

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting June 18, 2018 at 7:00 PM

PRESENT:

Chairperson: Justin Vlietstra
Members: Jo Anne Shannon
Renee Stetzer
Susan Lhota
Heather Erwin

PZBA Attorney: Mindy L. Zoghlin, Esq.
Building Inspector: Kelly Cline
Recording Sec: Linda Habeeb

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

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

The Board looked at the applications for the meeting. The Building Inspector explained observations about 9 Grove Street, 1 Grove St, and some general background information about generators.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to call the meeting to order at 7:00 pm.

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

Chairperson Vlietstra stated he had some questions for their attorney that could potentially impact applications on the agenda tonight.

Motion: Chairperson Vlietstra made a motion, seconded by Member Shannon, to enter attorney-client session at 7:00 pm.

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

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to resume the meeting at 7:20 pm.

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

Conflict of interest disclosure: Member Vlietstra asked if any of the board members had a conflict of interest with any of the applications before the board. Board members stated that they had no conflicts of interest to disclose.

Sheila Fustanio, 1 Grove Street ~ Site Plan

The legal notice was published in the Brighton-Pittsford Post on June 7, 2018: *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday June 18, 2018 at 7:00 pm, to consider an application made by Sheila Fustanio, as agent for the Pickle Factory, located at 1 Grove Street, for installation of a generator, pursuant to Chapter 210-83(B)(5), construction of an accessory structure in a commercial district, of the Code of the Village of Pittsford.”*

Discussion: The applicant stated that the proposal is for installation of a generator on the south side of the Pickle Factory building located at 1 Grove Street. The generator will be installed 5 feet from the building, as required by Village Code. There are air-conditioning units currently located in the same area of the property. She stated that the proposal is for installation of a quiet, low-decibel generator. She explained that the testing of the generator will be during high-peak traffic times, so as not to disturb the surrounding neighbors. Ms. Cline explained that the location for the generator was chosen because of the proximity of the gas lines and location of the existing other mechanicals.

Member Vlietstra questioned whether the applicant had considered installing the generator on the roof of the building. Ms. Cline explained that roof installation is not recommended because it is not easily accessible for maintenance and is not in proximity to gas and electric lines. Ms. Cline stated that according to Village Code, the generator should be screened appropriately, and if it is visible from the public way, it will need to be reviewed by the APRB. She stated that the generator will need to run a maintenance test for 10-15 minutes once per week but the time of this test can be chosen to minimize disruption to adjacent residential properties. For example, Wednesdays at noon is a time that is not typically expected to be quiet time and most residents are at work.

Chairperson Vlietstra said he would like to open the public hearing to get comments from the public. He stated that comments regarding times of the self-test and screening would be appreciated from neighbors.

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

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

Tom and Cindy Heagerty, 19 Elm Street, stated that they had no concerns with the proposal, as long as the generator has a low decibel, and the testing will be done once a week around noon on a weekday. Screening with plants is preferable to a fence.

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

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

The applicant stated they would comply with self testing on Wednesdays at noon and can plant shrubs as screening. Chairperson Vlietstra requested the applicant make a proposal for plantings and present it to the Board at their next meeting.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to leave the application open to be continued at the July 16th Planning Board meeting.

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

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**Brad & Tricia Johnson, 9 Grove Street ~ Site Plan/Area Variance**

**The legal notices were published in the Brighton-Pittsford Post on June 7, 2018:** *“Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday June 18, 2018 at 7:00 pm, to consider an application made by Brad Johnson, owner of property located at 9 Grove Street, for site plan approval for the construction of an addition where the total floor area exceeds 400 square feet, pursuant to Village Code § 210-83B(15).”*

*"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 June 18, 2018 at 7:00 pm, to consider an application made by Brad Johnson, owner of property located at 9 Grove Street, for a variance for construction of an addition, pursuant to § 210-6(D), Non-conforming Buildings, Structures, Lots, or Uses, of the Code of the Village of Pittsford."*

**Discussion:** The applicant stated that the proposal is for construction of two additions on the side and rear of the house and an expanded front porch. The front setback is unchanged. He explained that the work will be phased-in over approximately four years as funds permit. The house is deteriorating, many posts are rotting and this will be a good opportunity to both expand space for their family and correct these issues. They like the historic look of Village houses and believe aesthetics will improve with these plans. Additionally a driveway is sorely needed for parking.

