlietstra stated the property is zoned residential and the intent of the zoning code is to retain the residential look and be low-impact. Retail uses that generate a lot of traffic are not permitted. Sign regulations are much stricter than in commercial districts. If the goal is to have a high visibility business or a high traffic business, then it should go in a commercial district.

The applicant stated the lease was signed before he was hired. He wants to work with the Village to identify an acceptable solution for signage. Bank of America and other properties have signs in the front yard, so this request is similar to other businesses in the area.

Member Lhota stated that Chase Bank has freestanding signs erected long ago that predate code. The Del Monte hotel and Roberts Kitchen are in a different zoning district that has different regulations. Bank of America is also a different district and had different circumstances.

Chairperson Vlietstra described the history behind the Bank of America's approval for a free-standing sign. First of all, this is a different situation, because Bank of America is located in a commercial zoning district, as opposed to a residential district. Their primary concern was visibility of signs due to street trees blocking view of building mounted signs. The Bank's first proposal was denied by the Board because the sign didn't represent the historic character of the building, community character, and other potential solutions existed. They were advised to explore other options that would eliminate the need for a variance or require a smaller variance. Eventually, they came before the Board with a revised application and demonstrated why other options were not feasible and proposed a design that was acceptable to the Board, and were granted a variance. The meeting minutes from April 4, 2016 and May 21, 2018 have details of the findings and process.

The applicant stated that they considered installing a building-mounted sign, but felt that it would detract from the historic character of the house and mounting options are limited due to the design of the building. They also discussed with the board a hanging sign, and whether there had been a hanging sign with a prior business in that location. Member Lhota suggested that the applicant discuss with the landlord removing the hedges that are obstructing the view of the building. Board members also suggested installing the sign next to the door or higher up on the front façade of the building.

Chairperson Vlietstra explained that they are required by law to grant the smallest possible variance. The Code allows a building-mounted sign, but the board may consider a variance for a larger building-mounted sign than is permitted. As was done for Bank of America, other options should be considered to achieve a solution that requires no variance or a smaller variance.

Member Leitgeb mentioned that two eye hooks exist on the porch that look like they may have been previously used for a hanging sign.

Member Vietstra requested commentary from HPB chairperson Bill McBride on potential options for signage for this building. Mr McBride stated that the 3rd floor and 2nd floor mounting on the building appear impractical. People don't look for signage high on buildings and the porch roof might block visibility of a 2nd story sign from the sidewalk. Signage next to the door is customary but there is limited space between the door and window to mount a wide sign. Visibility of a sign next to the door is also limited on this building due to the porch roof shading the sign. A sign hanging from the porch would be functional but that type of sign may not have been used before in the Village. The building inspector should be able to research what has previously been approved.

Mr. Vlietstra asked Mr. McBride about other locations such as on the porch railing. Mr. McBride stated that is not done and would be out of character.

The consensus of the Board was mounting a sign next to the door or hanging from the porch roof are the most feasible alternatives to a freestanding sign in the front yard.

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.

There was no one in the audience wishing to speak.

Member Vlietstra asked the applicants to consider alternatives and suggested they talk to the Building Inspector and Mayor Corby to discuss possible options. Mayor Corby is an architect and may have some ideas. The Board can continue discussion at the July 15 meeting.

The applicants agreed to modify their proposal, but asked when documentation of amendments are needed. Mr Vlietstra stated submission a week before the meeting is required per Village policy but its advisable to submit materials earlier to give time for board members to review it. They stated their goal is to get a sign approved quickly and minimize the number of meetings.

Attorney Zoghlin said the Board cannot prejudge an application and cannot tell the applicant in advance if they will approve one of these alternative options.

Member Lhota stated the applicant can get a permit for a temporary sign from the building inspector while the application for their permanent sign is pending.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to leave the public hearing open and continue discussion at the July 15 regular meeting.

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

Members discussed the status of the Trustees code updates with Trustee Keating. Mr. Keating encouraged Planning Board members to attend the Trustees code meeting on June 25th as they will be looking at land uses and special use permits. That section of code is the section most likely to change. The current draft code does not yet have definitions. Those will come in the next release. Mr. Keating said that the Trustees were unsure how much detail should go into the definitions. Mr. Vlietstra stated its very important to have clear definitions. The PZBA has frequent issues with definitions in the current code and improvement is needed.

Members discussed starting Planning Board review of the draft code. Special meetings will be needed. Review will take time. Mr. Keating said that the definitions, special use permits, and zoning district regulations are still being revised but the remaining sections are settled. Mr. Vlietstra asked about design standards; he has not seen a draft since

November. Mr. Keating said he did not know if that would be part of code and he would have to follow-up with the Board on that matter.

Board members agreed to hold a special meeting on June 25 at 7PM to start looking at the draft code. That time is after the conclusion of the Trustees code review workshop and members can attend the workshop as requested by Mr. Keating. Attorney Zoghlin's attendance at the meeting is not needed.

Members reviewed meeting minutes from March 18 and May 20. Attorney Zoghlin stated that only two members are present that fully attended the March 18 meeting and recommended that the Board defer adoption of the minutes until Mr. Bannister is present.

Motion: Member Vlietstra made a motion, seconded by Member Lhota, to adopt meeting minutes from 5/20 as drafted.

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

Motion: Member Leitgeb made a motion, seconded by Member Lhota, to adjourn the meeting at 8:50 PM.

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