

VILLAGE OF PITTSFORD
PLANNING AND ZONING BOARD OF APPEALS
Regular Meeting August 20, 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.
Bldg. 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 6:00 pm.

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

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

Vote: Shannon - yes; Vlietstra - yes; Lhota - yes; Erwin - 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.

50 State Street: SEQR Lead Agency

Discussion: Chairperson Vlietstra explained that The Planning Board received a SEQRA Notice letter regarding 50 State St and part I of the FEAR. Board members reviewed that information and found it to be incomplete. Based on discussions with the Planning Board attorney, Mindy Zoghlin, Board members determined that to start evaluating the SEQRA notice, the applicant will need to provide:

- (1) An updated application or letter explaining the changes to the Action.

Trustee Lanphear explained to the Board that the application is changing because one of the proposed new businesses does not need a discretionary review and is no longer part of the application.

- (2) A copy of the Special Permits application.
- (3) A complete description of the Action that includes documentation of the restaurant and proposed construction activities.
- (4) A Coastal Assessment Form for the waterfront consistency review. The Planning Board cannot commence the waterfront consistency review until this form is received and the SEQRA process concludes with either a findings statement or a negative declaration.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to send a letter to the Trustees stating the application is incomplete and requesting the above information.

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

The Board discussed scheduling a special meeting to continue review of this SEQRA notice. A special meeting would allow the new material to be considered by the Planning Board before the Trustees scheduled meeting on September 11 where they will continue their review.

Motion: Chairperson Vlietstra made a motion, seconded by Member Lhota, to schedule a special meeting for September 5, 2018 at 6:30 PM to consider this SEQRA notice.

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

[Member Stetzer entered the room.]

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**Dan Brault, 17 Church Street ~ Site Plan Review & Area Variance**

**Present:** Dan Brault, Paramount Communities, LLC

**The legal notices below were published in the August 2, 2018 edition of the Brighton Pittsford Post:**

*“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 August 20, 2018 at 7:00 pm, to consider an application made by Dan Brault, of Paramount Communities, LLC, for site plan approval for construction of a garage addition at 17 Church Street, 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 August 20, 2018 at 7:00 pm, to consider an application made by Dan Brault, of Paramount Communities, LLC, for an area variance for construction of a garage addition at 17 Church Street, pursuant to §§ 210-6 and 210-12(D) of the Code of the Village of Pittsford.”*

**Discussion:** Chairperson Vlietstra thanked the applicant for submitting thorough documentation of the project. He explained that there are a number of matters with this proposal that the Board will have to review, one being the environmental review (SEQR). The thorough documentation is very helpful to get through the applicable reviews efficiently. He further stated that his goals for this meeting are to listen to the proposal, start to identify any challenges and key issues with the proposal, and hear comments from the public.

Mr. Brault explained that the proposal is to convert the property at 17 Church Street into a single-family home. He stated that the property is currently zoned for residential use. All proposals that have been submitted for this property have been thoroughly researched and evaluated, and represent the highest value to the Village of Pittsford. The proposal will preserve the architecture of the building and aims to bring new life and value to Church Street and the Village.

Mr. Brault stated that the proposal includes the following:

1. Addition of attached 2-car garage on rear (South) elevation of home, where it is least visible from the street.
2. Replacement of 5 windows on North elevation, 10 windows on West elevation, 10 windows on East elevation, and 4 windows on South elevation.
3. Installation of 12' wide driveway on side yard (West).
4. Installation of A/C condenser unit on West side yard behind current basement egress, which will be fully shielded by shrubbery.
5. Demolition of fire escape and removal of exit door on South elevation.
6. Installation of radon mitigation system and discharge stack.
7. Installation of vent through roof for oven/range exhaust fan (South-West corner).
8. Installation of paver patio on rear (South) side of home.
9. Various landscaping upgrades throughout property.
10. Repair/replace shutters.
11. Replace basement egress door.
12. Relocate vent on South elevation for dryer vent.
13. Installation of exterior vents for bathroom fans through the roof.