Member Vlietstra asked the applicant about the width of the driveway, and the applicant stated that the driveway will be 20 feet wide.

The Building Inspector, Ms. Cline, stated a 20 foot wide driveway is allowed by Village Code. They have a two-car garage with a single garage door. The variance is for expansion of a pre-existing, nonconforming lot. Ms. Cline stated she reviewed the site and soil conditions and has no concerns regarding drainage on this property because the lot has sandy soil that is well drained.

Ms. Zoghlin asked the applicants to clarify the dimensions of the additions, some of which were unclear from the plans. The applicant stated that the size of the kitchen on the north side is 14.2' x 12' and the master bath and walk-in closet on the west side is 14' x 17'.

Member Vlietstra explained that since this application will also need approval from the Architectural and Preservation Review Board, one option in this situation would be to make a formal referral to the APRB to discuss materials and architectural style, and then return to the PZBA for their review. Ms. Cline questioned the Board as to the reason for the formal referral to the APRB, since the project is a minor addition and not a major project. She recommended waiving application requirements because the submitted site plan and architectural drawings provide adequate information for the board to make a determination on this application. She stated that in her opinion, the referral to the APRB would cause the applicants unnecessary delay in their project. Member Vlietstra commented that the reason for the referral is to address issues encountered in the past where the APRB has requested revisions to plans that alter the footprint of the building, the site plan, and variance application. Any changes to plans would require the applicant return to the Planning Board and Zoning Board for approval of the revised plans. The referral allows both Board's concerns to be stated up front so the applicant can do one round of changes and the Boards can each vote once on the project. He stated that the Board also has an obligation to ensure that the project doesn't adversely impact the historic district and the APRB is in a better position to comment on these impacts. Ms. Zoghlin explained that she recommended that the board proceed in this manner because the house was built in 1910 and is a contributing structure in an historic district. She further stated that the board has an obligation under SEQR to ensure that community character is not impaired. The applicant stated that the existing house has been substantially altered since it was built. The siding and trim are not original to the house and none of the windows match. They want to use wood siding and trim to improve aesthetics to look like other Village homes. The changes will really improve the house and they are confident the APRB will approve the application. They need approvals so they can finalize their architectural plans to submit to the APRB. They want to start construction in September.

Member Erwin expressed concern with delaying the applicants' project for the APRB referral. Member Shannon stated that the applicants' proposal to improve their property is commendable, and the Board should not impede the process. Members Lhota and Stetzer concurred.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to open the public hearing at this time for both the area variance and site plan review.

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

- Tom Heagerty, 19 Elm Street, asked about changes to the roofline.

The applicant showed plans to Mr. Heagerty and their location relative to his property. Mr. Heagerty stated that he has no objections.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Stetzer, to close the public hearing at this time.

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

Chairperson Vlietstra stated the Variance needs to be voted on first. The Board discussed the criteria and findings for a variance:

- A. The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that:

The existing house was built in 1910 and has been substantially altered since construction. The existing aluminum siding and trim are not original to the house. The proposed wood siding and trim the applicant stated they intended to use will better resemble materials typically used in the era the house was built. The proposed porch is a natural extension of the existing porch and the new design and materials will improve aesthetics.

- B. The benefits sought by the applicant **cannot** be achieved by some other feasible method because the applicant cannot obtain the benefits of an addition and larger porch without this variance.
- C. The requested variance **is not** substantial because the front setback is unchanged. The porch is larger but typical for houses in the community. The proposed porch is following the existing porch perimeter and filling in gaps.
- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

The existing house was built in 1910 and has been substantially altered since construction. The existing aluminum siding and trim are not original to the house. The proposed wood siding and trim the applicant stated they intended to use will better resemble materials typically used in the era the house was built. The proposed porch is a natural extension of the existing porch and the new design and materials will improve aesthetics.

- E. The alleged difficulty **is** self-created but that does not preclude granting an area variance.
- F. The Variance **is** the minimum necessary to provide relief because the front setback is not changing.
- G. The existing house has a non-conforming front setback that is believed to predate the Village’s zoning code.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to approve the requested area variance, subject to the following condition:

1. The variance will expire if a building permit is not granted within two years of the adoption date of this resolution.

**Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. Motion carried. The decision was filed in the office of the Village Clerk on June 18, 2018.**

Chairperson Vlietstra asked the applicants about their intentions to landscaping and exterior light fixtures. He explain what the village code permits for light fixtures.

The applicant stated they have not finalized light fixtures yet but will use code compliant light fixtures. The site is already landscaped and they will eventually install additional plants but no major changes are proposed at this time. Most of the work they need to do will be to ensure beds around the new additions slope away from the house.

Board members discussed the wording of findings for site plans. No problems were identified by the Building Inspector or neighbors. Drainage, lighting, and landscaping presented no concerns. Parking will improve due to the addition of a driveway. The proposal will be compatible with community character and the historic district as previously discussed. The APRB must review final architectural plans.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Erwin, to grant Preliminary Site Plan Approval and Final Site Plan Approval of the site plan dated May 18, 2018, with the following conditions:

1. The Architectural and Preservation Review Board shall grant a certificate of approval for the Action and all approved plans shall conform to the Final Site Plans.
2. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 4 years of the adoption date of this resolution.
3. Exterior light fixtures shall be code compliant and shall have a color of 2700K – 3000K (warm white).

**Vote: Shannon – yes; Vlietstra – yes; Lhota – yes; Erwin – yes; Stetzer - yes. Motion carried. The decision was filed in the office of the Village Clerk on June 18, 2018.**

**VILLAGE OF PITTSFORD  
ZONING BOARD OF APPEALS**

**RESOLUTION 2018-11 DECISION ON AREA VARIANCE**

**Project: 9 Grove St. Addition Date: 6-18-2018**

**Applicant Name:** Brad Johnson  
**Address:** 9 Grove St  
Pittsford, NY 14534

**Action:** Construction of two additions and an expanded front porch on a single family home;  
one addition is on the rear of the house, and another is on the side of the house.

At a meeting of the Zoning Board of Appeals of the Village of Pittsford (the “Board”) duly convened on June 18, 2018, at 7PM 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 Erwin, to wit:

**WHEREAS**, The above named applicant for an Area Variance of Sections 210-12 of the Zoning Law of the Village of Pittsford to permit a front setback for the porch of 12.5ft when 30 feet 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)(13).

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 existing house was built in 1910 and has been substantially altered since construction. The existing aluminum siding and trim are not original to the house. The proposed wood siding and trim the applicant stated they intended to use will better resemble materials typically used in the era the house was built. The proposed porch is a natural extension of the existing porch and the new design and materials will improve aesthetics.

B. The benefits sought by the applicant **can not** be achieved by some other feasible method because:

The applicant cannot obtain the benefits of an addition and larger porch without this variance.

C. The requested variance **is not** substantial in that:

The front setback is unchanged. The porch is larger but typical for houses in the community. The proposed porch is following the existing porch perimeter and filling in gaps.

- D. The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because:

The existing house was built in 1910 and has been substantially altered since construction. The existing aluminum siding and trim are not original to the house. The proposed wood siding and trim the applicant stated they intended to use will better resemble materials typically used in the era the house was built. The proposed porch is a natural extension of the existing porch and the new design and materials will improve aesthetics.

- E. The alleged difficulty **is** self-created but that does not preclude granting an area variance.
- F. The Variance **is** the minimum necessary to provide relief because the front setback is not changing.
- G. The following physical characteristics of the property are relevant to this variance request:

The existing house has a non-conforming front setback that is believed to predate the Village's zoning code.

**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, subject to the following conditions:

1. This variance shall expire if a building permit is not granted within two years of the adoption date of this resolution.

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

|                  |     |
|------------------|-----|
| Justin Vlietstra | Yes |
| Susan Lhota      | Yes |
| Renee Stetzer    | Yes |
| Heather Erwin    | Yes |
| JoAnne Shannon   | Yes |

**Dated: June 18, 2018**

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

**VILLAGE OF PITTSFORD  
PLANNING BOARD**

**RESOLUTION 2018-12 DECISION ON SITE PLAN**

**Project 9 Grove St. Addition Date: 6-18-2018**

**Applicant Name:** Brad Johnson  
**Address:** 9 Grove St  
Pittsford, NY 14534

**Action:** Construction of two additions and an expanded front porch on a single family home; one addition is on the rear of the house, and another is on the side of the house.