Mr. Vlietstra stated that the first issue that the Board will discuss is the SEQR environmental review process. He explained that there are 18 criteria that New York State requires the Board to review. He stated that generally, environmental reviews are not required for residential properties, but this project is different: the property has never been used residentially, the use of the property is changing to residential, and the property is located within a historic district. The typical exemption for residential properties does not apply in this situation.

After the SEQR environmental review is completed, the Zoning Board will review the variance requests. He stated that there are two primary issues: (1) The garage is located too close to the property line; and (2) The driveway has more square footage of pavement than is allowed by Village Code. The variance application is requesting relief from these two code requirements. The Board will consider the benefits to the applicant and the impacts on the community, and attempt to come to a decision that is a balance of the two interests. The Board is required to grant the minimum variance necessary for relief, so the Board will consider valid alternatives to the requested variance. The goal is to find the balance between reasonable benefit and minimal impact.

Chairperson Vlietstra explained that after the variance requests have been resolved, the Planning Board will review site plan issues. Generally, this will involve drainage, lighting, and landscaping of the property. The Board doesn't have strict requirements for residential landscaping; findings need to be made that the property is adequately landscaped.

The Board questioned the applicant about the proposed driveway. Mr. Brault stated there will be a 12-ft wide driveway on the west side of the property, which will become wider in the rear of the lot to

accommodate a turn-around. The driveway will curve around the tree on the left side of the front yard. The applicant stated that every effort will be made to protect the roots of the tree from damage during construction. Member Vlietstra commented that the tree appears to be a Norway Maple, which is a species that can withstand a certain amount of disturbance. Similar situations have been before the Board recently.

The Board next discussed the proposed attached garage. The applicant stated that a two-car garage is really a necessity for this residential property where there is very little parking on the street. On-street parking is restricted to 2-hours so off-street parking is essential. The house is set far back on the lot, which creates a number of difficulties. There is approximately 27' between the rear of the building and the rear lot line. Three feet is required to accommodate stairs on the rear of the house. The proposed garage is 24' wide and will be located 3' from the property line. He further stated that there is precedent for garages in the Village to be located close to property lines. For example, the property immediately behind 17 Church Street (12 Locust St.) has a garage that sits just 2 feet from the rear lot line. The applicant explained that they have proposed to locate the garage in an area that is minimally visible from the street. He stated that a detached garage on the property would be very visible from the public way, which would alter the appearance of the building. The installation of the garage would involve only a 1/8" cut into the building for flashing; if someone were to remove the garage in the future to restore the back of the building the 1/8" cut would not be visible.

Board members asked the applicant who owns the chain-link fence that is located on the property line. Mr. Brault stated that there is a question as to the ownership of the fence, but that they plan on maintaining the fence and covering it with landscaping.

Member Vlietstra asked the applicant to explain the plans for drainage on the property. Mr. Brault stated that gutters and the garage center drain will flow into a curtain drain and then into a central drainage system, which will drain into a 4" drainage tile, which is wrapped in fabric. It will be located on the right side of the property along the parking lot and out to the street. The property is currently very wet, as surrounding properties drain onto this property.

Mr. Vlietstra stated that the surrounding properties have storm water runoff directed towards this property. He stated that he has had some discussions with the Village Engineer and learned that these issues can be tricky to resolve with the other property owners. The proposed drainage system around the edge of the property may be very helpful. He stated he has not seen these revised drainage plans but will discuss them with the Village Engineer.

The applicant is proposing installing an air-conditioning condenser along the east elevation behind the existing basement egress door. The condenser will be shielded from public view by full shrubbery and will have minimal elevation impact on the east elevation.

The Board also discussed proposed light fixtures. Member Vlietstra stated that the proposed incandescent white flood light for the garage is not allowed by Village Code. He explained that the

goal is not to have light spillage onto other surrounding properties. He stated that according to the Code, the lights are required to be either a single bulb, with 75 watts or less, or, if there are multiple bulbs or wattage greater than 75 watts, it will need to be shielded to direct light downward. The proposed wall-mounted sconces are permitted by Code, as long as they are 75 watts or less. This proposed garage is very close to an adjacent house so lighting is a potential concern.