At a meeting of the Planning Board of the Village of Pittsford (the “Board”) duly convened on June 18, 2018, at 7PM 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 Erwin, to wit:

**WHEREAS**, The Village of Pittsford Planning Board (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 proposed action is a Type II action pursuant to 6 NYCRR 617.5(c).9. In making this classification, the Board recognizes that the single family residence is a contributing structure in the Village of Pittsford Historic District. For that reason, the Board has also considered the criteria contained in 6 NYCRR 617.7(c) to determine whether there may be the potential for a significant adverse impact on the environment based on those criteria. For the reasons set forth below, this Board finds that the Proposed Action will not have any potentially significant adverse environmental impacts:

- a. The existing house was built in 1910 and has been substantially altered since construction. The existing aluminum siding and trim are not original to the house. The proposed wood siding and trim the applicant stated they intended to use will better resemble materials typically used in the era the house was built.
- b. The proposed porch is a natural extension of the existing porch and the new design and materials will improve aesthetics.
- c. Changes to drainage, landscaping, and lighting are modest. The Building Inspector looked at drainage plans and had no concerns.

2. Monroe County Planning Review:

- a. The application **was** referred to Monroe County Planning for review pursuant to General Municipal Law section 239-m and Monroe County Planning responded to the 239-m referral with no recommendations.

3. Waterfront Consistency Review:

- a. The proposed action is not within the Village's waterfront area so it is not subject to a waterfront consistency review.

4. The proposed action **Does Not** require approvals from state or county agencies. Separate review of Preliminary and Final Site Plans **Is Not** required.

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

1. The Village Building Inspector explained the application and the submitted information to the Board and recommended waiving application requirements because the provided site plan and architectural drawings provide adequate information for the board to make a determination on this application.
2. The Building Inspector has determined that the Action expands an existing front setback violation and the Zoning Board of Appeals **did** grant an area variance to provide relief from the zoning ordinance.
3. The Building Inspector determined the proposed 20ft driveway complies with the Zoning Code because they have a two-car garage with a single garage door.
4. The Building Inspector determined the Action does not create any other zoning violations.
5. Drainage **is** reasonably addressed by the applicant because the lot has sandy soil that is well drained. The Building Inspector reviewed the site and soil conditions and had no concerns regarding drainage.
6. Light fixtures **will be** code compliant and will not cause significant light trespass onto adjacent properties.

7. The site **is** suitably landscaped because the property is already landscaped. Additional landscaping will be added.
8. Parking **is** adequate because the addition of a paved driveway is a significant improvement over the dirt patch currently used for parking in the side yard.
9. Access to the site **is** adequate because the addition of a paved driveway is a significant improvement over the dirt patch currently used for parking in the side yard.
10. The Fire Marshal and Building Inspector reviewed the Site Plans and had no concerns.
11. Neighbors were supportive of the Action and raised no concerns.

**NOW, THEREFORE, BE IT RESOLVED**, the Board does herein waive the balance of application requirements required under the Village of Pittsford Zoning Code section 210-84.A because it finds the Site Plan application contains adequate information and the missing application factors are not necessary to evaluate the action’s impacts on public health, safety, or general welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Board does hereby **grant Preliminary Site Plan Approval** and **Final Site Plan Approval** of the site plan dated **May 18, 2018** with the following conditions:

1. The Architectural and Preservation Review Board shall grant a certificate of approval for the Action and all approved plans shall conform to the Final Site Plans.
2. Final Site Plan approval shall expire if the applicant does not obtain a building permit for the action within 4 years of the adoption date of this resolution.
3. Exterior light fixtures shall be code compliant and shall have a color of 2700K – 3000K (warm white).

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

|                  |     |
|------------------|-----|
| Justin Vlietstra | Yes |
| Susan Lhota      | Yes |
| Renee Stetzer    | Yes |
| Heather Erwin    | Yes |
| JoAnne Shannon   | Yes |

**Dated: June 18, 2018**

By order of the Planning Board of the Village of Pittsford

**Member Items:**

**Motion:** Member Vlietstra made a motion, seconded by Member Stetzer, to approve the 5/21/18 & 5/30/18 minutes, as revised.

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

**Motion:** Member Vlietstra made a motion, seconded by Member Shannon, to adjourn the meeting at 9:00 pm.

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

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Linda Habeeb, Recording Secretary