Mr. Brault stated he will select some shielded light fixtures that will keep light on his property.

Member Erwin thanked the applicant for submitting a complete application, with attention to the historic nature of the house. She stated concern with the use of pavers on the property, and suggested that stone would be more appropriate for this era of home and be more compatible with the cobblestone building. She requested additional details on the materials to be used for the garage.

**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; Erwin - yes; Stetzer - yes. Motion carried.**

➤ **Dan Bruins**, First Presbyterian Church member:

1. Suggested that screening be added between the church's memorial garden and the property's driveway.
2. Noted that the house next to the property is an ARC home, and suggested that the lights on 17 Church Street be shielded away from the home.
3. Asked what hours construction would be done.

➤ **Peggy Brizee**, Village Trustee, informed the applicant that Historic Pittsford offers a free consultation to evaluate the architectural and history of the building.

➤ **Ken Morrow**, Village Resident & APRB Member, commented that this property is one of the most historic properties in the Village.

Mr. Brault stated construction is proposed during business hours, weekdays approximately 7AM - 5PM. Construction on weekends is not planned and will not interfere with Sunday church service.

Ms. Zoghlin stated that she recommends that this be classified as a Type I action under SEQR, an unlisted action in an historic district. The change in use of the property differentiates this action from other residential actions in the Village.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Lhota, to classify this action as a Type I action under SEQR.

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

The Board reviewed Part 2 of the SEQRA Full Environmental Assessment Form and identified which questions were relevant and not relevant to this action. Some questions will remain open, as other boards and agencies will also have an opportunity to comment on this project. The following were found to **not** be relevant:

- Impacts on Land: water table, steep slopes, bedrock, excavation, construction duration, erosion. None of these are relevant.
- Impact on Geological Features is not relevant.
- Impact on Surface Water is not relevant.
- Impact on groundwater is not relevant.
- Impact on Flooding is not relevant.
- Impact on Air is not relevant.
- Impact on Plants and Animals is not relevant.
- Impact on Agricultural Resources is not relevant.
- Impact on Open Space and Recreation is not relevant.
- Impact on Critical Environmental Areas is not relevant.
- Impact on Transportation is not relevant.
- Impact on Energy is not relevant.
- Impact on Noise, Odor, and Light: Light is an outstanding issue but noise and odor are not relevant.
- Impact on Human Health is not relevant.

The following issues are still outstanding and will be addressed after the SEQRA comment period:

- Impact on Aesthetic Resources is an outstanding issue.
- Impact on Historic and Archeological Resources: Historic resources is an outstanding issue but the site is already disturbed so archaeological resources are not a concern.
- Impact on lighting is an outstanding issue.
- Consistency with Community Plans is an outstanding issue.
- Consistency with Community Character is an outstanding issue.

Board members discussed areas of the proposal where they are requesting input from the APRB:

- The architectural design and details of the project visible from adjacent properties or public rights-of-way and state the appropriateness for the proposed new construction and treatment of the original structure built in 1842.
- The materials proposed for new construction, as well as for the current structure.
- The Action's compatibility with rehabilitation guidelines contained in the Secretary of Interior's Standards for the Treatment of Historic Properties, and why the proposal complies or does not comply with these standards.
- Any recommendations regarding the Action that could impact site plans;
- Comments on replacing vs. repairing windows;
- Advisability of detached vs. attached garage.

Member Erwin asked if matters like windows should just be left for the APRB to review as part of their regular review process instead of the environmental review. Member Vlietstra stated that he thinks it makes sense to try to get a list of all the issues right

away so the applicant can address all the concerns at once. Member Stetzer stated that sounds reasonable.

**Motion:** Chairperson Vlietstra made a motion, seconded by Member Shannon, to send a letter to the APRB requesting that they review these issues.

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

**Liaison Report:**

- Trustee Lanphear updated the Board on the status of the Village Code update.

**Motion:** Member Vlietstra made a motion, seconded by Member Stetzer, to approve the 6/18/18 & 7/16/18 draft 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 Lhota, 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